

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 28, 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 Attorney Maeve E. Cannon, Borough Engineer John M. West, Land Use Development Official Derek Bridger, Assistant Borough Attorney Henry Chou, Police Chief David J. Dudeck, 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 February 28, 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-R102**, as follows:

**RESOLUTION 2012-R102
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 28, 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. Personnel
2. Litigation update

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

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

Councilwoman Crumiller moved to approve; Councilwoman Butler 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 7:35 P.M. Council reconvened into open session.

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

Councilwoman Howard introduced for discussion possible reform of the Borough Council agenda policy. Presently Council meets at 6:30 P.M. and immediately recesses into closed session, with open session to follow—often leading to a very late adjournment of the public meeting. A recent appellate decision (*McGovern v. Rutgers Board of Governors*) found holding closed meetings before open meetings was a violation of the Open Public Meetings Law. Councilwoman Howard recommended holding open sessions earlier in the evening.

Councilman Wilkes supported the idea. He thought 6:00 P.M. was a reasonable starting time.

Councilman Martindell thought an early start was unfriendly to members of the public. He was concerned about the cost to the Borough for attorneys sitting idle until convening into closed session. Since closed session topics are more sensitive (litigation, personnel) and controversial—often costly—Councilman Martindell said it was impractical to cover them when Council members are tired. Councilman Martindell hoped to resume the practice of having the Administrator inform the audience of the general nature of topics covered in private.

Council President Trelstad thought 7:00 p.m. was a more appropriate start time. She agreed to a trial period of late closed sessions.

Councilwoman Crumiller stated that most communities hold their closed sessions afterwards and the Borough's own lawyers have communicated that it is the law. She thought a three-month test of 6:00 P.M. was a good idea.

Councilwoman Butler reinforced that the Borough's lawyers said Council should follow—what appears to be—the law. She pointed out that closed session decisions can be postponed, whereas open votes rarely are.

Mayor Moore offered assigning one monthly meeting slot as a three-hour closed session.

Mayor Moore asked the audience for a show of hands in support of an earlier starting time. The majority favored 7:00 P.M.

Councilman Wilkes endorsed Mayor Moore's suggestion of conducting two open meetings per month and one meeting per month for classified issues (as needed).

Councilman Wilkes moved to change the open meeting start time to 7:00 P.M. and conducting closed meetings as needed, either after or on a specially scheduled date. Council President Trelstad seconded. Council approved unanimously.

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

Presented for approval were the minutes of the closed session of January 10, 2012; closed session of January 24, 2012; closed session of February 7, 2012; closed session of February 14, 2012.

Councilman Wilkes moved to approve the minutes of the named closed sessions, Councilwoman Butler seconded, and Council approved unanimously.

Council President Trelstad moved to approve the minutes of the open session of January 24, 2012, and Councilman Wilkes seconded. Councilwoman Butler indicated two changes in content: Minutes Page 4, Line 5—change “favored” to “concerned about the loss”; Minutes Page 8, Line 2—change “Township” to “Environmental Infrastructure Trust.” Council approved unanimously as amended.

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 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.

Councilman Martindell asked the status of Colin Ferguson’s problem with a storm drain easement on his property at Prospect Avenue and Robert Road. Borough Engineer John West reported that a response to Mr. Ferguson will be generated at the next Public Works Committee on March 1, 2012.

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

Mayor Moore read **Agenda Item G, Correspondence (1) — Palmer Square’s Annual Event Calendar** — *Anita Fresolone, Marketing Director.*

Ms. Fresolone presented the 2012 activity list. Council President Trelstad moved to approve the Palmer Square calendar, Councilman Martindell seconded, and Council approved unanimously.

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

**RESOLUTION 2012-R103
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 December 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 December 2011 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck reported that Borough and Township police representatives meet jointly at least weekly to plan the unified department.

Councilwoman Butler asked if placement of an intoxicated student on a ventilator indicated a worsening of the underage drinking situation. Chief Dudeck replied that close calls occur a few times a year.

Councilman Wilkes sought clarification of “Lifecom dispatch.” Chief Dudeck said Lifecom is a collective emergency management agency for Mercer County.

Councilman Wilkes moved to approve the police report, Council President Trelstad seconded, and Council approved unanimously.

Mayor Moore read **Agenda Item G, Report (2) — 2012-2013 Budget Update** — *Councilman Martindell and Borough Administrator Robert Bruschi*.

Councilman Martindell reported that the Finance Committee has prepared a preliminary 2012 budget. The committee recommends a zero percent tax increase for the fourth consecutive year. Expense increases (a total of \$500,000) will be found in pension, insurance, debt service, and task force contributions (under MOU). Non-salary, salary (except immutable union contracts), and surplus figures remain flat.

Councilman Martindell noted a substantial increase in the donation from Princeton University from \$1.2 million to \$1.7 million (\$250,000 of which was designated for consolidation costs).

Councilman Martindell expressed confidence in the proposed budget.

Councilman Martindell explained that funds for transition will be budgeted through an emergency appropriation from the tax base of the new town—deferred and amortized over five years.

Mr. Bruschi said 2012 transition costs will be covered, variously, from operating budget, Princeton University’s contribution, and reimbursement from the State of New Jersey. In keeping with the state budget calendar for “best practices” towns, staff will present a draft budget to Council on March 6, 2012.

Councilwoman Howard reported that there will be no new hiring at either government unless there is a real emergency.

Councilwoman Butler added that Township Police functions will be handled without more staffing.

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

Anne Neumann, Borough resident, hoped the Borough could find a way, possibly through modest repayment loans, to rebate those taxpayers hard hit in the recent revaluation.

Patrick Simon, 17 Harriet Drive, saw confusion from capitalizing transition expenses across five years or paying them down in the present. He said if costs defer to the consolidated community, Borough residents pay one-third, Borough's portion of the assessment.

Seeing no one further, Mayor Moore closed the public discussion

Mayor Moore read **Agenda Item G, Report (3) — Goal Setting Process Update — Mr. Bruschi.**

Mr. Bruschi said Administration has been looking for Council's input as to goals for staff's limited available time.

Council President Trelstad read by title and moved **Agenda Item H, New Business (1) — Introduction and Authorization to Publish Ordinance 2012-04 AN ORDINANCE AMENDING CHAPTER 33, TREES AND SHRUBS OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974.**

Councilwoman Crumiller observed that some ordinances will live past consolidation. The previous tree ordinance had no provision for policing notification procedures, which caused disagreements.

Borough Attorney Henry Chou stated that henceforth all trees will be treated equally. Council President Trelstad explained that trees on private property are difficult to protect. She asked the Shade Tree Commission to reconsider landmark status.

Alexandra Radbill, Shade Tree Commission Chair, stated there was no enforceable definition for landmark as applied to trees of stature and history. Ms. Radbill stated that a Borough-specific landmark tree registry would duplicate efforts of the state. Ms. Radbill emphasized the Shade Tree Commission's pressing need for additional (volunteer) staff to accomplish 2012's extensive goals.

Council debated the Shade Tree Commission's guidelines for proof of notification.

Kate Warren, Jefferson Road, asked about notifying absentee landlords. Council agreed the owner of the property must be informed.

Councilman Wilkes seconded introduction of Ordinance 2012-04. Council approved unanimously.

Council President Trelstad read by title and moved **Agenda Item H, New Business (2) — Introduction and Authorization to Publish Ordinance 2012-05** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING MIXED RESIDENTIAL – RETAIL-OFFICE (MRRO) ZONE.

Mr. West stated that staff had incorporated Council comments into this revised draft of Ordinance 2012-05. Topics amended were:

- Signs
- Child care facilities and a leasing office
- Building height/lofts
- Building setback
- Number of units.

Land Use Development Official Derek Bridger reminded that the original site plan section of the zoning ordinance provided design standards for this district. He referred Council to Section 17A-193B of Ordinance 2012-05.

Councilman Wilkes suggested maximum height occupy less than 30% “of the floor below,” to account for gabling and other sloping roof styles.

Mayor Moore wanted language to invoke a positive add-on without penalty. Mayor Moore found confusion in the salary requirements (three income ranges) for different unit types (four sizes).

Councilwoman Crumiller questioned the need for workforce housing. Mr. Bridger gave example rents from COAH guidelines for \$55,000 annual household income (low on the workforce scale). Council discussed workforce versus affordable and Princeton Preference requirements with Mr. Chou.

Mr. Bridger commented that the Borough follows the Department of Community Affairs regional income guidelines, adjusted annually with the state of the economy (last year 0.5%).

Councilwoman Crumiller read from Mercer Fair Housing analysis, “The cost burden renters with lower incomes are found throughout the county, while there are far fewer cost burden renters with workforce incomes. Therefore the real need to alleviate cost burden renters is at the lower end of the income scale.”

Council President Trelstad agreed to a need to provide overall low income housing. She characterized housing as a greater community issue that requires community input to solve the problem for low-low income families.

Councilman Wilkes favoured pursuing Princeton Preference; in particular, for volunteer safety workers.

Mr. Chou stated that Federal standards are clear: “Disparate impact analysis” is widely accepted. He noted that demographic challenge is generally conducted in the guise of litigation.

Council President Trelstad mentioned a Preference precedent in the Borough since 1938. She said the American dream of home ownership is in abeyance; a community like Avalon Bay could attract local middle class workers.

Councilwoman Butler thought it was irresponsible to expend staff energy and risk litigation on a Princeton Preference scheme.

Councilwoman Crumiller remembered a complicated democratic process five years ago that created 280 units—a density difficult for the neighbors to accept at the time. She found an additional 44 units to be too great a burden for the district.

Councilman Martindell recommended:

- Research disparate impact analysis in advance of decisions on workforce housing or Princeton Preference;
- Avoid monolithic façade;
- Create incentive to avail garage for users of downtown.

Councilwoman Howard was concerned about traffic impact of development versus present hospital traffic.

Council President Trelstad reinforced the need for CBD employee parking.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. She instructed audience members to limit commentary to five minutes. Council President Trelstad undertook to notify speakers of one minute remaining.

Peter Marks, 107 Moore Street, announced that Victoria Allgood had emailed questions to be read into the record. She asked: Why are all 324 needed apartments to be located in two voting districts? Mr. Marks questioned the loyalty of some Council members. He repeated his idea to construct 91 private homes on the land. Mr. Marks was in favour of razing the garage. He presented a matrix demonstrating all-in construction costs.

Matt Wasserman, 160 Meadowbrook Drive and Chair of Environmental Commission, stated that the Environmental Commission members met with Avalon representatives for ground-floor talks. The commission is for increased density, with the smallest possible footprint and strict adherence to affordable guidelines and design standards.

Leighton Newlin, Housing Authority Chair, stated that the Borough should not increase the density from 280 units. He reminded everyone of the indigenous population that built the town while living in the John/Witherspoon area. Mr. Newlin thought it was a better idea to turn over to the Housing Authority the \$152,000 per unit for redevelopment of Maple/Franklin.

Michael Floyd, Quarry Street, was surprised at some comments on specific zoning points.

Marco Gottardis, Township resident, has chosen to live in the hospital area because of the diversity. He worried that the proposed density will ruin the atmosphere. Arbitrarily adding units to the project will break a covenant with residents.

April McElroy, 119 Leigh Avenue and Affordable Housing Chair, resident of the Borough for 60-plus years, read a statement from the February 23, 2012, monthly meeting. The Affordable Housing Board strongly and unanimously recommends that Council insist on the setting aside of 20% (nine units) as affordable—with no workforce housing—to offset greater density of 324 units.

Ms. Neumann thought increased density was a positive, and environmentally sustainable, step toward CBD development.

Alexi Assmuss, Maple Street, pointed out that two seasoned local real estate experts (Peter Marks and Jan Weinberg) had assured Council that the land would not languish without rezoning.

Karen Nathan, 103 Jefferson Road, was opposed to density above the 280 units previously zoned; in fact, she wanted to lower the number. Mentioning multiple inquiries already received about the land, Ms. Nathan was confident more offers would appear if the Avalon deal failed.

Julie Roth, 100 Jefferson Road, opposed increasing the density because she values the diversity of the neighborhood.

Martha Friedman, 96 Jefferson Road, worried about children walking if there is a dramatic increase in auto traffic. Presently the streets are calm and safe. She wanted followup on child care—another source of traffic. Who will be served—apartment dwellers or all area residents?

Anita Garniac, Harris and Franklin, has been fighting for the neighborhood for 27 years. She said, increasing the number of units puts an unconscionable burden on the area.

Heidi Fichtenbaum, 38 Carnahan Place, mentioned other environmental considerations such as sewage, water usage, trash accumulation, exhaust fumes, and energy to heat and cool the homes. Carrying capacity of the site includes police, fire protection, recreation, schools, and so on. Ms. Fichtenbaum insisted the site must closely follow environmental standards.

Joe Bardzilowski, 18 Henry Avenue, quoted the Avalon Federal Form 10-K: “We aggressively pursue real estate tax appeals.” He referred to densities of various Avalon properties around New Jersey.

Seeing no one further from the audience, Mayor Moore returned to Council.

Mr. Bardzilowski wanted to know expected property taxes to the Borough versus new children in the school system. Mr. Bruschi had no information on taxes to be levied on the land or improvements.

Brad Reuben, Avalon Bay, said that Avalon will submit concept plans with the introduction of Ordinance 2012-05. He assured Council that the forthcoming study will show drastically reduced traffic impact.

Mark Solomon of Pepper Hamilton, representing the hospital, commented that the property transfer is very important to University Medical Center of Princeton, which considers itself a member of the community. Mr. Solomon corrected the statement that multiple developers are waiting to step in. He reminded that a housing plan had been advanced earlier that was age-centric for more than 300 units. He described the hospital's original request for proposals resulted in the marketplace assigning value to the property.

Councilwoman Crumiller stated that this process should be quick because an ordinance for 280 units is already in place. If Avalon accepts, Borough Council is ready to act.

Councilwoman Butler questioned the public benefit of 44 more units.

Councilman Wilkes was interested in the Newlin approach to create affordable housing through a cash contribution. He feared the outcome of segregated housing, be it by income or race; namely, creation of social pathologies.

Councilman Martindell thought it was time to introduce Ordinance 2012-05, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LAND USE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING MIXED RESIDENTIAL – RETAIL-OFFICE (MRRO) ZONE, in order to begin the conversation.

Councilwoman Crumiller proposed retaining the 20% factor for the whole complex—including the extra 44 units—and add workforce housing above that.

Councilwoman Butler was against tasking staff with Ordinance 2012-05 changes at this time.

Councilwoman Crumiller moved to amend draft Ordinance 2012-05 to keep 20% affordable plus bonus nine workforce units. Councilwoman Howard seconded. After discussion, Mayor Moore called the question. With two yea and four nay votes, Mayor Moore proclaimed the motion failed.

Councilman Wilkes moved to introduce Ordinance 2012-05 with changes as discussed. Council President Trelstad seconded.

Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Howard, Martindell, and Wilkes voted in the affirmative; Councilwoman Crumiller voted nay. Mayor Moore proclaimed the ordinance introduced with a public hearing to be held March 13, 2012. She instructed that a letter be sent to Regional

Planning Board authorizing Council's work today to be included in the next draft of Ordinance 2012-05.

Council President Trelstad read and moved **Agenda Item H, New Business (3) — Resolution 2012-R104** as follows:

**RESOLUTION 2012-R104
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2012 COMMITTEE APPOINTMENTS
FOR A TWO YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed as alternate members to the Borough of Princeton committees for a two-year term through January 1, 2014 as follows:

CONSTRUCTION BOARD OF APPEAL Jan Weinberg (Alt 1)

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.

Council President Trelstad read and moved **Agenda Item H, New Business (4-7) — Resolutions 2012-R105, 2012-R106, 2012-R107, and 2012-R108** as follows:

**RESOLUTION 2012-R105
REGARDING TRANSPORTATION COSTS FOR
HAZARDOUS BUS ROUTES FOR THE 2011-2012 SCHOOL YEAR**

WHEREAS, the Mayor and Council deem it appropriate to determine those student transportation costs for which it will reimburse the Princeton Regional Board of Education during the 2012-2013 school year; and

WHEREAS, pursuant to N.J.S.A. 18A: 39-1.1, the Mayor and Council have agreed on behalf of the Borough to provide reimbursement to the Princeton Regional School District for certain *hazardous route* transportation costs for children who attend grades K through 5 in public schools in the Princeton Regional School District; and

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

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

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

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

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

The Borough of Princeton shall during the 2011-2012 school year reimburse the Princeton Regional School District for of the transportation costs for busing:

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

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

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

BE IT FURTHER RESOLVED that nothing in this resolution shall bind the Borough to continue such reimbursement beyond the 2011-2012 school year.

**RESOLUTION 2012 – R106
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT KNOWN AS
“THE RECONSTRUCTION OF SCOTT LANE AND BAINBRIDGE STREET
(PBED CONTRACT # 11 – 03 AND PSOC CONTRACT # 11 – 02)”
TO S. BROTHERS CONSTRUCTION**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Princeton Borough Engineering Department Capital Project # 11-03; known as The Reconstruction of Scott Lane and Bainbridge Street; and

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

WHEREAS, all bid proposals were publically opened on December 22, 2011; and

WHEREAS, the Borough received the following bids:

S Brothers Construction in the amount of	\$545,664.60;
Black Rock Enterprises in the amount of	\$643,924.38;
Top Line Construction in the amount of	\$698,092.36;
Underground Utilities in the amount of	\$705,928.00;
Crossroad Construction in the amount of	\$732,325.00;
Cardinal Contraction in the amount of	\$754,360.97; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and determined that the bid submitted by S Brother, Inc, PO Box 317, South River, NJ 08882 is a responsible bid and is within the Engineer’s Estimate for this project; and

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

WHEREAS, the New Jersey Department of Environmental Protection’s Bureau of Construction and Connection Permits (Division of Water Quality, Municipal Finance & Construction Element) has reviewed the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP) and on January 13, 2012 issued their “Authorization to Award”; and

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

1. That the contract for the project known as “The Reconstruction of Scott Lane and Bainbridge Street (PBED Contract # 11 – 03 and PSOC Contract # 11 – 02)” is awarded to S. Brothers Construction, Manalapan, New Jersey in the bid amount of \$545,664.60.

2. The Mayor and Clerk are hereby authorized to execute a contract with S. Brothers

Construction in a form substantially similar to the agreement attached hereto.

**RESOLUTION 2012 – R107
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT KNOWN AS
“REHABILITATION OF SANITARY SEWERS AND LATERALS – MAXWELL LANE,
STONEHOUSE DRIVE AND VEBLIN CIRCLE SANITARY SEWER SERVICE AREA
(CONTRACT # PSOC 11 – 05)”
TO INTEGRATED CONSTRUCTION & UTILITIES
OF NEW JERSEY, LLC**

WHEREAS, the Princeton Sewer Operating Committee (PSOC) has advised the Mayor and Borough Council of the need for the rehabilitation of sanitary sewer mains throughout that PSOC’s sanitary sewer service area; and

WHEREAS, a contract known as “Rehabilitation of Sanitary Sewers and Laterals – Maxwell Lane, Stonehouse Drive and Veblin Circle Sanitary Sewer Service Area, Contract # PSOC – 11 - 05,” for said services was put out to public bid, the bids being received and opened on December 22, 2011; and

WHEREAS, the Borough received the following bids in connection with said contract:

Integrated Construction & Utilities of New Jersey, LLC, Edison, New Jersey in the amount of \$168,062.45; and

Top Line Construction Corp., Somerville, New Jersey in the amount of \$186,379.45.

WHEREAS, the PSOC staff and the Borough Attorney have reviewed this bid and determined that the bid submitted by Integrated Construction & Utilities of New Jersey, LLC, Edison, New Jersey is a responsible bid and is within the Engineer’s Estimate for this project; and

WHEREAS, the New Jersey Department of Environmental Protection’s Bureau of Construction and Connection Permits (Division of Water Quality, Municipal Finance & Construction Element) has reviewed the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP) and on January 13, 2012 issued their “Authorization to Award”; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds are available for the project.

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

1. That the contract for the project known as “Rehabilitation of Sanitary Sewers and Laterals – Maxwell Lane, Stonehouse Drive and Veblin Circle Sanitary Sewer Service Area, Contract # PSOC – 11 – 05” is awarded to Integrated Construction & Utilities of New Jersey, LLC, Edison, New Jersey in the bid amount of \$168,062.45.
2. The Mayor and Clerk are hereby authorized to execute a contract with Integrated Construction & Utilities of New Jersey, LLC in a form substantially similar to the agreement attached hereto.

**RESOLUTION 2012 – R108
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT KNOWN AS
“SANITARY SEWER MAIN REPAIRS – MANHOLE RUN LINING AND SPOT LINER REPAIRS
(CONTRACT # PSOC 11 – 06)”
TO REYNOLDS INLINER, LLC**

WHEREAS, the Princeton Sewer Operating Committee (PSOC) has advised the Mayor and Borough Council of the need for the rehabilitation of sanitary sewer mains throughout that PSOC’s sanitary sewer service area; and

WHEREAS, a contract known as “Sanitary Sewer Main Repairs – Manhole Run Lining and Spot Liner Repairs, Contract # PSOC – 11 - 06,” for said services was put out to public bid, the bids being received and opened on December 22, 2011; and

WHEREAS, the Borough received the following bid in connection with said contract [there were four (4) bid document holders for this contract]:

Reynolds Inliner, LLC, Fairfield, Maine in the amount of \$383,800.00.

WHEREAS, the PSOC staff and the Borough Attorney have reviewed this bid and determined that the bid submitted by Reynolds Inliner, LLC is a responsible bid and is within the Engineer's Estimate for this project; and

WHEREAS, the New Jersey Department of Environmental Protection's Bureau of Construction and Connection Permits (Division of Water Quality, Municipal Finance & Construction Element) has reviewed the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP) and on January 13, 2012 issued their "Authorization to Award"; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the project.

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

1. That the contract for the project known as "Sanitary Sewer Main Repairs – Manhole Run Lining and Spot Liner Repairs, Contract # PSOC – 11 – 06" is awarded to Reynolds Inliner, Fairfield, Maine in the bid amount of \$383,800.00.
2. The Mayor and Clerk are hereby authorized to execute a contract with Reynolds Inliner, LLC in a form substantially similar to the agreement attached hereto.

Councilwoman Butler seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (8) — Resolution 2012-R109** as follows:

**RESOLUTION 2012-R109
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR SPECIAL LEGAL SERVICES FOR YEAR 2012
TO STEPHEN BARCAN**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire special legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition is not expected exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for the remainder of the calendar year 2012; and

WHEREAS, Stephen Barcan of Wilentz, Goldman & Spitzer P.A. 90 Woodbridge Center Drive, Suite 900, Box 10 Woodbridge, NJ 09095 has submitted a proposal indicating they will provide necessary legal services to the Borough of Princeton, Administration, Transportation Task Force and the Borough Counsel as per the agreement and fee schedule attached; and

WHEREAS, Prior to the final execution of this agreement Stephen Barcan shall complete and submit a Business Entity Disclosure Certification which certifies that Wilentz, Goldman & Spitzer P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit Wilentz, Goldman & Spitzer P.A. from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with Wilentz, Goldman & Spitzer P.A. as described herein for an amount not to exceed **\$15,000** through December 31, 2012; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilwoman Butler seconded. Kristen Appleget of Princeton University and member of the Transportation Task Force questioned the appointment. Council concluded that the designation was a misnomer; the assistance is for work on the Free B. With the title changed, Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (9–14) — Resolutions 2012-R110, 2012-R111, 2012-R112, 2012-R113, 2012-R114, and 2012-R115** as follows:

**RESOLUTION 2012-R110
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON AWARDING A
PROFESSIONAL SERVICES AGREEMENT TO
DEER CARCASS REMOVAL SERVICE, LLC FOR
DEAD DEER/DEAD ANIMAL REMOVAL**

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 **Deer Carcass Removal Service, LLC, PO Box 328, Cream Ridge, NJ 08514** (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 agreement proposal of **January 1, 2012** (attached), for a total contract amount not to exceed **\$1,000.00**.

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-R111
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF
MOBILE COLUMN LIFT FOR PUBLIC WORKS
STATE CONTRACT # A80126**

WHEREAS, the Borough of Princeton wishes to purchase a Mobile Column Lift for Public Works through the State of New Jersey's cooperative purchasing program (N.J.S.A. 40A:11-12); and

WHEREAS, Stertil-Koni USA, 200 Log Canoe Circle, Stevensville MD, 21666, was awarded State Contract #A80126 for this equipment; and

WHEREAS, the total cost of the equipment is \$37,583.00. The funding was budgeted in the 2011 capital account #C-04-11-016-305, 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 equipment from Stertil-Koni USA, 200 Log Canoe Circle, Stevensville MD, 21666, State Contract #A80126.

**RESOLUTION 2012-R112
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY MORVEN MUSEUM & GARDEN**

WHEREAS, the Morven Museum & Garden for their Annual Spring Fundraiser "*Morven in May: A Celebration of Art, Craft, and Garden*" beginning on May 4, 2012; and

WHEREAS, the Morven Museum & Garden 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, April 16, 2012 through Monday, April 23, 2012 to advertise this program to the entire Princeton Community; and

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

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

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

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

**RESOLUTION 2012-R113
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY ARTS COUNCIL OF PRINCETON**

WHEREAS, the Arts Council of Princeton for their "*Communiversitry Festival of Arts*" being held on April 28, 2012; and

WHEREAS, the Arts Council 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, April 23, 2012 through Monday, April 30, 2012, to advertise this program to the entire Princeton Community; and

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

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

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

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

**RESOLUTION 2012-R114
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY PRINCETON HEALTHCARE SYSTEM**

WHEREAS, the Princeton HealthCare System for their “*Kids Marathon/10K Race*”; and

WHEREAS, the Princeton HealthCare System 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, June 4, 2012 through Monday, June 11, 2012 to advertise this program to the entire Princeton Community; and

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

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

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

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

**RESOLUTION 2012-R115
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA: 346
TO 101:, INC.**

WHEREAS, 101:, Inc. has submitted a raffle application to the Clerk’s Office; and

WHEREAS, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on February 17, 2012; and

WHEREAS, 101:, Inc. in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that raffle license RA: 346 for 101:, Inc. approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 346 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved new **Agenda Items — Resolution 2012-R117 and Resolution 2012-R118** as follows:

**RESOLUTION #2012-R117
OF MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE
EXECUTED BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW
JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST
AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF**

ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Princeton (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for the Infiltration/Inflow Reduction Program and System-Wide Rehabilitation Program (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$2,000,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Borough by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Borough (collectively, the "Borough Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Borough Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Borough as determined hereunder and to affix the corporate seal of the Borough to such Financing Documents.

Section 2. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

**RESOLUTION #2012-R118
OF MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON DETERMINING THE FORM
AND OTHER DETAILS OF NOT EXCEEDING \$2,000,000 GENERAL IMPROVEMENT BONDS,
SERIES 2012, OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW
JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.**

WHEREAS, the Borough of Princeton (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for the Infiltration/Inflow Reduction Program and System-Wide Rehabilitation Program (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$2,000,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Borough as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$2,000,000 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in bond ordinances of the Borough, which bond ordinances are entitled, "BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,720,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,750,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF", "BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,350,000 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 \$2,350,000 BONDS OR NOTES OF THE

BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and “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” and finally adopted by the Borough at meetings duly called and held on June 14, 2005, June 23, 2009 and February 14, 2012, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$2,000,000;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, Bill List for February 28, 2012 — Resolution 2012-R116** as follows:

**RESOLUTION 2012-R116
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 28, 2012 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 (12-01)	3,540,643.92
CURRENT ACCOUNT (11-01)	148,509.46
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	35,931.63
PARKING UTILITY OPERATING FUND (11-05)	11,614.61
AFFORDABLE HOUSING OPERATING ACCT (12-24)	12,543.68
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	151,734.23
PARKING UTILITY CAPITAL FUND (P-06)	16,705.00
ESCROW (E-30)	60,519.26
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,311,417.77
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	

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 Council approved unanimously.

There being no further business, Mayor Moore adjourned the open session meeting at 11:30 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk