

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 1, 2010
Regular Meeting
Open Session 7:00 P.M.**

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

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Police Chief David J. Dudeck, Police Captain Nicholas K. Sutter, Borough Clerk Andrea Lea Quinty

Mayor Trotman 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 June 1, 2010, 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 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 May 11, 2010.

Councilman Martindell moved to approve the minutes of the open session of May 11, 2010, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item E, Oath of Office — Police Captain — Nicholas K. Sutter.**

Mayor Trotman swore in Police Captain Nicholas K. Sutter, appointed May 25, 2010, under Resolution 2010-R166. Capt. Sutter's wife Carrie held the Bible as he took the oath while his three children looked on.

Police Chief David Dudeck commended Capt. Sutter's record during 15 years of police work and congratulated him on his promotion.

Capt. Sutter thanked Mayor and Council for the appointment and the men and women of the force for their support.

Chief Dudeck and Capt. Sutter left the meeting room at 7:25 P.M.

Mayor Trotman 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 Trotman read **Agenda Item G — SHARED SERVICES AND MUNICIPAL CONSOLIDATION STUDY COMMISSION** — *Candidates Anton Lahnston, Ryan Lillienthal, Scott Neilson, Thomas Pickard, Patrick Simon, Alice Small, and Peter Wolanin.*

Mayor Trotman proposed speaking to each candidate individually, while the others waited in the lobby, to determine his/her interests and credentials. She said each interview should last no longer than 15 minutes.

Anton Lahnston listed five qualifications:

1. Long-time interest in efficient government
2. 20-year Borough resident and current chairman of the Traffic and Transportation Committee
3. Work experience in management and leadership (some tasks involving scale change)
4. Known for dedicated commitment
5. Good listener who distinguishes fact from fiction.

Council President Koontz asked if Mr. Lahnston is predisposed to any consolidation/shared services result. Mr. Lahnston replied that he had more questions than answers. He foresaw that full consolidation might be ignored if sharing of some services was implemented. Overall, Mr. Lahnston said he favors consolidation. Mr. Lahnston stated that he had voted in favor of consolidation in 1996.

Councilman Martindell asked what the 1996 effort taught us. Mr. Lahnston recommended a fresh start in 2010. He thought there was insufficient citizen involvement in 1996.

Councilman Wilkes wondered what Mr. Lahnston considers to be the two or three chief issues facing Princeton residents. Mr. Lahnston named taxes, traffic and transportation (in particular, heavy haulers), and Princeton University (PU) interaction.

Councilwoman Trelstad asked if PU should be involved in consolidation talks and/or have “a seat at the table.” Mr. Lahnston’s initial reaction was, “No.” He thought a PU employee could participate as a resident, but not as a representative of the college.

Councilwoman Crumiller asked Mr. Lahnston’s availability for summer meetings. He said he would participate as required.

Scott Neilson was pleased that citizen membership was included for the Consolidation Commission. Mr. Neilson said he was a turn-around specialist for the pharmaceutical industry, which requires examining firms' operations for improvement opportunities. Mr. Neilson's credentials include a bachelor's degree in finance and an MBA in organization development (that is, managing change).

Council President Koontz asked if Mr. Neilson is predisposed to any consolidation/shared services result. Mr. Neilson denied any preconceived notions of an outcome due to lack of specific knowledge about the Princetons—not a drawback to his participation.

Mr. Neilson did not vote in 1996. Councilman Goldfarb distinguished between shared services (similar to two boards of directors agreeing) and consolidation (subject to voter approval). Mr. Neilson cited his “front-row seat” in creating a brilliant merger between two major pharmaceutical companies.

Councilwoman Trelstad noted Mr. Neilson's business experience versus lack of government experience. Mr. Neilson stated that involving *people* is key for both arenas.

Councilman Wilkes wondered what Mr. Neilson considers to be the two or three chief issues facing Princeton residents. Mr. Neilson named taxes, education, and safety.

Councilman Martindell asked what Mr. Neilson knew about prior consolidation efforts in Princeton; Mr. Neilson said he knew nothing.

Thomas Pickard, Princeton resident since 2002, expressed concern about cutbacks to funding of safety and security of townspeople. His background includes 27 years with the FBI (retiring at the level of Deputy Director) and, currently, global responsibility for the security of employees, facilities, intellectual property, and product for Bristol-Myers Squibb. Mr. Pickard is a CPA with a master's degree in taxation.

Councilman Martindell asked what Mr. Pickard knew about prior consolidation efforts in Princeton; Mr. Pickard said he knew nothing. Mr. Pickard said he did not know enough about Borough police to anticipate consolidation outcomes.

Council President Koontz asked if Mr. Pickard is predisposed to any consolidation/shared services result, in particular as related to police functions. Mr. Pickard mentioned the “pride” factor—turf—in law enforcement. If the two agencies are diametrically opposed in their policing practices and cultures, combining them cannot work.

Councilman Wilkes wondered what Mr. Pickard considers to be the two or three chief issues facing Princeton residents. Mr. Pickard again named safety of individuals and the related issues of adequate policing and crime rates.

Councilwoman Crumiller announced that **Patrick Simon** works with her husband; she assured Council that there is no conflict of interest.

Mr. Simon said he was eager to serve the community, and the consolidation effort is of fundamental importance. Professionally, Mr. Simon offers consulting experience with large transportation companies such as railroads, as well as a printing firm, news organization, and financial services operation. His work requires expertise in analysis of benefit cases, process flows, organization charts, and so forth; he operates from a perspective of on-the-scene action. Mr. Simon stressed that the commission must identify *and* recommend solutions.

Council President Koontz asked if Mr. Simon is predisposed to any consolidation/shared services result. Mr. Simon answered that he has a general expectation that consolidation is a good thing; he recognizes that, if benefit had been clear to the voters, it would already be done.

Councilman Martindell asked what Mr. Simon knew about earlier consolidation efforts in Princeton. Mr. Simon said he has read most of the prior study. Given the small and finite tax base of Princeton Borough, Mr. Simon listed the options:

- Increase taxes
- Decrease services
- Change zoning
- Consolidate.

Councilwoman Trelstad stated that government operates differently from private endeavors. Mr. Simon responded that his skills translate across businesses and organizations.

Councilman Goldfarb asked how Mr. Simon intended to influence voters to accept his recommendation. Mr. Simon admitted that he did not understand some of the previous opposition to shared services/consolidation; learning people's concerns is part of his plan.

Councilman Wilkes wondered what Mr. Simon considers to be the two or three chief issues facing Princeton residents. Mr. Simon thought the primary issue was the effect of the tax rate.

Alice Small, Princetonian since 1971, related her background in publishing, social policy, educational testing, and the law. Ms. Small served as Deputy Attorney General and Associate Deputy Director of Purchase and Property for New Jersey.

Council President Koontz revealed that Ms. Small's application was submitted after the published deadline. He asked Ms. Small if she has been following the consolidation debate and is aware of the differences between Princeton Township and Borough. Council President Koontz observed that total government consolidation is an emotional issue, while potential savings can be found in shared services.

Ms. Small expressed worry that Township was pursuing a separate arrangement with PU, which she found counterproductive to a cooperative effort. Ms. Small denied having a solid position on consolidation. She feared the consequences of loss of representation.

Councilman Martindell asked what Ms. Small knew about prior consolidation efforts in Princeton. Ms. Small knew that two previous tries at consolidation were defeated; she herself voted against it. Having been “part of the problem,” Ms. Small emphasized outreach to the community.

Councilman Wilkes wondered what Ms. Small considers to be the two or three chief issues facing Princeton residents. Ms. Small named preservation of quality of life and taxes.

Councilman Goldfarb asked how Ms. Small planned to bring the community on board. Ms. Small claimed no expertise in the area of outreach.

Peter Wolanin stated that consolidation is the single most important thing facing the Princetons in the near future. Mr. Wolanin said that, while consolidation clearly makes sense, “the devil is in the details.” It is important to be able to tell the public *why* consolidation is good for them. Mr. Wolanin mentioned his background in science with an analytical approach to problems.

Council President Koontz asked if Mr. Wolanin is predisposed to any consolidation/shared services result. Mr. Wolanin contrasted benefits of full consolidation beyond shared services. Mr. Wolanin stated that, to the extent the Princetons are already one community, he inclined emotionally toward consolidation. He said that consolidation must be presented to the voters with an analytical defense.

Councilman Goldfarb noted the need to address the arguments of consolidation opponents. Mr. Wolanin thought an important role of the commission is to identify the best form of government for a consolidated body. He said the commission cannot sell their recommendations if they have not listened to the public’s concerns.

Noting Mr. Wolanin’s resignation from the Environmental Commission, Councilman Martindell questioned his availability to serve. Mr. Wolanin replied that his Environmental resignation was in anticipation of new upcoming obligations.

Councilman Wilkes wondered what Mr. Wolanin considers to be the two or three chief issues facing Princeton residents. Mr. Wolanin declared that property taxes are of broad concern; also the PU PILOT, vibrancy of downtown, and development of the Dinky area.

Ryan Lillienthal noted that consolidation will have a significant impact on the lives of him and his young family; his concern is representation for the youthful demographic. Mr. Lillienthal stated that the interests of Township and Borough do not necessarily coincide (location of the public library, for example). The commission must identify issues where there is agreement and issues where there is disagreement and find an appropriate framework for a combined governing body. Mr. Lillienthal is a lawyer specializing in immigration.

Council President Koontz asked if Mr. Lillienthal is predisposed to any consolidation/shared services result. Mr. Lillienthal said he is not predisposed. He thought that, even if complete consolidation occurs, some functions might remain separate; he cited separate zoning boards to

preserve the character of specific neighborhoods. Mr. Lillienthal asked, “What is the spectrum of possibility?”

Councilman Martindell questioned Mr. Lillienthal’s time availability, which Mr. Lillienthal said is ample.

Councilman Goldfarb asked how the commission could win over prior opponents to consolidation. Mr. Lillienthal did not see the commission as the advocacy tool to produce consolidation (although *why* Borough residents voted against should be determined); it is the vehicle for gathering facts and identifying issues.

Councilwoman Trelstad asked if PU should be involved in consolidation talks and/or have “a seat at the table.” Mr. Lillienthal noted that PU is a significant stakeholder in the life of the community.

Councilman Wilkes wondered what Mr. Lillienthal considers to be the two or three chief issues facing Princeton residents. Mr. Lillienthal mentioned parking as the nexus for all other matters.

Mayor Trotman thanked all the candidates. She announced that three residents and two elected officials from each municipality will sit on the commission. Of 19 Borough applicants, 7 were interviewed; 3 commissioners will be notified within 8 days.

Council President Koontz stressed that Council will not structure the commission toward a preconceived end. He said Council erred in considering a late applicant over more timely ones.

Councilman Martindell suggested that Mayor Trotman nominate an alternate (fourth) commissioner. Councilwoman Trelstad agreed.

Mayor Trotman read by title **Agenda Item H, New Business (1) — Introduction and Order to Publish: Ordinance 2010-08 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENT OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,719,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,583,050 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Councilwoman Trelstad moved to introduce Ordinance 2010-08; Council President Koontz seconded.

Councilwoman Trelstad asked about Borough’s share of pool expenditure; Borough Administrator Robert Bruschi replied that Borough’s full one-third share is covered here.

Councilman Martindell stated that Ordinance 2010-08 is founded explicitly on a dedicated foundation’s commitment to raise private funds of \$2 million. Councilman Martindell proposed that Council hear details about pool fundraising before issuing a bond. Mr. Bruschi replied that Recreation Department Director John Roberts will return to Council with a fundraising proposal that should lead to a resolution.

Mr. Bruschi announced that no actual financing under Ordinance 2010-08 will take place in the near future. Additional action by Council will be required.

Councilman Goldfarb advocated removing the Recreation portion from Ordinance 2010-08 for today's introduction.

Councilman Wilkes related anecdotally that the foundation is moving forward.

Mr. Bruschi stated that in order to bid Suzanne Paterson repairs for August 2010, Ordinance 2010-08 must be adopted timely.

Councilman Goldfarb moved to delete the Recreation Department item and leave the remainder intact. Councilwoman Trelstad seconded. Council discussed private funding of the municipal pool and timing for authorizing Borough's share. Mayor Trotman called for a vote and proclaimed the amendment passed four to two, with Councilman Wilkes and Council President Koontz voting nay.

Returning to the bond ordinance itself, Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 22, 2010.

Mr. Bruschi requested a separate ordinance—adoption to be held in abeyance—to introduce pool financing. Councilman Martindell moved to draft such an ordinance; Councilman Wilkes seconded; Council concurred.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2010-R177** as follows:

**RESOLUTION 2010-R177
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT
OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES
TO HERBERT VAN NESS CAYCI AND GOODELL
TO PROVIDE LEGAL SERVICES FOR SPECIAL COUNSEL**

WHEREAS, the Borough wishes to amend a certain professional services agreement with HERBERT, VAN NESS, CAYCI AND GOODELL to provide legal services for special counsel in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law.

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

The Mayor and Clerk are hereby authorized to enter into an addendum to a contract for professional services with Herbert, Van Ness, Cayci and Goodell (hereinafter referred to as "Provider") said contract being dated March 2, 2010.

1. The addendum so authorized shall require the Provider to provide services and other related duties, as follows: Provider shall serve as special counsel to the Borough of Princeton to handle such matters as requested by the Borough through December 31, 2010.

2. The Borough shall pay the Provider the following **additional compensation**: An amount not to exceed **\$15,000**; the Chief Financial Officer has certified that funds are available under Current Account Nos. 10-01-20-155-279; and

3. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Council President Koontz moved to approve Resolution 2010-R177, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2010-R178** as follows:

**RESOLUTION 2010-R178
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT OF CONTRACT
FOR PROFESSIONAL SERVICES TO
ARTHUR R. THIBAUT JR. ESQ
OF APRUZZESE, MC DERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy to provide legal services for special counsel in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law.

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

The Mayor and Clerk are hereby authorized to enter into an addendum to a contract for professional services with Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy (hereinafter referred to as "Provider") said contract being dated March 23, 2010.

2. The addendum so authorized shall require the Provider to provide services and other related duties, as follows: Provider shall serve as special counsel to the Borough of Princeton to handle such matters as requested by the Borough through December 31, 2010.

2. The Borough shall pay the Provider the following **additional compensation**: An amount not to exceed **\$10,000**; the Chief Financial Officer has certified that funds are available under Current Account Nos. 10-01-20-155-279; and

3. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilman Wilkes moved to approve Resolution 2010-R178, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2010-R179** as follows:

**RESOLUTION 2010-R179
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
PRINCETON SUMMER THEATER**

WHEREAS, Princeton Summer Theater a non profit charitable organization community organization wishes to increase public awareness of their summer theater programs; and

WHEREAS, Princeton Summer Theater has requested permission to install a banner over Washington Road to announce these programs and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning Monday, June 7 through Monday June 14, 2010; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Councilman Goldfarb recused himself from the vote.

Councilman Wilkes moved to approve Resolution 2010-R179, Council President Koontz seconded, and Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item I, New Business (5) — Resolution 2010-R180** as follows:

**RESOLUTION 2010-R180
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2010 CURRENT FUND BUDGET**

WHEREAS, an emergent 2010 condition has arisen with respect to the 2010 Current Fund Budget, due to the lack of an adopted 2010 Current Fund Budget and no adequate provision has been made in the 2010 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2010 temporary budget and this resolution total \$12,266,022.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made as per the attached appropriations in the amount of \$397,500.00

June 1, 2010

2. That the emergency temporary appropriation has been provided for in the 2010 Budget under the said title.

3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Goldfarb moved to approve Resolution 2010-R180 and Councilman Wilkes seconded. Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the motion passed.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:20 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk