

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
December 20, 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, Councilman David Goldfarb,
Councilman Roger Martindell, Councilwoman Barbara Trelstad (*arrived
7:50 P.M.*), Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M.
West, Borough Attorney Maeve E. Cannon, Land Use Development
Official Derek Bridger, Police Lieutenant Sharon Papp, Deputy Borough
Clerk Delores A. Williams

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 December 20, 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-R305**, as follows:

**RESOLUTION 2011-R305
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON DECEMBER 20, 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

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.

December 20, 2011

Councilwoman Crumiller moved to approve; Councilwoman Butler seconded. Council members Wilkes, Butler, Crumiller, Goldfarb, and Martindell voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved five to zero.

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 announced Ordinance 2011-27, An Ordinance Amending and Supplementing the Code of the Borough of Princeton to Authorize the Creation of a Special Improvement District (SID) in the Borough of Princeton, may be discussed but no action will be taken in order to permit proper notifications and appending of amendments.

Mayor Trotman read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of October 25, 2011.

Councilman Goldfarb moved to approve the minutes of the open session of October 25, 2011; Councilwoman Crumiller seconded.

Presented for approval were the minutes of the open session of November 9, 2011.

Council President Wilkes moved to approve the minutes of the open session of November 9, 2011; Councilwoman Crumiller seconded. Borough Council approved unanimously.

Councilman Goldfarb saw discrepancies regarding introduction of Ordinance 2011-27 in both sets of minutes and recommended pulling for further consideration. Movers and seconders agreed.

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

Linda Fahmie, representing the Carnevale family, asked if the SB zoning issue will be on the agenda for the second meeting in January 2012 and if (a) allowance for banks, (b) additional square footage for food services, and (c) medical and dental offices can be considered separately.

Mayor Trotman declined to set January agendas; she will mention Ms. Fahmie's issues to Mayor-elect Moore.

Councilman Martindell reported on the Township Committee meeting of December 19th: Bernie Miller graciously thanked the Borough for their assistance with the leaf and brush collection; Princeton University pledged a 2012 PILOT to the Township; Liz Lempert acknowledged three

things—urge the Township Committee to motivate the Housing Authority of the Borough of Princeton to hire an executive director and/or reduce the job to part time, assurance that the tenants are adequately serviced, and assignment of a Township Committee liaison to the Housing Authority of the Borough of Princeton board.

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

Mayor Trotman thanked Princeton University for committing to a new one-year PILOT agreement of \$1.7 million base including \$250,000 offset for transition. Princeton University will also contribute a minimum of \$300,000 toward the fire house expansion plus \$20,000 annually for fire control. Mayor Trotman said the Princeton University PILOT will be on an early 2012 agenda.

Councilman Martindell clarified that \$250,000 for consolidation costs is a one-year contribution.

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

**RESOLUTION 2011-R306
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of October 2011; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Police Chief Dudeck and made various inquiries.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the October 2011 Monthly police report prepared by the Borough Police Administration.

Councilwoman Trelstad asked about safe pedestrian behavior at the Washington and Nassau Street intersection. Lt. Papp replied that police are both distributing brochures and ticketing infractions. The effort has been successful—at Nassau and Witherspoon as well—for several months; will be reevaluated at the end of the year.

Councilwoman Crumiller asked about sharrows. Lt. Papp answered that no police response required to date; system seems to be working so far. Councilwoman Crumiller wondered about bicycles on sidewalks. Lt. Papp observed that bikes are not permitted on north side of Nassau Street, and riders will be cited.

Councilman Goldfarb mentioned the source of considerable frustration that no significant progress has been made toward eliminating underage drinking on Princeton University campus. He called it a real and present danger to the health and safety of the drinker and others. Councilman Goldfarb considered underage drinking to be the single, most significant unsolved problem facing Princeton Borough.

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

Mayor Trotman read **Agenda Item H, Discussion (1) — Transition (Consolidation)**.

Borough Administrator Robert Bruschi reported that both communities have solicited resumes for their transition teams. He said the role of the Transition Task Force is slowly coming into focus.

Councilwoman Crumiller thought the Borough was ready to name a core transition team, with the Consolidation Commission in place in an advisory function. Councilwoman Crumiller said the transition team should then create and populate subcommittees.

Mayor Trotman clarified that the Joint Shared Services Consolidation Commission will disband six months after the first consolidation year (June 2013). She reported that the Township has been interviewing applicants for the transition team and the Borough will begin soon.

Councilman Goldfarb said both staffs will be required to align themselves and be functional on January 1, 2013. He stated that responsibility for that task cannot fall to citizen volunteers; rather to the two administrators and two governing bodies.

Council President Wilkes distinguished between operations management and policy envisioning. Staff should be relied on for operations management; join together to continue doing their tasks. On issues of goals and policies, transition group can monitor how changes are being implemented and offer suggestions to elected officials. Merger can achieve two goals—efficiencies managed by joint staffs working together; and community improvement from citizen input.

Council President Wilkes suggested some departments should merge mid-year. The transition team can be asked to oversee the larger picture—develop strategies on ordinance development and foresee departments' future activities.

Councilman Martindell said transition discussions to date have been held in a vacuum without consensus. He thought picking people (that is, transition candidates) for an undefined job is problematic—for applicant as well as hirer. Councilman Martindell wanted to establish the team's functions, powers, internal governance, timetable, budget, and so forth before assigning tasks to individuals.

Councilman Martindell stressed the need for consensus with the Township Committee. He noted that neither Borough Council nor Township Committee has authority to implement recommendations. Councilman Martindell suggested formation of a joint working group to outline the issues and prepare a resolution for adoption at a joint meeting.

Councilwoman Crumiller said the appointed transition team—including two members of each governing body and two administrators—will write the plan, the budget, and the schedule.

Councilman Goldfarb agreed with all of Councilman Martindell's points; in addition to waste of time and money, without a plan it is a waste of volunteer expertise.

Councilwoman Butler pointed out that some transition applicants have expertise in mergers and acquisitions; they could advise Council how to proceed. She feared the combined government will be saddled with a structure that will be difficult to change.

Councilwoman Trelstad wanted to involve citizens; they need to be given a defined task. Councilwoman Trelstad related a session (attended by Township's Liz Lempert and Lance Liverman and Borough's Yina Moore and herself) during which the joint traffic engineer was selected; no transition team was required to accomplish the appointment.

Mayor Trotman offered that Mr. Bruschi and Township Administrator James Pascale have been meeting with department heads; they are already moving forward on the organizational issues. She intends to discuss elements of transition with Township Mayor Chad Goerner.

Council President Wilkes corrected an editorial assertion that Council had discussed transition applicants in closed session last week. Council did not meet or talk about any individuals; rather, they went over strategy and methodology.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2011-27, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF PRINCETON TO AUTHORIZE THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT (SID) IN THE BOROUGH OF PRINCETON.**

Mayor Trotman repeated that Council will take no action on Ordinance 2011-27 today.

Council President Wilkes recommended changing the seven-member governing group to guarantee Princeton University a seat.

Mr. Bruschi acknowledged improper notification regarding Ordinance 2011-27; a mail notification was required. Therefore, a vote cannot take place.

Council President Wilkes thought Ordinance 2011-27 did not cover land use and should be moved from Section 17A to a more appropriate location. He also pointed out that two lots—Nassau Club and the monument—in the transit corridor do not face University Place.

Councilwoman Crumiller wondered if the SID language is correct. Borough Attorney Maeve Cannon confirmed that the majority of the board of directors must be representatives of the district.

Councilman Martindell challenged that the statute does not require such representation and many SID's throughout the state do not have it.

Councilman Martindell opposed the qualification on principal. He said Princeton University should have substantial and explicit representation—but not majority representation.

Councilwoman Crumiller read from the statute that a SID must have 50% + 1 represented on the board. Council members observed that the requirement is for the advisory board, not the management board.

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

Sandra Persechetti, Township, asked why Ordinance 2011-27 is under consideration. She viewed the result as spot zoning.

Council President Wilkes responded that Ordinance 2011-27 is not a zoning ordinance. It is a transit corridor SID, designed to advance the goals of the Memorandum of Understanding (MOU) among the Borough, Township, and Princeton University.

Councilman Martindell noted that SID's have been under discussion by Council for more than 20 years. Other municipalities have demonstrated SID's to preserve and develop neighborhoods, which could also happen here. A successful SID in the transit corridor could be a model for different areas of joint Princeton.

Councilman Goldfarb has always favored BID's (Business Improvement Districts). He said SID's originated in the 1970's for pedestrian malls, in order to assess property owners for shared improvements (such as sidewalks). He wanted to find ways to obtain unrestricted funds from Princeton University.

Council President Wilkes clarified that Ordinance 2011-27 will advance transit through the entire Dinky corridor to Princeton Junction.

Councilwoman Butler did not support multiple SID's scattered throughout the community.

Councilman Martindell supported Ordinance 2011-27 as an opportunity, a first step toward successful SID's elsewhere in town.

Councilwoman Butler asked the difference between the management corporation and an advisory board.

Ms. Cannon read that, when a district management corporation functions as an advisory board, "any other advisory board shall cease to function." Ms. Cannon undertook to research case law.

Ms. Fahmie stated creation of a SID inserts a level of bureaucracy between taxpayer and improvement. She thought everyone—not just neighboring owners—benefits from, for example, a new sidewalk.

Mayor Trotman explained that a SID must provide an unmet need. Councilman Goldfarb offered snow shoveling and promotion of Borough amenities as unmet needs.

Chip Crider, Bank Street, added a property on Edwards Place to the deletion list. Mr. Crider thought Ordinance 2011-27 was counterproductive without a bulletproof long-range transportation plan.

Councilman Goldfarb reported Princeton University's five largest contractors are architectural firms and First Transit (operator of Tiger Transit), which costs them more annually than the combined Borough and Township PILOT's—representing the university's large commitment to transit.

Seeing no one further, Mayor Trotman closed the public discussion. She reminded that Ordinance 2011-27 is tabled to January 2012.

Mayor Trotman read **Agenda Item J, New Business (1) — Resolution 2011-R307** as follows:

**RESOLUTION 2011 R-307
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APPOINTMENT OF TWO BOROUGH REPRESENTATIVES
TO “THE ALEXANDER STREET/UNIVERSITY PLACE TRANSIT TASK FORCE”
AND THREE BOROUGH REPRESENTATIVES TO THE
“BOARD OF TRUSTEES OF THE MASS TRANSIT TRUST FUND”**

WHEREAS, in October of 2011 a memorandum of understanding (MOU) was approved by the governing bodies of Princeton Borough and Princeton Township, the University and the municipalities who agreed to form a joint task force (“The Alexander Street/University Place Transit Task Force”) and commence the project described as the Arts and Transit project; and

WHEREAS, as per the memorandum of understanding the Task Force shall consist of six members, with no fewer than one appointed representative of Princeton Borough Council and no fewer than one appointed representative of Princeton Township Committee and with each town to have one additional appointed representative in addition to two representatives from Princeton University; and

WHEREAS, the Mayor has recommended to Borough Council that *Kevin Wilkes, Council President and Roger Martindell, Member of Common Council* serve as appointed representatives of the Borough of Princeton on the Task Force; and

WHEREAS, as per the memorandum of understanding a Mass Transit Fund will be established for studies, planning and implementation of improvements to transit needs of the Princeton Community with total of nine trustees of the fund with three (3) members appointed by the Mayor of the Borough with the consent of Borough Council; and

WHEREAS, the Mayor has recommended to Borough Council that *Jenny Crumiller, Member of Common Council, Robert W. Bruschi, Borough Administrator and Anton Lahnston, Chair, Traffic and Transportation* be serve as appointed representatives of the Board of Trustees of The Mass Transit Trust Fund.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton do hereby approve the appointment of Kevin Wilkes and Roger Martindell as members of The Alexander Street/University Place Transit Task Force; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Princeton do hereby approve the appointment of Jenny Crumiller, Robert W. Bruschi and Anton Lahnston as members of the Board of Trustees of The Mass Transit Trust Fund.

Councilwoman Trelstad moved to approve Resolution 2011-R307; Council President Wilkes seconded.

Mayor Trotman repeated that Resolutions 2011-307 through 2011-313 are properly designated as **New Business**.

Councilman Goldfarb questioned the legality of the Borough's funding of non-elected people with no government oversight.

Mr. Bruschi explained that Resolution 2011-307 appoints people to spend contributions from others. He said the fund is structured to flow through the Borough's trust account, in the role of Banker.

Council President Wilkes nominated Anton Lahnston, Chair of the Traffic and Transit Committee, to the Board of Trustees of the Mass Transit Trust Fund as an amendment to Resolution 2011-307. Councilman Martindell seconded.

Mr. Crider suggested that a citizen should be nominated to serve on the Board of Trustees of the Mass Transit Trust Fund.

Councilwoman Trelstad wanted to add two citizens. Council President Wilkes indicated that the MOU is immutable. He noted an eight-month timeframe for Resolution 2011-307 to be accomplished. Councilman Martindell volunteered to be replaced by a citizen.

Councilwoman Crumiller stated that the meetings will be public, with outreach to the residents.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (2) — Resolution 2011-R308** as follows:

**RESOLUTION #2011-R308
THE BOROUGH OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY
A RESOLUTION OF THE BOROUGH OF PRINCETON APPROVING THE BOROUGH'S ENTRY
INTO A SETTLEMENT AGREEMENT & RELEASE, LICENSE, AND CHANGE ORDER WITH
NASSAU HKT, LLC**

WHEREAS, the Borough of Princeton desires to enter into the attached Settlement Agreement and Release (the "Agreement"), License, and Change Order with Nassau HKT, LLC ("NHKT"), which are incorporated herein as if set forth at length; and

WHEREAS, NHKT was appointed redeveloper of a certain site located in the Borough for which the Borough and NHKT entered into: (1) Redevelopment Agreement dated January, 2003 (the "Redevelopment Agreement"), and (2) Ground Lease dated September 1, 2004 (the "Ground Lease"); and

WHEREAS, Princeton Borough and NHKT have asserted several claims against each other arising out of the Redevelopment Agreement and Ground Lease, which were the subject of litigation as set forth in the matter captioned Nassau HKT Urban Renewal Associates, LLC v. The Troast Group, Inc., et al., N.J. Superior Court, Law Division, Docket No.: MER-L-1663-06 (the "NHKT Lawsuit"); and

WHEREAS, all claims between the parties are hereby settled.

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

1. The Borough of Princeton is authorized to enter into the attached Settlement Agreement & Release, License, and Change Order with NHKT.

IT IS SO RESOLVED.

MUNICIPAL CLERK

BOROUGH OF PRINCETON

Name:
Title: Borough Clerk
Dated:

Name:
Title: Mayor
Dated:

While on the agenda, Mayor Trotman declined to act because of language changes. Resolution 2011-308 is tabled to the earliest possible occasion in 2012.

Mayor Trotman read **Agenda Item J, New Business (3) — Resolution 2011-R309** as follows:

**RESOLUTION #2011-R309
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
REQUESTING REVIEW AND APPROVAL
OF THIRD ROUND SPENDING PLAN AMENDMENT**

WHEREAS, the Governing Body of Princeton Borough in Mercer County petitioned the Council on Affordable Housing (COAH) for third round substantive certification on December 30, 2008; and

WHEREAS, Princeton Borough received approval from COAH on April 2, 2009 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, Princeton Borough previously submitted a third round spending plan to COAH for review and approval, and that spending plan remains pending before the New Jersey Department of Community Affairs (“DCA”), which assumed the duties and functions of COAH on August 29, 2011; and

WHEREAS, on April 12, 2010, Princeton Borough filed a motion with COAH under N.J.A.C. 5:96-15.1, seeking a waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) to enable the Borough to use \$800,000 from its affordable housing trust fund for costs associated with the purchase and rehabilitation of two properties located at 246 John Street and 24 North Harrison Street; and

WHEREAS, in a resolution dated May 13, 2010, COAH granted Princeton Borough’s motion under the condition that the properties at 246 John Street and 24 North Harrison Street be included in the Borough’s third round housing element and fair share plan; and

WHEREAS, Princeton Borough has identified two additional properties at 5 Shirley Court and 6 Shirley Court that it seeks to “buy-down,” i.e., purchase and convert to moderate income housing units, with Princeton Community Housing (“PCH”) as a partner; and

WHEREAS, PCH has committed \$90,000 towards the purchase of the properties at 5 Shirley Court and 6 Shirley Court (\$45,000 for each unit), with an additional \$10,000 for repairs (\$5,000 for each unit); and

WHEREAS, Princeton Borough seeks to use \$400,000 from its affordable housing trust fund for costs associated with the purchase of the properties at 5 Shirley Court and 6 Shirley Court; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Princeton Borough has prepared an amendment to its spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Princeton Borough in Mercer County authorizes the expenditures set forth in the amendment to its third round spending plan associated with the acquisition of the properties located at 5 Shirley Court and 6 Shirley Court, subject to a grant of a waiver by DCA; and

BE IT FURTHER RESOLVED that the Governing Body of Princeton Borough requests that DCA review and approve the amendment to Princeton Borough's amendment to its third round spending plan.

Councilwoman Trelstad moved to approve Resolution 2011-R309; Council President Wilkes seconded.

Land Use Development Official Derek Bridger explained that residential funds in the affordable housing developer's account must be committed for improvements by June 30, 2011, or confiscated by the state. Two units on Shirley Court are middle-income units, not eligible for COAH credit. They are known as market-to-moderate-income buy-down. A proposed buy was advocated in partnership with Princeton Community Housing and later deeded to them for 99 years.

Councilman Goldfarb asked the profile of the Shirley Court development. Mr. Bridger replied, three COAH units and three hybrid units for people earning up to 200% of the median income. Councilman Goldfarb recollected that the Shirley development was sold to the neighbors as 50/50 market/affordable; that all-affordable was unacceptable.

Councilman Goldfarb questioned the wisdom of giving units to Princeton Community Housing. Mr. Bridger acknowledged that Borough should not be in the real estate business, whereas Princeton Community Housing is qualified as owner of multiple rental units.

Councilman Martindell faulted the premise that New Jersey can confiscate funds (Mr. Bridger mentioned the Roberts bill) and wondered about mechanisms for appeal or extension. He opposed “spend it now” mentality as a poor way to handle public money.

Mayor Trotman asserted that she and Mr. Bridger have been looking at projects for this money for more than a year.

Mr. Bruschi mentioned the Borough’s long commitment to purchase properties for affordable units. Mr. Bruschi called the Shirley units a unique opportunity—solvency of homeowner associations, property values down, prompt payback, management agency with track record, two units preserved as affordable for a century—enhanced by threat of confiscation.

Councilman Goldfarb suggested committing to buy the remaining Shirley unit when offered on the resale market.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (5) — Resolution 2011-R310** as follows:

**RESOLUTION 2011-R310
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AMENDING RESOLUTION R-109 AND RESCINDING RESOLUTION R-291
AWARDING CONTRACT TO ABLE MECHANICAL, INC.
FOR HVAC PREVENTIVE MAINTENANCE**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with a project known as HVAC Preventive Maintenance - Various Locations within the Borough of Princeton; and

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

WHEREAS, all bid proposals were opened on Wednesday, March 1, 2011; and seven bids were opened and read, and

WHEREAS, the bid results are summarized on the attached spreadsheet, and

WHEREAS, the bids were reviewed by the Borough Engineer and Borough Attorney, and the apparent low bid from Limbach Company LLC was rejected for failure to provide proper documentation in the Ownership Disclosure Statement, and

WHEREAS, it is therefore the recommendation of the Borough Engineer and Borough Attorney that the contract be awarded to the second bidder, Able Mechanical, Inc., 94 Railroad Avenue, PO Box 69, Belford NJ, 07718, as the lowest responsible bidder; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that a twenty-one (21) month contract be awarded to Able Mechanical Inc., 94 Railroad Avenue,

PO Box 69, Belford, NJ, 07718, for lump sum contract in the amount of \$13,286.00 for 2011, lump sum contract in the amount of \$17,715.52 for 2012, along with emergency hourly rates of \$94.00 straight time, \$141.00 overtime and \$188.00 Sunday/Holiday time in both 2011 and 2012, as set forth in the bid specifications.

The maximum contract amount including emergency repairs and parts shall not exceed \$50,000 for 2011 and \$50,000 for 2012.

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

Council President Wilkes moved to approve Resolution 2011-R310 and Councilwoman Trelstad seconded.

Borough Engineer John West explained that Council awarded the contract to Able for 2011 with an option for 2012. There was an omission in the language of the original resolution (not to exceed \$50,000); hence, new Resolution 2011-R310.

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

Mayor Trotman read **Agenda Item J, New Business (6) — Resolution 2011-R311** as follows:

**RESOLUTION #2011-R311
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF
PLAY GROUND EQUIPMENT FOR BARBARA SIGMUND PARK
STATE CONTRACT # A59065**

WHEREAS, the Borough of Princeton wishes to purchase Play ground equipment for Barbara SigmundPark through the State of New Jersey's cooperative purchasing program (N.J.S.A. 40A:11-12); and

WHEREAS, BCI Burke Company, Fond du Lac, WI 54936, was awarded State Contract #A59065 for this equipment; and

WHEREAS, the total cost of the play ground equipment is \$20,809.19; and

WHEREAS, the Chief Financial Officer has provided the appropriate Certification of Funds for this purchase.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorize the Borough Administrator to purchase the above listed play ground from BCI Burke Company, Fond du Lac, WI 54936, was awarded State Contract #A59065.

Councilwoman Trelstad moved to approve Resolution 2011-R311 and Council President Wilkes seconded.

Councilman Martindell thought passing resolutions and bond ordinances without a master plan for parks throughout town was inappropriate.

Councilwoman Trelstad stated that a master plan for parks is upcoming for Public Works Committee; they intend to address the issue soon. Resolution 2011-R311 covers replacement of play equipment at Sigmund that does not meet standards.

Mr. West said there were three parks needing new equipment-Mary Moss, Marquand, and Sigmund (in particular, because a water main burst under equipment)-which must be installed by April 2012. A master plan is not required here, as the extent of improvements is limited to conforming to current standards.

Council discussed a need for a parks expert on the transition team.

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

Mayor Trotman read **Agenda Item J, New Business (7) — Resolution 2011-R312** as follows:

**RESOLUTION 2011-R312
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SHARED SERVICES AGREEMENT
FOR ANIMAL CONTROL SERVICES WITH THE TOWNSHIP OF MONTGOMERY**

WHEREAS, the Borough of Princeton desires to enter into a uniform shared 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 uniformed shared services with **The Township of Montgomery, 2261 Van Horne Road-Route 206 North, Belle Mead, NJ 08502** (hereinafter referred to as "Recipient") to backup Animal Control services for the Township of Montgomery from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Borough of Princeton (hereinafter referred to as "Provider") to provide backup animal control services and other related duties as cited in the uniform shared services agreement of December 2nd (attached), for a total contract amount not to exceed **\$15,600.00**.

2. Rendition of Invoices: Payment of fees will be made upon the submission of the Recipient to the Borough of invoices in duplicate in the form prescribed by the Borough. The Borough will invoice Montgomery for hours utilized in the previous quarter (on or about April 15, July 15, October 15, and January 15) of each year that this agreement is in effect. For example, the Borough will provide an invoice to Montgomery on or about April 15 for the hours the Animal Control Officer provides service to Montgomery for the months of January, February, and March. Montgomery shall make payment within 30 days of the invoice date.

3. The form of contract shall include standard provisions common to uniform shared service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney, State and the State Department of Health and Senior Services.

4. The contract shall be awarded without competitive bidding as a contract for uniform shared 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.

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

Councilwoman Trelstad moved to approve Resolution 2011-R312 and Councilman Martindell seconded.

Ms. Cannon pointed out a typographical error in the term. She wanted to strike the last sentence of the agreement regarding liability.

Councilman Martindell moved the amendment as proposed by Ms. Cannon; Councilwoman Butler seconded; Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, New Business (8) — Resolution 2011-R313** as follows:

**RESOLUTION 2011-R313
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TAX REFUNDS**

WHEREAS, Sandra Webb, Chief Financial Officer has forwarded a list of residents for tax refund from the Borough of Princeton for review and approval by the Mayor and Council as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>	<u>Mail to:</u>
17.02	56		Diehl, Dorothy Turnage	7 Green Street Princeton, NJ 08540	\$438.26	homeowner
28.01	18.07	C402	Capps, Donald E & Karen D	182 Nassau St. # 402 Princeton, NJ 08540	\$794.08	homeowner
25.02	22.04		Walz, Jeffrey F 110 South Park Street San Francisco, CA 94107	10 Humbert Place	\$2,401.17	homeowner at address under owner's name
TOTAL REFUNDS:					\$3,633.51	

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

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the CFO, Tax Assessor and Tax Collector.

Councilwoman Trelstad moved to approve Resolution 2011-R313, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for December 13, 2011 — Resolution 2011-R314** as follows:

**RESOLUTION 2011-R314
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE NOVEMBER 22, 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)	76,995.82
RESERVE ACCOUNT (10-01)	164,547.35
PARKING UTILITY OPERATING FUND (11-05)	24,709.55
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	5,000.00
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	62,138.45
PARKING UTILITY CAPITAL FUND (P-06)	

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ESCROW (E-30)	319.65
TRUST FUND (T-13)	1,354.99
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,082,154.31
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	1,359.28

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

Councilwoman Trelstad moved to approve Resolution 2011-R314 and Council President Wilkes seconded.

Councilman Martindell observed that this is the last meeting with colleagues Councilman Goldfarb and Mayor Trotman. Councilman Goldfarb corrected that they both will attend reorganization on January 3, 2012. Councilman Martindell said he enjoyed working with both of them. Councilman Goldfarb stated he was looking forward to not being on Council any more. Councilwoman Trelstad enjoyed working with Councilman Goldfarb on Public Works; she said Mayor Trotman will be missed. Mayor Trotman anticipated looking on during Council business.

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

Councilwoman Trelstad moved to adjourn; Councilwoman Crumiller seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:45 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk