

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

Present: Council President Andrew Koontz, Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad (*arrived 7:05 P.M.*), Councilman Kevin Wilkes, and Mayor Mildred Trotman

Absent: Councilwoman Margaret Karcher

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, 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 April 7, 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-R121**, as follows:

**RESOLUTION 2009-R121  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON APRIL 7, 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. Negotiations — Princeton Township/North Ridge
2. Closed session minutes

**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.

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

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Borough Council recessed into closed session.

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

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

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

Presented for approval were the minutes of the closed session of March 3, 2009.

Councilwoman Trelstad moved to approve the minutes of the closed session of March 3, 2009 and Councilman Wilkes seconded. Councilman Martindell questioned the procedure for releasing closed minutes to the public. Karen Cayci, Borough Attorney, clarified that Council can vote to release “as redacted,” indicating what topics were redacted—in the current instance, NHKT and police personnel (third paragraph only). Council approved unanimously.

Presented for approval were the minutes of the open session of March 3, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of March 3, 2009, Councilman Wilkes seconded, and Council approved unanimously.

Council President Koontz questioned the status of the new ordinance for leashed dogs and Ms. Cayci promised it for the next Council meeting.

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

Mr. Bruschi reported that Council discussed closed session minutes and agreement with Township over North Ridge sewer dispute.

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.

Mayor Trotman congratulated Martin Vogt, Borough Construction Official, who was awarded 2009 Building Inspector of the Year.

Councilman Martindell mentioned funds advanced for sewer upkeep for both Borough and Township. Mr. Bruschi stated that Township is reviewing information provided by Borough. Council decided to include sewer billing on the agenda for the scheduled April 27, 2009, joint meeting.

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

Mayor Trotman read **Agenda Item H, Correspondence (1) — Annual Events – Public Right of Way – Anita Fresolone, Palmer Square Mgt.**

Anita Fresolone sought Council approval for upcoming Palmer Square events. Councilman Goldfarb thanked Palmer Square, in conjunction with Chamber of Commerce and Arts Council, for presenting events that downtown enjoys and profits from. He thought it was unfair that Palmer Square bear the burden of cost when all downtown merchants benefit. He was in favor of a special business improvement district (SID).

Councilman Goldfarb moved to accept the Palmer Square event schedule as presented and Councilwoman Trelstad seconded. Council accepted unanimously.

Mayor Trotman read by title **Agenda Item, Old Business (1) — Public Hearing and Adoption: Ordinance 2009-07** AN ORDINANCE AMENDING CHAPTER 28, STREETS AND SIDEWALKS, OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974.

Councilwoman Trelstad moved to adopt Ordinance 2009-07; Councilman Wilkes seconded.

Christopher Budzinski, Borough Engineer, explained that the ordinance allows a contractor to restore a road opening permit two ways: (1) standard, and (2) new infrared technology (higher fees).

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, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman requested that audience members limit comments so that everyone can be heard.

Mayor Trotman read by title **Agenda Item, Old Business (2) — Public Hearing and Adoption: Ordinance 2009-08** AN ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF THE BOROUGH OF PRINCETON, STREETS AND SIDEWALKS, OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC (Garage/Permits).

Mr. Bruschi summarized the present actions:

1. Establish permit parking in Spring garage
2. Extend garage parking fees to Sunday 9 A.M. TO 9 P.M.
3. Extend meter enforcement
4. Begin Sunday meter rates.

Councilman Martindell moved to adopt Ordinance 2009-08; Councilwoman Trelstad seconded.

In reference to monthly parking permits for the garage, Councilman Goldfarb stated his intent to dissent because of promises made to the public (*prior to* downtown development of garage and plaza) that the Spring Street garage was for short-term parking—that there would always be

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parking places for consumers. He stated strong opposition to “wrong policies” even when they generate revenue.

Councilman Martindell noted that more-than-adequate spaces are available and should be sold if possible. He maintained that the original strategy—abundant parking—is still valid and still possible days.

Council President Koontz stated the “headline issue” of both parking ordinances: Extension of parking charges to Sunday. He disagreed with both ordinances as detrimental to all shoppers. He mentioned future need to restore police, health, and surplus to proper levels. Council President Koontz warned about unintended consequences; He stated his share of tax savings for reduced garbage pickup evaporated with the need for a larger can adding there will be consequences raising parking rates.

Councilman Martindell presented an analysis of parking/parking-related revenues versus property taxes since 1988—45% in 1988 declining to 33% in 2008—a critical imbalance. “Those who use should pay.”

Council President Koontz suggested adding Easter Sunday to the list of exempt (holiday) parking.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue.

Eve Niedergang, 15 Forester Drive, wondered how consumers can determine parking availability after permits have been issued. Mr. Bruschi responded that Borough monitors parking usage weekly. Fifty permits is a likely, conservative number to issue at the outset, Mr. Bruschi said. Ms. Niedergang also asked about the convenience fee for credit card use. Mr. Bruschi replied that an answer from the vender is several weeks in the future. Ms. Niedergang did not oppose either parking ordinance (garage/permits and meters).

Councilman Goldfarb interjected that no fee would be charged for purchase of a Smart Card.

Kathie Morolda, owner Cranbury Station gallery and President of Borough Merchants for Princeton, thanked Council for support for holiday events, permits and so forth over the years. She requested Council reject all proposed Sunday ordinances because of the “message” to shoppers; it *feels* like punishment

Peter Wolanin, 156 Spruce Street— noting that only central business district (CBD) will be affected by Sunday rates— strongly supported the ordinance. People who seek the extra convenience of parking downtown should be willing to pay for that convenience. Mr. Wolanin stated indifference to the permit issue.

Mary Ellen Marino, 9 Horner Lane, citing the history of tax increases, favored Sunday parking.

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Henry Landau of Landau's on Nassau pointed out that merchants pay exorbitant taxes. He said Sunday is his store's busiest day. Mr. Landau heartily opposed Sunday and evening parking charges.

Mr. Landau asked Borough Attorney to provide the statute or ordinance that allows for collecting for spaces on Nassau Street. Christopher Budzinski, Borough Engineer, responding for Ms. Cayci, promised to show Mr. Landau the pertinent traffic regulation ordinance posted on the New Jersey Department of Transportation (NJDOT) Website.

Doris Figueroa, owner Place to Bead, encourages her customers to visit on Sunday by offering classes and hosting birthday parties. She instructs her employees to park in the garage for 25 cents per hour on Sundays.

Josh Leinsdorf, Borough resident and former non-Borough resident (!), stated that free parking is a "draw" for nonresidents to visit—not because of the dollars but because of the relaxed sense of not worrying about parking tickets. He mentioned inappropriately large public works vehicles and school buses. He advised Council to cut expenses rather than raising revenues.

Eleanor Lewis, 108-110 Linden Lane, called garage permits a "no brainer." She said Borough absolutely must cut expenses. She criticized "studying things to death." Ms. Lewis favored permits, extended hours, and lowered expenses. She thought the police force was vastly disproportionate to local crime.

David Kastner, Hamilton Jewelers, shared merchant Hank Siegel's thoughts: Independent retailers contribute to the community, have individuality and flair, and embrace important local causes by posting event notices. He advised Council to embrace business and keep it.

Stanley Dohm, 102-108 Nassau Street, was against raising *any* fees that adversely affect retailers.

John Rasick, owner Merrick's (a mom and pop shop), said Borough Council is sending a message to the community that "we don't care about you." He stated the issue is passing on a cost that is not equitable.

Jonathan Adams, Borough resident, asked the calculated impact on businesses. Mr. Bruschi answered that staff's goal was to find least-impact options. He stated staff is unable to anticipate reactions and behaviors.

Council President Koontz also responded to Mr. Adams stating Council did not analyze any scenarios for CBD businesses with raising rates, extending hours, and including Sunday—the amount of increased revenue only factor considered.

Councilman Martindell clarified that Council is attacking shortfalls everywhere—staff reduction of 10%, departmental budget reductions of 5% (minimum). He asked

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residents and merchants to *tell* Council their ideas of how to meet needs. He reiterated the tiny part of town, the CBD, that will be touched by suggested changes—Chambers to Vandeventer/Robeson to Nassau with the Spring Street garage in the center providing worry free opportunities to park.

Mayor Trotman repeated the appeal to the public for suggestions.

Carlo Momo, Terra Momo Restaurant Group, noted flawed logic regarding equity. His group conducted a study and found that 40% of employees drive to work in CBD. Mr. Momo stated that government is in the business of service, as is he. The proposed increases send a message of inhospitality—“xenophobic” solution to budget woes. Imposing increases during construction period, as well as hard times, is a mistake.

Robert Landau, business owner, asked about parking fines. (Mr. Bruschi stated that those numbers are established by the municipal judge.) Mr. Landau warned against charging too much (\$56?) for overtime parking—stamp on the ticket “DON’T COME BACK.”

Evan Shor, 88 Patton Avenue, observed that his tax dollars seem to pay three to five police officers to drink Starbucks coffee. His property taxes increased 33% in less than two years and will now go up again. He has also observed workers in the Public Works garage and vehicles sitting idle. Mr. Shore was irate at the absurd waste of taxpayer money. Ten percent decrease in budgets is not enough.

Monica Walker, Forest Jewelers, read a statement from Mitch Forest opposing parking increases.

Diane Sadof, Wilton Street, stressed that property taxes are already too high.

Scott Ruddy, Original Soup Man, hoped Borough would emulate Red Bank, New Jersey, and offer free parking days. Mr. Ruddy promoted innovative thinking to avoid becoming a ghost town.

Harvey Spartman, pastor at Mt. Pisgah A.M.E. Church, sought a position in the middle of the controversy. He requested a modification for churches: Begin Sunday rates at 2 P.M.

Chuck Simone, Hulit’s, requested finding another way, such as employee furloughs. He emphasized the importance of Sunday shopping.

Barry Weisfeld, Princeton Record Exchange, repeated that merchants pay high taxes and increased medical coverage as employers. Sunday parking discriminates against stores and restaurants and might determine retailers’ ability to stay in business in Princeton.

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

Councilman Martindell brought up furloughs, noting three groups: Police union, Public Works union, and nonunion administrative employees. Union workers cannot be furloughed unless the Union agreed, and they do not. Borough can terminate union workers. Councilman Martindell suggested options for visiting diners:

1. Park in the Spring Street Garage
2. Park outside CBD
3. Buy the time.

Councilman Wilkes opined that demand for Spring Street Garage permits will come from office workforces. Councilman Goldfarb disagreed—constituents living downtown want 24-hour parking privileges.

Council President Koontz moved to amend Ordinance 2009-08 to establish Sunday parking rates in the garage from 2:00 to 9:00 P.M. Hearing no second, Mayor Trotman proclaimed the motion failed.

Mayor Trotman called the question. Borough Clerk called the roll. Council members Martindell, Trelstad, and Wilkes voted in the affirmative. Council members Koontz and Goldfarb voted nay. Mayor Trotman proclaimed the ordinance adopted three to two.

Mayor Trotman read by title **Agenda Item , Old Business (3) — Public Hearing and Adoption: Ordinance 2009-09 AN ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF THE BOROUGH OF PRINCETON, STREETS AND SIDEWALKS, OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC (Meters).**

Councilwoman Trelstad moved to adopt Ordinance 2009-09; Councilman Martindell seconded.

Mr. Bruschi explained that the ordinance extends meter operations to Sundays from 1:00 to 8:00 P.M., extends meter enforcement to 8:00 P.M. from 7:00 P.M., CBD only.

Council President Koontz moved to change the hours in question from 2:00 to 8:00 P.M. Hearing no second, Mayor Trotman proclaimed the motion failed.

Councilman Goldfarb conceded that enforcing Sunday parking will have a deleterious effect on CBD sales. He stated that the merchant community declined an offer by Borough for a business improvement district during the prosperity of the early 1990s. Councilman Goldfarb suggested retailers combine their efforts toward their specific concerns to improve the retail climate in the community; Borough Council is here to help with that effort.

Councilwoman Trelstad related a shopping circuit in which she noticed available parking spaces on normally very busy streets. As a result, and after listening to comments during the meeting, she now opposes the ordinance. Councilwoman Trelstad believes Council can look harder at, for example, public works to find savings equivalent to Sunday meter revenues.

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Councilman Wilkes mentioned Borough citizens' inclination to bring extraordinary vibrancy to downtown. Princeton Future has proposed "Princeton Partnership," an idea for a special district downtown for street cleanup, parades, and/or transportation matrix. Councilman Wilkes urged the merchant community to embrace such concepts.

Councilman Wilkes reminded that the Spring Street Garage was created to provide anxiety-free shopping and dining experiences. He explained that Councilwoman Trelstad found parking spaces on active streets because the garage is successfully hosting the long-term and all-day parkers.

Councilman Wilkes wondered if Smart Cards could be made available in stores (presently only in the garage itself and at Borough Hall) to reduce their customers' disquiet about meters and fines.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue.

Henry Landau stated that no one on Council works in CBD and understands its dynamics. (Seconds and thirds were called out from the audience.)

Mr. Wolanin commended Council for trying to cut costs by not purchasing police cars.

Councilwoman Trelstad stated that many creative ideas came from a recent Princeton Future session and urged merchants to attend when possible.

Raul Momo, Terra Momo, stressed that success for SID comes first from responsible management at the Borough. He passionately expressed his concern for "ruin" of downtown for workers, consumers, locals. He stated that Borough is building a *city* with *small-town* thinking. Mr. Momo implored Council members to vote against the Sunday ordinance.

Mr. Ruddy presented a profile of the downtown Sunday consumer—families with strollers and bundles. He personally offers "free" street parking by handing out quarters and replenishing expired meters. Mr. Ruddy has observed that traffic is markedly reduced from four years ago.

Jack Morrison, long-time downtown businessman/restaurant owner/developer, confirmed all the merchant comments made to Council. Anticipating his tax burden with the completion of Building C and anticipating Palmer Square's taxes on Hulfish North, Mr. Morrison suggested holding off parking changes until next year when new revenue streams become visible.

Travis Linderman, Borough Merchants of Princeton, asked about garage permits after occupation of Building C. Mr. Bruschi said 23 more permits are contracted and the proposed 50 is in addition. Mr. Linderman observed that library usage patterns will change with garage rates. He added that his father's church at Chambers and Nassau pays parishioner parking until 1:00 P.M. He said nonresident church members often spend the rest of the day in Princeton eating and shopping. He urged Council to notice the churches and who they bring to all CBD businesses.

Seeing no one further, Mayor Trotman 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 Goldfarb, Martindell, and Wilkes voted aye. Council members Koontz and Trelstad voted nay. Mayor Trotman proclaimed the ordinance adopted with a vote of three to two.

Mayor Trotman read **Agenda Item J, New Business (1) — Resolution 2009-R122** as follows:

**RESOLUTION 2009-R122  
OF THE MAYOR AND Council OF THE BOROUGH OF PRINCETON**

**WHEREAS**, by Resolution 2003-R54, Mayor and Council approved execution of the Redevelopment Agreement between the Borough of Princeton and Nassau HKT Urban Renewal Associates LLC, for the Park/Plaza redevelopment area in the Borough of Princeton which included certain lands described in the Redevelopment Agreement as the “Building C” area and which authorized a Ground Lease for the “Building C” area; ; and

**WHEREAS**, a ground lease was executed by and between the Borough and NHKT in September 2004 for the Building C area ( “ the Building C Ground Lease”); and

**WHEREAS**, the Borough has determined that it is appropriate to clarify the description of the leased area to reflect certain easements provided by the Borough to NHKT for construction and maintenance of underground footings;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are authorized to execute the attached Amendment to Ground Lease for Building C.

Council President Koontz moved to approve Resolution 2009-R122 and Councilwoman Trelstad seconded. Ms. Cayci stated that the resolution is a description of the ground lease covering footings already agreed to by Borough Engineer and NHKT.

Councilman Goldfarb observed that neighbors on Spring Street will soon be inconvenienced by a power cutoff for burying wires. Mr. Bruschi replied that this power cutoff is not related to underground work. He said Borough is working closely with PSE&G every day to expedite scenarios that are least inconvenient to residents while construction continues.

Mayor Trotman called the question and Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, New Business (2–9) — Resolutions 2009-R123, 2009-R124, 2009-R125, 2009-R126, 2009-R127, 2009-R128, and 2009-R129** as follows:

**RESOLUTION 2009-R123  
OF THE MAYOR AND Council OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A CONTRACT  
FOR PROFESSIONAL SERVICE TO GANNETT FLEMING  
FOR INSPECTION AND COMPLIANCE SERVICES FOR 2009**

**WHEREAS**, the Princeton Sewer Operating Committee (“PSOC”) has advised of the need for annual inspection and compliance services at the Princeton Sanitary Landfill; 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 as follows:

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with **Gannett Fleming, Inc.:**

1. The contract so authorized shall require Gannett Fleming, Inc. to provide services and other related duties, as follows:

- Professional engineering services for the annual inspection and compliance service for the Princeton Sanitary Landfill. Provider's services further described in the attached Exhibit A, dated February 19, 2009.

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.

2. The Borough shall pay the Provider the following compensation:

An amount not to exceed Six Thousand Dollars and Zero Cents (\$6,000.00).

3. 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.

4. 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.

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

6. 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-R124  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AMENDING A PROFESSIONAL SERVICES AGREEMENT  
FOR ENGINEERING SERVICES**

**WHEREAS**, the Borough of Princeton desires to amend an existing 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 an amended contract for professional engineering services with Carl E. Peters LLC, 63 Moran Avenue, Princeton NJ 08542 (hereinafter referred to as "Provider") to provide consultant services for the Borough from April 7, 2009 through December 31, 2009, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide continued professional engineering services and other related duties, for an additional amount of \$6300.00 and a total amended contract amount not to exceed \$20,000.00.

Under this Agreement, Provider shall at all times act as an independent professional contractor 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-R125  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE SERVICES AS  
PUBLIC HEALTH NURSE TO KATHRYN KORWIN, RN**

**WHEREAS**, the Borough desires to enter into a professional services agreement 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 a contract for the professional services with **Kathryn Korwin, RN** (hereinafter referred to as "Provider") to provide services from January 1, 2009 through December 31, 2009.

1. The contract so authorized shall require the Provider to provide services and other related duties, as described in the attached Exhibit A

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:  
At the hourly rate of Thirty Five Dollars (\$35.00) up to a maximum amount of Four Thousand (\$4,000.00) as itemized in monthly statements from the Provider. Payment is subject to the availability of funds and the approval and adoption of the 2009 Municipal Budget by the Mayor and Council of the Borough of Princeton. The Borough will not be obligated to pay any pension or fringe benefits to the Provider.

Rendition of Invoices: Payment of fees will be made upon the submission by 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.

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.

1. 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-R126  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE  
ARTS COUNCIL OF PRINCETON**

**WHEREAS**, The Arts Council Of Princeton a community organization wishes to increase public awareness of Commiversity Day in the Borough of Princeton held on Saturday, April 25th; and

**WHEREAS**, The Arts Council has requested permission to install a banner over Washington Road to announce this event 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 **April 20th through Monday April 27th, 2009**; 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.

**RESOLUTION 2009-R127  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE  
ROTARY CLUB OF PRINCETON**

**WHEREAS**, The Rotary Club Of Princeton a community organization wishes to increase public awareness of their Annual Pancake Breakfast in conjunction with Memorial Day in the Borough of Princeton on May 23rd; and

**WHEREAS**, The Rotary Club has requested permission to install a banner over Washington Road to announce this event 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 May 11 through Monday May 18, 2009; 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.

**RESOLUTION 2009-R128  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE  
PRINCETON FIRST AID AND RESCUE SQUAD**

**WHEREAS**, The Princeton First Aid and Rescue Squad wishes to increase public awareness of emergency medical and technical rescue services and to announce EMS WEEK, a national recognition of professional contributions to the community; and

**WHEREAS**, The Princeton First Aid and Rescue Squad has requested permission to install a banner over Washington Road to announce EMS Week 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, May 18 through Monday May 25, 2009; 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.

**RESOLUTION 2009-R129  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING APPLICATION  
TO THE UNITED STATES DEPARTMENT OF JUSTICE  
FOR A JUSTICE ASSISTANCE GRANT  
IN THE AMOUNT OF \$12,162**

**WHEREAS**, the United States Department of Justice has initiated a grant program providing funding for *Flashback Program* to prevent crime and aid in prosecution; and

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**WHEREAS**, the grant amount for which the Borough of Princeton is eligible is \$12,162.00 with the amount of match being zero cash and no in-kind services match; and

**WHEREAS**, it is in the best interests of the citizens of the Borough of Princeton that the Borough apply for additional funding for law enforcement purposes;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby endorses the submission of the grant application to the United States Department of Justice for a grant in the amount of \$12,162.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Princeton, in the County of Mercer, State of New Jersey be that the Borough Administrator and Borough Clerk hereby are authorized to execute such applications as are necessary for the aforesaid grant.

Council President Koontz moved to approve Resolutions 2009-R123, 2009-R124, 2009-R125, 2009-R126, 2009-R127, 2009-R128, and 2009-R129; Councilwoman Trelstad seconded; and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (9) — Resolution 2009-R130** as follows:

**RESOLUTION 2009-R130  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**WHEREAS**, a dispute has arisen between the Township of Princeton ( "Township") and the Borough of Princeton ( "Borough") concerning the Township's collection, waiver and retention of sewerage connection fees for the North Ridge Sanitary Sewer Trunk Line located in the north west area of the Township ( " the Dispute"); and

**WHEREAS**, the Borough and Township have agreed to submit said matter to non-binding arbitration in an attempt to resolve the Dispute; and

**WHEREAS**, the Borough and the Township have selected the Honorable Eugene D. Serpentelli ( Retired) of Benchmark Resolution Services LLC ( " the Arbitrator") to arbitrate the Dispute in accordance with terms set forth below; and

**WHEREAS**, the Borough and the Township will share equally all costs and fees for the Arbitrator; and

**WHEREAS**, the Mayor and Council wish to authorize same in an amount not to exceed \$7000.00 for the Borough share of arbitration fees; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available under Current Account Nos; and

**WHEREAS**, the contract to provide arbitration services 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; and

**WHEREAS**, A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute the attached Non-Binding Arbitration Agreement with the Arbitrator and the Township, subject to adoption of a reciprocal resolution by the Township Committee of Princeton Township.

Councilwoman Trelstad moved to approve Resolution 2009-R130 and Council President Koontz seconded. Ms. Cayci listed differences in language with Township's sister resolution. She said both bodies are approving the same agreement. Borough should amend its "not to exceed" figure to \$7,000 to match the Township resolution.

Mayor Trotman read **Agenda Item J, New Business (10) — Resolution 2009-R131** as follows:

**RESOLUTION 2009-131  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**WHEREAS**, the Borough of Princeton and the Township of Princeton hold title as joint tenants to real property designated as Lots 2, 3, 4 and 5 in Block 1503 and Lots 1 and 2 in Block 1504 on the Municipal Tax Map of the Township of Princeton, Mercer County, NJ and Lot 2.02 in Block 37002 on the Municipal Tax Map of the Township of Montgomery, Somerset County, and commonly referred to as the “PSOC Lands” ( the Property); and

**WHEREAS**, the Borough and the Township wish to develop a master plan for the Property as well as a preliminary design for consideration of a new public works facility to be located on the Property; and

**WHEREAS**, by Resolution dated October 6, 2008, the Township has awarded a professional services contract to USA Architects, Planners and Designers, PA, to provide such planning and design services in an amount not to exceed Sixty-Five Thousand Dollars (\$65,000), subject to adoption of a resolution by the Borough obligating the Borough to reimburse the Township for one-half (½) of said amount for the master plan and design services.

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

1. Upon delivery of the completed afore-mentioned master plan and preliminary design for a new public works facility by USA Architects, Planners and Designers, PA to the Borough, and invoice for same by the Township, the Chief Finance Officer shall be authorized to issue reimbursement to the Township, in an amount not to exceed Thirty Two Thousand Five Hundred Dollars ( \$32,500.00).

Councilwoman Trelstad moved to approve Resolution 2009-R131 and Councilman Wilkes seconded.

Councilwoman Trelstad stressed that Borough must ascertain its public works/school bus/rescue squad needs and consider consolidated facilities before deciding the fates of River Road property, Valley Road school property, both public works properties, and rescue squad property. Councilwoman Trelstad agreed to go forward with a prerequisite resolution for USA architectural planning but emphasized the need for a community-wide discussion.

Mr. Budzinski explained that the USA plan will examine options for: (1) joint facility, (2) separate facilities, (3) commingled facilities—three scenarios of building footprints as described in USA’s proposal.

Councilman Wilkes expressed concern about Public Works Department(s) situated on the periphery of merged lands:

1. Fuel expense from River Road to town center
2. Management and supervision of public works staff.

Councilman Goldfarb advised storing off-season heavy equipment outside of Borough boundaries.

Mayor Trotman called the question and Borough Council approved unanimously.

Returning to Resolution 2009-130, Council President Koontz called the question and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for April 7, 2009 — Resolution 2009-R132** as follows:

April 7, 2009

**RESOLUTION 2009-R132  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE APRIL 7, 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 a follows:

CURRENT ACCOUNT (9-01)	1,823,227.56
RESERVE ACCOUNT (8-01)	46,863.13
PARKING UTILITY OPERATING FUND (9-05)	16,235.98
PARKING UTILITY OPERATING FUND (8-05)	3,614.45
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	48,396.23
PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	2,487.01
TRUST FUND (T-13)	155.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	1,940,979.36
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of April 7 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R132, Councilwoman Trelstad seconded, and Council approved unanimously.

An audience member asked how citizens can work with officials on setting overtime parking fines. Councilman Goldfarb expanded on Mr. Bruschi's earlier comment: Yes, the judge sets penalty amounts but Council can override and make an independent decision. Mr. Bruschi will meet with Judge Goldman.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:15 P.M.

Respectfully submitted,

**Andrea Lea Quinty  
Borough Clerk**