

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
One Monument Drive
Princeton, New Jersey
November 9, 2011
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler, Councilwoman Jenny Crumiller (*arrived 7:04 P.M.*), Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M. West, Land Use Development Official Derek Bridger, Assistant Borough Attorney Henry Chou, Planning Board Director Lee O. Solow, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:00 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 November 9, 2011, 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 2011-R263**, as follows:

**RESOLUTION 2011-R263
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON NOVEMBER 9, 2011**

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

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

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

1. Personnel
2. Litigation update

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

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

Councilwoman Trelstad moved to approve; Councilman Goldfarb seconded. Council members Wilkes, Butler, Goldfarb, Martindell, and Trelstad 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 September 6, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of September 6, 2011, Council President Wilkes 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.

Marvin Reed, former Borough Mayor, thanked Council for support of the consolidation effort.

Councilman Martindell congratulated Heather Howard, Barbara Trelstad, and Yina Moore for their election to the governing body.

Council President Wilkes acknowledged the service of Mark Freda, who provided valuable strategic thinking on Fire Department and Rescue squad matters.

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

Mayor Trotman read **Agenda Item G, Correspondence (1) — Stony Brook Regional Sewerage Authority – Request Meeting with NJDEP Commissioner Bob Martin to discuss the new effluent limits included in the SBRSA NJPDES permits.**

Councilman Goldfarb, member of sewer oversight committee, explained that DEP is proposing limits on upstream plants in Hopewell and Pennington that require removal of arsenic in *waste* water to a level significantly below that acceptable for *drinking* water. Councilman Goldfarb remarked that a major investment of several million dollars, with an associated increase to ratepayers, adds no real improvement in water quality. Councilman Goldfarb said SBRSA is asking member communities to intervene; a meeting with DEP Commissioner Martin will be requested.

Councilman Goldfarb stated that SBRSA's board consists of one representative from each municipality; one consolidated Princeton should mean one representative after amendment of the standing agreement. "Grandfathering" two Princeton board members is arguable.

Council President Wilkes moved to notify Environmental Commission by letter; Councilwoman Crumiller seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item H, Discussion (1) — Avalon Bay Communities, Inc.— Ron Lidele, V.P.**

Noting that Avalon is the anticipated new owner of the hospital (UMCP) site, Mayor Trotman reminded that zoning standards were set for reuse of the hospital buildings and grounds. Mayor Trotman announced a presentation from Princeton Future on November 19 at the public library at 9:00 A.M., at which members of the public can participate.

Mr. Lidele listed three objectives: (1) introduce Avalon to the community, (2) describe concept plan, and (3) request action from Council.

- Avalon: Owner and operator of *rental* apartments (57,000 apartment homes in 199 communities in 10 states and D.C.)
- First goal: Demolish existing building immediately after hospital removal
- Contracted to buy: Seven-story hospital building, parking garage, nine homes on Harris Road. (Medical Arts building at 281 Witherspoon to be retained by UMCP.)
- Plan: Harris—improvements, no substantive change; garage—overdue maintenance, no change; hospital—raze.

Mr. Lidele distributed a rendering with a view to presenting Avalon's vision for the site.

- Current building oversized for neighborhood
- Propose four- and five-story building
- Accede to and exceed bulk standards
- Market rents to be \$1,600 to \$3,200 monthly
- Amenities to include pool and recreation area, fire pit, gym
- Full-time, on-site management and maintenance personnel.

Mr. Lidele repeated Avalon's intent to request zoning change as soon as possible.

- Presently 280 units with 20% affordable (56) — change to 324 apartments with 17.3% (also 56) to be integrated into whole complex.

Mr. Lidele clarified that the garage will not be available for public parking—medical office building users and Avalon residents only. No retail usage is planned for the site.

Councilman Goldfarb identified an unmet need in town satisfied with this plan.

Planning Board Director Lee O. Solow thought the garage should suffice under current parking standards. After completion of the project, different parking needs may be recognized.

Councilman Goldfarb asked how number of parking spaces was determined when establishing present zoning limits. Mr. Solow described the factors of the calculation.

Councilman Goldfarb wondered if Council has a mechanism for seeking Planning Board opinions without actually introducing an ordinance. Mr. Solow responded that Planning itself can initiate suggestions and Council can approach Planning with particular issues to examine.

Council President Wilkes asked about environmental remediation. Mr. Lidele replied that asbestos removal is time consuming; must be done for demolition. UMCP has capped underground storage tanks; some already removed; Avalon to complete with DEP permits. Every compound that can be will be recycled.

Council President Wilkes requested approximate square footages. Mr. Lidele said studios will range from 550 to 650 square feet; one-bedroom units, 725 to 850; two-bedroom, 850 to 1000; three-bedroom 1000 to 1250. Total square feet for the complex envisioned to be fewer than earlier plan.

Mr. Lidele provided a brief overview of affordable housing policy and regulations.

Councilwoman Crumiller favored creating as much affordable as possible—why reduce from 20% to 17.3%? Mr. Lidele: (1) not a for-sale community, (2) rentals are always 15%, (3) beginning of discussion.

Councilman Martindell inquired the fate of Franklin Street parking lot. Mr. Lidele said it is not part of the Avalon purchase.

Councilman Martindell noted 10 permitted uses under current zoning. He thought, if the complex is to be 100% residential, there appears to be shift to the Master Plan. Mr. Lidele countered that seeking a *permitted use* does not suggest Master Plan review or zoning variance.

Mr. Lidele and Council discussed aspects of nearby retail, Witherspoon walkability, parking, and so forth. Mr. Lidele emphasized that Avalon Bay Communities is *good at* residential; not so good at retail.

Councilman Martindell feared increased commercialization of other parts of Witherspoon Street and adjacent streets, with selling off of some older homes. Mr. Lidele thought zoning needs would solve the problem as it developed.

Councilman Martindell also feared that a 17.3% affordable limit would set a benchmark for developers of Stanworth and Merwick (20% standard now). Mr. Lidele pointed to the different mission of Princeton University (not-for-profit) development.

Council President Wilkes indicated he would “love to have the problem” of a surge of demand for retail space on Witherspoon—pharmacy, dry cleaner, barbershop among others have already been lost.

Land Use Development Official Derek Bridger described the present NB zone for John/Witherspoon—40% commercial and 60% residential components. Mr. Solow stated that adjacent areas in Township permit various businesses (*Princeton Packet*, for example).

Councilwoman Trelstad pointed out that Avalon’s proposed rental schedule for market units is, in fact, *affordable* to moderate-income families (e.g., \$12,000 per year equals one-third of a \$36,000 annual income).

Councilwoman Butler asked where the “unmet” population lives now and how their arrival at UMCP will affect traffic. Mr. Lidele replied that his traffic study had revealed a mere 20 additional peak trips (one trip per three minutes) with the increase from 280 units to 324.

Councilwoman Butler thought it unfortunate that Avalon residents will have no incentive to frequent community pool.

Councilman Goldfarb reminded that extensive public and government input was contributed toward bulk zoning standards for the UMCP site; two small changes are sought—total units and percentage affordable.

Mr. Lidele stressed that Avalon does not permit sublets.

Mr. Solow sought guidance for the Planning Board on ideas to be explored with developer; e.g., number of units (increase total, decrease affordable), variety of unit sizes, include medium income units, offset [cash or other] to Borough to meet affordable percentage, traffic and parking impacts.

Assistant Borough Attorney Henry Chou clarified that a Borough ordinance already defines “workforce” middle income housing as 80 to 150% of average median income.

Council President Wilkes moved to pass the Avalon plan to the Planning Board for analysis and recommendations and Councilman Goldfarb seconded. Mayor Trotman called the question and proclaimed the motion carried.

Mayor Trotman read **Agenda Item I, Discussion (1) — University Sharrows – Jack West, Borough Engineer.**

Mr. West reported that PU approached Borough and Township to supplement efforts to install sharrows on public roadways in the PU vicinity; namely, Alexander, University, College, Washington, Prospect, William, Olden, FitzRandolph, and Broadmead in the Borough; also some Township streets. Mr. West said the endorsement is before Traffic and Transportation Committee.

Councilwoman Butler asked PU representative Kristin Appeget if the new sharrows would replicate existing ones in materials, location, and so forth. Mr. West answered that sharrows are regulated and will be exactly the same. Councilwoman Butler was concerned that sharrows are not wearing well already—darkening and bumpy.

Councilwoman Trelstad clarified that bicycles and autos are to *share* the center of the lane; in fact, *follow the sharrow*.

Ms. Appleget added Charlton to the list of sharrow streets at the request of the joint bike committee. She assured that PU will assume the cost of sharrow maintenance on their adjacent streets.

Councilman Goldfarb moved to ask staff to prepare a license agreement, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item I, Discussion (2) — Transit Zone**.

Councilman Goldfarb hoped to participate in the discussion, thinking the zoning issue “hypothetical.” Councilwoman Crumiller disagreed.

Mr. Chou stated Councilman Goldfarb should recuse himself; Councilman Goldfarb did so at 9:35 P.M.

Mr. Bruschi reviewed transit zones in comparable New Jersey towns that have downtown rail stations; staff had been unable to find like zones. There were communities with broader zones for transit hubs (rail and/or bus) and communities with redevelopment areas including transit functions.

Mr. Bruschi warned of downsides to a transit zone concept as listed in the attorney Robert Goldsmith’s memo.

Councilwoman Crumiller asked Mr. Chou’s opinion. Mr. Chou declared ignorance of Mr. Goldsmith’s stand, due to conflict from his firm’s representation of New Jersey Transit (NJT). Specifically, Councilwoman Crumiller wondered if this is “spot zoning.” Mr. Chou said this is an *existing* use; rezoning the track area is *memorializing* the existing use.

Mr. Bridger stated that the present station zoning (E2) is for a *non-residential, conditional* use that includes such functions as railroads, public utilities, rights of way, and so on dedicated to benefit the community. Mr. Bridger went on to list all uses permitted in E2.

Mr. Solow explained that proposed transit zone protects the rail right of way and allows existing passenger and freight terminals to house food and retail emporia—uses incidental to transit.

Councilwoman Crumiller noted that the proposed transit zone allows PU to build its arts complex, allows creation of the beautiful new campus area, *and* protects the straight-shot right of way to Nassau Street on behalf of Borough.

Councilman Martindell stated the new zone protects the straight shot by blocking PU construction plans that are not transit related; what Mr. Goldsmith calls inverse condemnation.

Councilwoman Trelstad wondered how Borough can counter Township zoning that blocks the straight shot.

Council and Mr. Solow examined the map and discussed ramifications of Lots 4 and 39.

Council debated hiring an expert attorney for consultation on transit zoning.

Councilwoman Crumiller read aloud Mr. Goldsmith's comment:

With respect to the rail transit zone, the zoning is so narrow that it could be deemed to be reverse spot zoning with respect to what is permitted. Another possible challenge would be that it approaches a taking which in itself could be a basis to set aside the zoning and further could expose the Borough to a claim of inverse condemnation damages and the substantial expense of defending a legal challenge.

Mayor Trotman asked members of the audience for brief comments on this topic.

Alan Kornhauser, Montedale Circle noted that Mr. Lidele's presentation was a different experience from others before Council since January 31, 2011.

Anne Neumann, Alexander Street, observed that light rail is flexible enough that the existing right of way could be bent through Lots 4 and 39 to provide the straight shot. She compared PU to Avalon—equally a private developer.

Yina Moore, 19 Green Street, Planning Board member and Borough mayor-elect, stated there does not have to be an elimination of opportunity for PU through inverse condemnation. She recommended preserving a channel through which there can be accessible mass transit.

Kip Cherry 25 Dempsey Avenue, agreed with the proposal for a transit zone—not to save Dinky heavy rail, but to preserve Princeton's options by protecting the current right of way.

Chip Crider, Bank Street, reminded of his long-time notion for PU's future upgrading of public transit. Mr. Crider asked Council to stop dickering with PU over opinions that probably will not stand up in court.

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

Councilwoman Trelstad was concerned to preserve the entire right of way, including Township portion.

Councilwoman Crumiller hoped a transit zone would remove the motivation to move the station.

Councilwoman Crumiller moved to amend the E5 ordinance to include a transit zone.
Councilwoman Butler seconded.

Councilwoman Butler and Councilwoman Trelstad wanted Council to consult an expert before voting.

Councilman Martindell saw four steps toward an opinion letter: (1) recommend an attorney, (2) recommend a budget, (3) recommend a timeframe, (4) list questions; all before next meeting.

Mr. Chou again declined to comment on transit zoning ordinances. He said there is no conflict if NJT has no stake in the location of the terminal.

Councilwoman Trelstad wondered if the straight shot could be maintained while bypassing the ordinance process.

Councilwoman Crumiller amended her motion to amend to encompass language “pending review by rail identified expert in rail law.” She suggested the revised ordinance be presented to Council in two weeks.

Mr. Chou objected that few attorneys claim expertise in rail law, Federal transportation boards, rights of way, New Jersey zoning regulations, and other matters involved in determining propriety of a local transit zone.

Mayor Trotman called the question on amending the E5 ordinance—pending legal expertise—to include a transit zone.

Councilman Martindell commented that the premise of the motion is so vague as to table E5 indefinitely. He could not support it.

Mayor Trotman asked for voice vote. Councilwoman Butler and Councilwoman Crumiller voted aye; Councilman Martindell and Council President Wilkes voted nay; Councilwoman Trelstad abstained. Seeing a two–two tie, Mayor Trotman voted against, thereby defeating the motion.

Mayor Trotman asked Mr. Bruschi to pursue a more substantial legal opinion before Wednesday, November 16, 2011, for possible discussion by Council on November 23.

Councilman Goldfarb returned to Council chamber at 10:40 P.M.

Mayor Trotman read by title **Agenda Item J, Old Business (1) — Public Hearing and Adoption: Ordinance 2011-23** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19, ARTICLE XI, SECTION 24 OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974” REGARDING MOTOR VEHICLES AND TRAFFIC.

Councilwoman Trelstad moved to adopt Ordinance 2011-23; Council President Wilkes seconded.

Mr. West listed the parking meters covered in Ordinance 2011-23 and the changes from ordinances previously considered by Council.

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 Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item K, New Business (1) — Introduction and Authorization to Publish Ordinance 2011-25 BOND ORDINANCE OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY PROVING A SUPPLEMENTAL APPROPRIATION OF \$340,000 FOR THE FUNDING OF THE BOROUGH'S SHARE OF THE ADDITIONAL COST FOR THE INSTALLATION OF A NEW POOL AND AUTHORIZING THE ISSUANCE OF \$323,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

Councilman Goldfarb moved to introduce Ordinance 2011-25; Councilwoman Trelstad seconded.

Councilwoman Trelstad moved to table Ordinance 2011-25; Councilman Martindell seconded.

Mayor Trotman called for a show of hands. Councilman Martindell, Councilwoman Trelstad, and Council President Wilkes voted aye; Councilwoman Butler, Councilwoman Crumiller, and Councilman Goldfarb voted nay. Seeing a three–three tie, Mayor Trotman voted against, thereby defeating the motion to table.

Councilman Goldfarb moved to introduce Ordinance 2011-25; Councilwoman Butler seconded.

Councilman Martindell repeated questions arising from pool work to date:

1. Had demolition revealed changes in time or cost?
2. What are the present budget limits?
3. What accounting limitations will prevent overage?

Councilman Martindell was dissatisfied with the answers received from Borough Hall.

Councilwoman Butler reported that construction is on schedule (slightly ahead), baby pool is poured, job is on budget (with minor fluctuations), no change orders, Myrtha ahead of schedule.

Council reviewed the spreadsheet. Councilman Goldfarb stated that Township has issued a contract and Borough's share is established. He said dissatisfaction with pool progress should be talked over with Township Engineer Kiser.

Mayor Trotman called the question. Councilwoman Butler, Councilwoman Crumiller, and Councilman Goldfarb voted aye; Councilman Martindell, Councilwoman Trelstad, and Council President Wilkes voted nay. Seeing a three–three tie, Mayor Trotman voted in favor, thereby introducing Ordinance 2011-25 with a majority of the forum concurring. Council agreed to invite Mr. Kiser to attend a Council meeting when Ordinance 2011-25 is up for adoption.

Mayor Trotman read **Agenda Item K, New Business (11) — Resolution 2011-R273** as follows:

**RESOLUTION 2011-R273
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TRANSFERS IN ACCORDANCE WITH
N.J.S.A. 40A:4-58**

WHEREAS, there appears a surplus in the following accounts over and above the demand deemed to be necessary for the balance of the current year.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, County of Mercer, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and are hereby transferred to the accounts mentioned as being insufficient to meet the current demands, and the Chief Financial Officer is hereby authorized to do so.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by the Borough Clerk to the Chief Financial Officer.

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$10,000	Municipal Clerk – S&W	Legal Services & Costs - OE
\$45,000	Police – S&W	Legal Services & Costs - OE
\$10,000	Accumulated Sick Leave	Legal Services & Costs - OE
\$15,000	Social Security System	Legal Services & Costs – OE
\$ 6,000	Accumulated Sick Leave	Defense of Tax Appeals - OE

Councilman Goldfarb moved to approve Resolution 2011-R273 and Councilwoman Trelstad seconded.

Mr. Bruschi repeated that detailed billing hours will be presented to Council by Mr. Goldsmith. At the time of half-year budget reporting, Mr. Bruschi reminded that only legal costs were in question; specifically, Mr. Goldsmith was over-spent under a judgment call by staff to continue with an ongoing project. Mr. Bruschi listed smaller legal issues that drew down the budget further and necessitated transfer of funds.

Councilman Goldfarb pointed out that a budget is created to impose discipline on spending and the \$171,000 budgeted is now committed at \$246,951; bad fiscal practice. He objected that discretionary spending on legal fees cannot be allowed.

Councilwoman Crumiller further objected that Mr. Goldsmith had been working on projects without the knowledge of members of Council.

Councilman Goldfarb emphasized that it is a “violation of law” to spend money that is not in the budget, and to spend money on professionals that were not authorized under a professional services agreement. He said the administrator’s staff has Council’s authorization to spend *within the budget*. Mr. Bruschi assumed full responsibility for electing to find flexibility in the approved budget rather than issue an emergency appropriation. Mr. Bruschi defended the, usual, very tight management of Borough funds.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion passed.

Councilman Goldfarb asked about funds designated for the GIS Work Plan (see Resolution 2011-265 to follow). Mr. West reported delays in coordinating tax maps with GIS; much of a \$30,000 contract from 2008 is still unspent, with the contract now to be extended one more year.

Council members voiced concern about compatibility with Township GIS program.

Mayor Trotman read **Agenda Item K, New Business (2 – 9) — Resolutions 2011-R264, 2011-R265, 2011-R266, 2011-R267, 2011-R268, 2011-R269, 2011-R270, and 2011-R271** as follows:

**RESOLUTION 2011-R264
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AMENDING RESOLUTION #2011-R227 AWARDING
CONTRACT TO TOPLINE CONSTRUCTION
FOR CAPITAL PROJECT #11-02 IMPROVEMENTS TO
PRINCETON AVENUE AND CHARLTON STREET**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 11-02; known as Improvements to Princeton Avenue and Charlton Street; and

WHEREAS, the Borough has solicited bid proposals for same; and

WHEREAS, all bid proposals were publically opened on August 31, 2011; and

WHEREAS, the Borough received the following bids:

Topline Construction in the amount of \$643,495.81

S Brothers Inc. in the amount of \$666,250.55

Black Rock Enterprises in the amount of \$668,839.05 (corrected bid amount)

Bil-Jim Construction in the amount of \$888,585.80; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and determined that the bid submitted by Topline Construction, 22 Fifth Street, Somerville, NJ 08876 is a responsible bid and is within the Engineer's Estimate for this project; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

WHEREAS, the New Jersey Department of Environmental Protection's Bureau of Administration & Management's Construction Control Section (Division of Water Quality, Municipal Finance & Construction element) is currently reviewing the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP) a loan for infrastructure improvements; and

WHEREAS, the Borough has received notice of the award of supplemental funds in the amount of \$290,000.00 from the New Jersey Department of Transportation Local Aid Division under the Transportation Trust Fund for the reconstruction of Princeton Avenue, a part of this project, and

WHEREAS, The New Jersey Department of Transportation has requested that the Borough of Princeton Resolution 2011-R227 be amended to include reference to the \$290,000.00 Transportation Trust fund Grant the Borough received; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby recommends to the New Jersey Department of Transportation that the above referenced contract be awarded to Topline Construction, 22 Fifth Street, Somerville, NJ 08876, in the amount of \$643,495.81 as set forth in the bid specifications and subject to the approval of the Department.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

**RESOLUTION 2011-R265
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES TO CIVIL SOLUTIONS
IN CONNECTION WITH A GIS WORK PLAN**

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

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

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

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

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

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

There is no additional fee for this contract extension

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

**RESOLUTION 2011-R266
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT OF CONTRACT
FOR PROFESSIONAL SERVICES TO
HARRY HAUSHALTER, ESQ**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Harry Haushalter to provide legal services for special tax counsel in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

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

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

The Mayor and Clerk are hereby authorized to enter into an addendum to a contract for professional services with Harry Haushalter, Esq. (hereinafter referred to as "Provider") said contract being dated January 3, 2011.

1. The addendum so authorized shall require the Provider to provide services and other related duties, as follows: Provider shall serve as special counsel for SPECIAL TAX COUNSEL to the Borough of Princeton to handle such matters as requested by the Borough through December 31, 2011.

2. The Borough shall pay the Provider the following **additional compensation**: An amount not to exceed **\$6,000**; for a total amount of \$31,000 the Chief Financial Officer has certified that funds are available under Current Account Nos. 1-01-20-151-299; and

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

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

**RESOLUTION 2011-R267
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
JAMES C. CHAMPLIN**

WHEREAS, James C. Champlin has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Engine Company #1

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 2011-R268
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
DANIEL P. SCHWARTZ-NARBONNE**

WHEREAS, Daniel P. Schwartz-Narbonne has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Engine Company #1

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 2011-R269
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ANJALI PRASAD**

WHEREAS, Anjali Prasad has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Engine Company #1

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 2011-R270
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ASSOCIATE MEMBER KYLE WADIAK**

WHEREAS, in February 2009 Borough Council approved an amendment to Articles III, IV and V of Chapter 14 of the Code of the Borough of Princeton which expanded the volunteer fire member classification to include Princeton University employees as Associate Members; and

WHEREAS, the membership applications have been reviewed by the appropriate municipal officers; and

WHEREAS, the following employee of Princeton University has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as Associate Member of the PRINCETON FIRE DEPARTMENT:

KYLE WADIAK

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

**RESOLUTION 2011-R271
OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF PRINCETON
SUPPORTING WOMANSPACE COMMUNITY OF LIGHT**

WHEREAS, it is the policy of Borough of Princeton to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men. Womanspace has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, the Borough of Princeton applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and

WHEREAS the proceeds from Communities of Light 2011 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 13, 2011, as a visible symbol of that support.

Councilman Martindell moved to approve Resolution Resolutions 2011-R264, 2011-R265, 2011-R266, 2011-R267, 2011-R268, 2011-R269, 2011-R270, and 2011-R271; Councilwoman Trelstad seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, New Business (10) — Resolution 2011-R272** as follows:

**RESOLUTION 2011-R272
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS
IN VARIOUS BANK ACCOUNTS**

WHEREAS, the Borough has outstanding checks in various bank accounts; and

WHEREAS, the Borough’s Chief Financial Officer and Borough Auditor have reviewed said outstanding checks; and

WHEREAS, it is the recommendation of the Borough Chief Financial Officer and Borough Auditor to cancel the attached outstanding checks;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorize the Borough Chief Financial Officer to cancel the attached outstanding checks and move the funds to the Borough’s Fund Balance.

**Borough of Princeton
Outstanding Checks**

Current Fund – The Bank of Princeton – Account #1000007177

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
29621	02/24/09	\$ 204.25
29830	03/24/09	50.00
30418	06/23/09	1,205.20
32444	05/25/10	125.00
32620	06/22/10	75.00
33570	12/07/10	10.00
		\$1,669.45

Capital Fund – The Bank of Princeton – Account #1000007144

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
7260	06/22/10	\$ 300.00
7395	11/09/10	50.00
		\$ 350.00

Escrow Fund – PNC Bank – Account #80-00884391

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
1485	12/07/10	\$ 256.16

Municipal Court General Account – The Bank of Princeton – Account #1000007128

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>
1002	07/08/08	\$ 2.00
1003	07/08/08	2.00
1006	07/08/08	1.00
1009	07/08/08	7.00

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1010	07/08/08	11.00
1013	07/08/08	10.00
1019	07/09/08	.01
1022	08/04/08	21.00
1024	08/04/08	2.00
1029	08/05/08	10.00
1040	08/08/08	10.00
1042	08/08/08	10.00
1044	08/08/08	2.00
1056	08/08/08	6.00
<u>Municipal Court General Account – The Bank of Princeton – Account #1000007128 (cont'd)</u>		
1057	10/03/08	1.00
1058	10/03/08	10.00
1068	10/03/08	17.00
1084	11/06/08	10.00
1104	01/09/09	1.00
1107	01/09/09	5.00
1109	01/09/09	3.00
1116	01/09/09	17.00
1124	02/05/09	1.00
1126	02/05/09	1.00
1127	02/05/09	3.00
1130	02/05/09	1.00
1158	04/30/09	11.00
1162	04/30/09	7.00
1166	04/30/09	2.00
1167	04/30/09	33.00
1170	04/30/09	10.00
1174	04/30/09	1.00
1178	05/07/09	11.00
1179	05/07/09	1.00
1191	06/11/09	1.00
1219	09/03/09	.90
1220	09/03/09	10.00
1231	09/03/09	1.00
1232	09/03/09	15.00
1245	09/23/09	1.00
1247	09/23/09	2.00
1250	09/24/09	1.00
1252	09/25/09	3.00
1257	10/01/09	2.00
1259	10/01/09	1.00
1262	10/01/09	.30
1264	10/01/09	18.00
1285	10/01/09	10.00
1286	12/10/09	1.00
1293	12/10/09	1.00
1299	12/10/09	10.00
		<u> \$ 318.21</u>

Municipal Court Bail Account – The Bank of Princeton - Account #1000007110

<u>Check #</u>	<u>Check Amount</u>
1042	\$ 30.00
1054	\$ 100.00
1055	250.00
1057	100.00
1090	100.00
1091	100.00
1095	250.00
1097	250.00

1098	200.00
1099	250.00
1100	500.00
1101	500.00
1102	250.00
1106	15.00
1109	50.00
1124	100.00
1170	250.00
1295	250.00
1309	250.00
1310	100.00
1312	<u>200.00</u>
	<u>\$4,095.00</u>

Payroll Account – PNC Bank – Account #80-0277-2537

<u>Check #</u>	<u>Check Amount</u>
8713	\$ 25.00
8917	425.00
8925	425.00
42308	125.77
43816	<u>164.54</u>
	<u>\$ 715.31</u>

Councilman Goldfarb moved to approve Resolution 2011-R272; Councilwoman Trelstad seconded. Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion passed.

Mayor Trotman read **Agenda Item L, Bill List for November 9, 2011 — Resolution 2011-R274** as follows:

**RESOLUTION 2011-R274
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE NOVEMBER 9, 2011 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 (11-01)	3,829,159.99
RESERVE ACCOUNT (10-01)	900.00
PARKING UTILITY OPERATING FUND (11-05)	15,660.22
PARKING UTILITY OPERATING FUND (10-05)	25.77
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	527.43
CAPITAL ACCOUNT (C-04)	292,396.57
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	7,814.86
TRUST FUND (T-13)	863.43
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	822,867.63
ASSESSMENT TRUST FUND (11-11)	

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GRANT (G-02)

10,848.19

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

Councilman Martindell moved to approve Resolution 2011-R274, Councilwoman Trelstad seconded, and Council approved unanimously.

Councilwoman Trelstad moved to adjourn; Councilman Martindell seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 11:20 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk