

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
January 27, 2009  
Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

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

**Township** Committeeman Chad Goerner, Committeewoman Liz Lempert, Committeeman Lance Liverman, Committeewoman Sue Nemeth, and Mayor Bernard Miller

Staff Present:           **Borough** Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Borough Clerk Andrea Lea Quinty

**Township** Administrator James Pascale and Township Clerk Linda S. McDermott

**Joint** Planning Board Director Lee Solow

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 January 27, 2009, 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 read **Agenda Item C, Resolution 2009-R45**, as follows:

**RESOLUTION 2009-R45  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON JANUARY 27, 2009**

**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. Personnel — Municipal Court Judge

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2. Negotiations — Princeton Township
3. PBA negotiations

**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.

Councilwoman Karcher moved to approve; Council President Koontz seconded. Council members Koontz, Goldfarb, Karcher, Martindell, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:40 P.M. Council reconvened into open session.

Council President Koontz moved to proceed to closed joint session with Princeton Township Committee. Councilwoman Trelstad seconded. Council approved six to zero.

Linda McDermott called the roll for Township Committee.

Committeewoman Lempert moved to proceed to closed joint session with Princeton Borough Council and Committeewoman Nemeth seconded. Committee approved five to zero.

Both bodies returned to open session.

Mayor Trotman asked all present to rise for **Agenda Item D(b), Salute to the Flag**.

Mayor Trotman read **Agenda Item D(c), Report — Sustainable Princeton Community Plan — Sustainable Princeton Steering Committee (SPSC) — Matt Wasserman**.

Mr. Matt Wasserman of the Environmental Commission and Sustainable Princeton Committee gave a presentation outlining the Sustainable Princeton Plan. Mr. Wasserman stated there are six goals that include Greening the Built Environment, Improving Transportation, Building a Local Green Economy, Protecting Health and Natural Resources, Curbing Greenhouse Gases and Fostering Community. Mr. Wasserman mentioned establishing an environmentally preferential purchasing policy and reducing dependence on gasoline. He recommended joint adoption of New Jersey environmental standards.

Wendy Kazerski said that presentation highlights will be available on Council and Committee Websites on January 28, 2009. She recapped next steps:

1. Endorse the goals
2. Commit to municipal actions listed in plan
3. Authorize SPSC to finalize plan
4. Institutionalize plan within municipal government
5. Hire part-time sustainability coordinator (Municipal Land Use Center grant of \$15,000)

Ms. Kazerski introduced Randy Solomon, Executive Director of Sustainable State Institute. Randy Solomon commended the plan prepared by the SPSC. He listed measures by other communities that have advanced sustainability. Goals and actions apply to four sectors—government, business, school, and residential. The Website will be updated regularly.

A new program from League of Municipalities Mayors' Committee for Sustainability—sustainable city certification program—creates avenues of funding. Mr. Solomon explained that the program identifies 40 steps toward sustainability that generate points eligible for state and private (commercial) funds.

Comments and feedback can be directed to Planning Board Director Lee Solow. A public meeting on sustainability will be held 7:00 P.M. on March 11, 2009, at Suzanne Patterson Center.

Councilwoman Trelstad moved for the Borough to endorse the SPSC's six goals and plan. Councilman Martindell seconded. Committeewoman Lempert moved for the Township and Committeeman Goerner seconded. Both bodies approved unanimously (Township by roll call and Borough by voice vote).

Mr. Solow clarified that governing bodies are asked to endorse *concepts* in the action list to identify direction for the community.

Councilwoman Trelstad moved the Borough endorse the goals and plans as outlined the sustainable Princeton report. Councilman Martindell seconded the motion which was carried unanimously.

Committeeman Liverman, on behalf of Township Committee, moved to endorse the goals and Mr. Goerner seconded which was carried unanimously.

Councilwoman Trelstad offered a motion to endorse a municipal action plan after review of items as found acceptable, Mr. Koontz seconded the motion which was carried unanimously.

Committeewoman Lempert offered a motion to endorse a municipal action plan after review of items as found acceptable, Deputy Mayor Goerner seconded the motion which was carried unanimously.

Councilwoman Trelstad moved to authorize SPSC to continue toward finalizing the plan and achieving its goals, Council President Koontz seconded and Borough Council approved unanimously.

Committeewoman Nemeth moved for the Township and Committeewoman Lempert seconded. Committee approved unanimously.

The Joint Session was adjourned at 8:45PM

Borough Council continued with the Open Session

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

Presented for approval were the minutes of the open session of December 23, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session of December 23, 2008, Council President Koontz seconded, and Council approved unanimously with two language changes.

Presented for approval were the minutes of the open session of January 4, 2009.

Council President Koontz moved to approve the minutes of the open session of January 4, 2009, Councilwoman Trelstad seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of January 6, 2009.

Councilman Goldfarb moved to approve the minutes of the open session of January 6, 2009, Council President Koontz seconded, and Council approved unanimously.

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

Mr. Bruschi reported that Council met twice in closed session: First, to discuss new municipal court judge, ongoing negotiations with Princeton Township, and PBA negotiations; second, with Township Committee in attendance, to review the municipal judge for both communities.

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.

Polly Burlingham raised the issue of weekly garbage pickup for central business district *residences*. Mr. Bruschi stated that Borough trucks cover for pick-up oversights; also property owners have been informed of their responsibilities.

Councilman Martindell mentioned the unpaid bills by Township (capital projects). He stated the good news that Township has approved \$993,000 from 2006 and 2007. Councilman Martindell also noted \$3.1 million still outstanding and asked how to tackle that debt. Councilman Goldfarb spoke of progress to date and items to be resolved. Mayor Miller responded that both staffs have been working diligently on every claim. Township will provide a comprehensive list of unpaid bills categorized by reason (mostly sewer problems, with some unauthorized expenditures).

Princeton Township Deputy Mayor Goerner offered to provide a spreadsheet by category to each governing body member.

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

Mayor Trotman read **Agenda Item H, Report (1) — Community Forestry Management Plan — Shade Tree Commission, Polly Burlingham.**

Councilman Goldfarb commented that Princeton does not have a “Parks and Recreation” department—Public Works handles park maintenance. Councilman Wilkes moved to approve the Plan with the designation change and Councilman Goldfarb seconded. All members voted aye.

Ms. Burlingham said Shade Tree Commission proposes a moratorium on tree planting in 2009 (maybe spring 2010) with funds to be applied exclusively to tree maintenance. As the new five-year plan proceeds, Shade Tree will apply for a “cool cities” grant in 2009 specifically to plant new trees by fall 2010.

Mayor Trotman read **Agenda Item I, Discussion (1) — Naming of Access Drive.**

Councilwoman Karcher suggested the full name of *Sylvia* Beach Drive. Councilwoman Trelstad seconded the name. After discussion of street naming practices, Councilman Goldfarb moved the name Sylvia Beach Way and Council President Koontz seconded. Council approved unanimously. Christopher Budzinski, Borough Engineer, stated that the name becomes official when formal Borough street and tax maps are updated. Karen Cayci, Borough Attorney, suggested Council pass a resolution before introduction of the ordinance.

Mayor Trotman read **Agenda Item I, Discussion (2) — Motor Vehicle Ordinance.**

Mr. Budzinski acknowledged that most of Councilman Goldfarb’s ideas were included in the revised ordinance.

Both proposed ordinances will be introduced on February 12, 2009.

Mayor Trotman read by title **Agenda Item J, New Business (1) — Introduction and Order to Publish: Ordinance 2009-02, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1 OF “THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974”, REGARDING COLLECTION OF CREDIT CARD FEES**

Council President Koontz moved to introduce Ordinance 2009-02; Councilwoman Trelstad seconded. Mr. Bruschi asked Council to approve an ordinance with flexibility as to fees. Ms. Cayci suggested adding a provision that Borough notify credit card users of Borough’s transaction charge so that users can opt not to pay by credit card. Council tabled Ordinance 2009-02 to February 3, 2009, pending content revisions.

Mayor Trotman read **Agenda Item J, New Business (2–19) — Resolutions 2009-R46, 2009-R47, 2009-R48, 2009-R49, 2009-R50, 2009-R51, 2009-R52, 2009-R53, 2009-R54, 2009-R55, 2009-R56, 2009-R57, 2009-R58, 2009-R59, 2009-R60, 2009-R61, 2009-R62, and 2009-R63, as follows:**

**RESOLUTION 2009-R46  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**REGARDING INTENT TO BOND IN EVENT OF SHORTFALL OF FUNDS**

**WHEREAS**, the Borough of Princeton has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

**WHEREAS**, the plan submitted to COAH allocates funds for:

1. Municipal construction programs;
2. Affordability Assistance;
3. Rehabilitation; and
4. Administrative expenses.

**WHEREAS**, the Borough of Princeton anticipates that funding will come from the following sources to satisfy these obligations:

1. Development Fees;
2. Payments in Lieu of Construction; and

**WHEREAS**, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Borough of Princeton's COAH-certified Housing Element and Fair Share Plan, as that plan may be amended, the Borough of Princeton shall provide sufficient funding to address any shortfalls, subject to budgetary constraints, if there are no other resources or programs to provide for the required affordable housing; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program, subject to budgetary constraints, if there are no other resources or programs to provide for the required affordable housing; and

**BE IT FURTHER RESOLVED** that the Borough of Princeton may repay debt through future collections of development fees, as such funds become available.

**RESOLUTION 2009-R47  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING TONNAGE GRANT APPLICATION  
TO ENCOURAGE LOCAL RECYCLING PROGRAM**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing The Borough of Princeton to apply for such tonnage grants for calendar year 2009 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Princeton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of The Borough of Princeton that the Borough of Princeton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sean Burns to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION 2009-R48  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**APPROVING FIRE DEPARTMENT APPLICATION FOR  
PHILIP P. THALHEIM**

**WHEREAS**, Philip P. Thalheim 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 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 2009-R49  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
WILLIAM P. SHIELDS**

**WHEREAS**, William P. Shields 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 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 2009-R50  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
THOMAS C. COFIELD, JR.**

**WHEREAS**, Thomas C. Cofield, Jr. has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the PRINCETON HOOK AND LADDER COMPANY 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 2009-R51  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT  
FOR ARCHITECTURAL DESIGN FOR PUBLIC WORKS GARAGE RENOVATIONS TO  
STEVEN S. COHEN ARCHITECT P.C.**

**WHEREAS**, the Borough had previously entered into an agreement dated June 4, 2008 as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Steven S. Cohen Architect, P.C., (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the previous agreement had expired on December 31, 2008 and the Borough wishes to continue to retain the Provider through December 31, 2009 to complete the project; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued work on the architectural design and bid documentation preparation in connection with renovation of the Princeton Borough Public Works Garage

There is no additional fee for this contract extension

The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

2. 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.

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

4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2009-R52  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AMENDMENT TO AGREEMENT FOR PROFESSIONAL  
ENGINEERING SERVICES TO TIMOTHY HAAHS & ASSOCIATES, INC.**

**WHEREAS**, the Borough had previously entered into an amended agreement dated June 24, 2008 as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Timothy Haahs & Associates, Inc. (the "Provider") for the performance by the Provider for professional engineering services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the previous agreement had expired on December 31, 2008 and the Borough wishes to continue to retain the Provider through December 31, 2009 to complete the project; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued review of the design, construction, punchlist and closeout process in connection with the Princeton Borough Downtown Parking Garage.

There is no additional fee for this contract extension

1. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough

Attorney.

2. 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.

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

4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2009-R53  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES  
ENGINEERING DESIGN OF WESTCOTT ROAD**

**WHEREAS**, the Borough had previously entered into an agreement as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Adams, Rehmann and Heggan Associates, Inc., (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the Borough wishes to again retain the Provider to complete design services for the design of Westcott Road through December 31 2009; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit the Provider from making any reportable contributions through the terms of the contract, and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq., and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for additional design services for Westcott Road.

There is no additional fee for this contract extension

1. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

2. 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.

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

4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2009-R54  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR MUNICIPAL PUBLIC DEFENDER SERVICES FOR YEAR 2009**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Michael T. Barrett, Esq., BERGMAN AND BARRETT has submitted a proposal indicating they will provide the municipal legal services as the Municipal Public Defender as per the agreement attached; and

WHEREAS, Michael T. Barrett, has completed and submitted a Business Entity Disclosure Certification which certifies that BERGMAN AND BARRETT has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit BERGMAN AND BARRETT from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with Michael T. Barrett, BERGMAN AND BARRETT as described herein for an amount not to exceed \$37,200 through December 31, 2009; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

**RESOLUTION 2009-R55  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A PROFESSIONAL SERVICES AGREEMENT  
TO COMP COMM**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 a contract for professional services with Comp Comm (hereinafter referred to as "Provider") to provide consultant services for the Planning Board or Zoning Board from January 27, 2009 through December 31, 2009, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide services and other related duties, as follows:

Provider shall serve as an acoustical consultant to the Regional Planning Board of Princeton and the Princeton Borough Zoning Board to review and evaluate various land development applications with wireless communication facilities as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various communications issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider the following compensation with a rate schedule of:

Administrative	\$45.00 per hour;
Field Service Tech	\$75.00 per hour;
Senior Tech/Field Manager	\$90.00 per hour;
Staff Engineer (Level II)	\$135.00 per hour;
Senior Engineer (Level I)/Eng. Manager	\$150.00 per hour;
Principal/Executive	\$150.00 per hour;
Expert Testimony	\$180.00 per hour;

Rendition of Invoices: Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. The 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.

**RESOLUTION 2009-R56  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON APPROVING A  
PROFESSIONAL SERVICES AGREEMENT TO ORTH RODGERS & ASSOCIATES, INC.**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 a contract for professional services with Orth-Rodgers & Associates, Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from January 27, 2009 through December 31, 2009, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide services and other related duties, as follows:

Provider shall serve as a traffic consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications as filed with the Boards, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider pursuant to the proposal of the Provider dated February 5, 2008 (attached).

Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. The 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.

**RESOLUTION 2009-R57  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON APPROVING  
PROFESSIONAL SERVICE AGREEMENT TO DANIEL DOBROMILSKY & ASSOCIATES**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 a contract for professional services with Daniel Dobromilsky & Associates (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from January 27, 2009 through December 31, 2009, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide services and other related duties, as follows:

Provider shall serve as a landscape consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications as filed with the Boards, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider pursuant to the proposal of the Provider dated December 16, 2008 (attached).

Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. The 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.

**Resolution 2009-R58  
Of The Mayor And Council Of The Borough Of Princeton  
For Approval of Change Order #2 –Final  
To Star of the Sea Concrete Corp.**

**WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14,4) and;**

**WHEREAS, there is a need to reduce the current contract price with Star of the Sea Concrete Corp. as outlined in the change order prepared by the Borough Engineer and;**

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. Change Order #2 -Final to the Contract between the Borough of Princeton and Star of the Sea Concrete Corp. for the Reconstruction of Jefferson Road, Greenview Avenue, Humbert Street and Hornor Lane in the amount of (\$32,810.09) is hereby approved; and
2. The Borough Engineer and Clerk are hereby authorized to sign the Change Order on behalf of the Borough.

**Resolution 2009-R59  
Of The Mayor and Council Of The Borough Of Princeton  
For Approval of Change Order #1 Project 08-04  
Lancha Construction Corp.**

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14,4) and;

WHEREAS, there is a need to amend the contract with Lancha Construction Corp. as outlined in the change order prepared by the Borough Engineer and;

WHEREAS, the Chief Financial Officer has certified that funds are available under Capital Account No. C-04-03-042-318 - \$5,262.00; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. Change Order #1 – to the Contract between the Borough of Princeton and Lancha Construction Corp. for Sidewalk Repairs in the amount of \$5,262.00 is hereby approved.
2. The Borough Engineer and Clerk are hereby authorized to sign the Change Order on behalf of the Borough

**Resolution 2009-R60  
Of The Mayor And Council Of The Borough Of Princeton  
For Approval of Change Order #2  
Final – To Star of the Sea Concrete Corp.**

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14,4) and;

WHEREAS, there is a need to amend the contract with Star of the Sea Concrete Corp. as outlined in the change order prepared by the Borough Engineer and;

WHEREAS, the Chief Financial Officer has certified that funds are available under Capital Account No. C-04-05-011-301 - \$5,260.85; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. **Change Order #2-Final – to the Contract between the Borough of Princeton and Star of the Sea Concrete Corp. for the Reconstruction of Washington Road, Patton Avenue, Hibben Road and Moran Avenue in the amount of \$5,260.85 is hereby approved.**
2. **The Borough Engineer and Clerk are hereby authorized to sign the Change Order on behalf of the Borough**

**RESOLUTION 2009-R61  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING A PROFESSIONAL SERVICES AGREEMENT  
TO NEW JERSEY ANALYTICAL LABORATORIES, LLC  
FOR GROUNDWATER AND SURFACE WATER ANALYSIS,  
FEBRUARY 2009 TO JANUARY 2010**

**WHEREAS**, the Princeton Sewer Operating Committee has advised the Mayor and Council that it wishes to engage **New Jersey Analytical Laboratories, LLC**, 1590 Reed Road, Suite A 1, Pennington, New Jersey 08534 (the “Provider”) for the performance by the Provider of professional services in connection with certain activities being conducted by the Princeton Sewer Operating Committee; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq., and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**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 a contract for the aforesaid services with New Jersey Analytical Laboratories, LLC (the “Provider”).

1. The contract so authorized shall require the Provider to provide services and other related duties, as follows:

The Provider shall perform ground water and surface water analysis at the Princeton Sanitary Landfill for the period of February 2009 to January 31, 2010. The scope of the work involves quarterly sampling of six (6) groundwater-monitoring wells and two (2) surface water locations at the Princeton Sanitary Landfill. The analysis is an annual requirement of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and closure plan with the NJDEP.

Under this contract, the Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

The Borough shall pay the Provider the following compensation:

An amount not to exceed Nine Thousand Four Hundred Sixteen Dollars and No Cents (\$9,416.00).

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

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 Times of Trenton as required by law within ten (10) days of its passage.

5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2009-R62  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES TO PMK GROUP FOR  
GROUNDWATER MONITORING AT MUNICIPAL PARKING GARAGE**

**WHEREAS**, the Borough of Princeton desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

**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 a contract for professional services for ongoing operation and maintenance and compliance monitoring of groundwater associated with the Downtown Parking Garage with PMK Group Consulting & Environmental Engineers, 65 Jackson Drive, PO Box 5000, Cranford NJ 07016 (hereinafter referred to as "Provider") to provide consultant services for the Borough from January 27, 2009 through January 31, 2010, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide engineering services and other related duties as cited in their proposal letter of December 29, 2008 (attached), for a total contract amount of \$25,800.00.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

Rendition of Invoices: Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. The 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.

**RESOLUTION 2009-R63  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING TAX REFUNDS**

WHEREAS, Sandra Webb, Chief Financial Officer has forwarded a list of residents for tax refund from the Borough of Princeton for review and approval by the Mayor and Council as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
34.01	13		Barsky Enterprises 152 Witherspoon St Princeton, NJ 08542	14 North Harrison St.	\$4,781.11 (07 Added) \$4,162.00 (08 Added)

Due to Mercer County Tax Board Appeal.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the tax refunds as presented.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the CFO, Tax Assessor and Tax Collector.

Councilwoman Trelstad asked about the similarity of service between Resolutions 2009-61 and 2009-62. Council noted the distinction "sanitary" in 2009-61.

Regarding Resolution 2009-52, Mr. Budzinski explained that Borough needs to extend the Timothy Haahs agreement (no additional charge) in 2009 for possible expertise on Spring Street Garage.

Councilwoman Trelstad moved to approve Resolutions 2009-R46, 2009-R47, 2009-R48, 2009-R49, 2009-R50, 2009-R51, 2009-R52, 2009-R53, 2009-R54, 2009-R55, 2009-R56, 2009-R57, 2009-R58, 2009-R59, 2009-R60, 2009-R61, 2009-R62, and 2009-R63. Council President Koontz seconded and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for January 27, 2009 — Resolution 2009-R64** as follows:

**RESOLUTION 2009-R64  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE JANUARY 27, 2009 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 as follows:

CURRENT ACCOUNT (9-01)	2,571,509.86
RESERVE ACCOUNT (8-01)	111,728.12
PARKING UTILITY OPERATING FUND (9-05)	13,841.28
PARKING UTILITY OPERATING FUND (8-05)	9,711.12
AFFORDABLE HOUSING OPERATING ACCT (9-24)	3,200.00
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	37.60
CAPITAL ACCOUNT (C-04)	8,629.35
PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	
TRUST FUND (T-13)	10,672.50
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	6,486,966.38
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	2,811.00

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of January 27, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R64, Councilwoman Trelstad seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:30 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
Borough Clerk