

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 2, 2010
Regular Meeting
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Maeve E. Cannon, Borough Engineer Christopher M. Budzinski, Chief Finance Officer Sandra L. Webb, 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 March 2, 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 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 February 9, 2010.

Councilwoman Crumiller moved to approve the minutes of the open session of February 9, 2010, Councilman Goldfarb seconded, and Council approved five to zero with Council President Koontz abstaining.

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.

Councilman Martindell pursued the tickler file topic. Borough Administrator Robert Bruschi indicated that tickler is at the top of the management team’s agenda.

March 2, 2010

Councilman Martindell questioned strategy for tracking Northridge and NHKT negotiations. Mr. Bruschi stated that a closed Council meeting scheduled for March 16, 2010, has these two items on the agenda: (1) labor agreements; (2) North Ridge (3) NHKT.

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

Mayor Trotman read **Agenda Item F, Council Committee/Commission Monthly Report — Barbara Trelstad and Roger Martindell.**

Councilwoman Trelstad, whose shared services assignment is public works with Township counterpart Committeewoman Sue Nemeth, met with Ms. Nemeth to get acquainted and begin talks. Councilwoman Trelstad has also informally consulted Director of Public Works Wayne Carr.

Councilwoman Trelstad said that other current public works issues are leaf management and snow removal.

Councilwoman Trelstad reported that she had not attend the latest Planning Board meeting.

Councilman Martindell met with shared services partner Committeewoman Liz Lempert to examine shared court services. They found a lack of common interest. Councilman Martindell recommended looking elsewhere—tax assessor, for example—for shared services benefits.

Mayor Trotman read by title **Agenda Item G, Old Business (1) — Public Hearing and Adoption: Ordinance 2010-01 BOND ORDINANCE PROVIDING FOR SEWER, SIDEWALK AND CURB IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$115,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$109,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.**

Council President Koontz moved to adopt Ordinance 2010-01; Councilwoman Trelstad seconded.

Mayor Trotman announced that the Mercer Street Project improvement pre-assessment hearing portion is open to neighbors to share their thoughts with Council.

Councilman Goldfarb noted that the numbers provided to residents are *estimates* of the cost of the assessment; at completion, residents will be notified of the *actual* proposed assessment and will have another opportunity to address Council. He said that today's hearing is to discuss the ordinance to assess.

Mayor Trotman asked if neighborhood conferences for the project had been held to talk over Ordinance 2010-01. Borough Engineer Christopher Budzinski replied that two local meetings—including assessment talks—were held prior to initiation of construction.

March 2, 2010

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

Robert Hall, 162 Mercer Street, asked about roots of Borough-owned trees causing sidewalk problems.

Mr. Budzinski hoped to salvage all the trees by working around the existing tree root system.

Mr. Hall insisted that working *around* the tree roots accomplishes nothing—the roots are growing up into the sidewalk.

Mr. Budzinski undertook to meet personally with Mr. Hall to ascertain the limits of improvement for 162 Mercer.

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

Mr. Budzinski was unable to calculate a timeframe for roots to push through a sidewalk; roots are trimmed when exposed for construction. Mr. Budzinski stated that new sidewalks typically encroach inward to bypass trees unless the walkway is too narrow.

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

Mayor Trotman read **Agenda Item H, Discussion — 2010 Budget** – *Robert W. Bruschi, Borough Administrator; Sandra L. Webb, Chief Finance Officer.*

Mr. Bruschi intended to set a framework for discussions of forthcoming budget work by staff members, Township administration staff, both finance committees, and both governing bodies. He mentioned the aggressive 2009 budget that resulted in zero property tax increase. The Finance Committee set two goals for 2010: (1) no tax increase and (2) no budgetary increase in spending—the greater challenge.

Mr. Bruschi asked Council and citizens to be open-minded to necessary severe budget trimming.

Mr. Bruschi listed fixed costs, some of which (insurance, pension, Social Security)—inevitably—rise. Including debt service—essentially well managed through clever bid documents and low loan rates—fixed costs account for almost half of total budget.

Mr. Bruschi stated that Council and staff have succeeded at stabilizing operating budgets over the last few years.

Mr. Bruschi observed that ancillary salary costs, such as pension and health, fall as salary budgets are reduced. Proposed salaries for 2010 may or may not reflect raises for individuals. Four labor union contracts are being negotiated.

Mr. Bruschi stated that it is likely Borough will lose as much as \$200,000 in state aid. Council and staff must find an offset. Mr. Bruschi and Ms. Webb have been looking at contingency plans.

Mr. Bruschi concluded that, to attain zero budget increase, a gap from 2009 of \$760,000 or 3% (not including lower state aid) must be closed. He expected to find some funds through lower benefit contributions (1.5% state salary offset), lowering funding for salary increases, and potential Borough savings from Township-run joint agencies. Mr. Bruschi recommended pressing Township to look at various shared services possibilities—not only for financial motives, but also for improved convenience and service—such as tax assessor, police/emergency dispatch, affordable housing, and especially construction office and fire inspection. Agencies that operate without state mandate (senior programs, recreation, library among others) require close scrutiny.

Mr. Bruschi summarized next steps:

1. Review joint budgets—March 3
2. Evaluate state aid—March 15
3. Set guidelines for salaries—March 16
4. Close \$760,000 gap—ongoing.

Councilwoman Crumiller asked about sharing services with nearby towns other than Princeton Township. Mr. Bruschi answered that the Township is clearly the best option for Borough residents. West Windsor has expressed interest in managing our Construction Code—inconvenient location for Princeton homeowners.

Councilwoman Crumiller thought physical location of police dispatch was irrelevant. Mr. Bruschi said Mercer County is technologically unprepared for countywide dispatch at present. Borough and Township already have compatibility.

Councilman Goldfarb suggested all municipalities in Mercer band together to institute joint dispatch.

Councilman Wilkes wondered about possibilities, specifically other than the New Jersey plan, for health coverage. Mr. Bruschi allowed that health coverage is especially significant for union contract negotiations. He said that the state health benefits (SHBP) plan has worked well for the Borough during the past four years. Councilman Wilkes opposed speculation about potential gains; he wanted to explore quantitative facts.

Councilman Goldfarb stated that—because the Borough benefits are so generous—Borough subsidizes businesses that hire Borough employee spouses.

Councilman Wilkes felt that plan managers in the private sector operate more efficiently than governments.

Ms. Webb indicated budget books would be in Council members' hands within the week.

Councilman Martindell offered a useful strategy to achieve budget goals: Avoid examination of specific department or line items; rather, define an overall financial target and aim to hit it.

Councilman Wilkes asked about upcoming revenue enhancements such as Hulfish North and the downtown project. Mr. Bruschi responded that augmented rates should appear within the next two years.

Mayor Trotman read **Agenda Item I, New Business (1) — Resolution 2010-R88** as follows:

**RESOLUTION 2010-R88
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
OPPOSING LEGISLATION AMENDING
THE TIME OF DECISION RULE**

WHEREAS, S-82 and A-437 are intended to modify the “time of decision” rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review;

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, courts have applied the “time of decision rule” to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton in the county of Mercer in the State of New Jersey hereby urges our State Legislators to oppose A-4 and S-82, and any legislation which would eliminate the “time of decision” rule at the local level; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to The Honorable Shirley K. Turner - Senator 15th Legislative District, The Honorable Reed Gusciora – Assemblyman 15th Legislative District, The Honorable Bonnie Watson-Coleman Assemblywoman 15th Legislative District, the Senate Community and Urban Affairs Committee, the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Honorable Christopher Christie, Governor.

Council President Koontz moved to approve Resolution 2010-R88 and Councilman Martindell seconded.

Councilman Martindell reported that Princeton Environmental Commission has asked Council to endorse the “time of decision rule,” which states that a zone in place at the time Planning or

Zoning makes a decision will prevail rather than the zone in place at the time of application. Councilman Martindell said the time of decision rule, as is, benefits municipalities by allowing them to control timing of zoning changes. New Jersey has proposed amendments to the rule to facilitate developers' plans—at the possible expense of the town.

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

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2010-R89** as follows:

**RESOLUTION 2010-R89
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
REJECTING BIDS FOR CAPITAL PROJECT
PARKING MANAGEMENT SERVICES OF SPRING STREET GARAGE**

WHEREAS, the Borough of Princeton solicited bids for the project known as Parking Management Services of Spring Street Garage; and

WHEREAS, all bid proposals were publically opened on December 1, 2009; and
WHEREAS, the Borough received the following bids:
Central Parking System, Inc. base bid \$155,384.82 and Alternate A1 \$362,564.58
Five Star Parking base bid \$174,996.00 and Alternate A1 \$415,002.00; and

WHEREAS, pursuant to N.J.S.A 40A:11-24, the Borough requested and received written consent from each bidder to extend the 60 day period of bid review to 120 days, and

WHEREAS, the Borough Engineer has reviewed the lowest responsible bid and determined that pursuant to N.J.S.A 40A:11-13.2. b, the lowest bid substantially exceeds the Borough's appropriation for the services funding for the project, and therefore it is not in the best interest of the Borough to award such a contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton reject all bids for the reason cited above.

Council President Koontz moved to approve Resolution 2010-R89 and Councilwoman Trelstad seconded.

Councilman Goldfarb was concerned that information was insufficient to enable a decision. He asked the deadline for consideration of bids for management of Spring Street Municipal Garage. Mr. Budzinski stated a reply is due March 31, 2010. Council President Koontz moved to defer consideration of 2010-R89, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Councilman Martindell proposed Borough streamline the Spring garage operations to satisfy Borough needs (independent of private operators). Mr. Bruschi stated staff is evaluating technologies and total garage operations—a series of options to make sure the garage is efficient while maintaining its friendliness to customers.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2010-R90** as follows:

**RESOLUTION 2010-R90
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
ACOUSTICAL 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 Comp Comm/STM Comm LLC (hereinafter referred to as "Provider") to provide consultant services for the Planning Board or Zoning Board from March 2, 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 an acoustical consultant to the Regional Planning Board of Princeton and the Princeton Borough Zoning Board to review and evaluate various land development applications with wireless communication facilities as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, 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 communications issues associated with the development application forwarded to the Provider for review and comment.

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

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

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

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

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

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

Council President Koontz moved to approve Resolution 2010-R90 and Councilwoman Trelstad seconded. Councilwoman Trelstad found resolutions presented in two-sided format difficult to follow. She sought clarification of 2010-R90. Mr. Budzinski said 2010-R90 provides for an RF expert for Planning Board applications. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2010-R91** as follows:

**RESOLUTION 2010-R91
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
HORTICULTURAL 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 James Consolloy Consulting LLC (hereinafter referred to as "Provider") to provide consultant services for Princeton Borough from March 2, 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 horticultural consultant for various projects within Princeton Borough, specifically authorized by 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 communications issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider a lump sum not to exceed \$6,500.00.

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 2010-R91, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (5) — Resolution 2010-R92** as follows:

**RESOLUTION 2010-R92
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT FOR
RENTAL & CLEANING OF UNIFORMS**

WHEREAS, the Borough of Princeton has determined the need for rental & cleaning of uniforms for the Blue Collar workers in the Borough of Princeton; and

March 2, 2010

WHEREAS, the Borough has solicited bid proposals for same and bid proposals were opened on Tuesday, February 23, 2010; and one bid was opened and read, and

WHEREAS, the bid was reviewed by the Borough Engineer and found to be in order, therefore the recommendation of the Borough Engineer that the contract be awarded to American Wear Inc., 261 N. 18th Street, East Orange NJ, 07017 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 American Wear Inc., 261 N. 18th Street, East Orange NJ, 07017, from April 1, 2010 through December 31, 2011, for a lump sum contract not to exceed \$15,000 for 2010 and \$20,000 for 2011, or a total amount not to exceed \$35,000, based upon the unit prices pursuant to the bid response.

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 2010-R92 and Councilman Martindell seconded.

Councilwoman Crumiller inquired why union members do not launder their own uniforms. Mr. Bruschi said replacement garments due to damage is included. Mr. Budzinski noted that the cost is negligible at pennies per wash. He stated that this contract is in the ballpark of the 2009 contract; Borough has had a good relationship with this provider for five or more years.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (6) — Resolution 2010-R93** as follows:

**RESOLUTION 2010-R93
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING
LICENSE AGREEMENT FOR SIGNAGE IN THE PUBLIC RIGHT OF WAY
IN THE BOROUGH OF PRINCETON**

WHEREAS, the Borough has determined the need for a License Agreement to permit the encroachment into the public right of way for Trustees of Princeton University to erect campus shuttle signage in four locations throughout the Borough, and

WHEREAS, the Trustees of Princeton University have indicated their willingness to enter into a License Agreement with the Borough in consideration of \$1.00.

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 License Agreement with Trustees of Princeton University (the Licensee), for installation of campus shuttle signage in three locations throughout the Borough, along with all provisions of said License Agreement and consideration of payment by the Licensee of \$1.00.

Councilman Wilkes moved to approve Resolution 2010-R93 and Council President Koontz seconded. Kristen Appleget of Princeton University corrected a typo on the cover sheet to be three—not four—locations. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (7) — Resolution 2010-R94** as follows:

**RESOLUTION 2010-R94
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

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 **SAVE, 900 Herrontown Road, NJ 08540** (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 and other related duties as cited in the proposal letter of **February 6, 2010** (attached), for a total contract amount not to exceed **\$5,000.00**.

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 2010-R94, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (8) — Resolution 2010-R95** as follows:

**RESOLUTION 2010-R95
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR SPECIAL 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 through December 31, 2010; and

WHEREAS, Herbert Van Ness Cayci and Goodell has submitted a proposal indicating they will provide legal services as Special Counsel for \$165.00 an hour, not to exceed \$20,000; and

WHEREAS, Herbert Van Ness Cayci and Goodell have completed and submitted a Business Entity Disclosure Certification which certifies it 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 Herbert Van Ness Cayci and Goodell 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 Nos. 10-01-20-155-279; and

March 2, 2010

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 Herbert Van Ness Cayci and Goodell 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 Resolution 2010-R95 and Councilwoman Trelstad seconded. Mr. Bruschi explained that 2010-R95 closes items previously pending for payment and allows unresolved items to go forward. Borough Attorney Maeve Cannon will monitor unresolved issues. Borough Council approved unanimously.

Councilwoman Trelstad moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 8:57 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk