

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
January 24, 2012
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Barbara Trelstad, Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilwoman Heather Howard, Councilman Roger Martindell, Councilman Kevin Wilkes, Mayor Yina Moore

Absent: None

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Borough Engineer John M. West, Land Use Development Official Derek Bridger, Assistant Borough Attorney Henry Chou, Police Chief David J. Dudeck, Planning Board Director Lee O. Solow, Chief Finance Officer Sandra L. Webb, Deputy Borough Clerk Delores A. Williams

Mayor Moore called the meeting to order at 6:30 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of January 24, 2012, 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 Moore read **Agenda Item C, Resolution 2012-R51**, as follows:

**RESOLUTION 2012-R51
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JANUARY 3, 2012**

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

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

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

1. Negotiations — NHKT
2. Contract negotiations

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.

Council President Trelstad moved to approve; Councilwoman Crumiller seconded. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

Mayor Moore asked all present to rise for **Agenda Item D, Salute to the Flag**.

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

Presented for approval were the minutes of the open session of December 6, 2011.

Council President Trelstad moved to approve the minutes of the open session of December 6, 2011, with a change (on page 19-insertion of the full title of Ordinance 2011-28). Councilman Martindell added a revision (on page 31-changing the word “police” to “policy” and deleting the word development from “community development relations”). Councilwoman Butler seconded. Council approved unanimously.

Mayor Moore read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda. Mayor Moore explained the three-minute limit for public presentations.

Roy James, Deputy Fire Chief, announced acquisition of World Trade Center steel pending a Gift of Deed. Design and site of the memorial are as yet undecided.

Councilman Martindell mentioned a suit against the Borough and Township regarding the E5 zone. He requested a discussion about separate or joint representation to answer the suit.

At 7:45 P.M. Councilwoman Howard recused herself from discussion of East Nassau Street zoning

Mayor Moore read **Agenda Item G, Discussion (1) — SB Zoning — East Nassau Street — Lee Solow, Planning Director**.

Planning Board Director Lee O. Solow provided background on permitted uses in NB and SB zones and offered a catch-all ordinance—presented for consideration, not adoption—created from all public submissions to Regional Planning Board (RPB).

Mr. Solow summarized that NB is primarily a residential neighborhood, with 17 commercial properties on Nassau ranging from 15,000 square feet to 4,000 square feet. SB contains 10 properties, the largest at 43,000 square feet, surrounded by educational uses.

Mr. Solow stated that both zones include residential buildings. He listed the current accepted uses and bulk regulations for both zones, which have similar standards. Mr. Solow clarified that

FAR (floor-area ratio) defines density; i.e., indicates how much building is allowed on a lot. Nonresidential uses create more parking and foot traffic with larger FAR's.

Mr. Solow turned to the draft ordinance that reflects changes—additions and deletions—requested by interested parties (that is, residential neighbors, businesses, and property owners); in particular, banks (first story only) and medical/dental practices. He stated the neighborhood's goal: A pedestrian-friendly, livelier and safer main street.

Mr. Solow discussed some specific requests including elimination of fast food restaurants, funeral parlors, and print shops. He mentioned concerns about mixed-use buildings—especially shared parking.

Mr. Solow detailed the fast food definition. He stated that 500 square feet is quite large for a kiosk in a square of the proposed dimensions. Mr. Solow raised the larger question of desirability of any kind of drive-through facility for all downtown zones.

Mr. Solow requested comments from Council, as well as, members of the public.

Regarding medical offices, Council President Trelstad asked about handicapped parking, ambulance bays, and total spaces required. Mr. Solow replied that the Borough does not make that distinction; Township does have a different parking standard for medical/dental offices.

Council President Trelstad asked about building entrances, streetscapes, restaurant size limits, and boutique styles. Mr. Solow observed that such topics are part of the site-plan process. Council President Trelstad wanted to eliminate drive-through's; as they invite even more vehicular congestion.

Councilwoman Butler noted a suburban trend toward enormous pharmacies with drive-through windows. She was concerned about zoning for the future—a huge pharmacy or no pharmacy at all in downtown.

Council members and Mr. Solow agreed that it is difficult to identify fast-food establishments.

Councilwoman Butler asked if child care is allowed in SB. Councilman Martindell referred to an ordinance that permits child care (five children or fewer) in all residential zones.

Council President Trelstad thought liveliness is enhanced by numerous small businesses.

Councilman Wilkes assumed no front parking and no drive-through would discourage national chain eateries.

Councilman Martindell pointed out the tax-exempt problem in the Borough and said this zone does not need houses of worship.

Council agreed that a single floor can share residential and business purposes.

Councilman Martindell repeated that drive-in bank and pharmacy windows should be excluded for traffic and safety reasons. He opposed a first-floor bank or financial institution; there are already plenty nearby on Nassau Street.

Councilwoman Butler is concerned that the loss of the front lot parking could hurt the businesses in the central business zone.

Mayor Moore wondered how NB zoning for SB would accommodate parking for new businesses. She asked about creating a new, definitive zone category for the desired outcome of redevelopment on East Nassau. Mr. Solow answered that the Regional Planning Board had not looked at form-based code, but relied on traditional structure because lots are smaller in SB.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. After a show of hands from the audience, Mayor Moore limited each public comment to three minutes and asked that no one repeat another speaker's points.

Linda Fahmie, Carnevale representative (owner of 255 Nassau), read a statement from Pauline Jensen of 5 Murray Place (directly behind the Gulf station). Ms. Jensen's points: (1) too many restaurants—rodents, (2) opposes drive ins, (3) dislikes cleaners—toxins, (4) clubs bring noise, (5) fewer amenities now, (6) favors banks.

Ms. Fahmie read a letter from Mike Redding. She explained the request for food service at 6,500 square feet is necessary to accommodate European-style markets with bakery ovens. Ms. Fahmie called a bank "clean" use (that is, stable) whereas food businesses are volatile. She pointed out that pharmacy drive-ins are low traffic generators.

Angela Clerico, on behalf of 255 Nassau's parent corporation, examined the Borough's Master Plan, which desires to balance uses in this part of downtown, preserve the character and mix of commercial, preserve the scenic quality of this gateway, encourage development and economic growth. She said applying NB uses to SB would advance vitality in the long term.

Alexi Assmus, 32 Maple Street, mentioned multiple meetings of locals during two years and a vision statement from 124 people opposing banks. She stated that local, independent realtors require smaller spaces (from 350 to 1500 square feet).

Drew Pelosi, 30 Murray Place, opposed banks. He wondered what changed since departure of Burger King.

Amada Sandoval, tenant at University-owned 39 Murray Place, saw town (East Nassau) and the University as symbiotic. She feared parts of East Nassau Street were sketchy for women at night.

Andrea Stine, 23 Murray Place, was concerned houses abutting SB zone are not protected from tall buildings.

Jacqueline Tillman, 12 Murray Place, echoed concern about the gas stations—good neighbors, but not good for the area.

Richard Rein, Ivy Inn, thought neighbors have lost sight of Mr. Carnevale's concerns about a large unoccupied structure.

Robert Bratman, owner of 259 Nassau since 1964, did not want limited uses for his property. He said it is a mistake to remove front parking. He emphasized that a bank is a safe long-term tenant.

Steven Schultz, Pine Street, criticized drivers speeding on Pine Street. He noted that drive-through restaurants are for people in a rush. He wanted to preserve the independent family atmosphere of the tree streets.

Jack Morrison, 256 Nassau Street, said SB serves a purpose for residents. He questioned the 5,000-square-foot constraint.

Marty Schneiderman, 47 Murray Place, presented copies of comments from parties who could not attend the Council meeting. He distinguished between pedestrian traffic on the NB side and vehicular traffic on the SB side—much of which provides parking for the lively activity across the street.

Larry Murphy, 212 Witherspoon Street, stated his property taxes have doubled in seven years. He is interested in additional ratables, opening uses to allow development and higher density in downtown.

Ulrich Knoepflmacher, 120 FitzRandolph Road, commented that he walks to East Nassau stores and eateries. He favored a wide variety of small shops.

Garry Fowler of Fowler's Golf, at 271 Nassau Street, said he needs parking.

David Kinsey, 14 Aiken Avenue, reminded that Council controls land use for the long-term benefit of the community. He worried that the area could become automobile-oriented, national-scale chain operations. He noted that the proposed ordinance creates incentives for the private sector.

Lou Carnevale, owner of 255 Nassau, described the history of his tenants—all of whom left because lack of density did not support the businesses. He denied economic viability of dividing his building for multiple mom-and-pop stores. He hoped to install a first-floor bank branch to anchor growth in the rest of his building.

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

Mr. Solow remarked that the Regional Planning Board had not examined the topic of building heights—looking for guidance from this meeting; in particular, direction on setbacks abutting residential properties and better screening concepts.

Councilman Wilkes pointed to side yards to address screening issues.

Council President Trelstad suggested the Regional Planning Board return to Council, having incorporated ideas spoken here.

Mayor Moore voiced the different meanings of “kiosk.” Mr. Solow and Council discussed variations on styles and landscaping for a free-standing structure.

Mayor Moore requested details for gross square footage of a restaurant—seating, kitchen, storage, two levels (basement).

Council offered thoughts on viability of a bank as tenant, occupant, and neighbor.

Councilman Wilkes summarized his position on the issues.

Mr. Solow undertook to redraft a zoning ordinance for East Nassau Street and return to Council in a few weeks.

Councilwoman Howard returned to the chamber.

Mayor Moore read **Agenda Item H, Report (1) — Monthly Police Report — David Dudeck, Chief of Police.**

**RESOLUTION 2012-R52
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 November 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 November 2011 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck was looking forward to working with Public Safety, the transition team, and Mayor and Council during 2012. He said he has been meeting with Township police representatives since December 2011.

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

Council President Trelstad read **Agenda Item I, New Business (1) — Resolution 2012-R53** as follows:

**RESOLUTION 2012-R53
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

GOVERNING BODY CERTIFICATION OF THE 2010 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board and;

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of The Borough Of Princeton, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council President Trelstad moved to approve Resolution 2012-R53 and Councilman Martindell seconded. On behalf of the Finance Committee, Councilman Martindell announced a solid audit report and said the Borough is in position to begin the transition year. Hearing no further comment, Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the resolution passed and passed around a certification for signature by Council members.

Council President Trelstad read by title and moved to introduce **Agenda Item I, New Business (2) — Introduction and Authorization to Publish Ordinance 2012-01 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

Council President Trelstad clarified that Ordinance 2012-01 is a joint financing effort with the Environmental Infrastructure Trust to provide loans at 25% market and 75% interest-free to cover 2011 projects. Borough Engineer John West concurred.

Councilman Martindell seconded. Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the ordinance introduced with a public hearing to be held February 14, 2012.

Council President Trelstad read by title and moved to introduce **Agenda Item I, New Business (3) — Introduction and Authorization to Publish Ordinance 2012-02 AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF CERTAIN PARCELS FROM PRINCETON UNIVERSITY**

Council President Trelstad explained that Ordinance 2012-02 is to “clean up” properties abutting Harrison Street Park and return the small strip of land to the Borough.

Councilwoman Crumiller seconded.

Councilwoman Howard recused herself.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the ordinance introduced with a public hearing to be held February 14, 2012.

Councilwoman Howard returned at 10:20 P.M.

Council President Trelstad read and moved **Agenda Item I, New Business (4) — Resolution 2012-R54** as follows:

**RESOLUTION 2012-R54
RESOLUTION OF THE BOROUGH OF PRINCETON MAKING APPLICATION
TO THE LOCAL FINANCE BOARD PURSUANT TO
N.J.S.A.40A:2-26(e), N.J.S.A. 40A:2-7(d), N.J.S.A. 40A:2-11(c) AND N.J.S.A. 58:11B-9(a)**

WHEREAS, the Borough of Princeton (the “Borough”) desires to make application to the Local Finance Board for:

- (a) the approval of the proposed financing through the 2012 New Jersey Environmental Infrastructure Trust Financing Program for the rehabilitation of the sewer system throughout the Borough;
- (b) the approval of a non-conforming maturity schedule and;
- (c) the approval of a waiver of the down payment requirement in connection with the Supplemental Bond Ordinance.

WHEREAS, Borough believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;

- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the proposed ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

Mr. Bruschi stated that the Borough must present to the Local Finance Board for every funding application.

Councilwoman Crumiller seconded. Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the resolution passed.

Council President Trelstad read and moved **Agenda Item I, New Business (5) — Resolution 2012-R55** as follows:

**RESOLUTION #2012-R55
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. HNTB Corporation, et al., N.J. Superior Court, Law Division, Docket No.: MER-L-1257-08 (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.

Councilwoman Crumiller seconded.

Mr. Bruschi said Council is being asked to issue a final change order for the redevelopment project—parking garage, Building A, Building C, plaza—begun in 2002. Change orders

approaching \$1 million have been negotiated to a reasonable sum; also to protect the Borough against pending litigation. Mr. Bruschi supplied specific tasks undertaken and final negotiated dollars.

Mr. West noted that there is some paperwork remaining, but no further action will be taken against the Borough by the New Jersey Department of Environmental Protection or others.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the resolution passed.

Council President Trelstad read and moved **Agenda Item I, New Business (6) — Resolution 2012-R56** as follows:

**RESOLUTION 2012-R56
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FORM OF SPECIAL EMERGENCY RESOLUTION NJSA 40A:4-53**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by preparation of an approved tax map; and

WHEREAS, NJSA 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation, which appropriation and / or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

1. An emergency appropriation is hereby made for Preparation of an Approved Tax Map in the total amount of \$125,000
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$25,000.
3. That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by Sandra L. Webb, Chief Financial Officer.
5. That said note shall be dated January 24, 2012, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

Councilman Martindell seconded.

Mr. Bruschi said an early item in the transition process is revising both tax maps for election redistricting. (See Resolution 2012-R65 for the shared services agreement with Township.) Mr. Bruschi thanked Princeton University for funding the entire cost upwards of \$250,000.

Mr. Bruschi commented that multiple situations of sharing costs will be upcoming. Borough staff recommends that all costs should be split 50-50. Council held an extensive debate about fair distribution of consolidation expenses.

Mr. West emphasized that the new joint map must be submitted promptly to the New Jersey Division of Taxation, which has agreed to complete its acceptance process by October 1, 2012.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the resolution passed.

Council President Trelstad moved **Agenda Item I, New Business (7-15) — Resolutions 2012-R57, 2012-R58, 2012-R59, 2012-R60, 2012-R61, 2012-R62, 2012-R63, 2012-R64, and 2012-R65** as follows:

**RESOLUTION 2012-R57
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2012 COMMITTEE APPOINTMENT
FOR A FOUR YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a four year term through January 1, 2016 as follows:

ZONING BOARD OF ADJUSTMENTS

Barrie S. H. Royce
(Reappointment)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each committee and the Office of the Municipal Clerk.

**RESOLUTION 2012-R58
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough of Princeton desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **SAVE, 900 Herrontown Road, NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional **health** services and other related duties as cited in the proposal letter of **January 4, 2012** (attached), for a total contract amount not to exceed **\$5,000.00**.

Under this Agreement, Provider shall at all times act as an independent professional contractor and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

Rendition of Invoices: Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are

claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

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

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

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

**RESOLUTION 2012-R59
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough of Princeton desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **University Medical Center at Princeton, 253 Witherspoon Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide **HEALTHY CHILD WELL-BABY CLINIC** services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$5,760**.

Under this Agreement, Provider shall at all times act as an independent professional contractor and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

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

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

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

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

**RESOLUTION 2012-R60
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough of Princeton desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **Health Education Services, 35 Blue Ridge Road, Titusville, NJ 08560** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide professional **health** services and other related duties as cited in the proposal agreement (attached), for a total contract amount not to exceed **\$7,000.00**.

Under this Agreement, Provider shall at all times act as an independent professional contractor and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

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

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

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

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

**RESOLUTION 2012-R61
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO
ORTH-RODGERS & ASSOCIATES, INC. FOR
TRAFFIC ENGINEERING 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 Orth-Rodgers & Associates, Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board and the Zoning Board from January 1, 2012 through December 31, 2012, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide services and other related duties, as follows:

Provider shall serve as a traffic consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications as filed with the Boards, 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 in 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.

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 2012-R62
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO TOM WELLS ELECT. CONTRACTOR, INC.
FOR ELECTRICAL SERVICES**

WHEREAS, the Borough of Princeton has determined the need for electrical services in connection with various projects at 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 Thursday, December 15, 2011; and four bids were opened and read, and

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

WHEREAS, the bid was reviewed by the Borough Engineer and Borough Attorney, and found to be satisfactory, and

WHEREAS, it is therefore the recommendation of the Borough Engineer that the contract be awarded to Tom Wells Electrical Contractor, Inc., 479 Jefferson Road, Princeton, NJ, 08540 as the lowest responsible bidder; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that a contract be awarded to Tom Wells Electrical Contractor, Inc., 479 Jefferson Road, Princeton, NJ, 08540, from January 1, 2012 through December 31, 2012, for a base bid of \$22,750.00 with a total contract not to exceed \$75,000, with electrician rates of \$85.00/hr straight time, \$180.00/hr overtime and electrician helper rates of \$15.00/hr straight time, \$30.00/hr overtime, with material markup of 40% and rental equipment markup of 40%, as set forth in the bid specifications.

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 2012-R63
OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO
CENTRAL JERSEY WASTE & RECYCLING, INC.
FOR SOLID WASTE COLLECTION, REMOVAL AND DISPOSAL SERVICE**

WHEREAS, the Borough of Princeton has determined the need for services in connection with Solid Waste Collection, Removal And Disposal Service; and

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

WHEREAS, all bid proposals were publically opened on January 18, 2012; and

WHEREAS, the Borough received the following bids:

Waste Management - \$35,330.00 per month - base bid for a twelve-month contract;

Central Jersey Waste and Recycling - \$31,225.00 per month - base bid for a twelve-month contract;

WHEREAS, it is the recommendation of the Borough Engineer that the bid be awarded for the base bid, which stipulates once-a-week pickup for a one-year period, said period to extend from February 1, 2012 through January 31, 2013, and that the contract be awarded to Central Jersey Waste & Recycling, Inc., 432 Stokes Avenue, Ewing, NJ 08638 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 one-year contract be awarded to Central Jersey Waste & Recycling, Inc., 432 Stokes Avenue, Ewing, NJ 08638, for Solid Waste Collection, Removal And Disposal Service in the amount of \$374,700.00, as set forth in the bid specifications.

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 2012-R64
THE BOROUGH OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY
A RESOLUTION OF THE BOROUGH OF PRINCETON
APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF
PRINCETON AND THE TOWNSHIP OF PRINCETON FOR THE FUELING, MAINTENANCE
AND REPAIR OF POLICE VEHICLES AND MUNICIPALLY-OWNED HEAVY EQUIPMENT**

WHEREAS, N.J.S.A. 40A:65-1 (the Uniform Shared Services and Consolidation Act) authorizes and encourages local governmental units to join together to provide services in such a fashion so as to reduce expenses to taxpayers; and,

WHEREAS, the Borough and the Township wish to enter into and continue their shared services program with respect to fueling, maintenance and repair of police vehicles and municipally-owned heavy equipment; and

WHEREAS, the Borough and the Township desire to enter into the attached shared services agreement, which is incorporated herein by reference as if set forth at length.

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

2. The Borough has the authority to enter into the shared service agreement, which is attached hereto and incorporated by reference herein in its entirety.

3. The Mayor is authorized to execute same and any other necessary documentation to effectuate this agreement.

4. An executed copy of the contract between the Borough and the Township and a copy of this Resolution shall be filed with the Department of Community Affairs, Division of Local Government Services.

**RESOLUTION 2012-R65
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SHARED SERVICES AGREEMENT
WITH PRINCETON TOWNSHIP
FOR THE CONSOLIDATION OF TAX MAPS**

WHEREAS, in November 2011, the voters of BOROUGH and TOWNSHIP voted to consolidate the neighboring municipalities starting in January 2013; and

WHEREAS, BOROUGH and TOWNSHIP have over time consistently shared services so as to assist their respective taxpayers by reducing certain municipal costs; and

WHEREAS, BOROUGH and TOWNSHIP wish to continue their shared services program with respect to the Consolidation of tax maps; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, authorizes and encourages local governmental units to join together to provide services in such a fashion so as to reduce expenses to taxpayers; and

WHEREAS, the Borough Council wishes to authorize said contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton enter into a Shared Services Agreement with the Township of Princeton to provide for the consolidation of tax maps. The Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.

The Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough of Princeton.

A certified true copy of this Resolution shall be furnished upon its adoption to the Clerk, Township of Princeton, 400 Witherspoon Street, Princeton, New Jersey 08540, and the New Jersey Department of Community Affairs, Division of Local Government Services, 101 South Broad Street, Trenton, New Jersey 08625.

Councilwoman Crumiller seconded. Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (16) — Resolution 2012-R66** as follows:

**RESOLUTION 2012-R66
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A SERVICE AGREEMENT WITH
PCH DEVELOPMENT CORPORATION (PCHDC)**

WHEREAS, the Borough wishes to enter into an agreement with **PCH Development Corporation (PCHDC)**, a nonprofit corporation, (the “Provider”), for the performance by the Provider of professional services in connection with the marketing and qualification of tenants for affordable housing units; 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 services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.,

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 the aforesaid services with **PCH Development Corporation (PCHDC)**

1. The contract so authorized shall require PCHDC to provide services and other related duties, as follows:

To serve as the Administrative Agent for the Borough of Princeton and to administer and enforce affordability controls as provided in N.J.A.C. 5:80-26.14, for certain housing units as more fully set forth in the contract:

Under this contract, the Provider shall at all times act as an independent 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.

2. The Borough shall pay the Provider the following compensation:

An amount not to exceed Twenty Five Thousand Two Hundred Dollars (\$25,200.00).

3. 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.

4. 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.

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

6. 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.

Councilwoman Butler seconded and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (17) — Resolution 2012-R67** as follows:

**RESOLUTION 2012-R67
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE BOROUGH TO ENTER INTO A LEASE AGREEMENT WITH WENDY
PETERSON OSBORN AND E.A. PROPERTIES, LLC.**

WHEREAS, the Borough Council desires to approve the attached lease agreement between the Borough of Princeton (the “Borough”), Wendy Peterson Osborn, and E.A. Properties LLC for the leasing of Lots 54 and 55 in Block 20.04 as designated on the Tax Map of Princeton Borough; and

WHEREAS, pursuant to N.J.S.A. 40:60-25.2, the Borough may lease the property for purposes of making the same available to the public for the parking of passenger vehicles; and,

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

1. The Borough is authorized to enter into a lease agreement with Community Wendy Peterson Osborn, and E.A. Properties LLC pursuant to the terms contained therein, attached hereto and incorporated herein by reference.

Councilman Wilkes seconded and Borough Council approved unanimously.

Mayor Moore read new **Agenda Item, Resolution 2012-R69** as follows:

**RESOLUTION 2012-R69
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPOINTING A MUNICIPAL COURT JUDGE**

WHEREAS, the Borough, as required by New Jersey State Statute is to provide for the appointment of a Municipal Court Judge;

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

Pursuant to R.S., 2A:8-5, Bonnie L. Goldman is hereby appointed to serve as Municipal Court Judge for a one year term commencing February 1, 2012 through January 31, 2013, the terms of compensation which shall be set forth in accordance with the Borough Ordinances.

WHEREAS, the Borough, as required by New Jersey State Statute is to provide for the appointment of a Municipal Court Judge;

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

Pursuant to R.S., 2A:8-5, Bonnie L. Goldman is hereby appointed to serve as Municipal Court Judge for a one year term commencing February 1, 2012 through January 31, 2013, the terms of compensation which shall be set forth in accordance with the Borough Ordinances.

Councilman Martindell moved to approve Resolution 2012-R69, Council President Trelstad seconded, and Borough Council approved unanimously.

Mayor Moore brought up the revised Transition Task Force resolution as amended by the Township on January 23, 2012. Mayor Moore stated that the Township added: election of a Chair and Vice-Chair, small language changes and revised meeting dates.

Councilman Martindell moved to accept the amended version, Councilman Wilkes seconded, and Council accepted unanimously.

Mayor Moore read **Agenda Item K, Bill List for January 24, 2012 — Resolution 2012-R68** as follows:

**RESOLUTION 2012-R68
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JANUARY 24, 2012 BILL LIST**

January 24, 2012

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)	197,221.95
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	13,345.13
PARKING UTILITY OPERATING FUND (11-05)	10,338.88
AFFORDABLE HOUSING OPERATING ACCT (12-24)	425.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	4,000.00
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	60.19
CAPITAL ACCOUNT (C-04)	59,618.22
PARKING UTILITY CAPITAL FUND (P-06)	4,200.00
ESCROW (E-30)	1,095.67
TRUST FUND (T-13)	344.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	5,756,355.96
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	141.83

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

Council President Trelstad moved to approve Resolution 2012-R68, Councilman Wilkes seconded, and Council approved unanimously.

Council President Trelstad moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Moore adjourned the open session meeting at 11:00 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk