

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
August 12, 2008
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilman David Goldfarb, Councilman Andrew Koontz, Councilman Roger Martindell, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, and Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Police Lieutenant Nicholas Sutter, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:30 P.M. and read the open public meetings statement. Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

Mayor Trotman asked all present to rise for **Agenda Item C, Salute to the Flag.**

Mayor Trotman read **Agenda Item D, Approval of Minutes.**

Presented for approval were the minutes of the open session of July 22, 2008.

Suggesting a change in phrasing, Councilwoman Trelstad moved to approve the minutes of the open session of July 22, 2008; Councilman Wilkes seconded; Council approved five to one, with Councilman Koontz abstaining.

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

Mark Alexandridis, Fisher Avenue, asked if Borough had received a copy of the loan commitment for NHKT. Robert Bruschi, Borough Administrator, replied that a signed copy of financing with Sun Bank was received by fax (original to be mailed).

Mr. Alexandridis asked about NHKT's equity component. Mr. Bruschi responded that the loan was approximately \$10 million, with anticipated cost near \$14 million.

Mr. Alexandridis wondered about the outstanding "13 items." Mr. Bruschi expected a status report from Christopher Budzinski, Borough Engineer, and Carl Peters, former Borough

Engineer, near the end of the summer 2008. Mr. Alexandridis wanted to amend the disputed list to include reduction (or payment) of \$100,000 for a construction bond never obtained.

Karen Cayci, Borough Attorney, stated that the first subject for mediation is close-out of Phase I, a very general category that should comprise all issues pertaining to final cost.

Councilman Martindell emphasized that due diligence is required from Borough as well as by lender.

Seeing no one further from the public, Mayor Trotman closed the public presentation and returned to Council.

Mayor Trotman read **Agenda Item F, Report (1a) — Monthly Police Report — Nicholas Sutter, Lieutenant**

**RESOLUTION 2008-R203
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Anthony V. Federico, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of June 2008; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the June 2008 Monthly police report prepared by the Chief of Police.

Lt. Sutter said he had no particular issue to bring to Council's attention.

Councilman Martindell asked about the suspended officers who are still on the payroll. Lt. Sutter stated that the prosecutor is actively pursuing the case. Councilman Martindell respected deferring to the prosecutor and police chief regarding matters of officer suspension—but someone must determine a reasonable period of time to continue to pay them. He said it is illogical to suspend an employee and somehow not have good reason to stop wages. Councilman Martindell asked if Public Safety could pressure police and prosecutor into resolving the matter immediately.

Mayor Trotman pointed out that Council may become the "jury" of the case; therefore, details of the case should not be available to its members.

Councilman Koontz stated that Council did not have many options.

Councilman Goldfarb observed that there often are paid police officers not on active duty—receiving not only wages but pension and other benefits. He cautioned Council to calculate true cost of police positions when filling vacancies.

Councilwoman Trelstad mentioned overtime expense when officers are suspended. She proposed using the present case to establish Council's actions for future similar situations.

Councilman Martindell repeated: It is common sense that sufficient reason to suspend an officer for more than six months is sufficient reason to stop pay. He said Council must start now, ascertain lessons from the current case.

Councilman Koontz stated respect for Borough's legal counsel. He disagreed with the premise that elected officials can identify legal outcomes.

Councilman Goldfarb noted that, when members of the department suspected some possibly serious offenses, management informed Mercer County prosecutor's office, which advised suspension with pay. If Borough had ignored the prosecutor's recommendation and suspended *without* pay, the officers would have filed a grievance. The ensuing internal investigation could have jeopardized a subsequent successful prosecution.

Ms. Cayci mentioned a state statute that defines situations when suspended officers must and must not be paid. She offered to provide Council members with particulars.

Councilman Koontz noted that citations for bicycles on sidewalks are down from 2007. He expressed concern for increased bike/pedestrian accidents. Lt. Sutter agreed with Councilman Koontz's observations and stated bicycle safety and enforcement are priorities for foot and bike patrols.

Councilman Wilkes asked about arrests resulting from the recent "crime spree." Lt. Sutter said police have identified a suspect in the burglaries and are pursuing evidence of guilt.

Lt. Sutter clarified that the term *terrorist threat* in the police report applies when an individual threatens bodily harm and puts a victim in imminent peril.

Councilwoman Trelstad moved to accept the police report and Councilman Koontz seconded. Mayor Trotman proclaimed the report accepted.

Mayor Trotman read **Agenda Item F, Report (2) — Borough Shade Tree Commission (STC)** — *Polly Burlingham, Chair*.

Ms. Burlingham referred Council to the STC 2007 Annual Report. She mentioned membership changes:

- Eric Tazelaar and Connie McChesney left Princeton Borough
- Polly Burlingham assumed the chair
- Alexandra Radbil and Nancy Greenspan joined STC
- Kevin Wilkes assumed Council liaison role for 2008

Ms. Burlingham described the commission's mandate to:

1. Plant and remove trees
2. Select sites for trees
3. Recommend cultivars

4. Monitor trees' health.

STC celebrated Arbor Day by planting a tree at the Einstein house on Mercer Street and distributing 100 white pine and spruce tublings and 200 each black oak and chestnut oak seedlings to the general public.

STC provided the public with literature on proper techniques for transplanting, fertilizing, and mulching trees; and bacterial leaf scorch and insect problems (in particular, Gypsy moth).

Ms. Burlingham stated that, in 2007, STC hung doorknob information tags regarding new street trees, participated in discussions on statewide Gypsy moth eradication, and supported and managed professional removal of eight hazardous pin oaks in Jugtown. STC received a \$3000 grant through USDA Forest Service to hire a forester to write the second five-year community forestry program in compliance with state requirements for indemnity insurance.

Goals for the first five-year plan (concluding 2008) were met in 2007.

Ms. Burlingham named and thanked everyone who had helped and advised STC in 2007.

Councilwoman Trelstad suggested adding the Urban Forest Management Plan to Borough's Website. Councilwoman Trelstad also suggested including guidelines for protecting trees in engineering department policies for maintenance of construction sites.

Ms. Burlingham mentioned that many trees on Nassau Street (not Borough jurisdiction) are in trouble. Councilman Goldfarb noted that trees can be added to a list of topics for Department of Transportation (DOT) discussions on Nassau Street issues. At minimum, Ms. Burlingham requested permission to maintain/prune current trees; grind out stumps and replace with new plantings.

Alexandra Radbil, STC member, observed there are 3600 trees in Borough's public right of way, with little money for maintenance. She said that trees are pruned only when deemed dangerous, and there is a backlog of trees that need attention. Ms. Radbil feared that adding responsibility for Nassau trees would only intensify the existing problem where funding is already lacking. (STC's inventory of trees is out-dated and may or may not include park trees and state trees—STC expects to determine an accurate inventory by year end with a grant for GIS mapping).

Ms. Burlingham requested two new members for the STC to be able to pursue additional grants. Council suggested expanding the candidate base by including residents of Princeton Township.

Mayor Trotman thanked Ms. Burlingham and her team and promised to pursue Nassau trees with DOT.

Councilman Wilkes moved to accept the STC report, Councilwoman Trelstad seconded, and Council agreed unanimously.

Mayor Trotman read by title **Agenda Item G, Old Business (1) — Resolution 2008-R181** as follows:

**RESOLUTION 2008-R181
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
REAPPOINTING NEAL A. SNYDER, C.T.A.
AS THE BOROUGH TAX ASSESSOR**

WHEREAS, the Mayor and Council of the Borough of Princeton had previously appointed Neal A. Snyder, C.T.A to a four year term of office as Borough Tax Assessor, with such 4-year term having commenced on July 1, 2004; and

WHEREAS, Neal A. Snyder has admirably performed his job responsibilities as Princeton Borough Tax Assessor during this first term of office; and

WHEREAS, it is deemed in the best interests of the Borough of Princeton to reappoint Neal A. Snyder to the position of Princeton Borough Tax Assessor;

NOW THEREFORE BE IT RESOLVED, on this 12th day of August 2008, that Neal A. Snyder be and hereby is reappointed to the position of Tax Assessor of Princeton Borough pursuant to N.J.S.A. 40A: 9-146 et seq., with said reappointment commencing on July 1, 2008.

BE IT FURTHER RESOLVED that said reappointment of Neal A. Snyder to the position of Borough Tax Assessor is subject to the rights and privileges provided by law under N.J.S.A. 54:1-35.31 et seq.

BE IT FURTHER RESOLVED a certified true copy of this Resolution shall be furnished by the Princeton Borough Clerk to Neal A. Snyder, C.T.A., and the Mercer County Board of Taxation upon its adoption.

Councilwoman Trelstad moved to approve Resolution 2008-R181, Council President Karcher seconded, and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item H, New Business (1 and 2) — Resolutions 2008-R204 and 2008-R205** as follows:

**RESOLUTION 2008-R204
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
PATRICK O. ONYANGO**

WHEREAS, Patrick O. Onyango has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of ENGINE COMPANY NO. 1 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.

**RESOLUTION 2008-R205
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
CHRIS W. CHIU**

WHEREAS, Chris W. Chiu has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of ENGINE COMPANY NO. 1 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.

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Councilman Koontz moved to approve Resolutions 2008-R204 and 2008-R205, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for August 12, 2008 — Resolution 2008-R206** as follows:

**RESOLUTION 2008-R206
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE AUGUST 12, 2008 BILL LIST**

WHEREAS, 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 (8-01)	2,245,665.88
RESERVE ACCOUNT (7-01)	
PARKING UTILITY OPERATING FUND (8-05)	26,087.62
PARKING UTILITY OPERATING FUND (7-05)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	37.60
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	435,434.69
PARKING UTILITY CAPITAL FUND (P-08)	83.49
ESCROW (E-30)	2,544.64
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	718,439.74
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	3,201.74

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of August 12, 2008 as presented.

Councilman Goldfarb questioned spending for the Free B jitney promotion—he has seen very little publicity. Mr. Bruschi reported that ridership increased again in July 2008, and an intense advertising campaign is planned for September 2008. Council discussed various marketing ideas.

Councilman Martindell moved to approve Resolution 2008-R206, Councilwoman Trelstad seconded, and Council approved unanimously.

Councilman Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:45 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk