

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
June 24, 2008**

**Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilman David Goldfarb, Councilman Andrew Koontz (*arrived during closed portion*), Councilman Roger Martindell, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, and Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Consultant Shirley Bishop, Land Use Development Official Derek Bridger, Planning Board Director Lee O. Solow, Chief Finance Officer Sandra L. Webb, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:30 P.M. and read the open public meetings statement as follows:

*“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of June 24, 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-R170**, as follows:

**RESOLUTION 2008-R170  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON JUNE 24, 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. Council on Affordable Housing (COAH)
2. Potential Litigation — Nassau Inn
3. Negotiations — Princeton Township

**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.

June 24, 2008

Councilwoman Trelstad moved to approve; Councilman Goldfarb seconded. Council members Karcher, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved five to zero.

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

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

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

Presented for approval were the minutes of the open session of May 6, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session May 6, 2008, Council President Karcher seconded, and Council approved unanimously.

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

Kate Warren, Jefferson Road resident and member of the Engine Co. #1 Ladies Auxiliary, noted that no government officials had attended the annual firemen's parade on Saturday, June 21, 2008. She requested a formal protocol to avoid future communication breakdowns. Mayor Trotman named each honoree and promised to invite them to Council's July 1, 2008, meeting for formal recognition. Pam Hersh, co-founder of Spirit of Princeton, said her group could publicize the parade on their Web page.

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

Mayor Trotman and Councilman Goldfarb recused themselves from discussion of Ordinance 2008-18.

Council President Karcher assumed the chair and read by title **Agenda Item G, Old Business (1) — Public Hearing and Adoption: Ordinance 2008-18 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974 TO CREATE AN OVERLAY ZONE TO BE KNOWN AS MIXED USE (MX) ZONE**

Council President Karcher moved to adopt Ordinance 2008-18; Councilman Koontz seconded.

Council President Karcher opened the public hearing and asked if anyone wished to address Council on this issue.

Lee Solow, Planning Board Director, reported that Planning Board made no changes to the ordinance covering properties called Merwick, Stanworth, and YM/YWCA and stated that the Princeton Regional Planning Board recommended Council adopt.

Mark Solomon, Legal Counsel representing Princeton HealthCare, requested an opportunity to reply to Council members' remarks later in the discussion.

Mr. Solow summarized the history and content of Ordinance 2008-18.

Helen Bess, John Street, stated that her property abuts onto the nursing home's property and requested that no throughway be permitted. She addressed concerns of safety stating that hospital personnel unlatch an existing gate.

Councilman Wilkes stated there is an easement on the southern side of Miss Helen's property that belongs to Merwick and people drive on the small gravel roadway. He said that, while bicycle and pedestrian traffic will be permitted, no auto traffic will be allowed. Councilman Wilkes took personal responsibility that the gate will be locked.

Elizabeth Moynahan, 136 Bayard Lane, expressed concern about a three-story parking garage on the Stanworth property directly across from her house.

Joan Miller, 7 Hodge Road, noted higher density and accessory uses suggest overcrowding. Mr. Solow clarified that the accessory uses named in the ordinance mirror uses presently allowed in R1; no change.

Jack Morrison, 1 Cleveland Lane, was worried about the increased traffic at Robeson/Bayard. Mr. Solow said the Planning Board had noticed the situation and crafted the ordinance to deal with it.

Hendricks Davis, 232 John Street, asked if Borough will remain in COAH and if Council has considered raising the 20% set-aside, given the paucity of affordable housing in the community and compunction on developers to provide it. Councilman Koontz stated that affordable housing is an important part of the ordinance and Borough will have to comply. Councilwoman Trelstad stated that the whole MX district is *affordable* in that it is intended for people who live and work here.

David Shrayner, Spruce Street resident and member of the Affordable Housing Board, suggested additional set-asides for deeper affordability levels such as middle income units or workforce housing.

Seeing no one further, Council President Karcher closed the public discussion and returned to Council.

Councilman Wilkes mentioned Council's high expectations that the area's new property owners will collaborate toward the community's best interests.

Councilman Koontz noted that Borough is asking a lot of this small neighborhood and the ordinance accomplishes much of Council's publicly stated needs.

Council President Karcher called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Karcher proclaimed the ordinance adopted five to zero.

Mayor Trotman resumed the chair and **asked Robert W. Bruschi, Borough Administrator, to summarize the closed session meeting.**

Mr. Bruschi reported that Council discussed new COAH regulations and their impact on Princeton Borough and potential litigation with the Nassau Inn as it relates to affordable housing. Council also briefly discussed ongoing negotiations with Princeton Township.

Mayor Trotman reminded Council that two items were added to the agenda: **Ordinance 2008-21 and Resolution 2008-R180.**

Mayor Trotman read **Agenda Item H, Discussion — Council on Affordable Housing Regulations** — *Shirley Bishop, P.P., Consultant; Derek Bridger, Land Use Development Official; Karen Cayci, Borough Attorney*

Shirley Bishop, P.P., informed Council that appellate division invalidated most of COAH's third-round rules. New rules were promulgated June 2, 2008, with amendments, effective October/November 2008, that affect municipalities. Governments must prepare and submit plans to COAH by December 31, 2008. Further, Ms. Bishop stated that New Jersey legislature amended the fair housing act June 23, 2008 (awaiting governor's signature), and litigation has already been filed *against* the new June 2 rules.

The third-round plan includes:

1. Rehabilitation share—town must rehabilitate deficient housing units that are currently occupied by income-eligible households—67 units (15 complete to date)
2. Prior round—311
3. Unmet need—overlay zone (judgment of repose) granted by courts
4. Growth share obligation—178 affordable units (2004 – 2018).

There is no credit for demolition under the COAH plan—one house leveled + one house built = one growth share obligation. Currently, Borough's shortfall, after eligible credits, is 50 affordable units. Rental bonuses can lower that shortfall.

Other items included 25% of affordable must be age restricted (was 50%), 25% of growth share obligation must be rentals, 50% of rentals must be available for families, development fees must be spent (committed) within four years.

Ms. Bishop stated that Borough must amend its growth share ordinance (to comply with Planning Area 2 minimum of six dwellings per acre with a 25% set-aside) and its developer fee ordinance (2.5%). Under the new law, all regional contribution agreements (RCAs) were

eliminated with the establishment of a New Jersey affordable housing trust fund, including an urban housing assistance fund.

Ms. Bishop stated that, although affordable housing laws are in flux, to avoid risk Borough must continue to provide units—to date 41.7-unit growth share obligation (31 of which is from Whitman dorms)—according to plans prepared for December 31, 2008.

Councilman Koontz asked the risk to the Borough to separate from COAH. Ms. Bishop replied that Borough can be sued for exclusionary zoning with the complaining developer being awarded *anything asked* and subsequent zoning control forever out of Council's hands. COAH offers a shield against builders' remedy lawsuits.

Councilman Goldfarb reminded those present that in 2004 when there were no regulations and no fees. Between 2004 and the present, with the first set of regulations, Borough charged a fee in accordance with the growth share of development proposals (including residential). Ms. Bishop said that Borough can collect a residential development fee of 1.5% (commercial 2.5%) if ordinance is amended. Ms. Bishop explained that to attain growth share obligation, Borough must provide compensatory benefit—not possible with isolated lots.

Councilman Wilkes asked about qualifications for rehabilitation-share families. Ms. Bishop listed qualifications as (1) low or moderate income, (2) at least one major system in need of repair, (3) available to renter-occupied dwelling. There is a 10-year lien on owner-occupied rehabilitation units and a 10-year deed restriction on rentals.

Mayor Trotman inquired if the Borough can provide last year's plan under the new rules. Ms. Bishop stated COAH will provide training to municipal planning consultants, in particular to help address shortfalls.

Mayor Trotman raised payment in lieu of taxes (PILOT) plans as related to COAH's third round. Ms. Bishop explained that there are two types of PILOT:

1. In lieu of constructing an affordable unit—growth share
2. In lieu of low-income tax credits—percentage of total tax on rent rolls.

Mayor Trotman also inquired about exemption of historic sites. Ms. Bishop mentioned a “vacant land adjustment”—community with insufficient vacant land to meet the COAH number—as a buffer for historic sites that are listed on the state or Federal register. She said the problem with that approach is that it opens the Borough's entire zoning plan to scrutiny by COAH, possibly leading to COAH's imposing undesirable solutions (such as height requirements and increased densities) to meet the 178 units. If Borough meets COAH's requirement on its own, Council decides “how the Borough will look.”

Councilman Wilkes asked the ramifications of increasing the affordable threshold. Ms. Bishop responded that compensatory benefits for increased set-aside are increased density for residential but nothing for nonresidential since there is no longer a growth-share obligation.

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

Mr. Shroyer questioned the unmet need from round two—court order that need was satisfied—and the impact of a *new* overlay. Ms. Bishop replied, “You go with what you have, that you know is in place, included in the judgment of repose. . . .” Ms. Bishop distinguished between an overlay zone that addresses unmet need versus third round growth share obligation as a zone *by right*.

Ms. Bishop commented that graduate student housing is exempt.

Noting that Borough wants the units and not the fees, Councilman Goldfarb inquired what conditions force developers to build. Ms. Bishop said that with five or more units coming on line, Borough gives a compensatory benefit that one of the five is affordable.

Mr. Davis stated Princeton Borough should not *react* to COAH but be proactive by taking a comprehensive long-range view of housing development needs.

Councilman Goldfarb mentioned that Princeton Community Housing builds a lot of units. He imagined that Borough would have produced more affordable housing if there had never been a Mount Laurel ruling.

Mayor Trotman expressed pride in Borough’s accomplishments in the affordable arena.

Marvin Reed, planning board member and former mayor, opined that any new housing in Princeton Borough henceforth will be *redevelopment* housing; there is no unassigned vacant land. Adaptation of multiple-family buildings back to single-family, market-rate dwellings is eating up the affordable rentals. A solution to qualifying for COAH credit is finding larger homes that can be converted to apartments.

Mr. Reed warned that, rather than agonizing over a plan that adds up to 178 units (the easy part), Council should have concerns in financing it.

Seeing no one further from the public, Mayor Trotman closed the public presentation and returned to Council.

Councilman Goldfarb suggested Council formulate a plan to resolve issues by December 31, 2008. Council must identify and hear from concerned parties. Staff needs direction from Council as to how to proceed.

Mayor Trotman wanted to arrange affordable housing discussions for designated agendas during the quieter months of the summer. Mr. Bruschi proposed that staff present an interim report to Council in August 2008.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2008-20 AN ORDINANCE AMENDING AND SUPPLEMENTING**

CHAPTER 34, ARTICLE IV OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” REGARDING SEWER SERVICE CHARGES

Councilman Goldfarb moved to introduce Ordinance 2008-20; Councilman Martindell seconded. Councilman Goldfarb reported that the Finance Committee recommended the ordinance be introduced. He said an adjustment to the split between Borough and Township could result in a lower increase.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for July 22, 2008.

Mayor Trotman read new **Agenda Item I, New Business — Introduction and Order to Publish: Ordinance 2008-21 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS.**

Council President Karcher moved to introduce Ordinance 2008-21; Councilwoman Trelstad seconded.

Mr. Bruschi explained that the ordinance allows Borough to “bank” “cap” for future years.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for July 22, 2008.

Mayor Trotman read **Agenda Item I, New Business (2) — Introduction and Order to Publish: 2008 Borough of Princeton Municipal Budget.**

Mr. Bruschi stated that staff is comfortable with a 6¢ increase. All *joint* operating budgets are three percent greater than 2007; an earlier agreement assigns three per cent to the library for 2008. *Borough* operating budgets hold at 2007 levels. Increases (half of the \$1.2 million) fall under insurance, pension, sewer, and fuel trickle down. Mr. Bruschi noted that Borough lost \$163,000 in State Aid. He said that Council must examine additional shared services (such as fire inspection, affordable housing) and prepare to eliminate services not required (recreation, senior programs).

Councilman Goldfarb reported the Finance Committee’s recommendations to adjust the increase to 5¢:

- Eliminate \$150,000 contribution to the capital improvement fund—reimbursement from Township for funds advanced toward capital projects
- Reduce \$50,000 anticipated from surplus
- Reduce amount raised from taxes by \$100,000.

Councilman Wilkes questioned the six-year capital budget for recreation—\$32,000 in 2008; **\$2.8 million for 2009**; 2010 \$1,600; 2011, 2012, 2013 to be \$0. Mr. Bruschi explained that the number is a “placeholder” for a planning document. Looking at a new community pool is anticipated. Mr. Bruschi pointed out that Princeton Borough cannot sustain an \$8 million capital budget in any year.

Councilman Martindell opposed introduction of the budget because:

- 5¢ = more than 5% increase
  - Greater than inflation
  - Economy in recession
- Council yet to review department programs and policies
- Financial direction not examined
- Promise to taxpayers to plan two consecutive years
- Need time to examine:
  - Fuel costs
  - Sustainable Princeton
  - Joint services with Township (in particular, the pool)
  - University contributions
  - \$1.8 million reimbursement from Township
    - Overall relationship with Township
    - Promised joint meetings never scheduled

Councilman Koontz emphasized to staff the need to continue quarterly progress reports to Council. He noted that moneys are also due from Borough *to* Township.

Councilwoman Trelstad agreed with many of Councilman Martindell’s points, especially lack of pursuit of joint services (such as police and ambulance) with a neighboring town and simple environmental cutbacks.

Councilman Goldfarb stated that Finance Committee did review individual department proposals; Council members have had access to budget books for some time. Township provided a voucher for \$1.6 million; Finance Committee recommends accepting it without sacrificing rights to further obligations.

Mayor Trotman mentioned her lack of success scheduling joint meetings with Township. She stated departmental summaries should suffice for Council members; line-by-line examination not necessary.

Mr. Bruschi requested a budget introduction from Council promptly to implement timely distribution of tax bills near the end of July 2008.

Mayor Trotman opened discussion to the public.

Otto Lazareth, 19 Moran Avenue, commended Council's work to date and asked what can be done. Councilman Martindell favored rigorous pursuit of joint programs adding that efforts to meet with Township officials have been unsuccessful regarding any topic and it is time for dramatic steps.

Mr. Davis suggested approaching, not only Princeton University, but other nonprofit entities in town with a vested interest in the community's welfare. He presented the idea of seeking partnership with municipalities other than Princeton Township, perhaps a multi-body relationship.

Dudley Sippelle, 375 Nassau Street, spoke for the "beleaguered taxpayer." He noted property values in the Borough have dropped 20–30% since 2005. He wondered how Council could consider raising taxes 5% when the tax increase has averaged 8% per year since 2000. Since Borough can tax less than half of land area, Council must take a tough stand with University regarding contributions to their town.

Kristen Applegat, Princeton University, noted "wobble room" in the University annual contribution, which is scaled on increase in Borough's budget and increase of nontaxable property on campus. She reemphasized her and Princeton University Vice President Bob Durkee's willingness to participate in the dialogue process.

Seeing no one further from the public, Mayor Trotman closed the public presentation and returned to Council.

Councilman Goldfarb commented that Council members must continue to investigate ways to deal effectively with Township Committee members on a one-to-one basis.

Councilman Goldfarb introduced the 5¢ budget with three changes from 6¢ as discussed earlier, and Councilman Koontz seconded. Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, and Wilkes voted in the affirmative. Council members Martindell and Trelstad voted nay. Mayor Trotman proclaimed the budget introduced four to two with a public hearing scheduled for July 22, 2008.

Mayor Trotman read **Agenda Item I, New Business (3) — Resolution 2008-R171** as follows:

**RESOLUTION 2008-R171  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION  
FOR THE 2008 CURRENT FUND BUDGET**

**WHEREAS**, an emergent 2008 condition has arisen with respect to the 2008 Current Fund Budget, due to the lack of an adopted 2008 Current Fund Budget and no adequate provision has been made in the 2008 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2008 temporary budget and this resolution total \$17,150,204.22

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made as per the attached appropriations in the amount of \$1,142,700.00
2. That the emergency temporary appropriation has been provided for in the 2008 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Martindell moved to approve Resolution 2008-R171; Councilman Goldfarb seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item I, New Business (4) — Resolution 2008-R172** as follows:

**RESOLUTION 2008-R172  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION  
FOR THE 2008 CURRENT FUND BUDGET AFFORDABLE HOUSING**

**WHEREAS**, an emergent 2008 condition has arisen with respect to the 2008 Affordable Housing Fund Budget, due to the lack of an adopted 2008 Affordable Housing Fund Budget and no adequate provision has been made in the 2008 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2008 temporary budget and this resolution total \$66,500.00

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made as per the below listed appropriations in the amount of \$12,500.00.

Salary & Wages	\$ 2,500.00
Other Expenses	\$10,000.00
2. That the emergency temporary appropriation has been provided for in the 2008 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Martindell moved to approve Resolution 2008-R172; Councilman Goldfarb seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Goldfarb, Koontz, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item I, New Business (5) — Resolution 2008-R173** as follows:

**RESOLUTION 2008-R173  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING ALCOHOLIC BEVERAGE LICENSES  
FOR THE LICENSING PERIOD OF 2008-2009**

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

1. Application having been duly made, the following applicants are hereby adjudged to be entitled to the alcoholic beverage licenses for the licensed premises with the effective date of July 1, 2008 through June 30, 2009

**PLENARY RETAIL CONSUMPTION LICENSE** **FEE \$2,500**

1109-33-001-003	The Annex Grill, Inc T/A ANNEX REESTAURANT 128 ½ Nassau Street
1109-33-004-007	DWM Holdings Incorporated T/A WITHERSPOON GRILL 57 Witherspoon Street
1109-33-005-010	Hulfish Restaurants, Inc. T/A MEDITERRA 29 Hulfish Street
1109-33-006-001	L.D.M., Inc. T/A IVY INN 248-250 Nassau Street
1109-33-007-001	Lahiere's Restaurant, Inc. T/A LAHIERE'S RESTAURANT 5-13 Witherspoon Street
1109-33-009-008	Nassau Inn Limited Partnership T/A NASSAU INN 10 Palmer Square
1109-33-010-007	Palmer Square Pizzeria, Inc. T/A TERESA'S PIZZETTA CAFE 138 Nassau Street
1109-33-013-007	Select Restaurants, Inc. T/A J.B. WINDBERIE 1 Palmer Square/Ground Floor
1109-33-032-003	Alchemist & Barrister, Inc. T/A ALCHEMIST & BARRISTER 28-30 Witherspoon Street

**PLENARY RETAIL DISTRIBUTION LICENSE** **FEE \$2,500**

1109-44-002-007	T3M L.L.C. T/A THE CORKSCREW WINE SHOP 4-6 Hulfish Street
1109-44-003-006	Community Acquisition Corporation T/A COMMUNITY LIQUORS 23 Witherspoon Street
1109-44-008-005	Nassau Liquors, Inc. T/A NASSAU LIQUORS GRAPE & GRAIN COMPANY 264 Nassau Street

1109-44-011-005	Goel Wines, LLC. T/A VARSITY LIQUORS 234 Nassau Street
1109-44-014-006	Princeton Wine & Liquor, Inc. T/A PRINCETON WINE & LIQUOR 174-176 Nassau Street

**PLENARY RETAIL CONSUMPTION LICENSE (THEATRE EXCEPTION) – FEE \$2,500**

1109-37-039-002	McCarter Theatre Company 91 University Place
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**PLENARY RETAIL CONSUMPTION LICENSE (RESTRICTED BREWERY) FEE \$2,500**

1109-38-012-008	Triumph Brewing Company of Princeton, Inc. T/A TRIUMPH BREWING COMPANY 138 Nassau Street
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**CLUB LICENSE FEE \$188**

1109-31-020-002	Corinthian Square Club 30 Maclean Street
1109-31-024-002	Nassau Club of Princeton T/A NASSAU CLUB 6 Mercer Street
1109-31-028-009	Prospect Association of Princeton University T/A PROSPECT HOUSE Princeton University Campus
1109-31-041-002	The House Committee T/A DEBASEMENT BAR Princeton University Campus

2. 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.

Councilwoman Trelstad moved to approve Resolution 2008-R173, and Councilman Goldfarb seconded. Councilman Goldfarb pointed out that *not one* of the Prospect Avenue clubs appears in the resolution—they should be operating exactly as all clubs listed here. He stressed that Council must move forward with licensing eating clubs. Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed.

Mayor Trotman read **Agenda Item I, New Business (6) — Resolution 2008-R174** as follows:

**RESOLUTION 2008-R174  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING EXECUTION  
OF INTERLOCAL SERVICES PROJECT AGREEMENT  
TO OBTAIN RECREATION GRANT FUNDING  
FOR GREENWAY MEADOWS PARK**

WHEREAS, the Joint Recreation Board of the Township and Borough of Princeton recommend the installation of a synthetic turf on the two (2) playing fields within the Greenway Meadows Park; and

WHEREAS, this Capital Project has received the support from the County of Mercer through the "At Play" Grant Program; and

WHEREAS, the Borough of Princeton wishes to authorize the execution of an Interlocal Services Project Agreement with the County of Mercer and Township of Princeton in order to obtain said grant funding in the amount of seven hundred sixty-seven thousand six hundred sixty (\$767,660.00) dollars.

***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 Interlocal Services Project Agreement with the County of Mercer through its "At Play" Grant Program and the Township of Princeton in order to obtain financing for the installation of synthetic turf on two (2) playing fields within the Greenway Meadows Park. The Interlocal Services Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.

2. This authorization to enter into said Interlocal Services Agreement is contingent upon the Township of Princeton adopting a reciprocal Resolution authorizing the execution of the aforementioned Interlocal Services Agreement.

3. A certified copy of this Resolution shall be furnished upon its adoption to the County of Mercer, Division of Planning, PO BOX 8068, Trenton, New Jersey 08650, Attention: Donna M. Lewis, Planning Director and to the Clerk of the Township of Princeton, 400 Witherspoon Street, Princeton, New Jersey 08540.

Councilman Koontz moved to approve Resolution 2008-R174, and Councilwoman Trelstad seconded. Councilman Koontz commended Mercer County Executive for creating Mercer at Play as a true way to get communities and entities to cooperate. Councilman Koontz recommended Mercer at Play develop into an ongoing program.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item I, New Business (7) — Resolution 2008-R175** as follows:

**RESOLUTION 2008-R175  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL  
ENGINEERING SERVICES  
DOWNTOWN DEVELOPMENT PROJECT**

**WHEREAS**, the Borough had previously entered into an agreement dated December 23, 2003 as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.4 and A-20.5 with Timothy Haahs & Associates, Inc. (the "Provider") for the performance by the Provider for professional engineering services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the previous agreement had expired on December 31, 2004 and the Borough wishes to continue to retain the Provider to complete the project; and

**WHEREAS**, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider 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 the Provider from making any reportable contributions through the terms of the contract, 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, the Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with the Provider for continued review of the design, construction, punchlist and closeout process in connection with the Princeton Borough Downtown Parking Garage.

There is no additional fee for this contract extension

1. 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.
2. 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.
3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
4. 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 Koontz moved to approve Resolution 2008-R175; Councilwoman Trelstad seconded.

Councilman Martindell noted mention of “public works garage” in the resolution, which should be reworded to clean up language regarding the punch list for downtown development (*Spring garage*).

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed.

Mayor Trotman read **Agenda Item I, New Business (8) — Resolution 2008-R176** as follows:

**RESOLUTION 2008-R176  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL SERVICES  
TO VAN NOTE - HARVEY ASSOCIATES  
FOR INSPECTION OF SANITARY SEWER REHABILITATION PROJECTS**

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; 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 anticipated term of this contract is one year; beginning June 1, 2008 to December 31, 2008; and

WHEREAS, Van Note - Harvey Associates has submitted a proposal dated June 12, 2008 indicating they will provide services and other related duties as follows:

With respect to Municipal Sanitary Sewer Rehabilitation Projects, Provider will provide inspection of such construction projects administered directly by the Princeton Sewer Operating Committee or by Princeton Borough or Princeton Township as part of a roadway reconstruction project. The services are further described in the attached Exhibit A.

WHEREAS, 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 the law. The Agreement shall be effective from June 1, 2008 to December 31, 2008.

WHEREAS, the Borough shall pay the Provider an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in accordance with a rate schedule, a copy of which is attached to the Professional Services Agreement; and

WHEREAS, Van Note - Harvey Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Van Note - Harvey Associates 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 Van Note - Harvey Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available under Current Account Nos. C-04-06-015-313; 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 Van Note - Harvey Associates as described herein; 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.

Councilman Goldfarb moved to approve Resolution 2008-R176, Councilman Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (9) — Resolution 2008-R177** as follows:

**RESOLUTION 2008-R177  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
MATTHEW MEITZNER**

**WHEREAS**, Matthew Meitzner 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 ENGINEER COMPANY #1 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.

Councilman Goldfarb moved to approve Resolution 2008-R177, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (10) — Resolution 2008-R178** as follows:

**RESOLUTION 2008-R178  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
PROFESSIONAL SERVICES AGREEMENT  
ARMORED CAR SERVICES**

**WHEREAS**, the Borough desires to enter into a professional services agreement in connection with certain activities as hereafter more particularly stated, and

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with Eastern Armored Car Services. (hereinafter referred to as "Provider") to provide services for the Borough from January 1, 2008 through December 31, 2011, 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 provide securely sealed shipment (s) to contain currency, coin, checks and other negotiable items, process / count parking garage cassettes as well as packing out new cassettes with currency from the Bank of America, count and deliver to bank authorized by the Borough coin from various meters.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider pursuant to the proposal of the Provider dated June 10, 2008 (as attached Exhibit A).

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

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

Mr. Bruschi requested that Council table R178. Mayor Trotman proclaimed the resolution tabled.

Mayor Trotman read **Agenda Item J, Bill List for June 24, 2008 — Resolution 2008-R179** as follows:

**RESOLUTION 2008-R179  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING THE JUNE 24, 2008 BILL LIST**

**WHEREAS**, 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 (8-01)	178,546.23
RESERVE ACCOUNT (7-01)	1,490.63
PARKING UTILITY OPERATING FUND (8-05)	14,259.57
PARKING UTILITY OPERATING FUND (7-05)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	1,895.80
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	47,394.63

June 24, 2008

PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	3,774.00
TRUST FUND (T-13)	117.28
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	12,211,153.82
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	515.08

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of June 24, 2008 as presented.

Councilman Koontz moved to approve Resolution 2008-R179, Councilman Martindell seconded, and Borough Council approved unanimously.

Mayor Trotman read new agenda item **Resolution 2008-R180** as follows:

**RESOLUTION 2008-R180  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING LOCAL BUDGET EXAMINATION  
FOR THE 2008 MUNICIPAL BUDGET**

WHEREAS, pursuant to N.J.S.A. 40A:4-78b the Local Finance Board has adopted rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5 the Borough of Princeton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief financial Officer has determined that the Borough of Princeton meets the necessary conditions to participate in the program for the year 2008;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that, in accordance with N.J.A.C. 5:30-7.6a &b, and based upon the Chief Financial Officers certification, the Borough of Princeton has found the budget has met the following requirements:

That with reference to the following items, the amounts have been calculated, pursuant to law, and appropriated as such in the budget;

Payment of interest and debt redemption charges;  
Deferred charges and statutory expenditures;  
Cash deficit of preceding year;  
Reserve for uncollected taxes;  
Other reserves and non-disbursement items; and  
Any inclusions of amount required for school purposes.

That the provision relating to limitation of increases of appropriations, pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:-4-45.3 et seq. are fully met.

That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

That pursuant to the Local Budget Law:

All estimates of revenue are reasonable, accurate and correctly stated;  
Items of appropriation are properly set forth; and  
In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

*June 24, 2008*

The budget and associated amendments have been introduced and publicly advertised, in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Councilman Koontz moved to approve Resolution 2008-R180, and Councilman Martindell seconded. Mr. Bruschi explained that two of every three years Council self-reviews the budget. This resolution permits self-review instead of DCA review. Hearing no discussion, Mayor Trotman called for a vote and proclaimed the motion passed.

Councilman Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:22 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
**Borough Clerk**