

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
September 7, 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

Absent: Mayor Mildred Trotman

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Christopher  
M. Budzinski, Borough Clerk Andrea Lea Quinty

Council President Koontz called the meeting to order at 7:30 P.M. and read the open public meetings statement as follows:

*“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of September 7, 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.”*

Council President Koontz asked all present to rise for **Agenda Item C, Salute to the Flag.**

Council President Koontz read **Agenda Item D, Approval of Minutes.**

Presented for approval were the minutes of the open session of August 10, 2010.

Councilwoman Crumiller moved to approve the minutes of the open session of August 10, 2010, Councilwoman Trelstad seconded, and Council approved unanimously.

Council President Koontz read **Agenda Item E, Public Presentation,** and asked if anyone present wished to address Council with an issue not on the agenda. Council President Koontz explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Seeing no one, Council President Koontz closed the public portion.

Council President Koontz read **Agenda Item F, Correspondence — Princeton Township — Resolution Supporting West Windsor Township in Designating Bikeways Along Washington Road from Route One to Faculty Road.**

Council President Koontz summarized that Washington Road (Route 571) was recently repaved, striped, and marked for shoulders. West Windsor Township requests Princeton Borough's support in designating bike lanes between Route One and Faculty Road. Councilman Goldfarb moved to adopt West Windsor Township's resolution with appropriate rewording to indicate Princeton Borough's agreement. Councilman Martindell seconded. Council President Koontz called for a vote and Borough Council approved unanimously.

Council President Koontz read **Agenda Item H, New Business (4) — Resolution 2010-R255** as follows:

**RESOLUTION 2010-R255  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING PLACE TO PLACE TRANSFER  
OF ALCOHOLIC BEVERAGE LICENSE  
TO PRINCETON WINES, LLC t/a COOL VINES**

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

1. An application has been filed for a place-to-place transfer of Plenary Retail Distribution License No. 1109-44-015-007, heretofore issued to Princeton Wines, LLC T/A Cool Vines for premises formerly located at 344 Nassau Street the following findings of fact have been determined:

a. the application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

b. the applicant is qualified to be licensed according to all standards established by N.J.S.A. 33:1-1 et seq., regulations promulgated thereunder, as well as pertinent Borough ordinances and conditions consistent with Title 33; in addition, the applicant is qualified as to legal age, there are no convictions for crimes of moral turpitude, and the applicant does not have a beneficial interest in more than two retail licenses; and

2. The following applicant is hereby adjudged to be entitled to the alcoholic beverage license for the licensed premises and with the effective date set forth below:

Name of Licensee:	Princeton Wines, LLC
Trading As:	Cool Vines
Kind of License:	Plenary Retail Distribution
License Number:	1109-44-015-007
Address of Licensed Premises:	21 Spring Street
Effective Date:	September 7, 2010

3. 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 and to endorse the License Certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 21 Spring Street in the Borough of Princeton, New Jersey."

Councilman Wilkes moved to approve Resolution 2010-R255, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Council President Koontz read **Agenda Item G, Discussion — Harrison Street Park (HSP).**

Council President Koontz invited everyone to visit revamped Harrison Street Park.

Council President Koontz outlined the procedure for discussion:

- **Overview** — *Robert W. Bruschi, Borough Administrator*
- **Park Status Report (including punch list)** — *Christopher M. Budzinski, Borough Engineer*
- **Court Color** — *Public Works Committee Chair, Barbara Trelstad*
- **Supplemental Planting Request**
- **Maintenance.**

Council President Koontz speculated that today will be Council's—and Mr. Koontz's—last public discussion of HSP. He thanked Council, staff, and neighbors for hours of dedicated effort toward developing, and watering, this wonderful park.

Mr. Bruschi quoted the contract price for HSP redevelopment as \$485,000, with \$479,000 spent to date. Mr. Bruschi defined “punch list”: Borough Engineer, in conjunction with design architect Edgewater, itemizes required jobs that are not to standard. Borough withholds a cash portion and has a performance bond in place to cover shortages; subsequent defaults are covered by a maintenance bond.

Action items (in particular, court color, supplemental plantings, and long-term maintenance) require Council's attention for release of the maintenance bond.

Mr. Budzinski stated that Borough declared the project essentially complete July 1, 2010; the maintenance bond (10% of final payment, or \$48,000, plus \$3,600 withheld pending final seeding) will run to July 1, 2011.

Council President Koontz opened the conversation on close-out issues (that is, maintenance bond and punch list) to the public.

Christine Graziano, 55 Aiken Avenue, revisited screening plants and court color. She said original design elements were intended to correspond to the natural feeling of the park.

Council President Koontz asked Ms. Graziano to restrict her comments to close-out items during this part of the agenda.

Molly Dykstra, 70 Patton Avenue, referring to the August 25, 2010, punch list, noted the items listed as “C3. Replacements” and requested deferral of some plantings until spring 2011.

Council President Koontz sought clarification under the contract as to timing of punch list compliance. Mr. Budzinski undertook to confer with Edgewater about spring planting.

Councilman Goldfarb stated the need to identify all plants that die before July 1, 2011, and determine appropriate remedy under the warranty. Councilwoman Trelstad proposed compiling

an ongoing list with periodic revisions to present to Edgewater in spring. Council and neighbors discussed best ways to “buy time” until spring in order to maximize planting dollars.

Mr. Budzinski feared that Edgewater would ask, “When does the list stop?” He recommended cleaning up the 2010 punch list and beginning with a new maintenance list/plan next year.

Martha Reinhardt, 41 Harrison Street, opposed adding anything to the punch list that was not part of the design contract. She established that Edgewater’s and neighbors’ punch lists are to be combined. Ms. Reinhardt emphasized maintenance—all plants may not thrive on their own—and flexibility when replacing plants that died.

Councilman Goldfarb remembered that maintenance after one year should comprise mulching and weeding; if more, a complaint against the contractor may be indicated.

Council President Koontz pursued Public Works Committee’s (PWC) conclusions about the court color with its chair, Councilwoman Trelstad. Councilwoman Trelstad reported PWC’s decision to open the park to ascertain if the color will soften with sun and use. Councilwoman Trelstad clarified that PWC recommended *not* to repaint.

Councilwoman Trelstad moved to accept PWC’s recommendation and Councilwoman Crumiller seconded.

Councilman Goldfarb, although a member of PWC, shared his personal opinion that designer must maintain responsibility for his/her decisions. Defensible reasons not to repaint: Present color acceptable, designer’s choice, expense.

Councilman Martindell questioned durability of court color with attrition of normal use.

Councilwoman Trelstad said PWC will entertain all comments from citizens.

Councilwoman Crumiller observed that the court color resembles some reddish stone found in nature.

Council President Koontz opened comment to members of the public.

Ms. Graziano defended the community design efforts toward the final HSP—they were never involved in talks about court color or the addition of striping. She said the neighbors who had actively participated in the community design process felt disheartened. Short of a color change, Ms. Graziano requested changing the stripes to black to regain residents’ trust in Borough government.

Donald Cox, 40 Harrison Street, distinguished between those who live near the park and community-wide users—border owners have very specific ideas about every detail of HSP, whereas residents at large seek a lighter, brighter color to encourage communal gathering. Mr. Cox opposed the practice of an agenda item for every micro detail.

Councilwoman Trelstad reiterated the plan to open HSP, use it, see how it wears, and discover the changes and improvements that are deemed desirable.

Borough Council approved five to one to keep the court color as is; Councilman Martindell abstained.

Council President Koontz introduced Ms. Graziano's request for Council's approval of an expenditure for supplemental screening plants. Ms. Graziano explained that she also requests anemic (in some cases, dead) screening plants from spring 2010 be replaced as inadequate—she wants screen foliage as agreed by Council in a previous meeting.

Council President Koontz asked Mr. Budzinski if Ms. Graziano's request is for *additional* plants or *contracted* plants.

Mr. Budzinski confirmed that the on-site agreement among Ms. Graziano and the landscapers determined what was to be physically planted, and those plants are in the ground today. Mr. Budzinski committed to replace any of those plants that have failed. Mr. Budzinski also stated that the requests were “snowballing” therefore he was no longer comfortable making that decision, thereby leaving the outcome to Council.

Councilman Martindell moved to refer supplemental planting requests to PWC for advice. Councilwoman Trelstad seconded. Councilman Goldfarb pointed out that PWC can recommend; it cannot fund. The topic will therefore come before Council again at a future meeting. Councilman Goldfarb suggested finding a solution *now*.

Council President Koontz emphasized that Ms. Graziano is making the simplest request possible: Spend more money to buy some plants and could not justify taking more time in Public Works Committee evaluating Ms. Graziano's needs. Council President Koontz commented that Ms. Graziano could purchase plants for her property.

Council President Koontz called the question. The motion to refer to PWC failed four (Council President Koontz, Councilwoman Crumiller, Councilman Goldfarb, Councilman Wilkes) to two (Councilman Martindell, Councilwoman Trelstad).

Council President Koontz commended input to Council from Mercer County's Horticulturalist Barbara Bromley and Edgewater Design regarding watering practices and other park maintenance. Council President Koontz thought Council must address park maintenance plans during the budget cycle. He said community participation in the welfare of HSP has proved that all Princeton parks can have personal attention from residents.

Councilwoman Trelstad announced that PWC has prepared a draft job description for Rutgers Gardens to provide a summer landscape intern (mid-May), thereby adding knowledge of perennials for HSP maintenance. PWC will review Edgewater's and Bromley's maintenance plans and create a formal “Friends of the Park” plan for all of Princeton Borough.

Councilman Martindell said Council must decide (1) who is in charge? and (2) what funds are available? Councilman Martindell wanted PWC to answer those two questions, specifically for HSP long-term maintenance.

Councilman Goldfarb thought Borough must provide the same level of support to all parks. When Borough can leverage maintenance contributions by neighbors, Councilman Goldfarb encouraged Council to extend allotments beyond normal boundaries.

Council President Koontz opened the meeting to the public for comments on HSP maintenance.

Ms. Reinhardt recommended assigning point persons from neighbors, Public Works, and Borough staff to work in concert with established maintenance plan dates.

Ms. Dykstra commented that there is inadequate water supply/pressure at the 70 Patton end of HSP. She suggested Borough devise a triage plan to deal with the effect of the severe summer of 2010—what plants can be rescued and what must be left?

Councilman Goldfarb questioned the need for triage when the plantings had been chosen for their survivability.

Jo Butler, 18 Hibben Road, pointed out lack of recourse with contractors when clients change the final arrangements. She sought accountability on behalf of taxpayers.

Council President Koontz named Mr. Budzinski as point person from Borough staff. Council President Koontz nominated Councilwoman Trelstad (Chair of PWC) and himself (President of Princeton Parks Alliance) as point people as well. He asked the Friends group to name a representative.

Council President Koontz read **Agenda Item H, New Business (1) — Resolution 2010-R252** as follows:

**RESOLUTION 2010-R252  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$18,250,000 OF  
REFUNDING BONDS, CONSISTING OF NOT TO EXCEED \$5,600,000 GENERAL  
IMPROVEMENT REFUNDING BONDS AND NOT TO EXCEED \$12,650,000 PARKING UTILITY  
REFUNDING BONDS OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER,  
NEW JERSEY OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL  
OFFICER TO ACCOMPLISH THE REFUNDING ON THE TERMS APPROVED BY THE LOCAL  
FINANCE BOARD CONSISTENT WITH THE REFUNDING PROVISIONS OF THE INTERNAL  
REVENUE CODE AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS  
TO RBC CAPITAL MARKETS**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PRINCETON, COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. An amount not to exceed \$5,600,000 of General Improvement Refunding Bonds of the Borough of Princeton, in the County of Mercer, New Jersey (the "Borough"), in specific amounts to be determined as provided herein and as more fully described in a bond ordinance finally adopted by the Borough pursuant to the Local Bond Law on September 8, 2010, and entitled, "Refunding Bond Ordinance of the Borough of Princeton, in the County of Mercer, New Jersey, Providing for the Advance Refunding of

Certain General Improvement Bonds, Series A and Certain General Improvement Bonds, Series B, Appropriating \$5,600,000 Therefor and Authorizing the Issuance of \$5,600,000 General Improvement Refunding Bonds of the Borough for Financing the Cost Thereof” shall be issued as “General Improvement Refunding Bonds” (the “General Improvement Refunding Bonds”).

Section 2. An amount not to exceed \$12,650,000 Parking Utility Refunding Bonds of the Borough in specific amounts to be determined as provided herein and as more fully described in a bond ordinance finally adopted by the Borough pursuant to the Local Bond Law on September 8, 2010, and entitled, “Ordinance Amending in its Entirety Refunding Bond Ordinance #2007-26 of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain Parking Utility Improvement Bonds, Series 2003, Appropriating \$11,700,000 Therefor and Authorizing the Issuance of \$11,700,000 Parking Utility Refunding Bonds of the Borough for Financing the Costs Thereof, Finally Adopted November 7, 2009, in Order to Increase the Amount of the Parking Utility Refunding Bonds to \$12,650,000” shall be issued as “Parking Utility Refunding Bonds” (the “Parking Utility Refunding Bonds” and, together with the General Improvement Refunding Bonds, the “Bonds”).

Section 3. The Bonds are hereby authorized to be sold to RBC Capital Markets (the “Underwriter”) at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the approval by the Local Finance Board in the Department of Community Affairs, State of New Jersey (the “Local Finance Board”):

- (a) the principal amount of the Bonds does not exceed \$18,250,000;
- (b) the Net Interest Cost of the Bonds does not exceed an interest rate that would enable the Borough to complete the refunding within the parameters established by the Local Finance Board;
- (c) the Underwriter’s discount does not exceed the amount referenced in the approved Local Finance Board application;
- (d) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board together with any adjustments recommended by the Underwriter on the sale date designed to reduce the total costs of the borrowing to the Borough;
- (e) all conditions required by the Local Finance Board for the sale of the Bonds are satisfied.

Section 4. The Chief Financial Officer is hereby authorized and directed, without further authorization, to enter into and execute a purchase contract (the “Purchase Contract”) on behalf of the Borough with the Underwriter in the form satisfactory to bond counsel to the Borough and upon terms consistent with the above parameters. Upon execution of the Purchase Contract, the signature of the Mayor and/or the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Bonds. If the Chief Financial Officer, after consultation with the Underwriter, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 5. (a) The Bonds shall be issued in the par amounts consistent with the parameters set forth in Section 3 hereof and determined by the Chief Financial Officer to be necessary to pay costs of issuance and to provide an escrow fund that, when invested, will be sufficient to provide for the timely payment of the principal and redemption premium, if any, of and interest on all or a portion of the following outstanding bonds (collectively, the “Refunded Bonds”):

- (i) \$1,938,0000 outstanding principal amount of the \$5,553,000 original principal amount of General Improvement Bonds, Series A, dated August 15, 2003, which amount matures on August 15 in the years 2014 through 2018, inclusive;
- (ii) \$2,799,000 outstanding principal amount of the \$8,214,000 original principal amount of General Improvement Bonds, Series B, dated August 15, 2003, which amount matures on August 15 in the years 2014 through 2018, inclusive;
- (iii) \$10,855,000 outstanding principal amount of the \$13,700,000 original principal amount of Parking Utility Bonds, Series 2003, which amount matures on August 15 in the years 2014 through 2028, inclusive;

(b) The Bonds shall be dated and shall bear interest at the rates per annum as the Chief Financial Officer shall determine.

(c) The Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Purchase Contract.

(d) The Bonds shall mature in each of the years 2011 to 2028, inclusive, or such other dates deemed consistent with the approved Local Finance Board resolution and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

- (e) The Bonds may be subject to redemption prior to their stated maturities.

(f) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of CEDE & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple thereof through book-entries made on the books and the records of the Securities Depository and its participants except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in the denominations of \$1,000 or any integral multiple thereof.

(g) The principal of and the interest due on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of the 15th next preceding each maturity date (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Borough (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk.

Section 6. The Bonds shall be substantially in the following forms with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds:

REGISTERED  
No. A. - \_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
  
BOROUGH OF PRINCETON

B. \_\_\_\_\_ REFUNDING BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/10	___/___/___	_____ %	_____

BOROUGH OF PRINCETON, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & Co., as nominee of The Depository Trust Company which will act as Security Depository on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), and to pay interest on such sum from the Dated Date stated above until it matures at the Rate of Interest Per Annum specified above semiannually on the first day of \_\_\_\_\_ and \_\_\_\_\_ in each year until maturity, commencing \_\_\_\_\_. Principal of and interest on this bond will be paid to the Security Depository by the Borough and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the \_\_\_\_\_ and \_\_\_\_\_ next preceding the date of such payments (the "Record Dates"). The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest. The participants are responsible for maintaining the records regarding the beneficial ownership interest in the bonds on behalf of the individual purchasers except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants.

[The Bonds are not subject to redemption prior to their stated maturity.

The Bonds maturing prior to \_\_\_\_\_, 20\_\_ are not subject to optional redemption prior to maturity. The Bonds maturing on or after \_\_\_\_\_, 20\_\_ are subject to redemption on or after \_\_\_\_\_, 20\_\_ at \_\_\_\_\_% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed Bond Registrar. Any failure of the depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Borough; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If Notice of Redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.]

C. \_\_\_\_\_

As long as The Depository Trust Company is the depository for the Bonds as provided herein, the procedures of The Depository Trust Company will determine the method of selection for redemption within a maturity. Otherwise, it will be by lot or by a similar method.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the Borough has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual or facsimile signature of its Clerk and this bond to be dated the Dated Date as specified above.

Section 7. In each of the General Improvement Refunding Bonds in the amount determined by the Chief Financial Officer the following language or such other designation as determined by the Chief Financial Officer should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

- A. GIR-\_\_\_\_.
- B. GENERAL IMPROVEMENT

C. This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, a bond ordinance of the Borough finally adopted September 8, 2010, and entitled, "Refunding Bond Ordinance of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain General Improvement Bonds, Series A and Certain General Improvement Bonds, Series B, Appropriating \$5,600,000 Therefor and Authorizing the Issuance of \$5,600,000 General Improvement Refunding Bonds of the Borough for Financing the Cost Thereof" and a resolution of the Borough adopted September 8, 2010.

Section 8. In each of the Parking Utility Refunding Bonds in the amount determined by the Chief Financial Officer the following language or such other designation as determined by the Chief Financial Officer should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

- A. PUR-\_\_\_\_.
- B. PARKING UTILITY

C. This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, a bond ordinance of the Borough finally adopted September 8, 2010, and entitled, "Ordinance Amending in its Entirety Refunding Bond Ordinance #2007-26 of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain Parking Utility Improvement Bonds, Series 2003, Appropriating \$11,700,000 Therefor and Authorizing the Issuance of \$11,700,000 Parking Utility Refunding Bonds of the Borough for Financing the Costs Thereof, Finally

Adopted November 7, 2009, in Order to Increase the Amount of the Parking Utility Refunding Bonds to \$12,650,000” and a resolution of the Borough adopted September 8, 2010.

Section 9.

Section 10. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon & Scotland, L.L.C., complete except for omission of its date. The Clerk is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing on each of the Bonds by facsimile signature a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk’s office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 11. The Bonds are being issued to refund the Refunded Bonds. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the first available call date at the applicable redemption price, deposit the proceeds of the Bonds with a bank for the purpose of defeasing the Refunded Bonds, invest the proceeds of the Bonds for this purpose and assist with the redemption of the Refunded Bonds. The Chief Financial Officer is hereby authorized to enter into an agreement with a bank (the “Escrow Deposit Agreement”) to effectuate the purpose of this Section 11.

Section 12. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the “Code”) in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code.

Section 13. The Borough hereby approves the preparation and the distribution of the Preliminary Official Statement on behalf of the Borough in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Mayor or the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Mayor and/or the Chief Financial Officer of the Borough are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter’s confirmations that request payment for the Bonds.

Section 14. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 15. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the “Registered Bonds”) in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner’s name, will become the registered owner of such Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 16. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the “Rule”), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2010, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Dataport (the “MSRB”), or any other designated nationally recognized municipal securities information repository (“State Repository”), if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough, (ii) the Borough’s most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting

principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the National Repository;

(b) in a timely manner to the MSRB, and to the State Repository, if any, notice of the following events with respect to the Bonds, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes;

(c) in a timely manner to the MSRB, and to the State Repository if any, notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 17. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 18. The Chief Financial Officer shall determine, in consultation with bond counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 19. In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for any monetary damages, remedy of the beneficial owners of the Bonds being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 20. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, which in the opinion of nationally recognized bond counsel complies with the Rule.

Section 21. There can be no assurance that there will be a secondary market for the sale or purchase of the Bonds. Such factors as prevailing market conditions, financial condition or market position of firms who may make the secondary market and the financial condition of the Borough may affect the future liquidity of the Bonds.

Section 22. The Mayor, the Chief Financial Officer, the Clerk and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Borough, satisfying in full the requirements of notice of redemption of the

Refunded Bonds and taking all steps necessary or desirable to implement this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 23. The Chief Financial Officer is hereby authorized and directed to pay all costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the aggregate amount authorized.

Section 24. This resolution shall take effect immediately.

Councilwoman Trelstad moved to approve Resolution 2010-R252 and Councilman Goldfarb seconded.

Mr. Bruschi explained that Resolution 2010-R252 provides for beneficial re-funding of existing bonds.

Hearing no discussion, Council President Koontz called for a roll call vote. Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Koontz proclaimed the resolution approved.

Council President Koontz read **Agenda Item H, New Business (2) — Resolution 2010-R253** as follows:

**RESOLUTION 2010-R253  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE RELEASE OF PERFORMANCE BOND  
AND ACCEPTING MAINTENANCE BOND  
FOR CAPITAL PROJECT 09-01**

WHEREAS, on May 4, 2010, the Borough entered into a contract for Capital Project 09-01, Moore Street Sewer Improvements (the "Project") with Integrated Construction & Utilities of NJ, LLC, who posted Performance Bond # 4-079-847 issued by Ohio Casualty Insurance Company; and

WHEREAS, the Borough Engineer has advised that the Project has been satisfactorily completed and further recommends that the Performance Bond be released and that a Maintenance Bond be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Performance Bond posted by Integrated Construction & Utilities of NJ, LLC., being bond # 4-079-847 issued by Ohio Casualty Insurance Company in the amount of \$81,433.23 be released and that Maintenance Bond # 4-079-847 issued by Ohio Casualty Insurance Company in the amount of \$9,672.63, be accepted to guarantee against defects in workmanship and materials which may become apparent for the period of one year from the date of approval of the Contract work, the approval date being August 4, 2010.

Councilwoman Trelstad moved to approve Resolution 2010-R253, Councilman Goldfarb seconded, and Council approved unanimously.

Council President Koontz read **Agenda Item H, New Business (3) — Resolution 2010-R254** as follows:

**RESOLUTION 2010-R254  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PURCHASE OF TRAFFIC LINE STRIPING  
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 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 Line Striping on August 11, 2010; and

WHEREAS, Traffic Lines, Inc., 5100 Asbury Road, Farmingdale, NJ 07727 was the lowest responsible bidder; 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 for the Borough under the Cooperative Purchasing Bid.

Councilman Wilkes moved to approve Resolution 2010-R254, Councilwoman Trelstad seconded, and Council approved unanimously.

Council President Koontz read **Agenda Item H, New Business (5-10) — Resolutions 2010-R256, 2010-R257, 2010-R258, 2010-R259, 2010-R260, and 2010-R261** as follows:

**RESOLUTION 2010-R256  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING SUBMISSION OF APPLICATION  
FOR MUNICIPAL ALLIANCE/PADA GRANT**

WHEREAS, The Princeton Borough Council of the City of Princeton, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, The Princeton Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, The Princeton Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Mercer;

NOW, THEREFORE, BE IT RESOLVED by the Princeton Borough Council, County of Mercer, State of New Jersey hereby recognizes the following:

1. The Princeton Borough Council does hereby authorize submission of an application for the Princeton Alcohol and Drug Alliance grant for calendar year 2011 in the amount of \$28,020.00
2. The Princeton Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION 2010-R257  
REGARDING TRANSPORTATION COSTS FOR  
HAZARDOUS BUS ROUTES FOR THE 2010-2011 SCHOOL YEAR**

WHEREAS, the Mayor and Council deem it appropriate to determine those student transportation costs for which it will reimburse the Princeton Regional Board of Education during the 2010-2011 school year; and

WHEREAS, pursuant to N.J.S.A. 18A: 39-1.1, the Mayor and Council have agreed on behalf of the Borough to provide reimbursement to the Princeton Regional School District for certain

*hazardous route* transportation costs for children who attend grades K through 5 in public schools in the Princeton Regional School District; and

WHEREAS, Princeton Regional School District, under its established policies will provide transportation for certain elementary school pupils who have been assigned for purposes of racial balance to a school other than the one closest to their homes; and

WHEREAS, the Borough of Princeton wishes to identify more particularly those roadway crossing hazards for which it would be more economical and efficient to provide transportation for other elementary school pupils by the Princeton Regional School District, which transportation costs will be borne by the Borough of Princeton; and

WHEREAS, the New Jersey State Board of Education has concluded in *Parents for Students Safety Inc. versus Board of Education of Morris School District, 1985 SLD 3116* (Feb. 5, 1986) that courtesy busing could or could not be provided to both public and private school students based upon economic and other considerations; and

WHEREAS, based on its limited financial resources and the discretion accorded to it by the State Board of Education, as well as the availability of alternate means of access, the Mayor and Council have determined that it will not reimburse the Princeton Regional Board of Education for transportation costs of children who reside in the Borough of Princeton along the specified public elementary school *hazardous route* bus routes and attend parochial or private schools or are assigned to grades 6-12 in the public schools.

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

The Borough of Princeton shall during the 2010-2011 school year reimburse the Princeton Regional School District for of the transportation costs for busing:

a. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of Rosedale and Elm Road or use the pathway through the wooded area behind the Elm Court Housing project in order to reach the Johnson Park School to which they are assigned. It is understood that those pupils residing in the area between Bayard Lane (U.S. 206) and Witherspoon St. who were assigned to the Johnson Park School for purposes of racial balance will be provided with transportation by the Princeton Regional School District under its previously established transportation policies.

b. those children attending grades K through 5 in the public schools in the Princeton Regional School District who reside on any street which would normally involve the students crossing any part of the intersections of Stockton St. (U.S. 206), Bayard Lane (U.S. 206) or Nassau St. (N.J. 27) in order to reach the Community Park School to which they are assigned.

c. those children attending grades K through 5 at the Charter School who reside on any street which would require such children to cross Nassau Street to attend such school.

BE IT FURTHER RESOLVED that nothing in this resolution shall bind the Borough to continue such reimbursement beyond the 2010-2011 school year.

**RESOLUTION 2010-R258  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING SPECIAL LEGAL SERVICES**

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 Louis P. Rago, Attorney At Law (hereinafter referred to as "Provider") to provide professional services for the Planning Board 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 special legal counsel to the Regional Planning Board of Princeton to review various Borough land development applications as filed with the Board, 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. The Borough shall pay the Provider pursuant to the contract with the Provider.

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-R259  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
LAWRENCE CHAU**

WHEREAS, Lawrence Chau has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the MERCER ENGINE COMPANY #3

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2010-R260  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY PRINCETON PUBLIC LIBRARY**

WHEREAS, Princeton Public Library has planned its Centennial Celebration event to be held in October; and

WHEREAS, Princeton Public Library 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 October 4, 2010 through Monday, October 11, 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

September 7, 2010

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.

**RESOLUTION 2010-R261  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY YWCA PRINCETON**

WHEREAS, YWCA PRINCETON has planned its annual Crafters Marketplace event held at John Witherspoon School, which supports the YWCA Bates Scholarship Fund; and

WHEREAS, YWCA 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 November 15, 2010 through Monday, November 22, 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 Resolutions 2010-R256, 2010-R257, 2010-R258, 2010-R259, 2010-R260, and 2010-R261; Councilwoman Crumiller seconded.

Councilman Goldfarb commented that future belt-tightening might require parents to make their own arrangements for transport to school (see 2010-R257). Mr. Bruschi stated that law requires public busing to some schools, whether the children use the bus or not. Council President Koontz asked Mr. Bruschi to prepare a schedule of options for hazardous school bus routes to guide Council's future talks on the matter.

Council President Koontz called the question. Council approved unanimously.

Councilwoman Trelstad moved to adjourn; Councilman Wilkes seconded. There being no further business, Council President Koontz adjourned the open session meeting at 9:55 P.M.

Respectfully submitted,

**Andrea Lea Quinty  
Borough Clerk**