

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
August 14, 2007
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilwoman Winifred Benchley (*arrived 6:31 P.M.*), Councilman David Goldfarb, Councilman Andrew Koontz, Councilman Roger Martindell, and Mayor Mildred Trotman

Absent: Councilwoman Barbara Trelstad

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Michael J. Herbert, Borough Police Chief Anthony V. Federico, Health Official David Henry, Animal Control Officer Mark Johnson, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:30 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 August 14, 2007, 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 of 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 read **Agenda Item C, Resolution 2007-R197** as follows:

**RESOLUTION 2007-R197
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON AUGUST 14, 2007**

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. Negotiations — NHKT
2. Personnel
3. Negotiations — Princeton University/Affordable Housing

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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Councilwoman Karcher moved to approve, which was seconded by Councilman Koontz and approved by Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

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

Mayor Trotman asked all present to rise for the salute to the flag.

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

Presented for approval were the minutes of the closed session of July 10, 2007.

Councilman Koontz moved to approve the minutes of the closed session of July 10, 2007, seconded by Councilman Martindell who wished to have discussion at next closed session.

Councilman Koontz withdrew his motion pending comment from Borough Attorney, Michael J. Herbert.

Presented for approval were the minutes of the closed session of July 24, 2007.

Councilwoman Benchley moved to approve the minutes of the closed session of July 24, 2007, seconded by Councilman Martindell and approved by Council unanimously.

Presented for approval were the minutes of the open session of August 7, 2007.

Councilman Martindell moved to approve the minutes of the open session August 7, 2007, seconded by Council President Karcher and approved by Council unanimously.

Mayor Trotman read **Agenda Item F, Summary – Closed Session Discussion – Robert W. Bruschi, Borough Administrator**

Robert W. Bruschi, Borough Administrator, reported that an NHKT principal is out of the country and no further conversation has occurred. Personnel/salary issues talked about will be addressed publicly at the next closed session. Council discussed the agreement with Princeton University covering 101–104 Leigh Avenue.

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

Mark Alexandridis, Princeton Avenue, inquired as to the remaining outstanding issues regarding the downtown redevelopment project. Mr. Bruschi said the list is finite at approximately one dozen items. Public review may occur in September 2007. Councilman Goldfarb added that minutes of closed sessions and subsequent resolutions reflect *outcomes* of the discussions. Mr. Alexandridis questioned timing of Borough engineer's report on the status of the garage. Mr.

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Bruschi replied that talks with the contractor and a walk-through have occurred; a report is expected shortly. It is critical to define the consultant's current scope of work.

Mayor Trotman clarified that Council's public session is designed for brief presentations from citizens or questions requiring quick response. In consideration of other members of the public in attendance, she referred members of the public to Mr. Bruschi or staff when they have lengthy lists of questions.

Councilman Martindell recommended a public dialogue identifying the issues prior to adoption of any agreement or resolution.

Councilman Martindell expressed concern over the \$2 million due from the Township in the face of development of sewer properties with transfer of deeds to the Township.

Seeing no one further from the public, Mayor Trotman closed the public portion.

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report** — *Anthony Federico, Chief of Police*

**RESOLUTION 2007-R198
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 2007; 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 2007 Monthly police report prepared by the Chief of Police.

Chief Federico stated that stepped-up enforcement resulted in better control of alcohol misuse and social problems such as littering, noise, and public urination.

Councilman Goldfarb noted arrest in connection with a strong-arm robbery, possibly related to similar episodes. Chief Federico observed that very rapid response to a 911 complaint was a component of the arrest.

Councilman Koontz moved to approve Resolution 2007-R198, seconded by Councilwoman Benchley and approved unanimously by Borough Council.

Mayor Trotman skipped ahead and read by title **Agenda Item I, New Business (5) — Introduction and Order to Publish: Ordinance 2007-22 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 6 OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING "ANIMALS AND FOWL" TO ADDRESS VICIOUS OR POTENTIALLY DANGEROUS DOGS**

Councilman Koontz moved to introduce Ordinance 2007-22 and Councilman Goldfarb seconded.

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David Henry, Borough Health Official, explained the State's range of fees for licensing dogs. He said the Borough deemed appropriate a \$700 fee to license a "vicious" (as adjudicated in court) dog because the animal control officer spends much time dealing with such cases.

Mark Johnson, Animal Control Officer, reported only two vicious dog attacks, both dog on dog, in the Borough this year. Both aggressors were euthanized. There have been no attacks on people. Mr. Johnson's responsibility includes identifying provocation in dog attack cases. Mr. Henry made clear that, once a dog is judged dangerous, the dog carries the designation for life.

Hearing no further comment from Council, Mayor Trotman opened public discussion. Seeing no one, she closed the public portion.

Mayor Trotman called the question. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with public hearing September 11, 2007.

Mayor Trotman read **Agenda Item H, Report (2) — Second Quarter Financial Report — Robert W. Bruschi, Borough Administrator**

Mr. Bruschi stated the only overestimated revenue source is uniform construction code fees; Administration will monitor construction projects. He pointed out that legal costs to date are 100%; that figure includes encumbrance, not payment, for the entire year.

Mr. Bruschi detailed components of budget line items and presented a status report for the garage. Council asked Mr. Bruschi to investigate privatizing garage operations and/or minimizing its personnel requirements.

Mr. Alexandridis listed elements that he concluded reduced garage revenue, including loss of library contribution. He estimated that revenue is \$370,000 lower than expected.

Councilman Koontz moved to approve Mr. Bruschi's report and Councilwoman Benchley seconded. Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2007-18 A BOND ORDINANCE APPROPRIATING \$500,000 FROM THE SEWER ESCROW TRUST TO PROVIDE FOR VARIOUS SEWER PROJECTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY.**

Councilman Goldfarb moved to introduce Ordinance 2007-18; Council President Karcher seconded.

Councilman Goldfarb stated that Borough and Township have parallel ordinances that require contribution to the sewer trust fund for any additional (new) sewer use (adding a bedroom, for example). The trust fund provides money for sewer repair.

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Councilman Goldfarb related that, prior to Griggs Farm's existence Montgomery Township reclaimed sewer treating "capacity" from Princeton Township for upwards of \$1 million. At that time, the Township built a pump station and installed piping to reroute sewage to Stony Brook. The Township paid for their new pump station and pipes by diverting trust fund contributions collected under ordinance. Councilman Goldfarb insisted that Borough must retrieve the Township's missing contributions to the sewer trust. Councilman Goldfarb stated that the Manager of the Sewer Operating Committee examined minutes for the period in question and learned that Borough never authorized Township to divert any funds. Councilman Goldfarb stated that Princeton Township has a compelling obligation to restore their debt to the trust fund for sewer repairs for *both* municipalities.

Mayor Trotman asked Mr. Bruschi to put the sewer trust fund history in writing to inform present Township committee members. Councilman Goldfarb declared that Borough knows both exact cost to build the pump station and exact amount owed to the sewer trust fund.

Hearing no further comment from Council, Mayor Trotman opened public discussion. Seeing no one, she closed the public portion.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with public hearing on September 11, 2007.

Mayor Trotman read by title **Agenda Item I, New Business (2) — Introduction and Order to Publish: Ordinance 2007-19** A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$763,694 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$726,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilman Koontz moved to introduce Ordinance 2007-19; Councilwoman Benchley seconded.

Mr. Bruschi stated the revised 2006 capital budget is less than proposed due to consideration of anticipated budgetary laws for 2007. Administration recommends Borough be less aggressive with capital projects (such as deferring some road projects) to reduce debt exposure. He said joint obligations have been met.

Hearing no further comment from Council, Mayor Trotman opened public discussion. Seeing no one, she closed the public portion.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with public hearing September 11, 2007

Mayor Trotman read by title **Agenda Item I, New Business (3) — Introduction and Order to Publish: Ordinance 2007-20** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE

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BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$984,214 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$935,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Councilman Martindell moved to introduce Ordinance 2007-20; Council President Karcher seconded.

Hearing no comment from Council, Mayor Trotman opened public discussion. Seeing no one, she closed the public portion.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with public hearing September 11, 2007.

Mayor Trotman read by title **Agenda Item I, New Business (4) — Introduction and Order to Publish: Ordinance 2007-21** BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR THE PARKING UTILITY OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$39,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$39,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilman Martindell moved to introduce Ordinance 2007-21; Councilwoman Benchley seconded.

Hearing no comment from Council, Mayor Trotman opened public discussion. Seeing no one, she closed the public portion.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Martindell voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced.

Mayor Trotman read **Agenda Item I, New Business (6) — Resolution 2007-R199** as follows:

**RESOLUTION 2007-R199
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BOROUGH
NEW JERSEY DEPARTMENT OF TRANSPORTATION
RESOLUTION, APPLICATION, AND AGREEMENT FOR
STATE AID TO COUNTIES AND MUNICIPALITIES**

Name of Sponsor: **Borough of Princeton**

Mailing Address: **P.O. Box 390**

Princeton, NJ 08540

E-mail Address **swhitlock@princetonboro.org**

Federal Tax Identification Number **21-6001029**

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(Must be inserted by Sponsor)

Program (only check one):

<input type="checkbox"/>	County Aid	<input type="checkbox"/>	Local Aid Infrastructure Fund (Discretionary Aid)
<input checked="" type="checkbox"/>	Municipal Aid	<input type="checkbox"/>	Bikeway
<input type="checkbox"/>	Centers of Place	<input type="checkbox"/>	Safe Streets to Schools
<input type="checkbox"/>	Other (Specify) _____	<input type="checkbox"/>	Bridge Bond Act

Sponsor Priority No. 1 (Prioritized by Program) Total Center Line Municipal Road Mileage 0.26

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of:

Reconstruction of Wilson Road
(Project Name)

From: **Westcott Road**

To: **Borough Boundary**

in the Municipality of **Princeton Borough** County of **Mercer**

State of New Jersey for a distance of 0.26 miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$372,266. The Sponsor requests \$300,000 in State funds and anticipates contributing \$72,266. AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

<input type="checkbox"/>	Resurfacing	<input type="checkbox"/>	Culvert (Less than 20 foot span)
<input checked="" type="checkbox"/>	Roadway Reconstruction	<input type="checkbox"/>	Bridge (20 foot span or greater)
<input type="checkbox"/>	Surface Treatment	<input type="checkbox"/>	Safety Improvement
<input type="checkbox"/>	Traffic Signal Installation	<input type="checkbox"/>	Safe Streets to Schools
<input type="checkbox"/>	Intersection Improvement	<input type="checkbox"/>	Other (Describe Below)
<input type="checkbox"/>	Bikeway	<input type="checkbox"/>	

Scope of Work (Provide a detailed written description of the project - use additional sheets if necessary)

Complete reconstruction of a municipal roadway including: storm sewer improvements; concrete sidewalks; stone base course and; bituminous asphalt base and surface courses

**[SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE
SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT]**

Total Estimated Cost of Improvement (Attach a detailed cost estimate)

Construction Cost (From attached estimate)	\$338,424
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Construction Inspection and Material Testing if requesting (15% of the final allowable construction cost maximum)	\$33,841
Total Estimated Cost	\$372,266

Project Information

Is utility work planned within the project limits over the next five (5) years? – Yes _____ No

Is the purchase of right-of-way required before the start of project construction? – Yes _____ No

Does the project intersect a State Highway? – Yes _____ No If yes, which highway? _____

If Yes, is the intersection signalized? – Yes _____ No _____

Is there a railroad crossing within the project limits? – Yes _____ No

Is there a railroad crossing 100 feet outside of the project limits? - Yes _____ No

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Will the construction impact traffic across a railroad crossing outside the project limits? – Yes _____ No X

ADDITIONAL FORMS OR DOCUMENTS REQUIRED - ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT

Traffic Signal and/or Channelization - Attach a copy of the "Authorization to Design or Install"

Roadway Project – Attach a copy of "Appendix RD"

Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"

Bikeway Project – Attach a copy of "Appendix BW"

Safe Streets to Schools Project – Attach a copy of "Appendix SS"

Location map - 8 ½" x 11" only, showing project limits (all information must be clear and legible with street names labeled)

NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
 1. Preparation of contract drawings and supplementary specifications.
 2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
 3. Construction of the above referenced improvement.
 4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic

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Control Devices” published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department’s Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.

- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current “New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction” as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 1. One (1) copy of the contract plans, specifications, engineer’s estimate, and engineer’s design certification.
 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.
 1. Two (2) copies of the summary of construction bids.
 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.

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2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.

3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.

- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be re allotted by the Department in a manner determined solely by the Commissioner of Transportation.
- dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

FOR THE SPONSOR

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

FOR THE DEPARTMENT OF TRANSPORTATION

Fiscal Year/Funds: _____

Job Number: _____

Account: _____

State Funds: _____

FA0 Number _____

Certification of Funds _____ Date _____ By _____
Director, Division of Accounting and Auditing

APPROVED: _____
David A Kuhn, Director, Date
Division of Local Aid and Economic Development

It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of Transportation or Designee on _____
Secretary, Department of Transportation

**"Appendix RD"
Roadway Data Sheet**

Project – **Reconstruction of Wilson Road**

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From: - Westcott Road To: - Borough Boundary

Municipality - Princeton Borough County - Mercer

Existing Road Conditions

Current ADT - 400 % Truck Traffic over 5 Tons - 2 Legal Speed Limit - 25

Commuter Bus Route - Yes _____ No X

Right of Way Width - 50

Pavement Width - 30 Type - Bit. Conc. Base Depth - 2 inches Surface Depth - 2 inches

Shoulder Width - N/A Type - _____ Depth - _____
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - _____ Both Sides - X

Sidewalk - One Side - None Both Sides - _____

Parking Restrictions - No overnight parking

Existing Bridge being replaced or repaired - Yes _____ No X

If Yes, and is part of project, complete Appendix BR

Proposed Improvements

Right of Way Width - 50

Pavement Width - 30 Type - Bit. Conc. Base Depth - 4 inches Surface Depth - 2 inches

Shoulder Width - N/A Type - _____ Depth - _____
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - _____ Both Sides - X

Sidewalk - One Side - None Both Sides - _____

Parking Restrictions - No overnight parking

Will the project meet AASHTO standards? - Yes _____ No X If No, list Design Exceptions below

Reconstruction of existing municipal roadway - geometric changes are limited to the installation of barrier free pedestrian ramps.

Councilman Koontz moved to approve Resolution 2007-R199, Councilman Martindell seconded and Borough Council approved unanimously. Councilman Goldfarb commented that his joint project with the Township has been very successful.

Hearing no discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed.

Councilwoman Benchley moved to adjourn, seconded by Council President Karcher. There being no further business, Mayor Trotman adjourned the open session meeting at 9:10 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk