

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 25, 2012
Closed Session 6:00 P.M.
Regular Session 7:00 P.M.**

Present: Council President Barbara Trelstad, Councilwoman Jo Butler (*arrived 6:05 P.M.*), Councilwoman Jenny Crumiller, Councilwoman Heather Howard (*arrived 6:15 P.M.*), Councilman Roger Martindell, Councilman Kevin Wilkes, Mayor Yina Moore

Absent: None

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Borough Attorney Maeve E. Cannon, Chief Finance Officer and Assistant Administrator Sandra L. Webb,

Mayor Moore called the meeting to order at 7:00 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of September 25, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Mayor Moore read **Agenda Item C, Resolution 2012-R252**, as follows:

**RESOLUTION 2012-R252
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON SEPTEMBER 25, 2012**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances may presently exist; and

WHEREAS, the Governing Body wishes to discuss the following issues:

1. Litigation
2. Personnel

WHEREAS, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

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Councilman Martindell moved to approve; Councilman Wilkes seconded. Council members Trelstad, Crumiller, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved four to zero.

Mayor Moore asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Moore read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of June 6, 2012.

Council President Trelstad moved to defer the minutes of the open session of June 6, 2012, Councilman Martindell seconded, and Council agreed unanimously.

Presented for approval were the minutes of the open session of June 12, 2012.

Council President Trelstad moved to approve the minutes of the open session of June 12, 2012, Councilman Martindell seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of July 10, 2012.

Council President Trelstad moved to approve the minutes of the open session of July 10, 2012, Councilman Martindell seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of July 24, 2012.

Council President Trelstad moved to approve the minutes of the open session of July 24, 2012, Councilwoman Howard seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of August 14, 2012.

Council President Trelstad moved to approve the minutes of the open session of August 14, 2012, Councilman Martindell seconded, and Council approved five to zero, with Councilman Wilkes abstaining.

Mayor Moore read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

There were no public presentations.

Mayor Moore read **Agenda Item G, Discussion (1) — Transit Study from URS Corporation (URS).**

Councilman Wilkes introduced members of the Transit Task Force (TTF) and a representative of URS.

Councilman Wilkes reminded Council and the public that the transit study for the Alexander/University corridor was created under the MOU among Princeton University (PU) (50%), Princeton Township (25%), and Princeton Borough (25%). Both the transit study and traffic study were submitted for bid under Paragraph 12 of the MOU.

Councilman Wilkes stated that the total funds allocated for the two studies was \$200,000. Budgetary savings of approximately \$27,000 (Resolution 2012-R239 for transit at \$100,000 plus Resolution 2012-R240— approved by Council August 28, 2012—for traffic at \$73,000—) can be applied if (1) either report indicates further work be undertaken, or (2) near-term solutions seem more appropriate.

Councilman Wilkes indicated the TTF is anxious to have public involvement in the transit process. TTF will be estimating costs that cover various contingencies, including possible economic development associated with mixed-use and transit-oriented opportunities.

Councilwoman Butler questioned the ridership necessary to support new housing along the route. She thought Borough people had little interest in development between the Dinky station and the northeast main rail line.

Councilman Wilkes emphasized that all options will be considered. He cited a national statistic that property values markedly increase when located near transit stops.

URS assured Council that it is not currently engaged in any projects with PU—Kristen Appleget of PU concurred. URS has confirmed with New Jersey Transit (NJT) that there is no conflict.

Rodney Fisk, Birch Avenue, commended Councilman Wilkes and TTF for whittling the study costs down to a reasonable budget of about \$100,000. He asserted that safety and service must be provided at the lowest possible expense. Mr. Fisk brought up Federal funding available for small-start programs under \$25 million.

Dick Woodbridge, 681 Prospect Avenue, favored the blending of funding for the proposal and hoped Council would support it.

Kip Cherry, 24 Dempsey Avenue, was concerned about the cuts in scope—she wanted to see more work on economic development potential in order to determine feasibility of putting in a new system, rather than heavy focus on technologies. She also wanted to see a renewed, fleshed-out ridership study.

Ms. Cherry recommended creation of a master plan, in concert with West Windsor, for the entire Dinky passageway.

URS undertook to incorporate facts about Princeton transit that have already been learned from previous studies.

Chip Crider, Bank Street, reminded that Borough is bound by the MOU, which says that the task force is charged to study, evaluate, and recommend. He stressed that the MOU restricts modification to those changes approved by all parties.

Councilwoman Crumiller expressed doubt about relinquishing the straight shot alignment, thereby incurring significant additional cost.

Seeing no one further from the audience, Mayor Moore closed the public discussion and returned to Council. Councilman Wilkes moved to approve and Council President Trelstad seconded. Mayor Moore called for a vote and proclaimed the URS proposal accepted.

Council President Trelstad read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2012-12, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING THE SERVICE BUSINESS (SB) ZONE.**

Councilman Wilkes moved to delay talk of the SB district until Planning hears the matter on October 4, 2012, and neighbors are property notified. Council President Trelstad seconded. Council agreed unanimously.

Mayor Moore read **Agenda Item G, Discussion (2) — Albert E. Hinds Plaza Commission Purchase Agreement**—*Council President Barbara Trelstad.*

Council President Trelstad reminded that on April 24, 2007, Council named the plaza at the library after Albert Hinds. Council President Trelstad read a statement describing Borough efforts to memorialize Mr. Hinds's life and contributions to the community with a tangible and lasting tribute. Tom Nussbaum of Montclair, New Jersey, was the artist chosen to design sculptural gates and a plaque for the plaza.

Mr. Nussbaum described his approach to all public art creations—and the celebration of Mr. Hinds in particular—including the whole environment, physical space, surrounding architecture, and the people who will be enjoying the locale.

Mr. Nussbaum presented a rendering of the plaza showing the welcoming gates, which will rise vertically from 4 feet 8 inches in the center to 2 feet 6 inches at each end. Mr. Nussbaum was confident that his gates will accommodate and enhance all the different activities that take place at Hinds Plaza.

Mr. Nussbaum reviewed individual aspects of the gate designs, especially Americana found in quilts that represent the culture of immigrants from around the world. An audio guide, accessed by telephone and narrated by people from town, will offer history of Princeton as lived by Mr. Hinds during his long, interesting, and productive time here.

Councilwoman Butler wondered about vandalism, graffiti, and general maintenance. Mr. Nussbaum assured that marine-grade stainless steel is impervious to weather and child play, is easily cleaned, and hard to damage.

Mayor Moore asked about putting Mr. Hinds's image on the plaza's in-ground plaque. Council President Trelstad thought a better idea is to put his face on a wall mounting inside the library that honors donors.

Council President Trelstad stated Princeton Community Foundation is monitoring pledges. The next step is to commit to Mr. Nussbaum. She encouraged Council to guarantee his contract. Council President Trelstad said the ultimate goal is for Borough to contribute 25%, with the balance of 75% being raised privately.

Councilman Martindell moved to advance \$20,000 toward Mr. Nussbaum's contract. Councilman Wilkes seconded.

Mr. Floyd urged Council's support of a symbolic gate that reflects Mr. Hinds's early years in Princeton.

Shirley Satterfield thanked Council members who had favored assigning the name Albert E. Hinds to the library plaza.

Target installation at year-end with dedication in April 2013 is desirable, as Mr. Hinds was born in April.

Council President Trelstad moved that Council agree to the financing proposal and terms of the contract. Councilwoman Crumiller seconded. Council approved unanimously.

Mayor Moore read **Agenda Item G, Discussion (3) — Best Practice Inventory** — *Sandra W. Webb, Chief Financial Officer; Robert W. Bruschi, Borough Administrator.*

Councilman Martindell moved the inventory, Councilman Wilkes seconded, and Council approved unanimously.

Mayor Moore read **Agenda Item H, Report (1) — Monthly Police Report** — *David Dudeck, Chief of Police.*

**RESOLUTION 2012-R253
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of July 2012; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Police Chief Dudeck and made various inquiries.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the July 2012 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck reported that July was a slow month for the police department.

Council President Trelstad was worried about bicycle/pedestrian safety. Chief Dudeck responded that bicycle enforcement is an active part of daily police work.

Chief Dudeck reported delays of 15 to 45 minutes resulting from the Route One restrictions on entry to Princeton. He said the primary danger point is Alexander Street.

Councilwoman Butler recommended more aggressive enforcement of bicycle and pedestrian infractions, especially at the Washington/Nassau/Vandeventer intersection.

Councilman Wilkes asked the status of an armed robbery on Witherspoon Street in June. Chief Dudeck answered that the victims delayed reporting the incident until they were arrested for drunk driving in East Windsor. The victims, from out of town, did not return to make a statement. Chief Dudeck thought it was possible that the armed robbery did not, in fact, occur.

Council President Trelstad moved to approve the police report, Councilman Wilkes seconded, and Council accepted unanimously.

Mayor Moore read **Agenda Item H, Report (2) — Princeton Police Department Rules and Regulations** — *David Dudeck, Chief of Police*.

Mayor Moore deferred Borough's approval to October 2, 2012. The new patch design will be available to view at the joint Borough/Township meeting on October 1, 2012.

Council President Trelstad read and moved **Agenda Item J, New Business (1) — Resolution 2012-R254** as follows:

**RESOLUTION 2012-R254
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
A RESOLUTION TO SUPPORT A CALL FOR A CONSTITUTIONAL AMENDMENT
OVERTURNING THE "CITIZENS UNITED DECISION"**

WHEREAS, A Supreme Court ruling made in January 2010 prohibited the government from restricting political payments from corporations; and

WHEREAS, one effect from the ruling, as cited in written commentary refuting the equity of allowing corporations to donate unlimited funds to candidates or political parties, has been the creation of Super Political Action Committees; and

WHEREAS, many states and cities have enacted resolutions opposing the perceived corporate control of elections and are urging Congress to amend the U.S. Constitution and ban corporate personhood; and

WHEREAS, Senator Bernie Sanders (I-Vermont) has introduced a constitutional amendment to overturn the Citizens United Decision by the Supreme Court and redefine "corporate personhood" and Representative Ted Deutch (D-FL) has introduced the amendment in the House,

NOW, THEREFORE, BE IT RESOLVED by the Princeton Borough Council, County of Mercer, State of New Jersey, that it strongly supports a constitutional amendment calling for the overturning of Citizens United Decision of January 2010 and calls upon the US Congress to take action on same; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to Senators Frank Lautenberg and Robert Menendez and Representative Rush Holt and the New Jersey League of Municipalities.

Councilwoman Butler seconded. Council debated to whom the directive should be addressed. Council accepted unanimously Resolution 2012-R254 as amended.

Council President Trelstad read and moved **Agenda Item J, New Business (2-6) — Resolutions 2012-R255, 2012-R256, 2012-R257, 2012-R258, and 2012-R259**, as follows:

**RESOLUTION 2012-R255
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
GRANT A. SCHAEFER**

WHEREAS, GRANT A. SCHAEFER has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the MERCER ENGINE COMPANY #3

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2012-R256
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
JASON LANE**

WHEREAS, JASON LANE has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the MERCER ENGINE COMPANY #3

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2012-R257
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
NICHOLAS MALCOLM**

WHEREAS, NICHOLAS MALCOLM has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the MERCER ENGINE COMPANY #3

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2012-R258
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
CUAUHTEMOC OCAMPO**

WHEREAS, CUAUHTEMOC OCAMPO has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the ENGINE COMPANY #1

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2012-R259
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION
JUNIOR FIREFIGHTER MEMBERSHIP FOR
COLBY WARNER**

WHEREAS, Colby Warner has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 28(a) through 28(d) as a Junior Firefighter of Mercer Engine Company #3; and

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item K, Bill List for September 25, 2012** — **Resolution 2012-R260** as follows:

**RESOLUTION 2012-R260
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE SEPTEMBER 25, 2012 BILL LIST**

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (12-01)	72,069.67
CURRENT ACCOUNT (11-01)	150.00
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	14,677.94
PARKING UTILITY OPERATING FUND (11-05)	
AFFORDABLE HOUSING OPERATING ACCT (12-24)	24,405.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	167,199.79
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	
TRUST FUND (T-13)	
GENERAL INSURANCE	
SEWER TRUST (S-15)	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	143,338.35
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	437.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list as presented.

Councilwoman Butler seconded and Council approved unanimously.

Council President Trelstad read **new Agenda Item — Resolution 2012-R261** as follows:

**RESOLUTION 2012-R261
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

WHEREAS, the Information Technology Director and Borough Administrator have identified obsolete computer equipment that should be recycled; and

WHEREAS, the New Jersey Local Public Contracts law, N.J.S.A. 40A:11-36 permits the disposition and recycling of public property of a value less than two thousand five hundred (\$2,500.00) dollars without the necessity of a public sale; and

WHEREAS, the Borough Council wishes to authorize the disposition of computer equipment as recommended.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Princeton as follows:

1. The Borough Administrator, after removing all information therefrom is hereby authorized to dispose of obsolete computer equipment and have said equipment recycled. A list of the equipment to be recycled shall be prepared and filed with the Borough Clerk together with a copy of this Resolution for future reference.

Councilman Wilkes moved Resolution 2012-R261 and Council President Trelstad seconded. Council accepted unanimously.

Council President Trelstad moved to adjourn and Councilman Martindell seconded. There being no further business, Mayor Moore adjourned the open session meeting at 10:55 P.M.

Respectfully submitted,

Robert W. Bruschi
Acting Clerk