

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 22, 2009
Regular Meeting
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad, 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 Police Lieutenant David Dudeck, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 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 September 22, 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 asked all present to rise for **Agenda Item C, Salute to the Flag.**

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

Presented for approval were the minutes of the open session of August 25, 2009.

Council President Koontz moved to approve the minutes of the open session of August 25, 2009, Councilman Goldfarb seconded, and Council approved unanimously.

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

Ted Hordinski, 81 Carter Road in Lawrence Township, observed that a large number of drivers in Princeton Borough use hand-held devices while behind the wheel. He mentioned the exponential risk compared to the risk presented by drunk drivers to themselves and others. He recommended proactive enforcement, which he has found to be effective.

Councilman Martindell requested an update on a proposal from staff for shared services (in particular, tax assessor and court) with Township. Robert Bruschi, Borough Administrator, said that a tangible strategy for court will be available soon. Mr. Bruschi spoke with Tax Assessor Neal Snyder who will present an implementation schedule, including comments, even sooner.

Councilwoman Trelstad thanked Borough Clerk Andrea Lea Quinty for plain English subtitles on agenda items.

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

Mayor Trotman read **Agenda Item F, Report (1) — Monthly Police Report — Police Lieutenant David Dudeck.**

**RESOLUTION 2009-R247
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Borough Police Administration have prepared a comprehensive report detailing the police activity for the month of July 2009; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Police Lieutenant David Dudeck and made various inquiries of Lt. Dudeck.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the July 2009 Monthly police report prepared by the Borough Police Administration.

Lt. Dudeck reported meetings with Princeton University regarding underage drinking. He stated that cell phone enforcement is in place in Princeton Borough. Council held a brief discussion with Lt. Dudeck about over-night parking.

Councilwoman Trelstad reported that Public Works Committee agenda will include “fair warning” notice for over-night parking.

Council noted that—while meter enforcement is lower with the close of Tulane lot, fewer meters throughout town, and higher fines—garage revenue has increased.

Councilman Wilkes moved to accept the police report, Councilwoman Trelstad seconded, and Council accepted unanimously five to zero.

Mayor Trotman read by title **Agenda Item G, Old Business (1) — Public Hearing and Adoption: Ordinance 2009-24, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,459,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,386,240 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF COST THEREOF** (*approves various authorized capital improvements including roads, public works equip, police equip, computers, engineering data storage*).

Council President Koontz moved to adopt Ordinance 2009-24; Councilman Wilkes seconded.

Mr. Bruschi offered a framework for Harrison Street Park (HSP). He mentioned extraordinary civil involvement, every step along the way including a Website, by the extended HSP neighborhood. The current plan meets the wants and needs of the neighbors. Mr. Bruschi said that staff strongly recommends Council approve the plan as presented and award the contract.

Councilman Martindell questioned exactly what the design includes. Council President Koontz likened rehabilitation of HSP to road improvements: Engineering planning, public comment, and Council participation all take place prior to contractor bidding. Council members discussed among themselves as to what they had approved earlier. Councilman Martindell adamantly objected that there was no data available to inform him what the funding will cover.

Council President Koontz countered that there *is* a detailed, specific plan (worked on for years) for HSP available to the public and Council. He said every element of the project—environmental assessment, park design contract, park design process—took place in public.

Council discussed timing for issuing a bond ordinance for HSP.

Councilwoman Trelstad stated that Public Works Committee (meeting date: September 10, 2009) had commended Borough Engineer's trimming of the HSP plans to a manageable project size. She further stated that she felt the process for review of this project had been flawed and hoped next time the process would be improved. Councilwoman Trelstad offered her personal expertise in plant knowledge; she questioned additional planting scheduled for spring 2010.

Councilman Wilkes embraced the extraordinarily discounted bid price. He expressed faith in the Engineering drawings and documents; he recommended proceeding this fall.

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

Martha Reinhart, 41 Harrison Street, brought up "the path." She said the neighbors have never wavered in requesting substance similar to the walkway at Borough Hall—*not* asphalt. Ms. Reinhart also stated she obtained—donated—from the renovation of Market Fair—eight English, solid teak, indoor/outdoor benches.

Steve Downs, 46 Princeton Avenue, thought the tree house was conceptually a good idea; the neighbors voted down Edgewater's particular version.

Clifford Zink, 54 Aiken Avenue, reported that the Market Fair benches (retail for \$984 before installation) exactly match Edgewater specifications. Mr. Zink reviewed the history of the path—all discussions were for soft, crushed stone surface. He mentioned everyone's desire to maintain the natural feeling of the park. Mr. Zink recommended Council reject asphalt in favor of decomposed granite for the path.

Mr. Zink raised the topic of perennials and requested a planting plan for the swale areas and borders. He was concerned about invasive species gaining a toehold in HSP.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Council President Koontz stressed the forward-looking plan of ongoing maintenance for all Borough parks. He worried that a soft path might not be suitable for bicycles and ADA requirements.

Hearing no further comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Councilman Martindell voted nay. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item H, New Business (7) — Resolution 2009-R252** as follows:

**RESOLUTION 2009-R252
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO JC LANDSCAPE CONSTRUCTION MANAGEMENT
FOR CAPITAL PROJECT #08-05**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 08-05, known as the Harrison Street Park Rehabilitation; and

WHEREAS, the Borough has solicited bid proposals for same and all bid proposals were publically opened on August 18, 2009; and

WHEREAS, the Borough received the following base bids:
Argus Construction & Equipment Co. in the amount of \$452,747.90
Down To Earth Landscaping Inc. in the amount of \$493,835.10
JC Landscape Construction Management in the amount of \$510,734.55
Land Tech Enterprises Inc. in the amount of \$522,258.00
Andy-Matt Inc in the amount of \$563,258.80
Integrated Construction & Utilities LLC in the amount of \$580,607.50
Flanagan's Contracting Group Inc. in the amount of \$628,236.95
Jonico Inc. in the amount of \$676,500.00
Green Construction. in the amount of \$841,451.60
DeSapio Construction Inc. in the amount of \$906,688.97; and

WHEREAS, after review of the bid documents, the Borough Attorney has determined that the apparent low bidder, Argus Construction & Equipment Co. failed to submit a NJ Business Registration and NJ Public Works Registration for their plumbing subcontractor and therefore their bid is unresponsive, and the second apparent low bidder, Down To Earth Landscaping Inc, failed to submit a NJ Public Works Registration for their plumbing subcontractor and therefore their bid is unresponsive, making the third lowest bidder, JC Landscape Construction & Management Co. the lowest responsible bidder, whose bid documents were reviewed and found to be satisfactory; and

WHEREAS, the bid documents contained a base bid amount, with various add alternates and deduct alternates, and it is the recommendation of the Borough Engineer that three of the deduct alternates and one of the add alternates be utilized to determine a final contract amount of \$485,514.30; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby recommends that the above referenced contract be awarded to JC Landscape Construction & Management Co, 8 Industrial Road, Pequannock, NJ 07440 for Capital project #08-05, in the amount of \$485,514.30 as set forth in the bid specifications.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Council President Koontz moved to approve Resolution 2009-R252 and Councilman Goldfarb seconded.

Christopher Budzinski, Borough Engineer, recommended contracting with JC Landscape for the HSP project with changes:

- Eliminate 30 of 50 boulders
- Eliminate 6 of 12 teak benches (now 14 with donation)
- Defer 3 log bridges
- Modify wood edging
- Revise total bid to \$485,514.30.

Mr. Budzinski said the asphalt for the path has a crushed aggregate that is rolled into the top of the path resulting in a natural-looking finish. The contractor will provide samples of both surfaces for public viewing before installation.

Councilman Goldfarb suggested canceling purchase of some of the benches, to be accomplished in a change order; path material to be determined after receipt of samples.

Council discussed the bridge and planting budgets.

Mayor Trotman called for a vote and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item H, New Business (1) — Introduction and Order to Publish: Ordinance 2009-29, AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLES III, IV AND V OF CHAPTER 14, FIRE OF THE CODE OF THE BOROUGH OF PRINCETON, NJ 1974.**

Councilman Goldfarb moved to introduce Ordinance 2009-29; Councilwoman Trelstad seconded.

Mr. Bruschi stated that the ordinance affects selection of chief and administrative leadership of the fire department. He requested a fast-track approval schedule.

Mark Freda, Director of Emergency Services, announced widespread distribution of notice of introduction of Ordinance 2009-29, with no stand against from the fire companies.

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.

Councilwoman Trelstad requested clarification of edits to the ordinance. Mr. Freda explained benefits for associate members and New Jersey State Fireman's Association requirements. He also explained the new chief selection process.

Hearing no further 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 introduced with a public hearing scheduled for October 13, 2009.

Mayor Trotman read by title **Agenda Item G, Old Business (2) — Public Hearing and Adoption: Ordinance 2009-25, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF PRINCETON, THE COUNTY OF**

MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$586,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$556,700 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF COST THEREOF (*approves various joint agency authorized capital improvements including senior center flooring, library security system, computers fire dept, park improvements*).

Councilwoman Trelstad moved to adopt Ordinance 2009-25; Council President Koontz seconded.

Mr. Bruschi confirmed that all items are joint agency work previously reviewed by joint finance committees and discussed by Council.

Councilman Martindell brought up installation of a swimming pool. Mr. Bruschi explained that the budget was designed to be flexible while continuing the planning process—whether it be repairs, reworking of parts and areas, engineering designs, total replacement. Mayor Trotman reminded that Recreation Department will address Council with ideas (including a swimming pool) on October 6, 2009. Mr. Bruschi stressed that nothing will be spent on a pool until both Borough and Township are comfortable with the *direction* of the project.

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 read by title **Agenda Item G, Old Business (3) — Public Hearing and Adoption: Ordinance 2009-26, ORDINANCE APPROPRIATING \$720,000 FROM THE SEWER ESCROW TRUST TO PROVIDE FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY.**

Councilman Goldfarb moved to adopt Ordinance 2009-26; Council President Koontz seconded.

Councilman Martindell proposed initiating a discussion with Township about sewer issues, which involve enormous amounts of money and a huge impact on the tax base. Councilman Goldfarb stated Township officials had no interest in such a session; Princeton Sewer Operating Committee Manager Robert A. Hough would be delighted to make a presentation to Council. Mr. Bruschi agreed to schedule Mr. Hough. Mayor Trotman volunteered to invite Township Committee to attend the sewer presentation.

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 read by title **Agenda Item G, Old Business (4) — Public Hearing and Adoption: Ordinance 2009-27, BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS FOR THE PARKING UTILITY IN AND BY THE BOROUGH OF PRINCETON, THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$226,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$226,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCE THE COST THEREOF** (*approves various authorized capital improvements including meter upgrade, video camera upgrade, system upgrades*).

Council President Koontz moved to adopt Ordinance 2009-27; Councilwoman Trelstad seconded.

Mr. Bruschi said the funds are for improved garage security, technologically upgraded meters, upgraded lighting, and so forth.

Councilman Martindell asked Finance Committee (or Public Works Committee?) to examine the entire garage operation—as a separate enterprise—for changes that could result in savings. Mr. Bruschi noted that the sooner the lighting is installed, the sooner three-year payback begins. Councilman Martindell wanted to investigate a system he had observed elsewhere in which no employees are required at night.

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 read by title **Agenda Item G, Old Business (5) — Public Hearing and Adoption: Ordinance 2009-28, AN ORDINANCE APPROVING THE TRAFFIC SIGNAL AT THE INTERSECTION OF WASHINGTON ROAD AND IVY LANE IN THE BOROUGH OF PRINCETON, MERCER COUNTY, NEW JERSEY.**

Councilman Goldfarb moved to adopt Ordinance 2009-28; Councilman Wilkes seconded.

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 read **Agenda Item G, Old Business (6) — Resolution 2009-R238** as follows:

**RESOLUTION 2009-R238
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$6,456.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Community Resources - Lead Investigation & Field Testing**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$6,456.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Community Resources – Lead Investigation & Field Testing**”

Council President Koontz moved to approve Resolution 2009-R238, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, Old Business (7) — Resolution 2009-R242** as follows:

**RESOLUTION 2009-R242
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO MAGIC TOUCH CONSTRUCTION
FOR PLUMBING SERVICES**

WHEREAS, the Borough of Princeton has determined the need for plumbing services in connection with various projects at various locations within the Borough of Princeton; and

WHEREAS, the Borough has solicited bid proposals for same; and

WHEREAS, all bid proposals were opened on Tuesday, August 11, 2009; and two bids were opened and read, and

WHEREAS, the bid results are summarized on the attached spreadsheet, and

WHEREAS, the bids were reviewed by the Borough Engineer and Borough Attorney, and found to be satisfactory, and

WHEREAS, it is therefore the recommendation of the Borough Engineer that the contract be awarded to Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735 as the lowest responsible bidder; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that a contract be awarded to Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735, from October 1, 2009 through December 31, 2010, for a lump sum contract not to exceed \$50,000, with plumber rates of \$75.00/hr straight time, \$112.50/hr overtime and plumber helper rates of \$42.00/hr straight time, \$63.00/hr overtime, with material markup of 10% and rental equipment markup of 10%, as set forth in the bid specifications.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Councilman Goldfarb moved to approve Resolution 2009-R242 and Councilwoman Trelstad seconded.

Councilman Wilkes observed that Mr. Budzinski had asked the bidders how they would handle emergency response time of one hour. Councilman Wilkes stated his disappointment that a local contractor could not be hired by Borough, but noted that Magic Touch’s price was remarkably low. He set aside his reluctance to contract someone unfamiliar with Borough and recommended approval.

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

Mayor Trotman read by title **Agenda Item H, New Business (2) — Introduction and Order to Publish: Ordinance 2009-30, AN ORDINANCE AMENDING CHAPTER 26, POLICE, OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974** (*meter bag rental rate*).

Councilwoman Trelstad moved to introduce Ordinance 2009-30; Councilman Goldfarb seconded.

Mr. Budzinski explained that the ordinance addresses two discrepancies in the earlier version.

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 introduced with a public hearing scheduled for October 13, 2009.

Mayor Trotman read **Agenda Item H, New Business (3 and 4) — Resolution 2009-R248 and 2009-249** as follows:

**RESOLUTION 2009-R248
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON APPROVING A
PROFESSIONAL SERVICES AGREEMENT WITH
McDONOUGH & REA ASSOCIATES TO SERVE AS A
SPECIAL TRAFFIC CONSULTANT**

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 McDonough & Rea Associates Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from September 22, 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 special 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, 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 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 September 4, 2009 (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-R249
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO ARMANDOS CONSTRUCTION INC.
FOR CAPITAL PROJECT #09-03**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 09-03, known as the 2009 Sidewalk Repair Program; and

WHEREAS, the Borough has solicited bid proposals for same and all bid proposals were publically opened on September 15, 2009; and

WHEREAS, the Borough received the following bids:
Progressive Construction Inc. in the amount of \$27,844.30
Armandos Construction Inc. in the amount of \$28,964.10
Diamond Construction in the amount of \$29,807.80
Ripi Concrete LLC. in the amount of \$38,049.00
Jogi Construction Inc. in the amount of \$51,513.00; and

WHEREAS, after review of the bid documents, the Borough Attorney has determined that the apparent low bidder, Progressive Construction Inc., failed to submit a NJ Business Registration and therefore their bid is unresponsive, making the second lowest bidder, Armandos Construction Inc. the lowest responsible bidder, whose bid documents were reviewed and found to be satisfactory; and

WHEREAS, the Borough Engineer recommends award of the contract to Armandos Construction Inc. in the amount of \$28,964.10; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby recommends that the above referenced contract be awarded to Armandos Construction Inc., 311 Dickinson Street, Ewing NJ, 08638 for Capital project #09-03, in the amount of \$28,964.10 as set forth in the bid specifications.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Council President Koontz moved to approve Resolutions 2009-R248 and 2009-249, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (5) — Resolution 2009-R250** as follows:

**RESOLUTION 2009-R250
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO WPCS INTERNATIONAL INC.
FOR ELECTRICAL SERVICES**

WHEREAS, the Borough of Princeton has determined the need for electrical services in connection with various projects at various locations within the Borough of Princeton; and

WHEREAS, the Borough has solicited bid proposals for same; and

WHEREAS, all bid proposals were opened on Tuesday, August 11, 2009; and four bids were opened and read, and

WHEREAS, the bid results are summarized on the attached spreadsheet, and

WHEREAS, the bids were reviewed by the Borough Engineer and Borough Attorney, and the apparent low bid from Tom Wells Electrical Contracting Inc. was rejected for failure to provide a Consent of Surety, and

WHEREAS, it is therefore the recommendation of the Borough Engineer that the contract be awarded to the second bidder, WPCS International Inc., 65 Patterson Avenue, Trenton NJ, 08610 as the lowest responsible bidder; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that a contract be awarded to WPCS International Inc., 65 Patterson Avenue, Trenton NJ, 08610, from October 1, 2009 through December 31, 2010, for a lump sum contract not to exceed \$75,000, with electrician rates of \$100.00/hr straight time, \$145.00/hr overtime and electrician helper rates of \$50.00/hr straight time, \$75.00/hr overtime, with material markup of 10% and rental equipment markup of 5%, as set forth in the bid specifications.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Councilwoman Trelstad moved to approve Resolution 2009-R250 and Councilman Goldfarb seconded.

Councilman Wilkes asked Mr. Budzinski if WPCS is licensed in New Jersey; Mr. Budzinski replied yes. Mr. Budzinski said the low bidder, a local electrician, was disqualified for failing to submit properly. Councilman Wilkes emphasized the disservice to Borough contractors *and* Borough itself. He hoped staff could assist local contractors, within the limits of the law, with future bid procedures. Karen Cayci, Borough Attorney, informed Council of criteria for circumventing contract bid laws.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (6) — Resolution 2009-R251** as follows:

**RESOLUTION 2009-R251
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR CONSTRUCTION ADMINISTRATION SERVICES
FOR HARRISON STREET PARK REHABILITATION**

WHEREAS, the Borough wishes to enter into an agreement with Edgewater Design LLC, (the "Provider") 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, 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 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, specifically for construction administration services related to Capital Project #08-05, Harrison Street Park Rehabilitation, as outlined in the Provider's proposal of August 19, 2009 (copy attached), for a total fee not to exceed \$17,700.00.

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.

Council President Koontz moved to approve Resolution 2009-R251, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (8-12) — Resolutions 2009-R253, 2009-R254, 2009-R255, 2009-R256, and 2009-R257** as follows:

**RESOLUTION 2009-R253
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT
OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES
TO VAN CLEEF ENGINEERING ASSOCIATES
FOR INSPECTION OF SANITARY SEWER REHABILITATION PROJECTS**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Van Cleef Engineering Associates, to provide additional engineering services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

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

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

The Mayor and Clerk are hereby authorized to enter into an addendum to a contract for professional services with Van Cleef Engineering Associates (hereinafter referred to as "Provider") said contract being dated February 3, 2009.

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

With respect to the to Municipal Sanitary Sewer Rehabilitation Projects, Provider will provide inspection of such construction projects administered directly by the Princeton Sewer Operating Committee or by Princeton Borough or Princeton Township as part of a roadway reconstruction project.

2. The Borough shall pay the Provider the following additional compensation: An amount not to exceed \$50,000.00.

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

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

**RESOLUTION 2009-R254
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE TOWNSHIP OF PRINCETON REGARDING CROSSING GUARDS**

WHEREAS, the Township currently employs a crossing guard to direct vehicular and pedestrian traffic during school days at the intersection of Walnut Lane and Franklin Avenue Township; and

WHEREAS, the Township has proposed that it provide, at its expense, a second crossing guard, to be located in an area adjacent to the intersection of Walnut Lane and Franklin Avenue (within the Borough) to provide additional assistance with respect to direction of vehicular and pedestrian traffic control during school days between the hours of 8:00 AM to 8:30 AM and 2:55 PM and 3:25 PM; and

WHEREAS, in order to facilitate increased traffic control at the intersection of Walnut Lane and Franklin Avenue, the Borough and the Township believe that it is necessary and appropriate to enter into a shared services agreement, as provided by *N.J.S.A. 40A:65-1 et seq.*

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

The Mayor and Clerk are authorized to execute the attached shared services agreement with the Township of Princeton with respect to crossing guards.

BE IT FURTHER RESOLVED, that the foregoing is subject to the adoption by the Township of Princeton of a reciprocal resolution.

**RESOLUTION 2009-R255
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>
27.02	77		Borough of Princeton & Princeton Township	65 Witherspoon St.	\$2,962.80

Due to sewer adjustment

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.

**RESOLUTION 2009-R256
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE CANCELLATION OF OUSTANDING CHECKS IN VARIOUS BANK
ACCOUNTS**

WHEREAS, the Borough has outstanding checks in various bank accounts; and

WHEREAS, the Borough's Chief Financial Officer and Borough Auditor have reviewed said outstanding checks; and

WHEREAS, it is the recommendation of the Borough Chief Financial Officer and Borough Auditor to cancel the attached outstanding checks;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorize the Borough Chief Financial Officer to cancel the attached outstanding checks and move the funds to the Borough's Fund Balance.

Borough of Princeton Outstanding Checks

Current Fund – Bank of America – Account #0000-0100-5354

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
18170	03/23/04	\$ 257.00
18495	05/25/04	28.19
19395	10/26/04	40.74
19801	12/28/04	55.00
21413	09/13/05	1,130.00
22640	04/11/06	97.14
22909	05/23/06	86.79
23329	08/08/06	490.00
23349	08/08/06	75.00
23706	10/24/06	264.95
24507	03/06/07	881.32
25168	07/02/07	34.78
25215	07/17/07	568.67
25774	10/23/07	35.00
25780	10/23/07	90.00
26797	04/08/08	<u>185.64</u>
		<u>\$4,320.22</u>

Current Fund – The Bank of Princeton – Account #1000007177

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
28058	05/13/08	\$1,440.00
28466	07/22/08	1,200.00
28767	09/08/08	52.50
29038	10/28/08	<u>50.00</u>
		<u>\$2,742.50</u>

Grant Fund – Bank of America – Account #0000-3150-0560

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
6152	04/08/08	<u>\$ 1.86</u>

Municipal Court General Account – Bank of America – Account #0042-0101-2434

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
2955	05/24/04	\$ 5.00

Municipal Court General Account (continued)

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
3435	01/03/06	\$ 31.00
3437	01/03/06	1.00
3442	01/03/06	2.00
3444	01/03/06	1.00
3447	01/03/06	1.00
3467	02/16/06	7.00
3471	02/16/06	14.00
3473	02/16/06	1.00
3474	02/16/06	2.00
3477	02/16/06	1.00
3495	03/16/06	5.00
3496	03/16/06	1.00
3504	03/16/06	12.00
3516	04/06/06	11.00

September 22, 2009

3518	04/06/06	1.00
3527	04/27/06	250.00
3528	05/02/06	83.00
3529	05/05/06	6.00
3530	05/05/06	1.00
3569	07/07/06	2.00
3571	07/07/06	1.00
3579	07/07/06	1.00
3594	07/07/06	21.00
3599	07/14/06	2.00
3600	07/14/06	5.00
3607	07/14/06	2.00
3619	08/10/06	1.00
3624	08/10/06	3.00
3632	08/10/06	10.00
3654	09/29/06	1.00
3657	09/29/06	2.00
3658	09/29/06	10.00
3667	10/06/06	7.00
3674	10/06/06	150.00
3683	11/02/06	1.00
3688	11/02/06	40.00
3692	11/02/06	4.00
3707	12/07/06	1.00
3709	12/07/06	31.00
3712	12/07/06	1.00
3713	12/07/06	3.00
3716	12/07/06	1.00
3720	12/07/06	1.00

Municipal Court General Account (continued)

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
3745	01/12/07	\$ 1.00
3749	01/12/07	.50
3751	01/12/07	110.00
3767	02/14/07	5.00
3781	03/08/07	5.00
3782	03/08/07	5.00
3784	03/08/07	1.00
3796	04/04/07	1.00
3811	05/11/07	1.00
3820	05/11/07	1.00
3838	05/17/07	1.00
3857	07/05/07	1.00
3862	07/05/07	31.00
3864	07/05/07	1.00
3865	07/05/07	1.00
3866	07/05/07	1.00
3868	07/05/07	1.00
3872	07/05/07	1.00
3880	07/05/07	2.00
3881	07/05/07	1.00
3905	08/14/07	12.00
3909	08/14/07	5.00
3912	08/16/07	1.00
3933	09/14/07	10.00
3934	09/14/07	5.00
3945	10/03/07	1.00
3950	10/03/07	1.00
3969	11/01/07	10.00
3973	11/01/07	2.00
3974	11/01/07	30.00

September 22, 2009

3982	11/02/07	4.00
4004	12/12/07	10.00
4014	12/12/07	1.00
4021	12/12/07	2.00
4040	03/05/08	1.00
4046	03/05/08	7.00
4047	03/05/08	21.00
4048	03/05/08	1.00
4051	03/05/08	1.00
4052	03/05/08	21.00
4056	03/06/08	.75
4069	04/01/08	1.00
4076	05/13/08	<u>3.00</u>
		<u>\$1,059.25</u>

Municipal Court Bail Account – Bank of America – Account #0000-0111-3414

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
5374	03/02/06	\$1,000.00
5628	10/17/06	1,009.00
5638	11/01/06	61.00
5709	2007	150.00
5872	2007	11.00
5907	2007	41.00
5934	2007	18.00
5935	2007	18.00
5936	2007	18.00
5944	2007	30.00
5991	2007	500.00
6064	01/24/08	18.00
6066	01/24/08	<u>18.00</u>
		<u>\$2,892.00</u>

Parking Utility Operating Account – Bank of America – Account #0094-1983-5454

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
2036	11/07/07	\$ 50.68
2110	02/12/08	<u>64.30</u>
		\$ 114.98

Payroll Account – PNC Bank – Account #80-0277-2537

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
21395	2003	\$ 99.14
21077	2003	54.11
21911	2003	54.13
23295	2003	126.15
23371	2003	779.80
23400	2003	814.11
23563	2003	762.88
24062	2003	11.49
24532	2003	824.74
38949	2003	147.51
38076	2003	34.46
40171	2004	7.37
40379	2004	41.37

Payroll Account (continued)

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
40443	2004	\$ 105.18

40475	2004	66.58
40507	2004	94.64
40544	2004	93.10
40608	2004	53.04
40841	2004	66.53
3169	N/A	181.24
3578	N/A	24.98
5302	N/A	30.95
6187	N/A	343.59
6971	N/A	170.17
7280	N/A	124.92
7296	N/A	126.15
		<u>\$5,238.33</u>

**RESOLUTION 2009-R257
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$18,514.92 is now available as a miscellaneous revenue anticipated from **“State of New Jersey – Drunk Driving Enforcement Fund”** and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$18,514.92 be and the same is hereby appropriated under the caption of **“State of New Jersey – Drunk Driving Enforcement Fund”**

Council President Koontz moved to approve Resolutions 2009-R253, 2009-R254, 2009-R255, 2009-R256, and 2009-R257; Councilman Goldfarb seconded.

Ms. Cayci explained that Township pays all crossing guards; this requires an interlocal agreement.

Borough Council approved unanimously with a vote of five to zero. Councilman Martindell abstained on Resolution 2009-254, leaving approval at four to one.

Mayor Trotman read **Agenda Item J, Bill List for September 22, 2009 — Resolution 2009-R258** as follows:

**RESOLUTION 2009-R258
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE SEPTEMBER 22,, 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:

September 22, 2009

CURRENT ACCOUNT (9-01)	136,184.57
CURRENT ACCOUNT (8-01)	74,051.00
RESERVE ACCOUNT (8-01)	
PARKING UTILITY OPERATING FUND (9-05)	7,481.27
PARKING UTILITY OPERATING FUND (8-05)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	285,297.54
PARKING UTILITY CAPITAL FUND (P-06)	1,451.48
ESCROW (E-30)	1,087.50
TRUST FUND (T-13)	19,300.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	328,846.24
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	1,500.00

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of SEPTEMBER 22, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R258, Councilman Goldfarb seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:05 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk