

**Approved Open Session  
Of the Mayor and Council of the Borough of Princeton  
January 12, 2010  
Regular Meeting  
Closed Session 4:15 P.M.  
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell (*arrived 7:25 P.M.*), Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 4:15 P.M. and read the open public meetings statement as follows:

*“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of January 12, 2010, 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 2010-R37**, as follows:

**RESOLUTION 2010-R37  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON JANUARY 12, 2010**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances may presently exist; and

**WHEREAS**, the Governing Body wishes to discuss the following issues:

1. Personnel — Professional appointment interviews

**WHEREAS**, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

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

January 12, 2010

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 open session of December 8, 2009.

Council President Koontz moved to approve the minutes of the open session of December 8, 2009, Councilwoman Trelstad seconded, and Council approved unanimously six to zero.

Presented for approval were the minutes of the open session of December 22, 2009.

Councilman Goldfarb moved to approve the minutes of the open session of December 22, 2009, with a deletion; Councilwoman Trelstad seconded; and Council approved unanimously.

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.

Mayor Trotman congratulated Councilman Martindell on induction into the New Jersey Elected Officials Hall of Fame for serving 20 consecutive years as an elected official.

Councilwoman Crumiller asked if agenda item backup pages can be emailed to Council members and if the agenda packets can be copied double-sided. Mayor Trotman replied that double-sided copying had been rejected by Council members in the past; Council agreed to try again. Council discussed the merits of electronic files and asked the Borough Clerk to pursue options for electronic agenda backup through email.

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

Mayor Trotman read **Agenda Item G, New Business (1) — Resolution 2010-R38** as follows:

**RESOLUTION 2010-R38  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

**Whereas,** Princeton University owns over 41% of the value of the Real Property in Princeton Borough and 13% of the value of Real Property in Princeton Township; and,

**Whereas,** much of this University-owned property enjoys tax-exemption and does not contribute to local government and infrastructure needs of the community; and

**Whereas,** in 2008, if Princeton University were not tax exempt, it would have paid more than \$42 million in real property taxes; and,

**Whereas,** Princeton University has approximately 750,000 people attending various university related events over the course of the year which greatly impacts the local infrastructure and municipal services that are largely paid for by the residential and commercial taxpayer base;

**Whereas**, Princeton University has exhausted the host municipality's ability to depend solely upon the current tax-paying real property base for the ongoing infrastructure needs of the communities, including schools, roads, and services; and,

**Whereas**, the exemption from property taxes is increasingly unfair in the case of large private universities located in communities where high property taxes threaten fiscal and social well being; and,

**Whereas**, other universities have undertaken extensive programs to ensure their host municipality's fiscal well being, thus acknowledging the interdependence of universities and their host municipality's; and

**Whereas**, Princeton University has recently acknowledged that it, too, has a responsibility to its host municipality's by paying taxes on some of its residential property, setting a precedent with annual payments in lieu of taxes ("PILOT") to Princeton Borough; and,

**Whereas**, in view of Princeton University's substantial impact on its host municipality's it should contribute fairly to Princeton Borough's, Princeton Township's and Princeton Regional Schools' annual operating budgets;

**Whereas**, negotiated financial agreements between Princeton University and their host municipality's should be perpetual and adjusted annually in accordance with the tax levy on all property owners, to facilitate planning, fiscal management, and the delivery of critical services to the entire community; and,

**NOW, THEREFORE, BE IT RESOLVED**, that we the duly elected representatives of the Borough of Princeton request a meeting with President Shirley Tilghman of Princeton University for the purpose of initiating a dialogue with the goal of achieving fairness and equity with Princeton University and the tax-paying residents and businesses of the Borough of Princeton in providing the financial resources for the services and infrastructure that make our town a desirable place in which to learn and to live.

Council President Koontz moved to approve Resolution 2010-R38 and Councilwoman Trelstad seconded. Mayor Trotman explained that Township unanimously passed its version of the resolution on January 11, 2010; the resolution is scheduled for Princeton Regional Schools' agenda on January 26.

Councilman Martindell noted two typographical errors and suggested "impact on its host municipalities" instead of "footprint"—usually a construction term. Mover and seconder agreed with changes. Councilman Martindell said this is a responsible first step toward more public, more formal talks with Princeton University (PU). PU's representative, Kristin Appelget, has suggested more dialogue; this resolution is an appropriate response to that invitation. Mayor Trotman mentioned the plan to send a letter to PU President Tilghman—signed by school board chairman Hegedus, Mayor Miller, and herself—requesting a meeting with her.

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

Anton Lahnston, Borough resident, compared PU and Princeton Borough to Harvard and Cambridge, Massachusetts. He was concerned about the components and values of "dialogue":

- All parties of equal rank
- Collaborative, of mutual interest, seeking common ground
- *Not* confrontational
- Understanding others (empathy)
- Looking for new options.

Francesca Benson, Bainbridge Street, distinguished small nonprofits (barely able to meet payroll) from PU (enormous endowment).

Ms. Appelget stated that her commitment is to find common ground. She was confident President Tilghman would find a time of mutual convenience for a full frank and honest conversation.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Councilman Goldfarb stated that the process must involve the public.

Councilwoman Crumiller stated she was grateful for all that PU does for the towns.

Council President Koontz mentioned the positive effort of working with school board and Township Committee—the three groups have “come a long way.”

Mayor Trotman called the question and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (2–4) — Resolutions 2010-R39, 2010-R40, and 2010-R41** as follows:

**RESOLUTION 2010-R39  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING PROFESSIONAL SERVICES AGREEMENT TO  
KATHERINE KORWIN, RN FOR PUBLIC HEALTH NURSING**

**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 **Katherine Korwin, 25 Shara Lane, Pennington, NJ 08534** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2010 through December 31, 2010**, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide professional **health** services for a total contract amount not to exceed **\$4,000.00**.

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. **ADVANCE**

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 2010-R40  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING PROFESSIONAL SERVICES TO AMY GITTELL, D.O.  
FOR PHYSICIAN SERVICES BABY WELL CLINIC**

**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 **Amy Gittell, D.O.; 601 River Road, Yardley, PA 19067** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2010 through December 31, 2010**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional medical services and other related duties as cited in the contract (attached), for a total contract amount not to exceed **\$4,380.00**.

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. **ADVANCE**

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 2010-R41  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR LEGAL SERVICES OF BOND COUNSEL**

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

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

**WHEREAS**, the anticipated term of this contract is one year through December 31, 2010; and

WHEREAS, Edward J. McManimon, III, McManimon and Scotland, L.L.C. has submitted a proposal indicating they will provide the legal services as the Borough Municipal Bond Counsel as per the fee schedule attached; and

WHEREAS, McManimon and Scotland, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon and Scotland 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 McManimon and Scotland from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available under Various Capital Account Nos.; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with McManimon and Scotland through December 31, 2010 as described herein; and,

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

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

Council President Koontz moved to approve Resolutions 2010-R39, 2010-R40, and 2010-R41; Councilman Wilkes seconded. Borough Council approved. Councilman Goldfarb requested that all remaining annual contracts be presented to Council on January 26, 2010

Mayor Trotman read **Agenda Item G, New Business (5) — Resolution 2010-R42** as follows:

**RESOLUTION 2010-R42  
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, and previously amended on September 22, 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 (funds are available and shall be drawn from C-04-07-018-399, Ordinance 2007 – 18 Sewer Trust).

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.

Council President Koontz moved to approve Resolution 2010-R42 and Councilman Goldfarb seconded.

Councilman Wilkes questioned the total cost (\$175,000 at \$89 per hour) of supervisory inspection services in 2009. He suggested the work could be done more efficiently by a Borough employee. Councilman Goldfarb stated that—since the volume of work varies from year to year and all work is concentrated during construction season—it is financially sound to outsource inspections.

Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (6) — Resolution 2010-R43** as follows:

**RESOLUTION 2010-R43  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL SERVICES  
TO VAN CLEEF ENGINEERING ASSOCIATES  
FOR INSPECTION OF SANITARY SEWER REHABILITATION PROJECTS**

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

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

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

WHEREAS, the anticipated term of this contract is one year; beginning January 1, 2010 to December 31, 2010; and

WHEREAS, Van Cleef Engineering Associates has submitted a proposal dated January 7, 2010 indicating they will provide services and other related duties as follows:

With respect 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. The services are further described in the attached Exhibit A.

WHEREAS, 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 the law. The Agreement shall be effective from January 1, 2010 to December 31, 2010.

WHEREAS, the Borough shall pay the Provider an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00) in accordance with a rate schedule, a copy of which is attached to the Professional Services Agreement; and

WHEREAS, Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering Associates 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 Van Cleef Engineering Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available under Current Account No. C-04-07-018-399 (Ordinance # 07-18, Sewer Trust); and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with Van Cleef Engineering Associates as described herein; and,

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

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

Councilwoman Trelstad moved to approve Resolution 2010-R43 and Council President Koontz seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (7–14) — Resolutions 2010-R44, 2010-R45, 2010-R46, 2010-R47, 2010-R48, 2010-R49, 2010-R50, and 2010-R51** as follows:

**RESOLUTION 2010-R44  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
IN CONNECTION WITH A GIS WORK PLAN**

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

**WHEREAS**, said Agreement has now expired; and the Borough wishes to continue to retain the Provider to complete its services for GIS work plan; and

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued work on the Borough GIS system to develop base mapping and implementation, maintenance, expansion and on site assistance through December 31, 2010.

**There is no additional fee for this contract extension**

1. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.
2. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.
3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2010-R45  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
ARCHITECTURAL DESIGN  
TO STEVEN S. COHEN ARCHITECT, P.C.**

**WHEREAS**, the Borough had previously entered into an agreement with Steven S. Cohen Architect, P.C., (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 previous agreement now expired and the Borough wishes to continue to retain the Provider to complete the project; and

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued work **through December 31, 2010** on the architectural design and bid documentation preparation in connection with renovation of the Suzanne Patterson Center, as outlined in the original proposal of September 29, 2009. **There is no additional fee for this contract extension.**

1. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.
2. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.
3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2010-R46  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
LANDSCAPE CONSULTING TO DANIEL DOBROMILSKY & ASSOCIATES**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with Daniel Dobromilsky & Associates (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from January 12, 2010 through December 31, 2010, as hereafter more particularly stated.

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

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

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. **ADVANCE** The Borough shall pay the Provider pursuant to the proposal of the Provider dated December 14, 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 2010-R47  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR CONSTRUCTION ADMINISTRATION SERVICES  
FOR HARRISON STREET PARK REHABILITATION TO  
EDGEWATER DESIGN LLC**

**WHEREAS**, the Borough had previously entered 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**, said Agreement has now expired; and the Borough wishes to continue to retain the Provider to complete its services for construction administration services; 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 continued construction administration services related to Capital Project #08-05, Harrison Street Park Rehabilitation, as outlined in the Provider's original proposal of August 19, 2009, **for no additional fee through December 31, 2010.**

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

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

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

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

**RESOLUTION 2010-R48  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
TRAFFIC ENGINEERING TO ORTH ROGERS & ASSOCIATES, INC**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with Orth-Rodgers & Associates, Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from January 12, 2010 through December 31, 2010, as hereafter more particularly stated.

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

Provider shall serve as a traffic consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications as filed with the Boards, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, 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. ADVANCE The Borough shall pay the Provider pursuant to the proposal of the Provider dated December 17, 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 2010-R49  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
ENVIRONMENTAL CONSULTING TO PMK GROUP  
CONSULTING AND ENVIRONMENTAL ENGINEERS**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services for ongoing operation and maintenance and compliance monitoring of groundwater associated with the Downtown Parking Garage with PMK Group Consulting & Environmental Engineers, 65 Jackson Drive, PO Box 5000, Cranford NJ 07016 (hereinafter referred to as "Provider") to provide consultant services for the Borough from January 12, 2010 through January 31, 2011, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide engineering services and other related duties as cited in their proposal letter of December 18, 2009 (attached), for a total contract amount not to exceed \$25,300.00.

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

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 2010-R50  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
GIS WORK TO VAN NOTE HARVEY ASSOCIATES, P.C.**

**WHEREAS**, the Borough had previously entered into an agreement as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Van Note Harvey Associates P.C, located at 777 Alexander Road, Princeton, New Jersey 08540, (the "Provider") for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, said Agreement has now expired; and the Borough wishes to continue to retain the Provider to provide GIS work; and

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued work on the Borough GIS base mapping and scanning, **at no additional fee through December 31, 2010.**

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.

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

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

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

**RESOLUTION 2010-R51  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
RELEASE OF CERTAIN PERFORMANCE BONDS**

**WHEREAS**, the Borough had previously entered into various Capital Road Improvement contracts with various contractors, which required the submittal of a performance guarantee for each project; and

**WHEREAS**, five such projects have been identified as complete and require release of the performance bond; and

**WHEREAS**, the Borough Engineer advises that each of these contracts have been completed satisfactorily without need for a maintenance bond.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton, the Clerk is hereby authorized to return the following performance bonds:

- Bond # AE8663511, dated 12/11/04 to Green Construction for project 02-01
- Bond # SB0076100, dated 1/5/04 to Green Construction for project 02-02
- Bond # PRF7572559, dated 6/14/06 to Star of the Sea Concrete for project 03-02
- Bond # 1000757805, dated 11/8/07 to Diamond Construction for project 06-01
- Bond # B10008621, dated 11/21/08 to Marino Paving Co. Inc. for project 07-02

Council President Koontz moved to approve Resolutions 2010-R44, 2010-R45, 2010-R46, 2010-R47, 2010-R48, 2010-R49, 2010-R50, and 2010-R51. Councilman Martindell seconded.

Councilman Martindell asked for details on 2010-R49. Mr. Bruschi answered that water monitoring soon will no longer be required for the Phase I property.

Councilman Martindell asked when Council will be consulted on outsourcing management of the Spring Street Municipal Garage. He wanted to compare actual results with *pro forma* calculations. Borough Administrator Robert Bruschi expected to provide figures to Council after finance committee review in the next few weeks.

Mayor Trotman called the question and Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (15) — Resolution 2010-R52** as follows:

**RESOLUTION 2010-R52  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY COMMUNITY OPTIONS, INC. 5K FUNDRAISER**

**WHEREAS**, Community Options, Inc. has planned its Cupid's Chase 5K Fundraiser to benefit its nonprofit organization which provides housing and employment support for people with disabilities to be held on Saturday, February 13<sup>th</sup> 2010 at the Princeton Shopping Center; and

**WHEREAS**, Community Options, Inc. has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday January 25<sup>th</sup> through Monday, February 1<sup>st</sup> 2010 to advertise this program to the entire Princeton Community; 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.

Councilwoman Trelstad moved to approve Resolution 2010-R52 and Council President Koontz seconded. Council approved five to zero, with Councilman Wilkes abstaining.

Mayor Trotman read **Agenda Item G, New Business (16) — Resolution 2010-R53** as follows:

**RESOLUTION 2010-R53  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING RAFFLE LICENSE RA:327  
TO SUSAN G. KOMEN BREAST CANCER FOUNDATION**

**WHEREAS**, CENTRAL AND SOUTH JERSEY AFFILIATE OF THE SUSAN G. KOMEN BREAST CANCER FOUNDATION has submitted a raffle application to the Borough Clerk; and

January 12, 2010

**WHEREAS**, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period is satisfied on January 12, 2010; and

**WHEREAS**, SUSAN G. KOMEN BREAST CANCER FOUNDATION, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Princeton that raffle license RA: 327 for SUSAN G. KOMEN BREAST CANCER FOUNDATION be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the Finding and Determinations for RA: 327 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Council President Koontz moved to approve Resolution 2010-R53, Councilwoman Trelstad seconded, and Council approved unanimously.

Council President Koontz moved to return to closed session; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:15 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
**Borough Clerk**