

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 22, 2010
Regular Meeting
Closed Session 6:30 P.M.
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, Police Lieutenant Sharon Papp, Planning Board Director Lee O. Solow, Chief Finance Officer Sandra L. Webb, 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 June 22, 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-R185**, as follows:

**RESOLUTION 2010-R185
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JUNE 22, 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. Negotiations — Princeton Township
2. Potential litigation: Real Estate
3. Litigation: Police/Mitchell
4. Personnel — Police/Public Safety

June 22, 2010

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

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 May 25, 2010.

Councilwoman Trelstad moved to approve the minutes of the open session of May 25, 2010, Council President Koontz seconded, and Council approved unanimously.

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

Christine Graziano, Aiken Avenue, identified herself as an accredited planning and design professional who works with various governments and nonprofit organizations. She has provided and maintained border plantings for Harrison Street Park (HSP) at her own expense. Ms. Graziano repeated her request to Borough for screening to block garish play equipment from her house.

Ms. Graziano stated that the basketball court—a huge blot of color—is a strong break with the intent and process of community design for HSP. Ms. Graziano complained that the color has impacted the value of her home. She thought a green with black court would be satisfactory.

Donald Cox, 40 Harrison Street, thought the park looked “great” now. Mr. Cox suggested that everyone interested in HSP should visit and comment before any additional expenditure.

Councilman Martindell asked about HSP maintenance. Council President Koontz replied that Borough provided appropriate equipment; volunteers are watering. Council President Koontz said that all plants are healthy.

Mayor Trotman announced that the color of the court will be discussed at Public Works Committee in July.

Councilman Martindell mentioned a prior suggestion that Council hold workshop sessions to deal with large, long-range issues such as affordable housing, police staffing, and so on. Council President Koontz and Councilwoman Crumiller supported the idea. Councilman Martindell recommended employing a “Council holiday” date in July for a workshop.

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

Mayor Trotman read **Agenda Item G, Correspondence (1) — Developers Agreement/The Waxwood, 35 Quarry Street – J. Robert Hillier.**

Mr. Hillier, 190 Witherspoon Street, explained that The Waxwood, on the national historic registry, must be a rental property for five years; subsequently, units are available for sale. Due to the real estate tailspin of recent years, Mr. Hillier requested permission from Council (granted two years ago) to continue—for 5 to 10 years—renting the building that consists of 5 foundation units, 4 affordable units, and 26 market-rate units.

Councilman Goldfarb wondered about implications to Borough and Borough’s affordable housing program. Borough Administrator Robert Bruschi said there is no implication. Mr. Bruschi recommended accommodating Mr. Hillier’s request.

**RESOLUTION 2010-R201
OF MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING REQUEST FOR AMENDMENT DEVELOPER’S AGREEMENT
FOR THE WAXWOOD PROJECT**

WHEREAS, the Borough and J. Robert Hillier (“ the Developer”) entered into a certain Developer’s Agreement, dated April 23, 2002, with respect to affordable housing obligations and certain “Foundation Units”, all associated with a certain residential development called “The Waxwood” located on Block 17.03, Lot 93 of the Princeton Borough Tax Map, fronting on both Quarry Street and Maclean Street; and

WHEREAS, the Borough and the Developer entered into a certain Amended Developer’s Agreement, dated July 1, 2003, whereby among other things the Developer was permitted to rent both the affordable housing units and the “Foundation Units” in The Waxwood for a five year term, commencing on the date of each lease, and following such five year tem the units were required to be sold; and

WHEREAS, the Developer has completed the construction of the Waxwood and has rented all of the units, including the affordable units and the Foundation Units, with the five year periods for the affordable units and the Foundation Units referred to in the Amended Developer’s Agreement expiring in the fall of 2009; and

WHEREAS, in September, 2008, the New Jersey Legislature declared that there exists a state of national recession, which has drastically affected various segments of the New Jersey economy, specifically including the State’s banking, real estate and construction sectors; and

WHEREAS, in March of 2009 the Developer requested that, in light of the current distressed economy, the aforementioned five year period for rental of the affordable housing units and the Foundation Units be extended for an additional two years to October 2011, which was approved by Borough Council; and

June 22, 2010

WHEREAS, on June 22, 2010 the Developer appeared before Borough Council requesting that the sale requirement be postponed an additional 5 years since there has been little improvement in the economy. The Mayor and Council are amenable to an extension of the rental period for the affordable housing units and Foundation Units for an additional five years to October 2016;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON, that the Mayor and Council do hereby approve an extension of the rental period.

Council President Koontz moved to extend Mr. Hillier's agreement for 10 years; Councilwoman Trelstad seconded. After some discussion about the possible success of the venture, Council President Koontz amended his motion to a five-year extension and Councilwoman Trelstad agreed. Council approved five to one, with Councilwoman Crumiller opposed. Borough Clerk will prepare a resolution

Mayor Trotman read by title **Agenda Item J, New Business (2) — Introduction and Order to Publish: Ordinance 2010-10** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING FEES.

Council President Koontz moved to introduce Ordinance 2010-10; Councilman Goldfarb seconded.

Planning Board Director Lee O. Solow said Ordinance 2010-10 is designed to align Borough and Township fees and escrows for similar applications. He summarized new fees included in Ordinance 2010-10.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held July 27, 2010.

Mayor Trotman announced two items added to the agenda: Resolutions 2010-198 and 2010-199.

Mayor Trotman read **new agenda item — Resolution 2010-R198** as follows:

**RESOLUTION 2010-R198
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING PROFESSIONAL SERVICES FOR SPECIAL LEGAL COUNSEL**

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 **MILLER, PORTER, MULLER & GAYNOR, PC** One Palmer Square, Princeton, NJ (hereinafter referred to as "Provider") to provide special legal services for the Borough from **June 23, 2010 through December 31, 2010**, as hereafter more particularly stated.

1. Litigation - The Attorney shall represent the Borough in litigation in which the Regional Planning Board of Princeton is a party and/or oversee other attorneys assigned to said litigation as authorized by the Mayor and Council.

Payment under this contract shall be charged to the municipal budget at a rate of \$205 per hour not to exceed \$8,000. Payment shall be contingent upon certification of available funds.

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-R198 and Councilwoman Trelstad seconded.

Mr. Solow said the resolution covers special legal representation for Planning Board in the matter of Rider University's application for parking lot extension and a subsequent lawsuit.

Council approved unanimously.

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report — Sharon Papp, Lieutenant.**

**RESOLUTION 2010-R186
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of April 2010; and

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

June 22, 2010

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the April 2010 Monthly police report prepared by the Borough Police Administration.

Lt. Papp pointed out that the high incidence of missing persons was due largely to children wandering off during Communiversy. Council President Koontz asked about procedures regarding missing persons. Lt. Papp replied that organizers (block captains) know to take all complaints to the police command trailer.

Councilman Wilkes declared that the police topic for Council discussion on July 13, 2010, is detective bureau staffing.

Councilman Martindell stated that he wanted to thrash out the programs (and their costs) that the *entire* police department should handle. Councilman Wilkes proposed to work from department details toward a larger picture of programs and costs.

Councilman Goldfarb requested monthly breakdowns of time spent on various police activities.

Council President Koontz feared that theoretical thoughts about police function would preempt policy on real detective work.

Council President Koontz moved to accept the police report, Councilwoman Trelstad seconded, and Council accepted unanimously.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2010-05 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14 IN THE BOROUGH OF PRINCETON, NEW JERSEY.**

Councilman Goldfarb moved to adopt Ordinance 2010-05; Councilman Wilkes seconded.

Councilman Goldfarb stated that the cap bank protects against future budgets that exceed prescribed limits.

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

Patrick Simon, 17 Harriet Drive, asked the alternatives—is there a possibility of tax reduction. Mr. Bruschi called the bank an “insurance policy” to go beyond the state cap for a future need. He said the tax rate is not affected.

Seeing no one further, Mayor Trotman closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell,

June 22, 2010

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

Mayor Trotman read by title **Agenda Item I, Old Business (2) — 2010 Borough of Princeton Municipal Budget**

- a. **1st Quarter Report 2010**
- b. **2011 Outlook**
- c. **Public Hearing and Adoption: 2010 Municipal Budget.**

Mr. Bruschi reviewed 2010 budget goals: Same spending level as 2009; no tax increase. He listed some minor modifications to the draft budget previously presented (such as employee 1.5% healthcare contribution). He stated that development fees and land rents will soon be coming in. Reduction of state aid will continue to be an obstacle.

Mr. Bruschi reported that union negotiations are in final stages. Mr. Bruschi stated precautionary notes: *Extreme* control by staff and Council; closer monitoring than ever before—zero overspending; intent observation of state policies toward municipalities; “leave no rock unturned.”

Mr. Bruschi summarized that all the revenues and all the expenditures are consistent with expectations; he expressed confidence that all numbers are on target.

Chief Finance Officer Sandra L. Webb described a new calculation based on DCA review: reallocation of insurance items.

Councilman Goldfarb commended Mr. Bruschi, Ms. Webb, and their staffs for achieving an extremely demanding budget

Council discussed various utility/energy/environmental endeavors to arrive at savings.

BOROUGH OF
PRINCETON
MERCER COUNTY,
NEW JERSEY

RESOLUTION 2010-
R200 TO AMEND
BUDGET

WHEREAS, the local municipal budget for the year 2010 was approved on the 11th day of May, 2010, and;

WHEREAS, the public hearing on said budget will be held as advertised on June 22, 2010, and;

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Princeton,

June 22, 2010

County of Mercer, that the following amendments to the approved budget of 2010 be made:

	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>
Recorded Vote	Koontz	((
(Insert last names)	Crumiller	((
	(Goldfarb		
	Martindell		<u>Absent</u>
	Trelstad	(
	Wilkes	(
		<u>FROM</u>	<u>TO</u>
8. General Appropriations			
(A) Operations - within "CAPS"			
General Government			
	Insurance		
	Employee Group Insurance	2,191,892.00	1,975,980.00
Total Operations {Item 8(A)} within "CAPS"		13,028,941.30	12,813,029.30
Total Operations Including Contingent within "CAPS"		13,028,941.30	12,813,029.30
Detail:			
	Other Expenses (Including Contingent)	6,338,897.75	6,122,985.75
(H-1) Total General Appropriations for Municipal Purposes			
	within "CAPS"	14,722,191.70	14,506,279.70
(A) Operations - Excluded from "CAPS"			
	Employee Group Health	0.00	215,912.00
Total Other Operations - Excluded from "CAPS"		3,856,941.23	4,072,133.23
Total Operations - Excluded from "CAPS"		5,368,320.23	5,584,232.23
Detail:			
	Other Expenses	4,079,426.03	4,295,338.03
(H-2) Total General Appropriations for Municipal Purposes		9,279,767.23	9,495,679.23
Excluded from "CAPS"			
(O) Total General Appropriations Excluded from "CAPS"		9,279,767.23	9,495,679.23
(L) Subtotal General Appropriations {Items (H-1) and (O)}		24,001,958.93	24,001,958.93

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for his certification of the 2010 local municipal budget so amended.

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

Nick Carp, One Boudinot Street, congratulated staff and Council for accomplishing a flat budget.

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

Councilman Goldfarb moved to amend the budget to move \$215,000 (appropriation for group insurance) from inside the cap to outside. Council President Koontz seconded. Council approved unanimously.

Councilman Goldfarb moved adoption of the 2010 budget as amended. Councilman Martindell seconded. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the budget adopted.

Mayor Trotman read by title **Agenda Item I, Old Business (3) — Public Hearing and Adoption: Ordinance 2010-08** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENT OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$665,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$632,225 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Councilman Goldfarb moved to adopt Ordinance 2010-08; Councilwoman Trelstad seconded.

Mr. Bruschi stated that Ordinance 2010-08 covers all joint agency budgets as agreed upon with Princeton Township, with the exception of the pool.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item J, New Business (1) — Introduction and Order to Publish: Ordinance 2010-09** BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW POOL IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,053,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,950,825 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

June 22, 2010

Councilman Martindell moved to introduce Ordinance 2010-09; Councilman Wilkes seconded.

Councilman Goldfarb reminded that Council had decided to *introduce* Ordinance 2010-09, but delay *adoption* until receipt of a report from the fundraising group that they would finance \$1 million privately.

Council President Koontz clarified that Council is awaiting a draft agreement—Memorandum of Understanding—that, in his opinion having read it, does meet Council’s requirements.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held July 27, 2010.

Mayor Trotman read **Agenda Item J, New Business (3) — Resolution 2010-R187** as follows:

**RESOLUTION 2010-R187
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPOINTING BOROUGH OF PRINCETON MEMBERS
TO THE JOINT MUNICIPAL CONSOLIDATION STUDY COMMISSION**

WHEREAS, in October of 2009 the Borough of Princeton and Township of Princeton submitted application to the Local Finance Board of the State of New Jersey for creation of a Joint Consolidation Study Commission and establishing a study of further shared services and/or municipal consolidation; and

WHEREAS, Borough Resolution 2009-R300 hereby authorized the Borough of Princeton to appoint Borough members to a commission supported by contractor(s) to conduct studies of the feasibility and benefits of additional shared services and/or consolidating the two municipalities with the goal of placing the issue on the ballot for consideration by the residents of the municipalities in the November 2011 General Election, and

WHEREAS, the Study Commission shall consist of two elected officials from each municipality, three residents from each municipality and each municipality’s administrator;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton does hereby appoint the following as Borough of Princeton representatives to the Joint Municipal Consolidation Study Commission to study the feasibility and benefits of additional shared services and municipal consolidation pursuant to the Local Option Municipal Consolidation Act, N.J.S.A. 40:43-66.35 et seq. with the Township of Princeton;

Anton T. Lahnston	Citizen Representative
Ryan Lilienthal	Citizen Representative
M. Patrick Simon	Citizen Representative
Mildred T. Trotman	Elected Official
David Goldfarb	Elected Official
Robert W. Bruschi	Administrator

June 22, 2010

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be sent to the Mayor and Committee of the Township of Princeton, the New Jersey Department of Community Affairs, and the Local Finance Board of the State of New Jersey.

Council President Koontz moved to approve Resolution 2010-R187 and Councilwoman Trelstad seconded.

Mayor Trotman read the list of appointees. Mayor Trotman hoped other interested candidates would volunteer to serve Borough in the future. A launch meeting of the Joint Municipal Consolidation Joint Services Study Commission is scheduled for July 1, 2010.

Commission member Councilman Goldfarb offered the concern of a downtown resident that the larger community might not understand the components of a successful central district. He is hopeful that savings from consolidate services will be found. Council members quizzed Councilman Goldfarb on topics that might be raised during consolidation talks.

Commission member Mayor Trotman stated her intention to hold an open mind from beginning to end. She will make her decision after obtaining as much information as possible.

Borough Council approved Resolution 2010-R187 unanimously.

Mayor Trotman read **Agenda Item J, New Business (4) — Resolution 2010-R188** as follows:

**RESOLUTION 2010-R188
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING ALCOHOLIC BEVERAGE LICENSES FOR THE
LICENSING PERIOD 2010-2011**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton:

1. Application having been duly made, the following applicants are hereby adjudged to be entitled to the alcoholic beverage licenses for the licensed premises with the effective date of July 1, 2010 through June 30, 2011

PLENARY RETAIL CONSUMPTION LICENSE

FEE \$2,500

1109-33-004-007

DWM Holdings Incorporated
T/A WITHERSPOON GRILL
57 Witherspoon Street

1109-33-005-010

Hulfish Restaurants, Inc.
T/A MEDITERRA
29 Hulfish Street

June 22, 2010

1109-33-006-001	L.D.M., Inc. T/A IVY INN 248-250 Nassau Street
1109-33-007-001	Lahiere's Restaurant, Inc. T/A LAHIERE'S RESTAURANT 5-13 Witherspoon Street
1109-33-009-008	Nassau Inn Limited Partnership T/A NASSAU INN 10 Palmer Square
1109-33-010-007	Palmer Square Pizzeria, Inc. T/A TERESA'S PIZZETTA CAFE 138 Nassau Street
1109-33-013-007	Select Restaurants, Inc. T/A J.B. WINDBERIE 1 Palmer Square/Ground Floor
1109-33-017-004	20 Bayard B & B T/A PEACOCK INN 20 Bayard Lane
1109-33-032-003	Alchemist & Barrister, Inc. T/A ALCHEMIST & BARRISTER 28-30 Witherspoon Street

PLENARY RETAIL DISTRIBUTION LICENSE

FEE \$2,500

1109-44-002-007	T3M L.L.C. T/A THE CORKSCREW WINE SHOP 4-6 Hulfish Street
1109-44-003-006	Community Acquisition Corporation T/A COMMUNITY LIQUORS 23 Witherspoon Street
1109-44-008-005	Nassau Liquors, Inc. T/A NASSAU LIQUORS GRAPE & GRAIN COMPANY 264 Nassau Street
1109-44-011-005	Goel Wines, LLC. T/A VARSITY LIQUORS

June 22, 2010

234 Nassau Street

1109-44-014-006

Princeton Wine & Liquor, Inc.
T/A PRINCETON WINE & LIQUOR
174-176 Nassau Street

1109-44-015-007

Princeton Wines, LLC
T/A COOL VINES
344 Nassau Street

PLENARY RETAIL CONSUMPTION LICENSE (THEATRE EXCEPTION)
- FEE \$2,500

1109-37-039-002

McCarter Theatre Company
91 University Place

CLUB LICENSE
FEE \$188

1109-31-024-002	Nassau Club of Princeton T/A NASSAU CLUB 6 Mercer Street
1109-31-028-009	Prospect Association of Princeton University T/A PROSPECT HOUSE Princeton University Campus
1109-31-041-002	The House Committee T/A DEBASEMENT BAR Princeton University Campus

2. The Borough Clerk is hereby authorized and directed to sign, and issue license certificate in accordance with the foregoing on behalf of the Mayor and Council of the Borough of Princeton.

Councilwoman Trelstad moved to approve Resolution 2010-R188, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (5) — Resolution 2010-R189** as follows:

**RESOLUTION 2010-R189
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE BOROUGH OF PRINCETON TO ENTER
INTO A SALES AGREEMENT WITH COMMUNITY OPTIONS, INC.**

WHEREAS, the Borough of Princeton (the "Borough") desires to enter into a sale agreement with Community Options, Inc. for the sale of property commonly known as 24 North Harrison Street with the Borough pursuant to the terms contained therein, attached hereto and incorporated herein by reference.

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

The Borough is authorized to enter into a sale agreement with Community Options, Inc. pursuant to the terms contained therein, attached hereto and incorporated herein by reference.

Councilman Wilkes recused himself from the vote.

Councilwoman Trelstad moved to approve Resolution 2010-R189 and Council President Koontz seconded. Council discussed somewhat vague definitions of “group home” and “developmental disabilities.” Councilman Goldfarb requested incorporation of specific provisions regarding the definitions. Councilwoman Trelstad accepted the change, as did Council President Koontz. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (6) — Resolution 2010-R190** as follows:

**RESOLUTION 2010-R190
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING 5-DAY GRACE PERIOD FOR TAXES**

WHEREAS, taxes are due on the first day of August, November, February and May; and

WHEREAS, the Borough Council has the statutory permission to waive interest on the payment of any installment of taxes if the payment is received by a certain date of said month;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, County of Mercer, State of New Jersey waive interest for the first five days of the due date and authorize the Tax Collector to not charge interest until the 6th day of the due date of taxes. If the 6th falls on Saturday, Sunday or a Borough Holiday, taxes are due on the next business day.

Councilwoman Trelstad moved to approve Resolution 2010-R190 and Councilman Martindell seconded.

Ms. Webb explained that modernized handling of payments—whether by mail, at the counter, by credit card, or online—necessitates a grace period for fair application of funds.

Borough Council approved Resolution 2010-R190 unanimously.

Mayor Trotman read **Agenda Item J, New Business (7) — Resolution 2010-R191** as follows:

**RESOLUTION 2010-R191
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICES CONTRACT
ENVIRONMENTAL CONSULTING**

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 PMK Group Consulting & Environmental Engineers, (the “Provider”) for the performance by the Provider for professional services in connection with engineering services being conducted for the Borough, as hereafter more particularly stated; and

WHEREAS, the Borough wishes to amend this agreement for additional services 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

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 June 22, 2010 through January 31, 2011, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide additional engineering services and other related duties as cited in their proposal letter of April 22, 2010 (attached), for an additional amount of \$12,300.00, or a revised total contract amount of \$37,600.00.

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-R191 and Councilwoman Trelstad seconded. Borough Engineer stated that Resolution 2010-R191 gets Borough to “the next step.” Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (8) — Resolution 2010-R192** as follows:

**RESOLUTION 2010-R192
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF CERTAIN PERFORMANCE BOND**

WHEREAS, the Borough had previously entered into a Capital Road Improvement contract with Top Line Construction Inc. for Capital Project 03-01, Reconstruction of Westcott Road and Library Place, which required the submittal of a performance guarantee for the project; and

WHEREAS, the improvements for the project were declared complete on May 5, 2010, and the Contractor has submitted a two year maintenance bond for 10% of the final contract price, or \$87,911.42, to guarantee the improvements.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Clerk is hereby authorized to return the posted performance bond to Top Line Construction, Inc. and accept Maintenance Bond #3-25-92-86, with an expiration date of May 5, 2012.

Councilwoman Trelstad moved to approve Resolution 2010-R192, Councilman Goldfarb seconded, and Borough Council approved five to zero—Councilwoman Crumiller recused herself.

Mayor Trotman read **Agenda Item J, New Business (9) — Resolution 2010-R193** as follows:

**RESOLUTION 2010-R193
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TRAFFIC LIGHT MAINTENANCE SERVICE
THROUGH THE COOPERATIVE PRICING SYSTEM OF MERCER /
MIDDLESEX COUNTIES**

WHEREAS, the Borough of Princeton is a member of Cooperative Pricing System of Mercer / Middlesex Counties #61-CPSMMC; and

WHEREAS, in accordance with N.J.S.A. 40A:11-10 the Borough of Princeton can purchase materials and service which have been bid for by the lead agency on our behalf; and

WHEREAS, the lead agency of the Cooperative Pricing System of Mercer / Middlesex Counties #61 awarded the Master Contract for Traffic Light Maintenance; and

WHEREAS, Jen Electric, 631 Morris Avenue, Springfield, New Jersey 07081 was the lowest responsible bidder; and

WHEREAS, Jen Electric has agreed to extend their contract for 24 months with no change in price, and

WHEREAS, the costs and the appropriate monies are provided in the Current Fund Budget for the Various Borough Departments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton authorize the Borough Administrator to purchase the above service for the Borough under the Cooperative Purchasing Bid.

Council President Koontz moved to approve Resolution 2010-R193, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (10) — Resolution 2010-R194** as follows:

**RESOLUTION 2010-R194
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA:332
TO ST PAULS PTA**

WHEREAS, ST PAULS SCHOOL PTA has submitted a raffle application to the Borough Clerk; and

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 June 22, 2010; and

WHEREAS, ST PAULS SCHOOL PTA, 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 (LGCC) registration form with identification number.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that raffle license RA: 332 for ST PAULS SCHOOL PTA be approved; and

June 22, 2010

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 332 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Councilwoman Trelstad moved to approve Resolution 2010-R194, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (11) — Resolution 2010-R195** as follows:

**RESOLUTION 2010-R195
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
PRINCETON REGIONAL CHAMBER OF COMMERCE**

WHEREAS, Princeton Regional Chamber of Commerce wishes to increase public awareness of their Midsummer Marketing Showcase Event on Palmer Square; and

WHEREAS, Princeton Regional Chamber of Commerce has requested permission to install a banner over Washington Road to announce these programs and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning Tuesday, July 6 through Tuesday July 13, 2010; 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.

Councilman Wilkes moved to approve Resolution 2010-R195, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (12) — Resolution 2010-R196** as follows:

**RESOLUTION 2010-R196
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY
PRINCETON SUMMER THEATER**

WHEREAS, Princeton Summer Theater a non profit charitable organization community organization wishes to increase public awareness of their summer theater programs; and

WHEREAS, Princeton Summer Theater has requested permission to install a banner over Washington Road to announce these programs and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning Monday, July 19 through Monday July 26, 2010; 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.

Councilman Wilkes moved to approve Resolution 2010-R196, Councilwoman Trelstad seconded, and Borough Council approved unanimously five to zero— Councilman Goldfarb recused himself.

Mayor Trotman read **Agenda Item K, Bill List for June 22, 2010 — Resolution 2010-R197** as follows:

**RESOLUTION 2010-R197
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JUNE 22, 2010 BILL LIST**

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (10-01)	175,792.84
RESERVE ACCOUNT (9-01)	
PARKING UTILITY OPERATING FUND (10-05)	19,278.67
PARKING UTILITY OPERATING FUND (9-05)	
AFFORDABLE HOUSING OPERATING ACCT (10-24)	315.77
IMPROVEMENT ASSESSMENT (10-11)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	501,894.94
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	3,523.00
TRUST FUND (T-13)	1077.49
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (10-22)	
MANUAL	14,784,857.61
ASSESSMENT TRUST FUND (10-11)	
GRANT (G-02)	

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list June 22, 2010 as presented.

Council President Koontz moved to approve Resolution 2010-R197, Councilwoman Trelstad seconded, and Council approved five to one, with Councilman Goldfarb voting nay.

Councilwoman Crumiller questioned \$2,000 for online health department update; she requested removing the item from today's payment. Council President Koontz

June 22, 2010

and Councilwoman Trelstad agreed. Council accepted the amendment and approved five to one. Councilman Goldfarb voting nay.

Mayor Trotman read **new agenda item — Resolution 2010-R199** as follows:

**RESOLUTION 2010-R199
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPOINTING ALTERNATE MEMBER
TO THE JOINT MUNICIPAL CONSOLIDATION STUDY COMMISSION**

WHEREAS, in October of 2009 the Borough of Princeton and Township of Princeton submitted application to the Local Finance Board of the State of New Jersey for creation of a Joint Consolidation Study Commission and establishing a study of further shared services and/or municipal consolidation; and

WHEREAS, Borough Resolution 2009-R300 hereby authorized the Borough of Princeton to appoint Borough members to a commission supported by contractor(s) to conduct studies of the feasibility and benefits of additional shared services and/or consolidating the two municipalities with the goal of placing the issue on the ballot for consideration by the residents of the municipalities in the November 2011 General Election, and

WHEREAS, the Study Commission shall consist of two elected officials from each municipality, three residents from each municipality and each municipality's administrator;

WHEREAS, the Mayor and Council of the Borough of Princeton desire to appoint an Alternate Citizen Representative to the Joint Municipal Consolidation Study Commission who will attend and contribute to the meeting process and would vote in the event another member is not able to serve;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton do hereby appoint **Alice K. Small as Alternate Citizen Representative** of the Joint Municipal Consolidation Commission.

Council President Koontz moved to approve Resolution 2010-R199, Councilman Martindell seconded, and Borough Council approved unanimously.

Councilman Wilkes moved to adjourn; Council President Koontz seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:35 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk