

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
April 24, 2012
Regular Session 7:00 P.M.**

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

Absent: Mayor Yina Moore (*arrived 7:15 P.M.*)

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

Council President Trelstad called the meeting to order at 7:10 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 April 24, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Council President Trelstad asked all present to rise for **Agenda Item C, Salute to the Flag.**

Council President Trelstad read **Agenda Item D, Approval of Minutes.**

Presented for approval were the minutes of the open session of February 14, 2012.

Councilwoman Crumiller moved to approve the minutes of the open session of February 14, 2012. Council President Trelstad recommended a wording change on *Page 8, 4th paragraph, line 4*-remove the word amendable and insert the word compatible; Councilwoman Crumiller also suggested two minor changes: *Page 6, 3rd paragraph, 1st line*- the word “lead” should be “LEED”; and *Page 6, 4th paragraph, 2nd line*- the word “or” should be replaced with “and” in the following portion of the sentence: “...greenhouse or open space for ice skating”. Councilman Wilkes seconded; and Council approved unanimously.

Presented for approval were the minutes of the open session of February 28, 2012.

Councilwoman Crumiller moved to approve the minutes of the open session of February 28, 2012, with two minor changes; *Page 5, Paragraph 10, 1st line*--change the word “complained” to “stated” after Ms. Radbil’s name; and *Page 8, 2nd Paragraph, 1st line*- correct the name Marco Ricardes to Marco Gottardis. Councilwoman Butler seconded; and Council approved unanimously.

Mayor Moore assumed the chair and read **Agenda Item E, Public Presentation**. She 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.

Jeff Nathanson, Arts Council, and Kristen Applegat, Princeton University, announced the annual Communiversy celebration to be held April 28, 2012.

Mr. Nathanson and Terra Momo Restaurant Group are sponsoring a public mural that will be painted on the side of Terra Momo Bread Company to commemorate Urban Garden, Writers Block, and Quark Park. The mural will be exhibited on May 3 from 5:00 to 8:00 P.M. in conjunction with Princeton Art Walk.

Alain Kornhauser, 24 Montadale Circle, appealed to Council not to fund the Princeton New Jersey Transit Study (project 2012-001) as imprudent use of taxpayer money. He said the cold reality is that Nassau Hall does not want rail.

Princeton Regional Health Commission Officer David Henry announced the hepatitis support group to be held May 22, 2012, 7:00 P.M., at the Township municipal building.

Chip Crider, Bank Street, commented that Council has an obligation to fund the transit study to examine various options—rather than support a single choice.

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

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

**RESOLUTION 2012-R151
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 February 2012; 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 February 2012 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck announced productive meetings with Township Police, Princeton University's Department of Public Safety, the Mercer County Prosecutor's Office, and Borough Police in an effort to determine responsibilities after consolidation. Chief Dudeck urged Council to make prompt decisions about the dispatch center. He said the detective bureau continues to investigate burglaries in the east section of town.

Council President Trelstad observed that parking tickets are remarkably lower compared to the previous month and previous year. Chief Dudeck responded that meter enforcement officers have not been finding many offenders.

Councilwoman Crumiller asked about firearms background checks—specifically, time and costs involved and number of firearm holders in the Borough. Chief Dudeck said state statute governs all aspects of firearm licensing.

Councilman Wilkes noted very few underage alcohol cases during February 2012. Chief Dudeck thought it was a sign of better education by Princeton University, as well as, more on-campus enforcement.

Councilman Martindell asked Chief Dudeck for details about the home burglaries. Chief Dudeck replied that everyone must be diligent about locking windows and doors. He was unwilling to provide particulars about the robbers' behavior patterns.

Council President Trelstad moved to approve the police report, Councilwoman Butler seconded, and Council approved unanimously.

Mayor Moore read **Agenda Item F, Report (2) — Council Liaisons.**

Councilwoman Butler announced Free B service throughout the Communiversitiy event.

Councilman Wilkes said the Human Services Commission—in collaboration with merchants, Palmer Square, and the Y's—is staging its annual Stand Against Racism (Friday, April 27, at 8:15 A.M. on Palmer Green) with a march to the Y for a consolidated front opposing racism at 9:00 A.M.

Councilman Wilkes reported that Community Pool will open on schedule on May 26.

Councilwoman Howard stated that Corner House held its annual benefit gala.

Councilman Martindell asked the status of the Regional Planning Board's amendment to the Master Plan to include a public right of way for the Dinky. Councilwoman Crumiller answered that the topic is scheduled for the Regional Planning Board on May 3. Planning Board Director Lee O. Solow clarified that the board will respond to the ordinance that created a map amendment showing the right of way; a different process from actually changing the Master Plan.

Councilman Martindell pointed out that, if the ordinance is compatible with the Master Plan, Council can adopt it with a simple majority; however, if inconsistent, a super majority is required. He hoped the planning board would move swiftly to enable Master Plan circulation elements.

Councilwoman Butler announced free mulch is available at the disposal site on Princeton Pike.

Council President Trelstad read by title and moved **Agenda Item G, Old Business (1) — Public Hearing and Adoption: Ordinance 2012-05, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A LANDUSE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974., REGARDING THE MIXED RESIDENTIAL – RETAIL – OFFICE (MRRO) ZONE.**

Mr. Solow summarized the Regional Planning Board’s findings for Ordinance 2012-05:

1. Section 17A-356(d)—signs acceptable and consistent with Master Plan;
2. Section 17A-356(e)—child care facilities and leasing office acceptable and consistent with Master Plan;
3. Section 17A-358(a)(2)—lofts on top floor inconsistent with Master Plan; not objectionable;
4. Section 17A-358(b)(1)a—extension of architectural elements into setback area not recommended;
5. Section 17A-358(b)(1)b—elimination of 25ft. setback abutting garage acceptable;
6. Section 17A-358(b)(2)b—extension of architectural elements into height ratio acceptable;
7. Section 17A-359(2)—density bonus objectionable and inconsistent with Master Plan.

The board further asked Council to include some of the design standards as bulk standards.

Council President Trelstad thought porches, patios, and stoops (Item 4) added to the social and safety aspects of the thoroughfare and hoped the planning board would find them useful. Mr. Solow believed porches—not inconsistent with the Master Plan—could be covered in the permitted setback of 25 feet.

Borough Assistant Attorney Henry Chou explained the procedure for changing an ordinance that amends the Master Plan: if tabled, the draft ordinance disappears and may be replaced by an amended ordinance.

Councilman Wilkes clarified that the Master Plan does not oppose porches themselves, but rather intrusion into the zoned setback footage. Councilman Wilkes recommended deferring to the Regional Planning Board and deleting the porch section from the ordinance.

Mr. Chou suggested sending a new ordinance to the planning board for expedited review and approval by Council at the second reading (after 10-days’ notice to public).

Council discussed the Regional Planning Board's findings with Mr. Solow and Land Use Development Official Derek Bridger; namely signage (Item 1), lofts (Item 3), setback abutting garage—becoming moot January 1, 2013 upon consolidation of the towns (Item 5), bay windows and cornices (Item 6). Since developer has agreed to 20% affordable housing, Section 17A-359(2) (Item 7) can be eliminated. Council concluded the two items to be reconciled are 280 total units and stoops and porches.

Mr. Chou cautioned against increasing construction costs and reducing the number of units—deemed cost generative and unlawful under the Mt. Laurel standards, regulation statutes, and case law.

Mr. Solow warned that taste (that is, design standards) should not be legislated.

Councilman Wilkes suggested striking Items 3, 4, and 7 from the proposed ordinance in order to proceed with the four agreed upon. Mr. Chou favored re-introducing the ordinance as sanctioned by Council for a second reading.

Council President Trelstad reminded that setting design standards that increase costs is outside the scope of the law; she said Council must take caution of that.

Councilwoman Howard voiced community concern (and Princeton Environmental Commission opinion) about green building compliance and LEED certification.

Mayor Moore reviewed items on which the public may comment: Ordinance 2012-05 as sent to the Regional Planning Board and their comments on seven items.

William Wolf, member of the Site Plan Review Advisory Board, expanded on features allowed in the setback. He said that any ordinance change should treat architectural features (roof overhangs, balconies, bay windows, and porches) differently from terraces, stoops and steps, retaining walls, and privacy screens and fences, which should be considered as site features—permitted not more than five feet into front yards. No architectural features should be allowed into front setbacks; in this case, no feature intrudes.

Councilman Martindell questioned the distinction between “porch” (architectural feature) and “stoop” (site feature). Mr. Wolf explained that when a porch has columns and a roof, those become part of the building as architectural features.

Councilman Martindell called a 25-foot setback “institutional and profound”—a wasted, unfriendly space.

Ron Ladell, Avalon Bay, contended that the process for Ordinance 2012-05 is not complicated. Initially the ordinance had seven paragraphs, summarized in one-and-a-half pages. Mr. Ladell noted that of seven items presently under discussion, four are agreed upon by all. Avalon has withdrawn application for any density bonus (Item 7). Avalon has no intention of encroaching on any setback (Item 4); today's concept plan completely abides by setback limitations. Mr.

Ladell defended lofts as complying with building codes and offering desirable architectural differentiation.

Mr. Ladell insisted that Council has authority to adopt Ordinance 2012-05 (with three of seven items deleted). Avalon is eager to meet immediately to discuss controversies (such as permeability).

Mr. Chou argued that deletion of three of seven points is a substantial change, and procedural requirements should be met with notification and a second reading.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. Mayor Moore requested a four-minute limit for each speaker and no repetition of points

Heidi Fichtenbaum, 38 Carnahan Place, read a statement from the Princeton Environmental Commission addressing supposed unconstitutionality of environmental provisions. She asked:

1. To what extent does Mt. Laurel and COAH govern development ordinances?
2. How does Council determine that sustainability requirements are cost generative?
3. Are not sustainability requirements essential to protect the public welfare?

Ms. Fichtenbaum asserted that green and LEED projects—when sustainable strategies are integrated from the outset—are cost neutral. She demanded not to be interrupted.

Mary Clurman, Harris Road, encouraged communication between Council and Avalon. Ms. Clurman proposed a bike path that crosses the development area diagonally. She hoped Council will not ignore the Borough's own design standards that reflect the will of the town.

Daniel Harris, 28 Dodds Lane, listed corrections to the Regional Planning Board's letter (later defended by Mr. Solow). He asserted that Avalon's plans are incomplete, lacking an elevation drawing for the porches and stoops. Mr. Harris proclaimed his right as a citizen to speak unimpeded; he has important things to say.

Grace Senden, Ridgeview Circle, is a founding member of Sustainable Princeton. She stressed that no developer should tarnish Princeton's reputation of sustainability. Ms. Senden stated that Energy Star, while possibly advancing LEED certification, is not an end in itself. She said that public health is an essential element of sustainability.

Kevin Walsh, attorney for lower-income New Jersey residents, announced that COAH has been restored due to overthrow of Governor Christie's unconstitutional reorganization plan. He regretted that Avalon had dropped its density bonus bid.

Lisa McCallister, representing Service Employees International Union Local 32BJ, was certain that Avalon is not a safe employer. Ms. McCallister cited OSHA violations at a number of Avalon locations. She presented petitions opposing Avalon to Mayor Moore.

Mayor Moore clarified that the property owner, Princeton HealthCare System, chooses the developer; Mayor and Council only entertain a zoning change.

Anne Neumann, Borough, offered to email her thoughts on design standards to Council members.

Joe Bardzilowski, 18 Henry Avenue, thought it was important to be sure of the right decision, not a fast decision. He worried that Avalon could not be trusted. He said Council needs to strengthen any ordinance dealing with the hospital property.

Mayor Moore closed the public discussion and returned to Council.

Councilman Wilkes supported approving four agreed items of Ordinance 2012-05 and moving on.

Council President Trelstad moved to accept Ordinance 2012-05—excepting Items 3, 4, and 7—with design aspects to be referred to a subcommittee so appointed. Councilman Wilkes seconded.

Mr. Chou recommended introduction, Regional Planning Board consideration, newspaper notice, (ongoing subcommittee work), public hearing.

Councilman Martindell moved to amend the motion omitting Items 3, 4, and 7; that is, introduce a new ordinance (to be Ordinance 2012-08), refer to the Regional Planning Board, and reschedule Council consideration for May 8, 2012. Councilwoman Butler 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.

Mayor Moore read **Agenda Item H, Discussion (1) — Transition Task Force (TTF) Conflict of Interest Policy (Policy) — Anton Lahnston, Joint Consolidation Commission (JCC) Chair.**

Mayor Moore stated that Policy had been drafted by Township.

Councilman Martindell suggested Council take no action at this time.

Council President Trelstad asked about retroactivity of the Conflict of Interest Policy—she remarked how much she has learned acting as a public servant for the Borough.

Mr. Lahnston mentioned the Joint Consolidation Committee's concern about a document recently drafted that questioned the punitive nature of retroactivity. He stated that the commission's role is solely advisory now. The Joint Consolidation Committee wanted Council to endorse the policy, if it is to be endorsed at all.

Councilman Martindell opposed the Conflict of Interest Policy.

Councilwoman Butler agreed that the policy seems punitive so late in the process, insinuating wrongdoing.

Councilwoman Howard said clear rules will be necessary for the new government.

Councilwoman Crumiller also agreed.

Councilman Wilkes observed that Council members are the ones to be held accountable.

Mayor Moore read **Agenda Item H, Discussion (2) — Letter to Governor Christie and New Jersey Transit Board of Directors**—*Councilwoman Crumiller*.

Councilwoman Crumiller repeated that New Jersey Transit has found no reason to involve the public in any decision regarding the Dinky. She disagreed; any announcement to abandon the easement should be made in public. Councilwoman Crumiller moved to send the letter to Governor Christie and Councilman Martindell seconded.

Council President Trelstad suggested deleting all but the first paragraph and the last thought to schedule a full public hearing.

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

Ms. Neumann urged Council to make the letter stronger—that the Historical Sites' decision was based on incomplete information.

Mr. Crider said the discussion should have been about moving transit into the future. He calculated the load factor for the Dinky to be 6.4%—which means that of every 16 rides, 15 are discarded—hardly sustainable.

Ms. Cherry thought the Dinky connection to the main line was significant for future travel.

Mayor Moore called for a vote. Councilwoman Crumiller moved to send the letter to Governor Christie; Councilman Martindell seconded. Mayor Moore proclaimed the motion passed five to one, with Council President Trelstad voting nay.

Council President Trelstad read and moved **Agenda Item I, New Business (1) — Resolution 2012-R152** as follows:

**RESOLUTION 2012-R152
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING
A SHARED SERVICES AGREEMENT WITH PRINCETON TOWNSHIP
FOR SPECIAL LEGAL SERVICES**

WHEREAS, the voters of the Borough of Princeton (“Borough”) and the Township of Princeton (“Township”) approved the consolidation of the two municipalities as of January 2013; and,

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

WHEREAS, BOROUGH and TOWNSHIP wish to continue their shared services program by utilizing one attorney to represent both municipalities in pending litigation captioned Neumann, et al. v. Borough of Princeton, Township of Princeton, Trustees of Princeton University and Princeton University, Docket No. MER-L-00080-12; and

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

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

1. Pursuant to N.J.S.A. 40A:65-5, the Mayor and Clerk of the Borough are hereby authorized and directed to execute a Shared Services Agreement for Legal Services in connection with litigation captioned Neumann, et al. v. Borough of Princeton, Township of Princeton, Trustees of Princeton University and Princeton University, Docket No. MER-L-00080-12.

2. The authorization to execute said Shared Services Agreement for Legal Services by the Mayor and Clerk is contingent upon the approval of said Agreement by the Township.

3. A certified copy of this Resolution and the Agreement hereby authorized is on file in the Office of the Borough Clerk and may be inspected during regular business hours.

A certified copy of this Resolution and the Agreement hereby authorized shall be furnished by the Borough Clerk to the Township Clerk and as required by N.J.S.A. 40A:65-4(3)(b), a copy of said Resolution and Agreement shall be filed with the New Jersey Department of Community Affairs, Division of Local Government Services, 101 South Broad Street,

Councilman Martindell seconded. Councilwoman Howard recused herself. Council approved unanimously five to zero.

Council President Trelstad read and moved **Agenda Item I, New Business (2) — Resolution 2012-R153** as follows:

**RESOLUTION 2012-R153
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT TO
HITOPS FOR YOUTH SEXUALLY TRANSMITTED DISEASE CLINIC**

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 **HiTOPS, 21 Wiggins Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide adolescent sexual transmitted disease services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$5,000.00**.

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

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

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

3. The contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be

performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

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

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (3) — Resolution 2012-R154** as follows:

**RESOLUTION 2012-R154
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT TO
HITOPS FOR YOUTH HEALTH EDUCATION**

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 **HiTOPS, 21 Wiggins Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide adolescent health education services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$4,000.00**.

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.

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (4) — Resolution 2012-R155** as follows:

**RESOLUTION 2012-R155
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AMENDMENT OF CONTRACT**

**FOR PROFESSIONAL SERVICES TO
NEIL YOSKIN, PARTNER OF SOKOL, BEHOT & FIORENZO**

WHEREAS, the Borough wishes to amend a certain professional services agreement with Neil Yoskin, Partner of Sokol, Behot & Fiorenzo to provide legal services for special legal counsel in connection with certain activities being conducted by the Borough, as hereafter more particularly stated.

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

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

The Mayor and Clerk are hereby authorized to enter into an **addendum** to a contract for professional services with Neil Yoskin, Partner of Sokol, Behot & Fiorenzo (hereinafter referred to as "Provider") said contract being dated July 26, 2011.

1. The addendum so authorized shall require the Provider to provide services and other related duties, as follows: Provider shall serve as special counsel for SPECIAL LEGAL COUSEL to the Borough of Princeton to handle such matters as requested by the Borough in relation to Borough v Castro through December 31, 2012.

2. The Borough shall pay the Provider the following **additional compensation**: An amount not to exceed **\$10,000.00**; for a total amount of **\$20,000.00** the Chief Financial Officer has certified that funds are available under Current Account Nos.201-20-155-279 ; and

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

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

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (5) — Resolution 2012-R156** as follows:

**RESOLUTION 2012-R156
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A MEMORANDUM OF UNDERSTANDING WITH
THE CITY OF TRENTON FOR LEAD NURSING SERVICES**

WHEREAS, the Borough of Princeton desires to enter into a memorandum of understanding 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 memorandum of understanding with **the City of Trenton, 319 E. State Street, Trenton NJ 08608** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **July 1, 2012 through June 30, 2013**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide Public Health Nurse Case Management Services for Childhood Lead Poisoning services and other related duties as cited in the proposed memorandum of understanding (attached), for a total contract amount not to exceed **\$0**. 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.

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 memorandum of understanding shall be entered into without competitive bidding as a MOU 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.

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (6) — Resolution 2012-R157** as follows:

**RESOLUTION 2012-R157
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF MAINTENANCE BOND
FOR THE PROJECT KNOWN AS “100 LEIGH AVENUE”**

WHEREAS, Princeton University has made a formal request for release of the maintenance guarantee currently held by the Borough of Princeton for private and public improvements in conjunction with the project known as “100 Leigh Avenue”; and

WHEREAS, the Borough Engineer has determined that the project is complete; and

WHEREAS, the Borough Engineer recommends that the request for release of the maintenance guarantee covering the public and private improvements in conjunction with the project known as 100 Leigh Avenue be approved; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that the request for release of the maintenance guarantee covering the public and private improvements in conjunction with the project known as “100 Leigh Avenue” be approved.

Councilman Wilkes seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (7) — Resolution 2012-R158** as follows:

**RESOLUTION 2012-R158
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING ENCROACHMENT AGREEMENT WITH
FRANCINE BESSELAAR FOR PROPERTY LOCATED AT
113 WESTCOTT ROAD, PRINCETON NJ**

WHEREAS, the Borough of Princeton (“Borough”) has a sanitary sewer easement on property located at 113 Westcott Road, Princeton Borough, New Jersey; and

WHEREAS, the owner of said property wishes to install a generator on her property which requires connection to gas and electrical services across the Easement ; and

WHEREAS, the connection lines would encroach on the Borough’s sanitary sewer easement; and

WHEREAS, the Office of the Princeton Borough Engineer and the Manager of the Princeton Sewer Operating Committee (“PSOC”) have inspected the proposed location of the connection lines and have determined that the location does not interfere with the Borough and the PSOC’s use of the sanitary sewer easement; and

WHEREAS, the owner of said property has requested permission to install said connection lines and has agreed to sign an Encroachment Agreement whereby should the Borough/PSOC require that the connection lines be moved or relocated for sanitary sewer work, it will be done at the sole expense of the property owner; and

WHEREAS, the New Jersey Local Lands and Buildings Law at N.J.S.A. 40A:12-1 et seq. authorizes the Borough to enter into said Encroachment Agreement; and

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

1. The Mayor and Clerk of the Borough of Princeton are hereby authorized and directed to enter into an Encroachment Agreement with Francine Besselaar to permit the installation of gas and electric connection lines for a generator on 113 Westcott Road, Princeton Borough, New Jersey, which encroaches upon the Borough's sanitary sewer easement. The Encroachment Agreement referenced in this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.

2. A certified true copy of this Resolution shall be furnished upon its adoption to Francine Besselaar, as well as to PSOC, One Monument Drive, Princeton, New Jersey 08540, Attention: Robert Hough, P.E., Manager.

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (8) — Resolution 2012-R159** as follows:

**RESOLUTION #2012-R159
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
SUPPORTING THE MAYORS WELLNESS CAMPAIGN
APRIL 24, 2012**

WHEREAS, fifty-five percent of New Jersey residents are obese or overweight, and

WHEREAS, medical expenses for treating problems related to obesity in our state total billions annually, and

WHEREAS, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and

WHEREAS, the current generation of children in America may have shorter life expectancies than their parents, and

WHEREAS, the Mayors Wellness Campaign supports Mayors as champions of community health, and

WHEREAS, the goal of the campaign is to improve health, reduce health care costs related to obesity, and make New Jersey a national leader in community-based health interventions, and

WHEREAS, the Mayors Wellness Campaign seeks to foster active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives, and

WHEREAS, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the Borough of Princeton, now therefore be it

WHEREAS, the Borough of Princeton cares deeply about all of its citizens and the future health of its children

NOW BE IT RESOLVED, that I, Yina Moore, Mayor, ask that all residents of this community join me in supporting the Mayors Wellness Campaign, and be it further

BE IT FURTHER RESOLVED, that I encourage the residents of the Borough of Princeton to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

April 24, 2012

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (9) — Resolution 2012-R160** as follows:

**RESOLUTION 2012-R160
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ASSOCIATE MEMBER ERIC W. HUGHES**

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

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

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

ERIC W. HUGHES

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

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read and moved **Agenda Item J, Bill List for April 24, 2012 — Resolution 2012-R161** as follows:

**RESOLUTION 2012-R161
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APRIL 24, 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)	796,304.56
CURRENT ACCOUNT (11-01)	6,781.17
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	29,356.55
PARKING UTILITY OPERATING FUND (11-05)	74.26
AFFORDABLE HOUSING OPERATING ACCT (12-24)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	245.00
CAPITAL ACCOUNT (C-04)	353,246.07
PARKING UTILITY CAPITAL FUND (P-06)	10,463.70
ESCROW (E-30)	2,400.03
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	64,128.50
ASSESSMENT TRUST FUND (11-11)	

GRANT (G-02)

189.06

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

Councilwoman Howard seconded and Council approved unanimously.

Council President Trelstad read and moved **new Agenda Item — Resolution 2012-R163** as follows:

**RESOLUTION 2012-R163
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:

AFFORDABLE HOUSING BOARD

David Schrayner
(Replaces Pierna Thayer
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 Council approved unanimously.

Mayor Moore read **Agenda Item K, Resolution 2012-R162**, as follows:

**RESOLUTION 2012-R162
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON APRIL 24, 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

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 Martindell seconded. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. There being no further business, Mayor Moore adjourned the open session meeting at 10:51 P.M. Borough Council recessed into closed session.

Respectfully submitted,

**Delores A. Williams
Deputy Borough Clerk**