

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

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

Absent: Councilwoman Heather Howard

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Borough
Engineer John M. West, 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

Mayor Moore called the meeting to order at 7:00 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of July 24, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

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

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

Presented for approval were the minutes of the open session of May 1, 2012.

Council President Trelstad moved to approve the minutes of the open session of May 1, 2012, and Councilman Martindell seconded.

Councilwoman Butler found discrepancies in library parking subsidies between the minutes of May 1 (\$45,000) and May 8 (\$10,000 to \$15,000). Borough Administrator Robert Bruschi said the library employee parking budget increased by \$45,000 for 2012; he thought the subsidy was included in that total.

Council approved unanimously five to zero.

Presented for approval were the minutes of the open session of May 8, 2012.

Council President Trelstad moved to approve the minutes of the open session of May 8, 2012, with a change in language: (Page 7) **remove** the wording “combat obesity” and **add** the wording “to make the town more pedestrian friendly”. Councilwoman Butler seconded and Council approved unanimously.

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

Alexi Assmuss, Maple Street, visited the Avalon Bay Woodbridge site. She distributed a photograph of the 266-unit complex in two rectangular buildings. She compiled information from the Avalon Web site that all their properties in New Jersey are located in light industrial areas near major interchanges and/or train stations—none in the center of a town.

Councilman Martindell proposed convening closed sessions at the beginning of Council meetings as before. Council President Trelstad seconded the idea. Councilwoman Crumiller remembered that Borough Attorney had advised that conducting private meetings first was not legal—a separate meeting on a different day is an option.

Mayor Moore stated that arranging closed sessions will be handled on a future agenda.

Mayor Moore reported a New Jersey bulletin briefly restricting water usage.

Mayor Moore announced a petition on the Borough’s Web site opposing Assembly Bill 2568 that exempts private colleges from municipal land use oversight.

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

Mayor Moore read **Agenda Item F, Correspondence (1) — On-Street Parking Permit Request for 123 John Street—Dorothy Koehn, Owner/Manager**.

Mayor Moore explained that the property has a garage that cannot accommodate the new tenant’s vehicle. Mr. Bruschi observed that there is a waiting list for all street parking except the Harrison Street lot. He cautioned Council that there are frequent requests for exceptions for parking permits. Mr. Bruschi suggested Council revisit the overall on-street parking guidelines for residents.

Council President Trelstad thought Council members should see the garage to ascertain possible other solutions, then look at the waiting list and general on-street parking policies for discussion later. Council President Trelstad, as Public Works liaison, undertook to evaluate the garage.

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

**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 May 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 May 2012 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck asked if Council members had questions about the police department rules and regulations that were distributed to them. He said that all police personnel are seeking acceptance from Borough Council and Township Committee in order to set up training and so forth for the new joint force.

Council President Trelstad was concerned that the two-hour-limit parking signs may not properly correspond with ordinances (discrepancy found on Lytle Street).

Councilman Martindell had read a published article that Hightstown hired 10 new “class 2” police officers. Chief Dudeck answered that special officers—often seasonal—have a variety of responsibilities and privileges, may or not be armed, and receive lower pay. Special officers have never been deemed appropriate for Borough.

Councilwoman Butler expressed ongoing concern about alcohol abuse among young people and explanatory language in the police report about their various conditions.

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

Mayor Moore read **Agenda Item G, Report (2) — Princeton Regional Health Commission & Department 2011 Annual Report**—*David Henry, Health Officer*.

Mr. Henry reported that the Health Annual Report, including a time study per task, was compiled by interns plus staff. Mr. Henry also supplied the Animal Control Annual Report. He commended his effective, efficient, dedicated staff for the year’s success as a progressive and innovative public health group. Mr. Henry noted that the state audit revealed the Princeton Health Commission operates more as a county health department than a municipal one. Mr. Henry foresees additional shared services with private, public, and nonprofit partnerships; a close association with Princeton University will yield improved food inspections with iPad app software. Mr. Henry stated that the health report will be available for public perusal on the Borough’s Website.

Councilwoman Butler asked about wildlife control—in particular, regarding bears recently seen in the Borough. Mr. Henry feared statewide response was hampered by regionalization of personnel; better response would relieve some of the burden on local police and animal control officers. Mr. Henry mentioned a discrepancy in enforcement across New Jersey—the Borough

was not permitted to tranquilize the bears; whereas in Jersey City Police had tranquilized deer running through their streets.

Councilman Martindell wondered about expense and income changes resulting from withdrawal of statistical recordkeeping to the hospital's location in Plainsboro. Mr. Henry replied that, while births are no longer covered here, new Federal regulations for those born after 1964 will require issuance of fresh birth certificates.

Councilman Martindell moved to accept the health report, Councilwoman Butler seconded, and Council approved unanimously.

Council President Trelstad read by title and moved **Agenda Item H, Old Business (1) — Public Hearing and Adoption: Ordinance 2012-11, AN ORDINANCE CONCERNING AUTHORIZING THE SUBMISSION TO THE VOTERS OF PRINCETON AT THE GENERAL ELECTION ON NOVEMBER 6, 2012 A PROPOSITION AUTHORIZING THE ESTABLISHMENT FOR PRINCETON OF AN ANNUAL LEVY FOR THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF MUNICIPAL OPEN SPACE, FARMLAND AND HISTORIC PROPERTIES IN THE AMOUNT OF \$0.017 PER \$100.00 OF ASSESSED VALUE FOR REAL PROPERTY IN THE CONSOLIDATED MUNICIPALITY OF PRINCETON AS AUTHORIZED BY P.L. 1997.C.24 OF THE LAWS OF THE STATE OF NEW JERSEY.**

Councilman Martindell seconded.

Councilman Martindell stated that present open space taxes are \$0.01 for the Borough and \$0.02 for the Township per \$100 of assessed value. Ordinance 2012-11 blends the two rates to \$0.017 for the combined municipalities; a measure deemed revenue neutral for all. Councilman Martindell pointed out that the change is not tax neutral and would result in a modest tax increase for former Borough taxpayers. Councilman Martindell asserted that the change is a reasonable way to proceed.

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

Seeing no one, Mayor Moore closed the public discussion and returned to Council for a roll call vote. Council members Trelstad, Butler, Crumiller, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the ordinance adopted.

Council President Trelstad read by title and moved **Agenda Item H, Old Business (2) — Introduction and Authorization to Publish Ordinance 2012-12 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, LANDUSE OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974, REGARDING CHANGES TO THE SERVICE BUSINESS (SB) DISTRICT ZONES.**

Planning Board Director Lee O. Solow highlighted significant modifications to Ordinance 2012-12 since last review: (1) 500 feet minimum between financial establishments; (2) nonresidential

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uses restricted to 5,000 square feet; (3) no outdoor dining adjacent to residences; (4) individual storefronts less than 40 feet wide.

Council President Trelstad asked if Ordinance 2012-12 will apply to all SB zones throughout town.

Council discussed options and restrictions for a bed & breakfast or boutique hotel in the area.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. Mayor Moore confined each speaker to three minutes.

Dante Carnevale, member of the family owning 255 Nassau Street, offered solutions: (1) maximum of one financial institution per lot, and (2) façade as a percentage of frontage.

Larry Murphy, 212 Witherspoon Street, asked Council to modify Ordinance 2012-12 to require two diverse adjacent uses on the ground floor; i.e., bank or office plus restaurant or shop.

Robert Bratman, 259 Nassau Street, emphasized that 255 and 259 Nassau have been vacant for six to seven years, with various retail tenants passing through because they were unable to maintain their businesses. He thought limiting the types of renters was counterproductive to the welfare of the street.

Rocco Carnevale insisted that the large buildings need bank lessees as solid economic anchors. He said his family is eager to compromise with Borough.

Mr. Epps, speaking for Pauline Jensen of 4 Murray Place, said Dr. Jensen thought banks would make a good addition to the community.

Elizabeth Carnevale spoke of the immigrant Carnevale brothers' Princeton spirit over the years.

Marty Schneiderman, 47 Murray Place, repeated the wishes of townfolk of all neighborhoods as demonstrated through petitions and surveys published earlier. He strongly opposed financial companies for SB viability.

Hugh Connelly, architect for the Carnevale family, said limiting bank frontage to 50% was a more effective tool than 5000-foot separation or 40-foot specific width.

Jeffrey Albert, owner of 253 Nassau Street (Prudential Building), cautioned against restricting future uses through zoning laws that tend to live on. He pointed out that the financial business in his building operates 9:00 A.M. to 9:00 P.M., seven days, thereby offering abundant foot traffic; the workers dine at the nearby eateries.

Linda Fahmie, Carnevale representative, had counted six banks in town compared to 71 food establishments for a population of 13,000.

Jeff Anton, 133 Cedar Lane, worried about dilapidation of empty properties. He missed bakeries and New York-style clothing stores. He agreed to letting market forces apply.

Lou Carnevale observed that Princeton is becoming a small city. He commented on improvements—luxury apartments, upscale retail, cultivation of arts—throughout town, except on dormant East Nassau Street.

Sharon Tears, resident of Monmouth Junction in South Brunswick, stated as an outsider she can see that occupancy of the Carnevale building will benefit the Borough.

Tanisha Pitt, Clay Street, requested approval for SB zone of all functions found in NB.

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

Councilwoman Butler confirmed 10 properties in the SB zone on Nassau Street, which could conceivably become 10 banks.

Council President Trelstad noted that Ordinance 2012-12, up for introduction, does not include the bank limits proposed.

Councilman Martindell opposed the broad inclusion of diverse finance businesses, as well as, medical offices.

Councilwoman Butler seconded introduction of Ordinance 2012-12.

Council debated how to define frontage conditions, as well as other refinements.

Hearing no further comment, Mayor Moore called for a roll call vote. Council accepted with a vote of three to two; Council President Trelstad and Councilman Martindell were opposed. Mayor Moore proclaimed the ordinance introduced for further revision by Regional Planning Board.

Council President Trelstad read and moved **Agenda Item I, New Business (1) — Resolution 2012-R215** as follows:

**RESOLUTION 2012-R215
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
IN SUPPORT OF H.R. 1746 THE
COMMUNITY ACCESS PRESERVATION ACT (THE CAP ACT)**

WHEREAS, public, educational and government (PEG) access channels are one of the last surviving sources for local television programming across the country and PEG channels play a significant role in the Borough of Princeton, NJ; and

WHEREAS, PEG channels are a unique and valuable resource for local information and discourse for the residents of Borough of Princeton, NJ; and

WHEREAS, PEG channels televise local government meetings, including city commission, planning commission, county and school board meetings, so that citizens are informed about the actions taken by local

officials; and

WHEREAS, PEG channels are also utilized to communicate with citizens on municipal events and services and also provide advisories and preparation directions to residents for emergency purposes; and

WHEREAS, PEG channels provide a window through which residents can view the diversity of cultures, educational information, recreational activities and artistic endeavors in their local community; and

WHEREAS, PEG channels reflect the unique identity of the communities they serve; and

WHEREAS, it is important to preserve PEG channels and funding for PEG channels, and to ensure that the channels continue to be available to the entire community to serve the residents of Borough of Princeton, NJ; and

WHEREAS, H.R. 1746, the Community Access Preservation (CAP) Act, addresses critical and immediate threats to PEG; and

WHEREAS, the CAP Act provides important solutions for critical and immediate threats to PEG channels and facilities across the country by removing use restrictions on PEG access fees, restoring PEG revenue streams, and preventing video providers from charging municipalities for the transmission of the PEG channels; and

WHEREAS, the CAP Act would allow PEG fees to once again be used for any legitimate PEG expense, instead of restricting PEG fees to capital expenses only.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Princeton, NJ urges United States Representative Rush Holt, Democrat from New Jersey's 12th District, to take all actions in support of the immediate passage of H.R. 1746, including, but not limited to endorsing, co-sponsoring and voting for H.R. 1746, and that a copy of this resolution be provided to U. S. Representative Holt.

Councilwoman Crumiller defended PEG channel activities.

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (2) — Resolution 2012-R216**, as follows:

**RESOLUTION 2012-R216
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING A PERSON TO PERSON TRANSFER
AND PLACE TO PLACE TRANSFER
OF LIQUOR LICENSE TO AGRICOLA LLC**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton:

1. An application has been filed for a person-to-person and place to place transfer of Plenary Retail Consumption License No. 1109-33-007-002, heretofore issued to ML7 Witherspoon License, LLC; the following findings of fact have been determined:

a. the application is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term; and

b. the applicant is qualified to be licensed according to all standards established by N.J.S.A. 33:1-1 et seq., regulations promulgated thereunder, as well as pertinent Borough ordinances and conditions consistent with Title 33; in addition, the applicant is qualified as to legal age, there are no convictions for crimes of moral turpitude, and the applicant does not have a beneficial interest in more than two retail licenses; and

c. that the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

2. The following applicant is hereby adjudged to be entitled to the alcoholic beverage license for the licensed premises and with the effective date set forth below:

Name of Licensee:	Agricola LLC
Trading As:	n/a
Kind of License:	Plenary Retail Consumption
License Number:	1109-33-007-002
Address of License:	1459 Great Road Skillman, New Jersey 08558
Location of License:	5-13 Witherspoon Street
Effective Date:	24 July 2012

3. The Borough Clerk is hereby authorized and directed to sign and issue license certificate in accordance with the foregoing on behalf of the Mayor and Council of the Borough of Princeton and to endorse the license certificate to the new ownership as follows: "This license, subject to all terms and conditions, is hereby transferred to **Agricola LLC** effective 24 July 2012"

4.

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (3) — Resolution 2012-R217**, as follows:

**RESOLUTION 2012-R217
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE
BOROUGH OF PRINCETON AND THE MERCER COUNTY IMPROVEMENT AUTHORITY
FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE TERM OF ONE YEAR (1)
COMMENCING ON JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

WHEREAS, there exists a need in the Borough of Princeton to provide recycling services to the resident of Mercer County; and

WHEREAS, the Mercer County Improvement Authority ("MCIA") has been designated by the County of Mercer as the implementing agency for the Solid Waste Management Plan within Mercer County under the Solid Waste Management Act N.J.S.A. 13:1E-1 *et seq.* for the curbside collection of recyclables; and

WHEREAS, the Borough of Princeton wishes to continue its participation in the Mercer County Solid Waste Management Plan by having MCIA provide for the Curbside Recycling Program throughout the Township/Borough during the term of the agreement; and

WHEREAS, N.J.S.A. 40:8A-1et seq., the New Jersey Interlocal Services Act permits the Borough to enter into an Agreement with the MCIA to provide for said Curbside Recycling Services during the Term of the Agreement; and

WHEREAS, the Agreement between the MCIA and the Township/Borough for the Curbside Recycling Collection Program is for a period of one (1) year commencing on January 1, 2013 through December 31, 2013; and

WHEREAS, the Agreement between the Borough and the MCIA supersedes all prior Interlocal Agreements for Curbside Recycling; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, in the County of Mercer and State of New Jersey, that the Interlocal Services Agreement by and between the Borough and the MCIA for curbside collection of recyclables for the Term of the Agreement be and hereby is authorized and accepted by Borough of Princeton to execute said Agreement; and

BE IT FURTHER RESOLVED that the Agreement shall take effect upon the adoption of an appropriate resolution by the MCIA and the execution of the Agreement by and between the Borough of Princeton and the MCIA in accordance with N.J.S.A. 40:8A-1 *et seq.*

Councilwoman Butler seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (4) — Resolution 2012-R218**, as follows:

**RESOLUTION 2012-R218
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH PRINCETON SENIOR RESOURCE CENTER**

WHEREAS, the Borough of Princeton wishes to provide various services to Senior Citizens at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations; and

WHEREAS, the Borough wishes to enter into a Services Agreement with Princeton Senior Resource Center (hereinafter "Provider") for the aforesaid services; and

WHEREAS, services to be performed may be retained by the Borough without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. because the aforesaid services are extraordinary and unspecifiable in nature; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for services without competitive bidding be publicly advertised;

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

1. The Mayor and Clerk are hereby authorized to enter into a Services Agreement with Provider with offices at 45 Stockton Street, Princeton, New Jersey 08540 to cover the period from January 1, 2012 to December 31, 2012.

2. The Agreement so authorized shall require the Provider to provide various programs and services to Senior Citizens, said services to be provided at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations. The programs and services to be provided by the Provider will include:

Information and referral services;
Counseling and social services regarding entitlement and tax, legal and insurance assistance;
Crisis intervention;
Recreational and social activities;
Volunteer visiting and support to the home bound;
Education programs;
Health promotion and screenings
Crosstown Shuttle Service

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

The amount of One Hundred Eighteen Thousand Eighteen and 00/100 Dollars (\$118,018.00), said amount to be paid in monthly instants of \$9,834.83

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

5. An executed copy of the contract between the Borough and Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (5) — Resolution 2012-R219**, as follows:

**BOROUGH OF PRINCETON
PROFESSIONAL SERVICES AGREEMENT**

AGREEMENT made this 24th day of July, 2012, by Princeton Senior Resource Center, Spruce Circle, Princeton, New Jersey 08540 (hereinafter referred to as "Provider"), and the Borough of Princeton, a municipal corporation in the County of Mercer and State of New Jersey (hereinafter referred to as the "Borough"), PO Box 390, One Monument Drive, Princeton, New Jersey 08542.

WHEREAS, the Borough and Provider wish to enter into an agreement for the performance of extraordinary and unspecifiable services as hereafter more particularly stated, to be provided at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations;

NOW, THEREFORE in consideration of the mutual obligations hereafter set forth, the parties agree as follows:

1. **STATEMENT OF WORK:** The Provider shall provide various programs and services to Senior Citizens, said services to be provided at the Suzanne Patterson Center, the Princeton Senior Resource Center and various outreach locations. The programs and services to be provided by the Provider will include:

- Information and referral services;
- Counseling and social services regarding entitlement and tax, legal and insurance assistance;
- Crisis intervention;
- Recreational and social activities;
- Volunteer visiting and support to the home bound;
- Education programs;
- Health promotion and screenings
- Crosstown Shuttle Service

No exterior or interior alterations may be made by Provider to the Suzanne Patterson Center without the prior approval of the Borough. Under this Agreement, the Provider shall at all times act as an independent contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. This Agreement shall be effective from January 1, 2012 through December 31, 2012, unless sooner terminated as provided hereafter.

2. **PAYMENT:**

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

The amount of One Hundred Eighteen Thousand Eighteen and 00/100 Dollars (\$118,018.00), said amount to be paid in monthly installments of \$9,834.83.

b. Compensation. Compensation will be paid to the provider by the Borough monthly for the services performed.

c. Operating Reports. Provider shall give the Borough a copy of the monthly operation reports as provided to the Board of Trustees of the Princeton Senior Resource Center.

3. **TERMINATION.** This Agreement shall be effective for the period provided above, although it may be sooner terminated, with cause, by either the Provider or the Borough at any time by either party giving the other ninety (90) days written notice.

4. **NON-CONFLICTS OF INTEREST.** The Provider represents that it is not now performing any services for any person, firm or corporation which results or might result in a conflict of interest between the provider and the Borough, directly or indirectly. In addition, Provider expressly agrees to refrain during the period of this Agreement from performing any services for any person, firm or corporation which results or might result in a conflict of interest between the Provider and the Borough, directly or indirectly. The Provider agrees to disclose in writing to the Borough any and all such conflicts of interest which may arise, giving full particulars.

5. **CONFIDENTIALITY.** The Provider agrees to treat and maintain as confidential, and not to disclose to any third party or to use for its own benefit, reproduce or have reproduced, any information or other such document or data obtained, learned or produced as a result of the services rendered hereunder (except to the extent required by law) without the prior written consent of the Borough, which consent shall not unreasonably be refused, and to both require and furnish copies to the Borough of an identical covenant executed by all agents, employees, or subcontractors of the Provider in the rendering of the services hereunder.

6. **NATURE OF SERVICES.** Provider represents that it is a non-profit corporation having received an IRS Exempt Organization Permit. Provider has represented that it has sufficient expertise, extensive training and a proven reputation in supplying such services as described herein.

7. **COMPLIANCE WITH LAWS.** During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative or the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans Disabilities Act;

The contractor or subcontractor agrees to attempt, in good faith, to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time or in accordance with binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.12, as amended and supplemented from time to time;

The contractor or subcontractor agrees to inform, in writing, appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices;

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related procedures as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions;

The contract or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable to Federal court decisions.

The contractor and its subcontractors shall furnish reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

8. **COMPLETE AGREEMENT.** This Agreement and any attachments hereto or incorporated by the reference represents the entire contract between the parties and shall take precedence over all other prior or existing understandings or agreements, if any, whether oral or written, and shall not be modified, assigned or transferred except upon the written consent of both parties hereto. All notices by either party to the other required or permitted hereunder may be sent by regular mail to their respective addresses first set forth above unless sooner revised by written notice.

**WITNESS
PRINCETON SENIOR RESOURCE CENTER**

_____ **BY:** _____
William Isele
President

**WITNESS
MAYOR AND COUNCIL OF
THE BOROUGH OF PRINCETON**

_____ **BY:** _____
Delores Williams, R.M.C.
Deputy Borough Clerk Yina Moore
Mayor

Date Signed: _____

**RESOLUTION 2012-R219
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT
FOR CAPITAL PROJECT #11-14 ALTERATIONS
TO THE PRINCETON SENIOR RESOURCE CENTER**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 11-14: Alterations to Princeton Senior Resource Center; and

WHEREAS, the Borough has solicited bid proposals for same; and bid proposals were publically opened on July 3rd, 2012; and

WHEREAS, the Borough received the following bids:

- Winderco Inc. in the amount of \$53,223.00
- Pottsgrove Glass Co., Inc. in the amount of \$74,000.00
- Arrow Steel Window Corp. in the amount of \$76,400.00
- Chrokee 8a-Group in the amount of \$82,650.00
- Jammer Doors in the amount of \$89,000.00

Peter V. Piorzzi General Contracting, Inc. in the amount of \$89,460.00
Garrazzo & Scimeca Construction, Inc. in the amount of \$114,600.00
Unlimited Builders Construction LLC in the amount of \$119,460.00; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and determined that the bid submitted by Winderco Inc., 908 Northwood Avenue, Cherry Hill, NJ 08002 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton the contract for the project know as # 11-14; Alterations to Princeton Senior Resource Center, be awarded to Winderco Inc., 908 Northwood Avenue, Cherry Hill, NJ 08002, in the amount of \$53,223.00 as set forth in the bid specifications.

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

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item I, New Business (6) — Resolution 2012-R220**, as follows:

**RESOLUTION 2012-R220
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
REDUCTION OF CERTAIN PERFORMANCE BOND**

WHEREAS, the Princeton Regional Planning Board had approved a major Site Plan for Block 20.04, Lot 1, Hulfish North, which required the submittal of a \$4,968,556.20 performance guarantee; and

WHEREAS, the applicant has requested reduction of said performance guarantee; and

WHEREAS, the Borough Engineer has completed an inspection of the site improvements and recommends that the performance guarantee be reduced by 70% as follows:

Original Amount	70% Reduction	30% Balance
\$4,968,556.20	\$3,477,989.34	\$1,490,566.86

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Chief Financial Officer is hereby authorized to reduce the Performance guarantee for Hulfish North to the amount of \$1,490,566.86

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read **Agenda Item I, New Business (7, 8, 9) — Resolutions 2012-R221, 2012-R222, 2012-R223** as follows:

**RESOLUTION 2012-R221
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
ALEXANDER PIBL**

WHEREAS, ALEXANDER PIBL has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the PRINCETON HOOK & LADDER

WHEREAS, the membership application has been reviewed by the municipal officers; and

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

**RESOLUTION 2012-R222
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
AMANDA HURLEY**

WHEREAS, AMANDA HURLEY has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the MERCER ENGINE #3

WHEREAS, the membership application has been reviewed by the municipal officers; and

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

**RESOLUTION 2012-R223
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION
JUNIOR FIREFIGHTER MEMBERSHIP FOR
IAN MCKINNON**

WHEREAS, Ian McKinnon has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 28(a) through 28(d) as a Junior Firefighter of Mercer Engine Company #3; and

WHEREAS, the membership application has been reviewed by the municipal officers; and

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

Councilwoman Butler seconded. Council accepted unanimously.

Council President Trelstad read **Agenda Item I, New Business (10) — Resolution 2012-R224**, as follows:

**RESOLUTION 2012-R224
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY THE FIRST CHURCH OF CHRIST SCIENTIST**

WHEREAS, the First Church of Christ Scientist for their lecture being held on Monday, October 22, 2012; and

WHEREAS, the First Church of Christ Scientist 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 Tuesday, October 16, 2012 through Tuesday, October 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.

Councilman Martindell seconded. Council accepted unanimously.

Council President Trelstad read and moved **Agenda Item J, Bill List for July 24, 2012 — Resolution 2012-R225** as follows:

**RESOLUTION 2012-R225
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JULY 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)	2,482,526.05
CURRENT ACCOUNT (11-01)	
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	29,730.64
PARKING UTILITY OPERATING FUND (11-05)	
AFFORDABLE HOUSING OPERATING ACCT (12-24)	3,156.00
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	38,046.15
PARKING UTILITY CAPITAL FUND (P-06)	11,000.00
ESCROW (E-30)	2,840.00
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	174,591.49
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	882.19

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.

Council President Trelstad read and moved **Agenda Item K, Resolution 2012-R226**, as follows:

**RESOLUTION 2012-R226
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
TO ENTER INTO CLOSED SESSION**

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 presently exist; and

July 24, 2012

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

1. Litigation
2. Personnel Matters

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

Councilwoman Butler seconded. Council members Trelstad, Butler, Crumiller, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved. There being no further business, Mayor Moore adjourned the open session meeting at 9:25 P.M. Borough Council recessed into closed session.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk