

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
October 6, 2009
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:00 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, Assistant Recreation Department Director Ted Ernst, Recreation Department Director John Roberts, Recreation Board Member Joanne Rogers, 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 October 6, 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-R259**, as follows:

**RESOLUTION 2009-R259
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON OCTOBER 6, 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 — NHKT
2. Negotiations — Princeton Township

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.

October 6, 2009

Councilwoman Trelstad moved to approve; Council President Koontz seconded. Council members Koontz, Trelstad, and Wilkes voted in the affirmative. Council members Goldfarb and Martindell voted nay, objecting to discussion of Human Services in closed session. Mayor Trotman proclaimed the resolution approved three to two.

Borough Council recessed into closed session.

At 7:35 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 open session of September 8, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of September 8, 2009, Councilman Goldfarb seconded, and Council approved four to one with Councilman Martindell abstaining.

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

There were no public presentations.

Mayor Trotman read **Agenda Item G, Discussion (1) — Community Pool/Princeton Recreation Department** — *Jack Roberts, Director; Ted Ernst Assistant Director; Joanne Rogers, Recreation Board.*

Mr. Roberts presented handouts and an overview of the existing pool. He said that, at its 40th birthday, Water Technology Inc. from Wisconsin conducted a complete audit and inspection, which resulted in a list of noncompliant items. A consultant developed a concept plan based on new technologies, public input, and a timeframe for renovation/replacement,

The public informed Mr. Roberts during three public input meetings that they want the pool complex changed very little. The public liked the environmental and aesthetic components of the existing pool. “It’s a park that happens to have a pool in it.” Mr. Roberts acknowledged that staff may recognize needs (safety, health) that are not apparent to the public.

Mr. Roberts mentioned some specific ideas:

- Wading pool — beach entry, portable shade structures, discrete filter
- Main pool — family swimming bay, lap lanes
- Diving well — larger, sports zone.

With an eye toward the pool as a *de facto* teen center, Mr. Roberts recommended assigning part of the building near the concession stand for the adolescents. Mr. Roberts said extending the

building to the parking curb maximizes indoor efficiency and sustainability efforts. Some requests from the public include family changing rooms. A second floor will contain pool manager's office, first aid, storage, and so forth. Mr. Roberts proposed an amphitheater structure for watching meets.

Councilman Goldfarb asked for a rough cost of the project as outlined. Mr. Roberts estimated about \$6 million (down from \$7.5 million in the original design) to reconstruct. He said the \$600,000 already allotted for the next chapter will yield some very specific numbers. Mr. Roberts noted input from Councilman Wilkes that a new pool must be phased in over 1½ to 2 years in order to maximize good summer pool time. Mr. Roberts suggested constructing the wading pool separately (self-contained), hoping to bring large numbers of families in.

Councilman Martindell requested a budget and a plan so Council can consider projections and taxpayer burden. Mr. Roberts promised Request for Proposal for the next phase. Councilman Wilkes clarified that, before construction documents are sought, Recreation and Council must stay in this "conversation loop."

Mayor Trotman asked if anyone in the audience wished to address Council on this topic. Seeing no one, she closed the public portion.

Mayor Trotman read **Agenda Item H, New Business (1) — Resolution 2009-R260** as follows:

**RESOLUTION 2009-R260
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
STEVEN S COHEN ARCHITECT PC**

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 with **Steven S. Cohen Architect PC, 63 Moran Avenue, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **October 6, 2009 through December 31, 2009**, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide Architectural Services for Suzanne Patterson Center Renovations (attached Exhibit A), for a total contract amount not to exceed **\$10,000.00**.

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.

Council President Koontz moved to approve Resolution 2009-R260, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (2) — Resolution 2009-R261** as follows:

**RESOLUTION 2009-R261
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
HMR ARCHITECTS**

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 with **HMR Architects, 821 Alexander Road, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **October 6, 2009 through December 31, 2009**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide Professional Architectural Services For Borough Hall Council Room other related duties as cited in the proposed contract (attached Exhibit A), for a total contract amount not to exceed **\$11,000.00**.

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.

Councilwoman Trelstad moved to approve Resolution 2009-R261 and Councilman Wilkes seconded. Councilman Martindell asked for a list of renovations to the Council chamber. Council President Koontz moved to defer Resolution 2009-261, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (3) — Resolution 2009-R262** as follows:

**RESOLUTION 2009-R262
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
ENERGY SOLVE DEMAND RESPONSE LLC**

WHEREAS, the Borough wishes to enter into an agreement with Energy Solve Demand Response 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 professional engineering services related to Spring Street Garage Relamping, as outlined in the Provider's proposal of August 20, 2009 (copy attached), for a total fee not to exceed \$38,390.00 for the period October 6, 2009 through December 31, 2009.

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.

Councilwoman Trelstad moved to approve Resolution 2009-R262 and Councilman Wilkes seconded. Councilman Martindell mentioned again the need to examine the Spring garage as a stand-alone business. Council discussed savings on street lights.

Hearing nothing further, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed.

Mayor Trotman read **Agenda Item H, New Business (4) — Resolution 2009-R263** as follows:

**RESOLUTION 2009-R263
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A MANAGEMENT AGREEMENT WITH PCH DEVELOPMENT CORPORATION
FOR CERTAIN AFFORDABLE HOUSING UNITS**

WHEREAS, the Borough wishes to enter into an agreement with Manager for professional services in connection with the leasing and management of five affordable housing units owned by the Borough located at 100 A, B, C, D and E Leigh Avenue; and

WHEREAS, pursuant to N.J.S.A. 45:15-3, the leasing is to be handled by an individual or entity licensed as a broker in the State of New Jersey; and

WHEREAS, the Manager has extensive experience in the management of affordable housing units; and

WHEREAS, Manager has advised the Borough that it can provide the services of **N.T. Callaway Realtors, LLC** (“**Callaway**”), a licensed real estate broker in the State of New Jersey, that also has extensive experience leasing affordable housing units, to handle the leasing of the units, through a contractual arrangement between the Manager and Callaway; 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 PCH Development Corporation (hereinafter referred to as "Provider") to lease and manage five affordable housing units owned by the Borough of Princeton and known as A, B, C, D and E Leigh Avenue for the period) October 6, 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:

- Oversee collection of rents.
- Mediate tenant conflicts &/or complaints.
- Make an annual inspection of all dwelling units and report finding to Borough, with recommendations as to the action required to correct any maintenance problems.
- Prepare and file all forms, reports and returns as required by local, state and federal laws.
- Conduct move-out inspections prior to the release of any security deposits and charge(s) appropriately for any damage beyond normal wear and tear.
- Maintain a comprehensive system of records including, but not limited to, a general ledger, cash receipt book, monthly rent roll, cash disbursement book, security book, bank reconciliations, contracts, invoices, tenant files (including current leases) and any other records, files or books required to discharge the management duties in a manner acceptable to Borough
- Submit present evidence of current business liability insurance, errors and omissions insurance, directors and officers insurance.

The Borough shall further pay the Manager the sum of \$200.00 as full and complete compensation to Callaway for the leasing commission for each unit as leases are executed for each unit. Callaway shall have exclusive right to rent the property and shall show the property to income-qualified candidates as identified by the Borough's administrative agent, Somerset County Coalition on Affordable Housing, in order to expedite a lease. Any subsequent leasing of units by Callaway which may be necessary during the term of this agreement shall be compensated at a commission fee of \$200 per unit upon signing of lease.

The Manager shall also provide the following service:

- Oversee maintenance of the buildings, and grounds of the units in accordance with standards approved by the Borough, including but not limited to exterior cleaning and painting, landscaping, pavement areas and such other normal maintenance and preventive maintenance and repair work as may be necessary through the use of outside service providers such as maintenance repair, landscaping, and snow removal. Prior to initiating maintenance work, the Manager shall provide the Borough with three competitive quotes from which the Borough shall select the most competitive quote. The cost for services from such outside service providers shall be paid to the Manager by the Borough in the amount and rate specified in the service provider's quote and shall be in addition to the Manager's fee and leasing commission specified herein.
- In the event of the need for an emergency repair which arises during the evening or weekends, the Manager is authorized to undertake such repair at the Borough's expense, provided notice is provided to the Borough by the Manager no later than 48 hours following the necessary repair.

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 terms set forth in the contract in an amount not to exceed One Thousand Seven Hundred and Fifty Dollars (\$1,750.00).

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.

Councilman Goldfarb moved to approve Resolution 2009-R263 and Councilwoman Trelstad seconded. Council debated the value of a local manager. Councilman Martindell questioned the term and cost. Christopher Budzinski, Borough Engineer, explained that the Agreement will be presented to Council again January 2010. Mr. Budzinski broke down the fee. Karen Cayci, Borough Attorney, stated that Borough would handle evictions (if necessary) more cost effectively.

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

Mayor Trotman read **Agenda Item H, New Business (5) — Resolution 2009-R264** as follows:

**RESOLUTION 2009-R264
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
ESTABLISHING BUS STOP ON NJ ROUTE 27 (NASSAU STREET)**

WHEREAS, the Borough of Princeton has received a proposal to consider certain prohibitions along State Highway Route 27 (Nassau Street), and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton, County of Mercer, in accordance with the provisions of s.78, c.23, L. 1951 (c. 39:4-138.1), affirm that certain parts of State Highway Route 27 described below, shall be and are hereby designated and established as no parking zones where parking is prohibited at all times, and hereby request the installation of appropriate signs at the following established bus stops, and the Commissioner of Transportation be requested to adopt a regulation to effect the following:

Added Bus Stop:

1. Along State Highway Route 27 (Nassau Street) northbound on the southerly side thereof at:

a) Evelyn Place –far side: Beginning at the prolongation of the northerly curblineline of Evelyn Place and extending 100 feet northerly therefrom.

BE IT FURTHER RESOLVED that this resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

Council President Koontz moved to approve Resolution 2009-R264 and Councilwoman Trelstad seconded. Mr. Budzinski reported that nomenclature in the description was incorrect (easterly-westerly should be northerly-southerly). Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (6) — Resolution 2009-R265** as follows:

**RESOLUTION 2009-R265
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A LEASE AGREEMENT WITH PRINCETON UNIVERSITY IN CONNECTION
WITH PARKING METERS ON CHARLTON STREET**

WHEREAS, Princeton University has indicated its willingness to lease to the Borough that certain area of land located on Charlton Street for the purpose of installation by the Borough of seven (7) parking spaces (6 standard, 1 handicap accessible) with parking meters for a ten year period; and

WHEREAS, the consideration for such lease would be the payment by the Borough to the University of 25% of the gross receipts from the parking meters; and

WHEREAS, pursuant to *N.J.S.A. 40:60-25.2*, the Borough is authorized to lease lands to provide parking to the public; and

WHEREAS, the Borough Engineer has recommended to the Mayor and Council that the lease arrangement be approved by the Borough;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to enter into the attached lease agreement with Princeton University for that certain area of land situated being on Charlton Street, Borough of Princeton, Mercer County, New Jersey, being a portion of Block 46.01, Lot 1 in the Borough of Princeton (“ the Lease Premises”) and as described on the map entitled “ Parking Meters on Charlton Street”, dated August 24, 2009, which map is made a part of the lease agreement. The Lease is for a period of ten years (10) beginning on October 6, 2009 and continuing hereafter until September 31, 2019 unless soon terminated by either party with six months written notice. Commencing on October 6, 2009, the annual rental under this Lease shall be twenty five percent (25%) of the annual gross receipts from the parking meters located on the Lease Premises.

Councilwoman Trelstad moved to approve Resolution 2009-R265, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (7) — Resolution 2009-R266** as follows:

**RESOLUTION 2009-R266
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
DESIGNATING THE DEPOSITORIES FOR THE BOROUGH OF PRINCETON FOR THE YEAR
2009**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the following depositories will be utilized for the year 2009 by the Borough of Princeton for all monies of the Borough of Princeton coming into the hand of the Chief Financial Officer:

1. Bank of America
2. Wachovia Bank
3. Sovereign Bank
4. PNC Bank of New Jersey
5. New Jersey Cash Management Fund
6. Chase Bank
7. Commerce Bank
8. Bank of Princeton
9. Hopewell Valley Community Bank

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Clerk.

21-6001029
ID #

October 6, 2009

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
LOCAL FINANCE BOARD
APPLICATION CERTIFICATION

APPLICANT'S NAME: BOROUGH OF PRINCETON, NEW JERSEY

I, MILDRED T. TROTMAN, MAYOR OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY DO HEREBY DECLARE:

That the documents submitted herewith and the statements contained herein are true to the best of my knowledge and belief; and

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Borough on October 6, 2009; and

That the governing body of the Borough has notified each participating local unit of its submission of this application to the Local Finance Board and has made available to each, a true copy of this application.

Mildred T. Trotman, Mayor

ATTEST:

Andrea L. Quinty, Clerk
Date: October 6, 2009

Council President Koontz moved to approve Resolution 2009-R266, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (8) — Resolution 2009-R267** as follows:

**RESOLUTION 2009-R267
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, the Borough of Princeton desires to make application to the Local Finance Board to seek re-approval of the issuance of refunding bonds to refund the outstanding 2003 Parking Utility Bonds; and

WHEREAS, the Local Finance Board previously on November 7, 2007 approved this refunding, but the Borough was unable to issue the refunding bonds at the required 3% present value savings because of changes in the bond market; and

WHEREAS, the Borough believes it will benefit from the services of Phoenix Advisors, LLC to negotiate the terms of the refunding; and

WHEREAS, the Borough has now determined it may be able to realize such savings in the current bond market and therefore desires that the Local Finance Board extend its prior approval to enable the Borough to issue such bonds;

WHEREAS, the Borough of Princeton believes that:

- (a) it is in the public interest to accomplish such purpose;

- (b) said purpose is for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the resolution and any other appropriate actions with the Local Finance Board as part of such application.

Section 3. Phoenix Advisors, LLC is hereby retained to assist the Borough in negotiating the terms of the underwriting for the refunding.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its approvals as provided by the applicable New Jersey Statute.

Councilman Goldfarb moved to approve Resolution 2009-R267 and Councilman Wilkes seconded. Councilman Goldfarb reported that Finance Committee recommended taking this action. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (9) — Resolution 2009-R268** as follows:

**RESOLUTION 2009-R268
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH PHOENIX ADVISORS, LLC**

WHEREAS, the Borough has determined the need for financial advisory services in connection with the issuance of certain refunding bonds and in connection with related debt issuance financial management; 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 Phoenix Advisors, LLC , 33 Third Avenue, Bordentown, NJ 08505 (hereinafter referred to as "Provider") to provide financial advisory services to the Borough in connection with the issuance of certain refunding bonds and in connection with related debt issuance financial management for the period October 6, 2009 through June 30, 2010, subject to available funding, as hereafter more particularly stated.

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

Financial advisory services in connection with the issuance of bonds to refund the Borough's General Obligation Bonds, Series 2003 consisting of General Improvement Bonds, Series A; General Improvement Bonds, Series B and Parking Utility Bonds (the "Refunding Bonds") and in connection with related debt issuance financial management, as more particularly described in the Provider's Exhibit A attached hereto.

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 a flat fee of Nine Thousand Five Hundred Dollars (\$9,500) which payment is contingent upon the closing of the Refunding Bonds. There shall be no additional charge for out of pocket expenses.

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.

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.

Councilman Goldfarb moved to approve Resolution 2009-R268, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (10 and 11) — Resolutions 2009-R269 and 2009-270** as follows:

**RESOLUTION 2009-R269
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 \$88,344.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Department of Health and Senior Services – Influenza A – H1N1 Virus**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$88,344.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Department of Health and Senior Services – Influenza A – H1N1 Virus**”

**RESOLUTION 2009-R270
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 \$3,346.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Public Health Priority Funding**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$3,346.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Public Health Priority Funding**”

Councilwoman Trelstad moved to approve Resolutions 2009-R269 and 2009-270, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (12) — Resolution 2009-R271** as follows:

**RESOLUTION 2009-R271
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 \$3,000.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – State Forestry Services – Green Communities**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$3,000.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – State Forestry Services – Green Communities**”

Councilman Wilkes moved to approve Resolution 2009-R271, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (13) — Resolution 2009-R272** as follows:

**RESOLUTION 2009-R272
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough previously entered into a professional services agreement in connection with certain activities 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 amendment to a contract for professional services with Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy (hereinafter referred to as "Provider") to provide Special Legal Counsel from March 1, 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 special counsel to the Borough of Princeton to prosecute police disciplinary matters as requested by the Borough

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 at the rate of \$160.00 per hour for an additional amount of fifteen thousand dollars (\$15,000) total amount not to exceed thirty five thousand dollars (\$35,000.00).

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.

Council President Koontz moved to approve Resolution 2009-R272 and Councilwoman Trelstad seconded. Mr. Bruschi explained that the resolution covers one matter still pending. Councilman Martindell questioned the responsiveness of Mr. Thibault to Mayor and Council. He hoped Council would look to other, local providers in the future. Councilman Goldfarb, Council President Koontz, and Mayor Trotman found Mr. Thibault receptive to their concerns. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (14, 15, and 16) — Resolutions 2009-R273, 2009-R274, and 2009-R275** as follows:

**RESOLUTION 2009-R273
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2009 COMMITTEE APPOINTMENTS**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a 5 year term as follows:

SHADE TREE COMMISSION – BARRIE ROYCE
(to fill unexpired term of Nancy Greenspan through 01-01-2011)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the committee, Secretary to the Shade Tree Commission and the Office of the Municipal Clerk.

**RESOLUTION 2009-R274
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2009 COMMITTEE APPOINTMENTS**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a 2 year term as follows:

ZONING BOARD OF ADJUSTMENT – Sara Segal
(Alternate 2 Member through 01-01-2011)

October 6, 2009

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the committee, Zoning Officer and the Office of the Municipal Clerk.

**RESOLUTION 2009-R275
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2009 COMMITTEE APPOINTMENTS**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a 3 year term as follows:

TRAFFIC AND TRANSPORTATION COMMITTEE – Murali Balasubramanian
(To fill vacancy of James Begin through 01-01-2011)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the committee, Chair of the Traffic and Transportation Committee and the Office of the Municipal Clerk.

Council President Koontz moved to approve Resolutions 2009-R273, 2009-R274, and 2009-R275; Councilman Martindell seconded; Borough Council approved unanimously.

Council expressed appreciation for the citizens who serve on volunteer committees.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:40 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk