

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
February 12, 2008
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilman David Goldfarb, Councilman Andrew Koontz (*arrived 7:20 P.M.*), Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: Councilwoman Winifred Benchley

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Police Lt. Sharon Papp, Borough Clerk Andrea Lea Quinty

Mayor Trotman 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 February 12, 2008, 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 Trotman read **Agenda Item C, Resolution 2008-R56** as follows:

**RESOLUTION 2008-R56
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON FEBRUARY 12, 2008**

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

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

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

1. Negotiations — NHKT
2. Closed session minutes — November 20, 2007

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 Karcher moved to approve, which was seconded by Councilwoman Trelstad and approved by Council members Karcher, Goldfarb, Martindell, and Trelstad. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:35 P.M. the Council reconvened into open session.

Mayor Trotman asked all present to rise for the salute to the flag.

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

Presented for approval were the minutes of the closed session of November 20, 2007, the open session of December 27, 2007, and the open session of January 22, 2008. Councilman Goldfarb moved to approve the three minutes, proposing release of the closed session of November 20, 2007, to the public. Councilman Martindell seconded approval and release, and Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item F, Summary — Closed Session Discussion — Robert W. Bruschi, Borough Administrator**

Mr. Bruschi reported that Council discussed (1) status of negotiations with NHKT, (2) a personnel matter in the police department, and (3) library parking.

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

There were no public presentations.

Mayor Trotman read **Agenda Item H, Oath of Office (1) — Resolution 2008-57** as follows:

**RESOLUTION 2008-R57
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APPOINTMENT OF DANIEL FEDERICO AS A PROBATIONARY PATROL
OFFICER EFFECTIVE FEBRUARY 12, 2008**

WHEREAS, in accordance with Section 26-5 of the Code of the Borough of Princeton, Daniel Federico was given a conditional offer of employment on May 16, 2007 pending completion of background, psychological and medical examinations; and

WHEREAS, Daniel Federico has successfully completed all conditions and was therefore eligible for hire as a probationary patrol officer effective August 13, 2007.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby confirm the appointment of Daniel Federico as probationary patrol officer in the Princeton Borough Police Department, effective February 12, 2008.

Councilman Koontz moved to approve Resolution 2008-R57, Councilman Martindell seconded, and Borough Council approved unanimously.

Ptl. Daniel Federico stepped forward. Mayor Trotman administered the oath as his father held the Bible.

Lt. Sharon Papp clarified for the public that Daniel Federico is *not* Chief Federico's son. She briefly recounted his history with Borough Police Department, first as parking enforcement officer then as dispatcher. Ultimately Mr. Federico underwent 22 grueling weeks of training at the Cape May Academy, graduating second in his class.

Mayor Trotman read **Agenda Item H, Oath of Office (2 and 3) — Resolutions 2008-58 and 2008-R59** as follows:

**RESOLUTION 2008-R58
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING TAX COLLECTOR FOR THE BOROUGH OF PRINCETON**

WHEREAS, as required by New Jersey State Statute the Borough is to provide for the appointment of a Tax Collector; and

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

1. Pursuant to N.J.S.A 40A:9-142, Carol Coe is hereby appointed to serve as Tax Collector in the Borough of Princeton with effective term of office commencing January 1, 2009 through December 31, 2012

**RESOLUTION 2008-R59
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING CHIEF FINANCIAL OFFICER**

WHEREAS, as required by New Jersey State Statute the Borough wishes to appoint a Chief Finance Officer;

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

1. Pursuant to N.J.S.A 40A:9-140.2 and N.J.S.A 40A:9-140.8 et seq, Sandra L. Webb has met the requirements and is hereby appointed to serve as Chief Financial Officer in the Borough of Princeton for a four year term through December 31, 2012.

Council President Karcher moved to approve Resolutions 2008-R58 and 2008-R59, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman observed that Ms. Coe and Ms. Webb were not present to take the oath; Borough Clerk Quinty will administer oaths at a later date.

Councilman Goldfarb mentioned that the role of Chief Finance Officer has been ably performed by Decimus Marsh for a very long time. Council expressed appreciation for his long and faithful service.

Mayor Trotman read **Agenda Item I, Appointments (1) — Resolution 2008-60** as follows:

**RESOLUTION 2008-R60
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2008 COMMITTEE APPOINTMENT
FOR A THREE YEAR TERM**

NOW BE IT RESOLVED that the individual listed below is appointed as a member to the Borough of Princeton Boards or Committees beginning **January 1, 2008** as follows:

ENVIRONMENTAL COMMISSION

ANNE NEUMAN

CORNER HOUSE BOARD

MINNIE CRAIG
To fill an unexpired term
through 01-01-2011

AFFORDABLE HOUSING BOARD

APRIL MCELROY

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

Councilman Koontz moved to approve Resolution 2008-R60, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Appointments (2) – Resolution 2008-61** as follows:

**RESOLUTION 2008-R61
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE 2008 COMMITTEE APPOINTMENT
FOR A FOUR YEAR TERM**

NOW BE IT RESOLVED that the individual listed below is appointed as a member to the Borough of Princeton Boards or Committees beginning **January 1, 2008** as follows:

ZONING BOARD OF ADJUSTMENT

BARRY ROYCE

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

Councilwoman Trelstad moved to approve Resolution 2008-R61, Councilman Goldfarb seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, Appointments (3) – SOC Lands Committee**. Mayor Trotman stated that she had appointed two representatives, Margaret Karcher and David Goldfarb, to a small committee to work with the Township on plans for the SOC lands.

Mayor Trotman read **Agenda Item J, Correspondence (1) – Spirit of Princeton 2008 Events – Raymond Wadsworth**

Mr. Wadsworth detailed 2008 activities (same as 2007). Councilman Goldfarb moved approval of the 2008 calendar with all fees waived and support from Borough staff as before. Councilman Martindell seconded and Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, Correspondence (2) – Memorial Request Charles St. John – Richard C. Woodbridge**

Mr. Woodbridge recommended posthumous recognition of Charles St. John's extensive, 40-year service to the Borough as a citizen committeeman. Mr. Woodbridge and friends of Mr. St. John appeared before Council to seek guidance for an appropriate commemorative tribute and expressed their willingness to contribute funds towards the effort.

There was brief discussion regarding various memorial concepts such as park improvements, tree plantings, memorial benches and plaques.

Councilman Goldfarb made motion for Council to work with Mr. Woodbridge's group to match up to \$250 raised by them for a memorial. Councilman Koontz seconded and Council agreed five to zero.

Mayor Trotman read **Agenda Item K, Report (1) – Arts Council of Princeton Annual Report** – *Jeff Nathanson, Director*

Mr. Nathanson addressed Mayor, Council, and visitors with a progress report, highlighting a legacy grant from the J. Seward Johnson, Sr., Charitable Trust for \$250,000. He said the donation will establish an endowment fund to support the Arts Council's programs, in particular in the local neighborhood. Mr. Nathanson promised to report regularly to Borough Council on use of the funds.

Mr. Nathanson expressed hope for completion of construction of the new Arts Council building in six to eight weeks, possibly in time for Communiversiity in April 2008. Mr. Nathanson described cooperation among Council, Borough, University, and community for preparation for Communiversiity; in particular, cooperation among Chamber of Commerce, Borough Merchants, nonprofit groups, cultural organizations and the *Princeton Packet*, which will publish a Communiversiity pull-out section in all its newspapers (circulation 150,000+).

Mr. Nathanson mentioned the Arts Council's efforts to minimize construction impact on the neighborhood. The Arts Council has reached out with meetings, handbills, and neighborhood advisory committee activity.

Councilman Goldfarb reminded everyone of doubts and potential difficulties when presented with the original strategy for the Arts Council building project some time ago. Mr. Goldfarb then expressed his great pleasure that the proposed plan had worked out *exactly* as hoped. Mayor Trotman, speaking as a resident of the Arts Council neighborhood, happily noted that all misgivings have been washed away.

Councilman Koontz moved to accept Mr. Nathanson's report, Councilman Goldfarb seconded, and Council accepted unanimously.

Mayor Trotman read **Agenda Item K, Report (2) – Monthly Police Report** – *Lieutenant Sharon Papp*

**RESOLUTION 2008-R62
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Anthony V. Federico, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of December 2007; and

WHEREAS, the Mayor and Council reviewed said report at their Regular Meeting attended by Chief of Police Federico and made various inquiries of Chief Federico.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the December 2008 Monthly police report prepared by the Chief of Police.

Lt. Papp reported that Princeton University Bicker went well this year, with only one ambulance call and three ordinance violations.

Councilwoman Trelstad moved to approve Resolution 2008-R62, Council President Karcher seconded, and Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item L, New Business (1) – Introduction and Order to Publish: Ordinance 2008-10 ORDINANCE CONCERNING SALARIES AND COMPENSATION OF CERTAIN PERSONNEL OF THE BOROUGH OF PRINCETON**

Councilman Koontz moved to introduce Ordinance 2008-10; Councilwoman Trelstad seconded. Councilman Goldfarb requested deletion of Paragraph 6 concerning stipends. Mr. Bruschi explained that auditors recommended inclusion of “generic” language to cover various stipends paid through salaries (taxed). Councilman Goldfarb suggested modifying the phrase to include “as warranted with approval by specific resolution.”

Councilman Martindell voiced concern regarding percentage increases for certain police, administrative, and finance officers ranging to what appeared to be from 7.2 to 41.8 percent. Mr. Bruschi clarified that the revamped three-year plan calls for average 3.25% increases per year. Some grades were eliminated or merged with another grade, thereby making linear year-to-year comparisons impossible.

Hearing no further comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing to be held February 26, 2008.

Mayor Trotman read **Agenda Item L, New Business (2, 4, 5, 6, 8, 9, 10, 11, and 12) – Resolutions 2008-R63, 2008-R65, 2008-R66, 2008-R67, 2008-R69, 2008-R70, 2008-R71, 2008-R72, and 2008-R73** as follows:

**RESOLUTION 2008-R63
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR MUNICIPAL PROSECUTOR SERVICES
FOR THE BOROUGH PRINCETON**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire 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 will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Kenneth W. Lozier, Esq. was appointed on January 22, 2008 as Municipal Prosecutor; and

WHEREAS, Kenneth W. Lozier, Esq. Roselli Griegel, P.C. has submitted a proposal indicating he will provide Municipal Prosecutor Services for the Borough of Princeton as per the fee schedule attached; and

WHEREAS, Kenneth W. Lozier has completed and submitted a Business Entity Disclosure Certification which certifies that Kenneth W. Lozier, Esq. and Roselli Griegel, P.C. 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 Kenneth W. Lozier, Esq. and Roselli Griegel, P.C. 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 Kenneth W. Lozier, Esq. as described herein for an amount not to exceed \$37,200 through December 31, 2008; 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.

**RESOLUTION 2008-R65
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE SERVICES AS
PUBLIC HEALTH NURSE TO KATHERINE KORWIN, RN**

WHEREAS, the Borough desires to enter into a professional services agreement 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 a contract for the professional services with **Katherine Korwin, RN** (hereinafter referred to as "Provider") to provide services from January 1, 2008 through December 31, 2008.

1. The contract so authorized shall require the Provider to provide services and other related duties, as described in the attached Exhibit A

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

The Borough shall pay the Provider the following compensation:

At the hourly rate of Thirty Five Dollars (\$35.00) up to a maximum amount of Two Thousand Seven Hundred (\$2,700.00) as itemized in monthly statements from the Provider. Payment is subject to the availability of funds and the approval and adoption of the 2008 Municipal Budget by the Mayor and Council of the Borough of Princeton. The Borough will not be obligated to pay any pension or fringe benefits to the Provider.

Rendition of Invoices: Payment of fees will be made upon the submission by 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.

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. 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.

**RESOLUTION 2008-R66
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough desires to enter into a professional services agreement in connection with certain activities 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 a contract for professional services with Lois P. Rago, Esq., DeCotiis, FitzPatrick, Cole & Wisler, LLP (hereinafter referred to as "Provider") to provide Special Legal Counsel from January 1, 2008 through December 31, 2008, as hereafter more particularly stated.

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

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

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider the following compensation with a rate schedule of:
Legal review of applications and representation at meetings \$180.00 per hour; Matters of Litigation: \$180.00 per hour as needed.

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 2008-R67
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING A PROFESSIONAL SERVICES AGREEMENT
TO NEW JERSEY ANALYTICAL LABORATORIES, LLC
FOR GROUNDWATER AND SURFACE WATER ANALYSIS,
FEBRUARY 2008 TO JANUARY 2009**

WHEREAS, the Princeton Sewer Operating Committee has advised the Mayor and Council that it wishes to engage **New Jersey Analytical Laboratories, LLC**, 1590 Reed Road, Pennington, New Jersey 08534 (the "Provider") for the performance by the Provider of professional services in connection with certain activities being conducted by the Princeton Sewer Operating Committee; and

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq., and

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with New Jersey Analytical Laboratories, LLC (the "Provider").

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

The Provider shall perform ground water and surface water analysis at the Princeton Sanitary Landfill for the PERIOD OF February 2008 to January 31, 2009. The scope of the work involves quarterly sampling of six (6) groundwater-monitoring wells and two (2) surface water locations at the Princeton Sanitary Landfill. The analysis is an annual requirement of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and closure plan with the NJDEP.

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

The Borough shall pay the Provider the following compensation:

An amount not to exceed NINE THOUSAND SEVEN HUNDRED SEVENTY-SIX DOLLARS AND ZERO CENTS (\$9,776.00).

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. 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.

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

**RESOLUTION 2008-R69
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, on December 2, 2004, the Stoney Brook Regional Sewerage Authority ("SBRSA") approved a sewer allocation of 11,812 gallons per day ("gpd") for the structure known as Building "C" of the Borough of Princeton Redevelopment Project, located at Spring Street and South Tulane Street, Block 27.01, Lots 10, 12, 13 & 78 ("the Project"), and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") approval was subsequently issued on January 7, 2005 for a two year period, and

WHEREAS, on May 1, 2007, Mayor and Council of the Borough of Princeton requested through Resolution 2007-R115 that SBRSA extend the sewer allocation approval for the Project for a one year period and said extension was granted by SBRSA and NJDEP to January 7, 2008, and

WHEREAS, construction on the Project has not commenced due to ongoing delays from construction of Phase I of the Redevelopment Project and a second resolution is required by the Mayor and Council formally requesting an extension of the sewer allocation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that the Borough requests the SBRSA extend sewer allocation approval for a flow of 11,812 gpd for the Project.

**RESOLUTION 2008-R70
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A MOTION PICTURE THEATRE LICENSE
APPLICATION FOR THE GARDEN THEATRE FOR THE PERIOD OF
JANUARY 1, 2008 THROUGH DECEMBER 31, 2008**

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

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

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve the request of The Garden Theatre, Inc., to operate two auditoriums within the theatre located at 160 Nassau Street for the period of January 1 through December 31, 2008.

**RESOLUTION 2008-R71
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF POLE BANNERS
AS REQUESTED BY THE ARTS COUNCIL OF PRINCETON**

WHEREAS, The Arts Council of Princeton is planning their annual arts festival Communiverisity on April 26, 2008 and

WHEREAS, The Arts Council of Princeton has requested permission to install a banner on Washington Road with the approval of the Office of Community and State Affairs at Princeton University beginning April 21, 2008 through April 28th 2008 to alert the community to this exciting spring event; and

WHEREAS, the Arts Council of Princeton has provided all necessary insurance requirements to the Borough Clerk; and

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

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

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

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

**RESOLUTION 2008 R72
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Wayne Miller, Sr. which certificate is dated December 21, 2006 covering premises commonly known and referred to as Lot 49 in Block 17.02 as set out on the municipal tax map then in use which certificate bears number 2006-3.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of the Borough of Princeton that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

**RESOLUTION 2008-R73
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
DESIGNATING THE OFFICIAL SIGNATORIES FOR THE DEPOSITORIES OF THE BOROUGH
OF PRINCETON
FOR THE YEAR 2008**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the following depositories were approved to be utilized for the year 2008 by the Borough of Princeton for all monies of the Borough of Princeton coming into the hand of the Chief Financial Officer:

1. Bank of America
2. Wachovia Bank
3. Sovereign Bank
4. PNC Bank of New Jersey
5. New Jersey Cash Management Fund
6. Chase Bank
7. Commerce Bank
8. Bank of Princeton

NOW THEREFORE, BE IT FURTHER RESOLVED that the Banks above may rely on any signature, endorsement or order and any facsimile signature or oral instruction reasonably believed by the Bank to be made by an authorized signer with inquiry; and

BE IT FURTHER RESOLVED that any of the following named person, or persons from time to time holding the following offices of the Depositor be, and hereby are, designated as the authorized signers to act on behalf of the Borough of Princeton in accordance with the above resolutions

Mildred T. Trotman	Mayor
Sandra L. Webb	Chief Finance Officer
Andrea Lea Quinty	Borough Clerk
Margaret Karcher	President of Council
Carol A. Coe	Deputy Finance Officer, Certified Tax Collector
Delores Williams	Deputy Borough Clerk

Councilwoman Trelstad moved to approve Resolutions 2008-R63, 2008-R65, 2008-R66, 2008-R67, 2008-R69, 2008-R70, 2008-R71, 2008-R72, and 2008-R73; Councilman Koontz seconded; Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item L, New Business (3) – Resolution 2008-R64** as follows:

**RESOLUTION 2008 R-64
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION
WITH THE BOROUGH OF PRINCETON AFFORDABLE HOUSING PROGRAM**

WHEREAS, the Borough wishes to enter into an agreement with **Shirley M. Bishop, P.P., LLC**, housing and planning consulting firm (the “Provider”), dated January 1, 2008, for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

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

WHEREAS, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and

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 amendment to its contract for the aforesaid services **with Shirley M. Bishop, P.P., L.L.C.**

1. The contract so authorized shall require **Shirley M. Bishop, P.P., LLC**, to provide services and other related duties, as follows:

To provide professional planning services in connection with various New Jersey Council on Affordable Housing requirements as they relate to the Borough's third round affordable housing plan and other affordable housing planning needs, including preparation of a third round plan as outlined within the proposal dated January 1, 2008 attached as exhibit A.

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

2. The Borough shall pay the Provider the following additional compensation. An amount not to exceed Seventeen Thousand Dollars (\$17,000.00) in accordance with a rate schedule, a copy of which is attached as Exhibit A to the Professional Services Agreement.

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

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

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

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

Councilman Goldfarb commented that discussion of Borough's affordable housing program is long overdue. He noted that recent history proves that Borough spends too much money on outside consultants and attorneys. Mr. Bruschi stated that staff shares Councilman Goldfarb's frustration, and pointed out that the future of affordable housing soon will be determined. Mayor Trotman announced she had invited COAH representatives to attend Council's March 11, 2008, meeting.

Councilman Martindell suggested *providing* housing instead of simply discussing.

Councilwoman Trelstad moved to approve Resolution 2008-R64, Councilman Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item L, New Business (7) – Resolution 2008-R68** as follows:

**RESOLUTION 2008-R68
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A GYPSY MOTH CONTROL PROGRAM WITH
THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE**

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Borough of Princeton; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Mayor and Council of the Borough of Princeton has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Mayor and Council of The Borough of Princeton that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefore is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Councilman Koontz moved to approve Resolution 2008-R68, and Councilwoman Trelstad seconded. Councilwoman Trelstad explained that the resolution merely puts the Borough in a position to receive supplementary funding; the resolution does not commit Borough to any

action. Councilman Koontz, remembering last year's discussions, recommended including the BTK company's name in the resolution. Mr. Bruschi mentioned that a resolution must be passed in order to position Borough to receive funds at the appropriate time.

Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed four to one, with Councilman Goldfarb voting nay.

Mayor Trotman read **Agenda Item J, Bill List for February 12, 2008 – Resolution 2008-R74** as follows:

**RESOLUTION 2008-R74
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE FEBRUARY 12 2008 BILL LIST**

WHEREAS, Decimus W. Marsh, Chief Financial Officer 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 (8-01)	4,848,921.75
RESERVE ACCOUNT (7-01)	168,112.07
PARKING UTILITY OPERATING FUND (8-05)	1,367.00
PARKING UTILITY OPERATING FUND (7-05)	3,020.24
AFFORDABLE HOUSING OPERATING ACCT (8-24)	1,625.61
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	320,863.37
PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	\$5,372,276.21
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	5,242.40

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of February 12, 2008 as presented.

Councilman Koontz moved to approve Resolution 2008-R74, Councilwoman Trelstad seconded, and Council approved unanimously.

Councilman Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 8:40 P.M.

Respectfully submitted,

**Andrea Lea Quinty
Borough Clerk**