

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 7, 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 (*arrived 6:40pm*), Mayor Yina Moore

Absent: None

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Deputy Borough Clerk Delores A. Williams

Mayor Moore called the meeting to order at 6:34 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 February 7, 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-R71**, as follows:

**RESOLUTION 2012-R71
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 7, 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. Litigation
2. Potential appointments

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 Butler seconded. Council members Trelstad, Butler, Crumiller, Howard, and Martindell 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 introduced **Oath of Office — Roy James, Deputy Fire Chief**.

Mayor Moore swore in Mr. James as his two children held the Bible.

Mayor Moore read **Agenda Item E, 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; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Colin Ferguson, Prospect and Robert Road, said his property has problems with the Borough's storm drainage system—essentially an open creek running through his back yard—persistently flooding the last six years. Mr. Ferguson has been frequently in touch with Public Works, by phone and letter, since 2006. Four trees fell during the last major storm; The Department of Public Works denied responsibility for removing them, so he did so at his own expense. Mr. Ferguson said the remaining stumps will block water flow in the Borough's easement—a public system with safety issues. He hopes for proper maintenance of the storm drain and reimbursement for his costs.

Borough Engineer John West acknowledged receipt of Mr. Ferguson's letter on October 5, 2011. The Public Works Committee considered the matter and obtained a quote (\$3,500) for removal of the trees and stumps. Public Works concluded that an open stream system in a flood-prone area was not in Borough's charge to maintain. Mr. West explained that Borough's easement provides the right to maintain the system—"permissive language" according to Borough attorney.

Councilman Martindell raised four points:

- No written answer to Mr. Ferguson
- Easement for public good burdens value of property
- Culvert a safety trap
- Cost data needed to measure appropriate Borough response.

Council planned to develop a safety measure.

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

Mayor Moore read **Agenda Item F, Correspondence (1) — Spirit of Princeton Annual Events, Raymond Wadsworth.**

Mr. Wadsworth read the list of events. Of special interest, 800 flags are presented for proper disposal each year. As done in previous years, Mr. Wadsworth requested waiver of the Memorial Day parade permit; Council was pleased to comply. Councilwoman Butler moved the waiver, Councilman Martindell seconded, and Council approved unanimously. Council President Trelstad made a motion to approve St. Paul's Stations of the Cross to be held on April 6, Councilman Martindell seconded, and Council approved unanimously.

Mayor Moore read **Agenda Item G, Report (1) — Shade Tree Commission Annual Report, Polly Burlingham.**

Ms. Burlingham introduced her team for 2011. The Shade Tree Commission planted eight large trees in the spring (a larger diameter than usual because of forwarding the 2010 fall planting funds to 2011) and nine in the fall, plus five donated by the Garden Club that graces Nassau Street.

Ms. Burlingham pointed out that 2011 had multiple storms which resulted in loss of numerous trees.

Borough was designated Tree City USA for the 16th consecutive year and celebrated Arbor Day with the planting of an ivory silk tree in front of Trinity Church. Outreach events in 2011 included Communiversiety, the farmers market at Hines Plaza, a published letter on how to protect trees in winter, additions to the Website, and a guided tour in Marquand Park.

Ms. Burlingham mentioned volunteer contributions to the Borough were valued at \$12,463.

Ms. Burlingham announced her retirement from the Shade Tree Commission after eight years—four as chair—leaving the Shade Tree Commission to be led by Alexandra Radbill, chair, and Pat Hyatt.

Ms. Burlingham requested prompt approval of the Shade Tree Commission ordinance that will authorize two additional commissioners. She said members of the Borough and Township Shade Tree Commissions have begun to exchange visits and meetings on the database and other mutual topics.

Councilman Wilkes moved to accept the Shade Tree Commission report, Council President Trelstad seconded, and Council approved unanimously.

Mayor Moore read **Agenda Item G, Report (2) — Council Liaison Reports.**

Councilwoman Howard attended the reorganization meeting of the Regional Health Commission, led by David Henry, Health Officer. She noted that, although already a joint commission, Health still has unification issues. Mayor Moore and Councilwoman Howard asked

Mr. Henry to investigate Princeton's joining the Mayor's Wellness Campaign, a coalition to promote healthy living within the member municipality.

Councilwoman Howard reported that, along with Mayor Moore, she met with the alcohol coalition committee (Princeton University students, faculty, and staff) that works with community partners to address high-risk drinking on campus in conjunction with local law enforcement.

Councilwoman Butler spoke of the launch of the daytime Free B in July 2011 (three days per week, five trips per day). Funding for daytime runs will expire in March 2012; additional funding through June 2012—possibly through year end—will be sought.

Councilwoman Crumiller said the Environmental Commission elected Matthew Wasserman as chair and Kirsten Thoft as vice-chair of their reorganization effort. The Environmental Commission prepared recommendations for the hospital site: green standards, affordable housing component of 20%, and neighborhood-friendly design. The commission also formed open space, waste and energy, and green building committees.

Councilman Wilkes noted Stony Brook Regional Sewer Authority reported historically low citizen odor complaints (two), a result of \$10 million in improvements during the past 15 years. Councilman Wilkes announced good progress on the public pool. He and Mayor Moore accompanied local merchants and Princeton University representatives to confer with the Department of Transportation on the Route One jug handle elimination trial.

Mayor Moore reported that Recreation received a \$25,000 grant from Robert Wood Johnson to develop a model menu for the swimming pool food concession.

Councilman Martindell stated that the Finance Committee met with their Township counter-parts to agree that neither town will embark on major spending—operational or capital. They are developing a draft joint 2013 budget for examination in the fall of 2012. Joint Finance groups talked over balancing tax rates with surplus.

Councilwoman Howard stressed pressing Governor Christie to follow through on partial funding of the Princeton reorganization.

Council President Trelstad said the Housing Authority did not hold its annual reorganization during January 2012 and will do so—with a full board seated—in March. On February 17, Michael Kelly, Executive Director of Philadelphia's Housing Authority, will visit Princeton and tour the Housing Authority's facilities.

Councilwoman Butler reported that the next Traffic and Transportation Committee agenda deals with the Borough's metrics for the Department of Transportation's consideration.

Mayor Moore read **Agenda Item H, Discussion (1) — Composting Program, Janet Pellichero, Sustainable Princeton.**

Mayor Moore mentioned a new waste collection contract with Central Jersey, which assists the Township with composting.

Ms. Pellichero stated the composting pilot program, which began in June 2011, collects organic materials curbside throughout New Jersey. Princeton is the first municipality in the state to do so. Ms. Pellichero explained various disposal systems (solid waste, flow control, tonnage, land fill, recycling) and fees (“tipping” charges of \$125 per ton; recycled at \$45-\$55 per ton).

Ms. Pellichero explained the program particulars—materials, buckets, timing, pickup, and so on—and savings to be realized, individually and town-wide. Ms. Pellichero provided a specific comparison: June through August actual organic tonnage (38.82) equaled 31 tons of carbon offset, or five fewer cars on the road and 91 trees saved.

Borough Engineer John West proposed encouraging individual homeowners to contact Central Jersey directly to participate at \$10 per month.

Council President Trelstad, self-proclaimed composter, accumulates less than one bin of actual garbage per month. She was concerned about the environmental impact of transporting waste to Delaware. Ms. Pellichero regretted that New Jersey does not yet have an appropriate facility.

Council President Trelstad suggested that advertising in local papers might lead to citizen participation in composting.

Council President Trelstad read and moved **Agenda Item I, New Business (1) — Resolution 2012-R72** as follows:

**RESOLUTION 2012-R72
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2012 COMMITTEE APPOINTMENTS
FOR A FIVE YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a five year term through January 1, 2017 as follows:

SHADE TREE COMMISSION	Sharon Ainsworth	(Replaces Polly Burlingham— filling an unexpired term)
HOUSING AUTHORITY	Peter Marks	(Replaces David Schraye – filling an unexpired term)

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

Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Moore tabled **Agenda Item I, New Business (2) — Resolution 2012-R73, Regarding the State Department of Transportation Route 1 Traffic Diversion Proposal At Harrison Street and Washington Road**, for a rewrite—passage of time and recent occurrences on the Route 1 traffic diversion proposal indicate tailoring of Resolution 2012-R73.

Council President Trelstad read and moved **Agenda Item I, New Business (3) — Resolution 2012-R74** as follows:

**RESOLUTION 2012-R74
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT FOR
ARMORED CAR SERVICES**

WHEREAS, the Borough of Princeton has determined the need for armored car services; and
WHEREAS, the Borough has solicited bid proposals for this service which were publicly opened on July 13, 2010 and bids were opened and read; and

WHEREAS, the bids were reviewed by the Borough Engineer and Borough Attorney and found to be in order, and the Borough Engineer recommended that a contract be awarded to Dunbar Armored, 2701 Cindel Drive, Cinnaminson NJ, 08077 as the lowest responsible bidder with a bid of \$5,200 per month; and

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

WHEREAS, the Mayor and Council of the Borough of Princeton awarded a contract to Dunbar Armored, 2701 Cindel Drive, Cinnaminson NJ, 08077, from September 1, 2010 through December 31, 2011, for a lump sum contract not to exceed \$20,800 for 2010 and \$62,400 for 2011, or a total amount not to exceed \$83,200, based upon the bid monthly rate of \$5,200.00. The Borough has the right to negotiate and extend the contract for calendar year 2012 based upon a bid monthly rate of \$5,356.00.

WHEREAS, the Borough Engineer recommends that a contract with Dunbar Armored, 2701 Cindel Drive, Cinnaminson NJ, 08077 be extended from January 1, 2012 to December 31, 2012 at a rate of \$5,356 per month or a total amount not to exceed \$64,272; and

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

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (4) — Resolution 2012-R75** as follows:

**RESOLUTION 2012 – R75
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AMENDING THE CONTRACT KNOWN AS
“PLACEMENT AND REMOVAL OF
SOLID WASTE DUMPSTERS – BEGINNING JANUARY 2010”
WITH FUTURE SANITATION, INC.**

WHEREAS, the Borough of Princeton, on behalf of the Princeton Sewer Operating Committee (PSOC), adopted Resolution 2010-R326 awarding a contract for the weekly placement and removal of solid waste dumpsters for the Solid Waste Convenience Center on River Road for a one (1) year term to commence on or about January 1, 2011 and ending December 31, 2011 to Future Sanitation, Inc.; and

WHEREAS, during 2011 an additional ten (10) dumpsters were required for the successful operation of the Solid Waste Convenience Center; and

WHEREAS, it is the recommendation of the Manager / Engineer of the Princeton Sewer Operating Committee that the contract awarded to Future Sanitation, Inc. be amended to include the additional dumpsters required for successful operation of the Solid Waste Convenience Center; 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 the Contract awarded to Future Sanitation, Inc., 385 Cranberry Road, Farmingdale, New Jersey 07727, for weekly placement and removal of 30 cubic yard solid waste dumpsters to be located at the Municipal Convenience Center on River Road for the period beginning January 1, 2011 and ending December 31, 2011, be amended to include ten (10) additional dumpsters required for the successful operation of the Solid Waste Convenience Center.

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

Councilwoman Howard seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (5 and 6) — Resolution 2012-R76 and Resolution 2012-R77** as follows:

**RESOLUTION 2012-R76
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
FOR APPROVAL OF CHANGE ORDER NO. 1 - FINAL
TO THE CONTRACT KNOWN AS
“SANITARY SEWER MAIN REPAIRS – MANHOLE RUN LINING AND SPOT LINER REPAIRS
(PSOC – 06-02)”**

WHEREAS, by Resolution 2010-R203, the Mayor and Council of the Borough of Princeton awarded a contract known as “Sanitary Sewer Main Repairs – Manhole Run Lining and Spot Liner Repairs, Contract #PSOC-06-02” to Reynolds Inliner, LLC in the amount of \$339,510.00; and

WHEREAS, there have been no previous Change Orders and the Current Contract Price is \$339,510.00; and

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14.4); and

WHEREAS, upon adjusting the quantities to their final amounts, there is an underage for this project in the amount of \$876.00 from the Current Contract Price of \$339,510.00, resulting in a Final Contract Price of \$338,634.00; and

WHEREAS, there is a need to establish a contract completion date for the project and all work associated with the project was complete and being used for the purpose in which it was intended by December 31, 2011; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. Change Order No.1 – Final to the Contract between the Borough of Princeton and Reynolds Inliner, LLC for the “Sanitary Sewer Main Repairs – Manhole Run Lining and Spot Liner Repairs, Contract #PSOC – 06-02”, in the amount of -\$876.00, is hereby approved.
2. Change Order No.1 - Final establishes a project completion date for the project of December 31, 2011.
3. The Princeton Sewer Operating Committee Manager / Engineer and the Borough Clerk are hereby authorized to sign the Change Order on behalf of the Borough.

**RESOLUTION 2012-R77
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
FOR APPROVAL OF CHANGE ORDER NO. 1 - FINAL
TO THE CONTRACT KNOWN AS
REHABILITATION OF SANITARY SEWERS AND LATERALS
– GALLUP ROAD SANITARY SEWER SERVICE AREA AND HILLSIDE AVENUE
(PSOC – 09-03 AND 09-04)**

WHEREAS, by Resolution 2009-R399, the Mayor and Council of the Borough of Princeton awarded a contract known as “Rehabilitation of Sanitary Sewers and Laterals – Gallup Road Sanitary Sewer Service Area and Hillside Avenue, Contract #PSOC-09-03 AND 09-04” to S. Brothers, Inc., in the amount of \$545,342.09; and

WHEREAS, there have been no previous Change Orders and the Current Contract Price is \$545,342.09; and

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14.4); and

WHEREAS, upon adjusting the quantities to their final amounts, there is an underage for this project in the amount of \$55,264.00 from the Current Contract Price of \$545,342.09, resulting in a Final Contract Price of \$490,078.09; and

WHEREAS, there is a need to establish a contract completion date for the project and all work associated with the project was complete and being used for the purpose in which it was intended by December 31, 2011; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. Change Order No.1 – Final to the Contract between the Borough of Princeton and S. Brothers, Inc. for the “Rehabilitation of Sanitary Sewers and Laterals – Gallup Road Sanitary Sewer Service Area, Contract #PSOC - 09-03 and 09-04”, in the amount of -\$55,264.00, is hereby approved.

2. Change Order No.1 - Final establishes a project completion date for the project of December 31, 2011.

3. The Princeton Sewer Operating Committee Manager / Engineer and the Borough Clerk are hereby authorized to sign the Change Order on behalf of the Borough.

Councilwoman Butler seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (7) — Resolution 2012-R78** as follows:

**RESOLUTION 2012-R78
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES
TO ROBERT S. GOLDSMITH OF GREENBAUM, ROWE, SMITH & DAVIS, LLP
FOR SPECIAL LEGAL COUNSEL**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Robert S. Goldsmith, of Greenbaum, Rowe, Smith & Davis, LLP 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 an addendum to a contract for professional legal services with Robert S. Goldsmith, GREENBAUM, ROWE, SMITH & DAVIS, L.L.P (hereinafter referred to as "Special Legal Counsel") to provide professional legal services for the Mayor and Council of the Borough of Princeton through December 31, 2011, as hereafter more particularly stated.

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

- (a) Examination and evaluation of legal theories in regard to Transit /Transportation Issues.
- (b) Provide legal support related to Arts and Transit.
- (c) Provide legal support for Zoning

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider pursuant to the contract with the Provider.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with GREENBAUM, ROWE, SMITH & DAVIS, L.L.P as described herein for an additional amount not to exceed Twenty Two Thousand Three Hundred Twelve Dollars and Fifty Cents (\$22,312.50) through December 31, 2011; and Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

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

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

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

Council President Trelstad corrected a spelling error from wises to wishes on page 21 of the agenda packet. Councilwoman Howard recused herself. Councilman Wilkes seconded.

Borough Administrator Robert Bruschi observed that services provided by Bob Goldsmith had expanded over the time and original contract amount of \$10,000. Resolution 2012-R78 will close Mr. Goldsmith's arrangement with the Borough.

Councilwoman Butler remembered that Mr. Goldsmith's overrun resulted from work on the transit area SID, which was not mentioned in Resolution 2012-R73. Mr. Bruschi stressed that the Borough's present arrangement with Mr. Goldsmith has been concluded and no further opinions can be sought without a new agreement.

Borough Council approved four to one, with Councilwoman Butler opposed.

Council President Trelstad read and moved **Agenda Item I, New Business (8) — Resolution 2012-R79** as follows:

**RESOLUTION 2012-R79
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES
COMMUNICATIONS ENGINEERING CONSULTANT**

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 Bruce A. Eisenstein (hereinafter referred to as "Provider") to provide consultant services for the Planning Board or 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 an acoustical consultant to the Regional Planning Board of Princeton and the Princeton Borough Zoning Board to review and evaluate various land development applications with wireless communication facilities as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various communications issues associated with the development application forwarded to the Provider for review and comment.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider pursuant to the proposal of the Provider dated January 18, 2012, with the following compensation with a rate schedule of \$250.00 per hour.

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.

Mr. West stated that the Planning Board used separate consultants for the Borough and Township; Resolution 2012-R79 combines the two functions into a single outside expert.

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (9, 10, 11, 12) Resolutions 2012-R80, 2012-R81, 2012-R82, 2012-R83** as follows:

**RESOLUTION 2012-R80
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A MOTION PICTURE THEATRE LICENSE
APPLICATION FOR THE GARDEN THEATRE FOR THE PERIOD OF
JANUARY 1, 2012 THROUGH DECEMBER 31, 2012**

WHEREAS, The Garden Theatre, Inc. located at 160 Nassau Street, Princeton, NJ with a corporate address of 11 Kipp Avenue, Lodi, New Jersey has applied for a license to operate two auditoriums as required by Borough Ordinance 5-29; and

WHEREAS, in accordance with Borough Ordinance 5-30 the applicant has submitted an application in writing requesting that the Council approve their application for the use as a movie theatre; and

WHEREAS, in accordance with Borough Ordinance 5-32 the Garden Theatre, Inc., has submitted the proper fee in the amount of \$500 for each auditorium totaling \$1,000; and

February 7, 2012

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve the request of The Garden Theatre, Inc., to operate two auditoriums within the theatre located at 160 Nassau Street for the period of January 1, 2012 through December 31, 2012.

**RESOLUTION 2012-R81
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE
PRINCETON UNIVERSITY ART MUSEUM**

WHEREAS, The Princeton University Art Museum is planning an exhibition, *John Constable: Oil Sketches from the Victoria and Albert Museum* beginning March 17, 2012; and

WHEREAS, The Princeton University Art Museum has requested permission to install eight pole banners on Nassau Street with the approval of the Office of Community and State Affairs at Princeton University beginning March 3, 2012 through Mid-June to advertise the Art Exhibition; and

WHEREAS, the pole banners will be promptly removed after use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said pole banners on Nassau Street in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2012-R82
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY BRYN MAWR/WELLESLEY**

WHEREAS, Bryn Mawr/Wellesley has planned its Annual Book Sale; and

WHEREAS, Bryn Mawr/Wellesley has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, March 19, 2012 through Monday, March 26, 2012 to advertise their book sale; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

**RESOLUTION 2012-R83
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY WALDORF SCHOOL OF PRINCETON**

WHEREAS, the Waldorf School of Princeton for their 2012 May Fair; and

WHEREAS, the Waldorf School of Princeton has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, May, May 14, 2012 through Monday, May 21, 2012 to advertise to the entire Princeton Community; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Councilwoman Crumiller seconded Resolutions 2012-R80, 2012-R81, 2012-R82, 2012-R83; Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (13) — Resolution 2012-R84** as follows:

**RESOLUTION 2012-R84
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TRANSFERS IN ACCORDANCE
WITH N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, County of Mercer, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-59, that the transfers in the amount of \$232,800.00 be made between the 2011 Budget Appropriation Reserves as follows:.

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$ 6,300.00	Construction – S&W	Construction – OE
\$ 1,000.00	Tax Collection – S&W	Construction - OE
\$ 10,000.00	Tax Collection – S&W	Gasoline
\$ 10,000.00	Road Repairs – S&W	Gasoline
\$ 1,200.00	Road Repairs – S&W	Fire Safety – OE
\$ 2,300.00	Road Repairs – S&W	Defense of Tax Appeals - OE

Councilwoman Howard 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 motion carried.

Council President Trelstad read and moved **Agenda Item J, Bill List for February 7, 2012 — Resolution 2012-R85** as follows:

**RESOLUTION 2012-R85
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 7, 2012 BILL LIST**

February 7, 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 as follows:

CURRENT ACCOUNT (12-01)	2,356,872.19
CURRENT ACCOUNT (11-01)	147,661.99
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	9,497.40
PARKING UTILITY OPERATING FUND (11-05)	11,789.62
AFFORDABLE HOUSING OPERATING ACCT (12-24)	2,100.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	88.54
CAPITAL ACCOUNT (C-04)	362,345.59
PARKING UTILITY CAPITAL FUND (P-06)	2,610.00
ESCROW (E-30)	9,597.60
TRUST FUND (T-13)	82,656.33
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	3,081,934.39
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	521.77

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

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved added **Resolution 2012-R86** as follows:

**RESOLUTION 2012-R86
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2012 COMMITTEE APPOINTMENTS
FOR A THREE YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a three year term through January 1, 2015 as follows:

JOINT CITIZENS OVERSITE COMMITTEE

David A. Goldfarb
(Replaces D. Sipprelle-
filling an unexpired term)

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

Councilman Wilkes seconded, and Borough Council approved unanimously.

Councilman Martindell moved to adjourn; Councilman Wilkes seconded.

There being no further business, Mayor Moore adjourned the open session meeting at 9:25 P.M.

Respectfully submitted,

**Delores A. Williams
Deputy Borough Clerk**