

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
December 9, 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, 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, Land Use Development Official Derek Bridger, Planning Board Director Lee O. Solow, Police Lieutenant Nicholas Sutter, Chief Finance Officer Sandra L. Webb, 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 December 9, 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-R285**, as follows:

**RESOLUTION 2008-R285  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON DECEMBER 9, 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. Personnel — Police

**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.

December 9, 2008

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

Borough Council recessed into closed session.

At 7:40 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 November 12, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session of November 12, 2008, Councilman Koontz seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of December 2, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session of December 2, 2008, Councilman Koontz seconded, and Council approved unanimously.

Presented for approval were the minutes of the joint session of December 4, 2007.

Councilwoman Trelstad moved to approve the minutes of the joint session of December 4, 2007, and Councilman Koontz seconded. Councilman Martindell remembered that turning over sewer lands to Township during the December 4 session was the “dawn of a new era.” He noted that the minutes do not reflect Township’s commitment to quarterly joint meetings in 2008.

Councilman Koontz requested revisiting the tape of December 4 for possible revision/expansion of the minutes. Mayor Trotman stated that regular joint meetings were *implied* but no vote was offered or taken. Councilman Koontz expressed he would assist the Borough Clerk and review the audio and/or video records of the meeting. Councilman Koontz moved to table minutes of December 4, 2007, and Councilwoman Trelstad seconded. Council voted to table five to zero, with Councilman Wilkes abstaining.

Councilman Koontz moved to draft a resolution that Borough Council and Township Committee meet four times per year in addition to joint budget meetings—with both bodies agreeing to an annual schedule—to be set early in the calendar year, an agenda for each meeting established one month in advance of a meeting with discussion topics limited to that agenda

Councilwoman Trelstad seconded. Council agreed six to zero. The resolution to be presented at next meeting.

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

Mr. Bruschi reported that Council discussed police disciplinary actions.

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.

Councilman Martindell presented a draft resolution numbered 2008-R297 to acquire the procedure for dealing with suspended police officers. Councilman Koontz moved to introduce Resolution 2008-R297 which requests the appearance before Council of the Mercer County Prosecutor (or designee) on December 16, 2008. Councilman Martindell stressed the need to identify appropriate Borough principal parties who can advance an outcome with the county prosecutor. Councilman Martindell seconded the motion to introduce 2008-R297. Councilman Goldfarb shared Councilman Martindell's concern and frustration but felt a meeting with the prosecutor should be held after conclusion of the pending cases. Mayor Trotman called the question. Councilman Koontz, Councilman Martindell, Councilman Wilkes voted aye; Councilman Goldfarb, Council President Karcher, Councilwoman Trelstad voted nay. Mayor Trotman broke the tie by opposing introduction and proclaimed the motion failed.

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

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report** — *Nicholas Sutter, Police Lieutenant*

Lt. Sutter followed up a prior question regarding downturn of DWI arrests. Reassignment of officers—along with some sickness and injury leaves—was the primary cause of lower total arrests; *per officer* arrests maintained the same level as 2007.

Councilwoman Trelstad requested greater vigilance regarding bicycling on sidewalks.

Councilman Goldfarb mentioned increased arrests regarding alcohol served to minors.

Councilman Koontz observed less skateboarding downtown since opening of the skate park.

Mayor Trotman followed up previous inquiry of visiting sheriffs' (free) streetside parking.

Councilman Wilkes noted the 400% increase in underage drinking apprehensions. Lt. Sutter noted a dramatic upturn in alcohol-related medical calls. He said police must investigate all such instances.

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

Mayor Trotman read **Agenda Item I, Discussion (1) — Affordable Housing Plan** — *Shirley Bishop, PP/LLC, Borough AH Consultant; Lee Solow, Director, Regional Planning Board; Derek Bridger, Borough Affordable Housing Liaison*

Mayor Trotman stated that the housing plan as discussed by Council November 12, 2008, was reviewed and approved by Regional Planning Board on December 4. Ms. Bishop summarized

the housing element, fair share plan, spending plan, and pending items—noting no changes were made. Although amendments and/or extensions may occur, Ms. Bishop recommended proceeding toward the December 31, 2008, deadline. Ms. Bishop stated that 24 lawsuits against an “unfunded mandate” by COAH have been consolidated in the courts. She requested Council certify the adopted plan.

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

Dudley Sipprelle, 375 Nassau Street, repeated COAH rules that assure a community’s growth and asked why Princeton Borough (completely “built out”) participates. He suggested Princeton University—the source of population growth—build affordable (if temporary) housing in the arts and transit district or a floor of affordable housing in the proposed new campus garage.

Mayor Trotman noted that University will be responsible for a “fair share” of upcoming projects. Mayor Trotman defended affordable units and obtaining financial support for them.

Councilman Wilkes pointed out that without a COAH plan Council might lose control of development guidelines. Councilman Koontz noted that Borough’s involvement with COAH was thoroughly discussed by Council in public session, with the reluctant conclusion that COAH’s rules must be followed. Councilman Goldfarb stated that only COAH participants collect developer fees.

Kristen Appelget, Princeton University, mentioned a “waiver process” (joint application between Borough and University) to deal with discrepancies between estimated (by COAH) and actual growth. She stated the irony that the University builds workforce housing that is affordable but neither school nor community gets COAH credit—AND—the worker the living in the workforce housing creates a COAH obligation for Borough.

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

Councilwoman Trelstad moved to accept **Resolution 2008-R287**.

**RESOLUTION 2008-R287  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
PETITIONING THE COUNCIL ON AFFORDABLE HOUSING  
WITH AN ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Princeton Regional Planning Board, Mercer County, State of New Jersey, adopted the Housing Element of the Master Plan on December 4, 2008; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on December 4, 2008 ; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton, Mercer County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Princeton Regional Planning Board; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Princeton pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Princeton's municipal clerk's office located at One Monument Drive, Princeton, NJ during the hours of 9 am to 5 pm on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Councilman Wilkes seconded. Council accepted six to zero.

Mayor Trotman read **Agenda Item I, Discussion (2) — Request For Encroachment In Public Right Of Way At 25 Palmer Square East To Install A Banner On Existing Frame / Applicant: Palmer Square Management For Jazams** — *Derek Bridger, Zoning Official*

Councilman Goldfarb moved to approve the application and adopt the Historic Preservation and Review Commission's suggestion that that board approve similar requests in the future. Councilman Wilkes seconded. Councilman Martindell asked about imposing \$1 million general liability insurance on applicant. Mr. Bridger suggested amending a prior agreement with Palmer Square to include window/banner encroachment.

Mayor Trotman read **Agenda Item I, Discussion (3) — 2009 Budget Outlook** — *Robert W. Bruschi, Borough Administrator*

Mr. Bruschi commented that Council had requested staff to analyze budgets for 2009 and beyond. Draft 2009 budget is \$1.3 million (5%) higher than 2008. Guidelines from Finance Committee are:

- Maintain 2008 salary
- No tax increase

Mr. Bruschi stated that union salaries are slated to increase more than \$400,000 and healthcare expenses are attached to salaries. Department budgets have been flat for several years. Debt service has also held steady, but the impact of cost of money into the future is uncertain. Statutory, insurance, and utility costs are unavoidably up.

Mr. Bruschi mentioned the impact of economics on investment revenues. University contribution and construction fees are over estimate, but building has slowed and future construction revenue probably will decline. Other revenues, including state aid, have been flat; reductions can be expected.

Mr. Bruschi said administration first looked at staffing for cutbacks:

- Open positions will not be filled
- Sewer and parking departments will be reduced
- Job sharing (two part-time for one full time) will lower benefit expenses.

He observed that lower total salaries means lower pension, Social Security, and medical costs. Borough will ask bargaining units to find voluntary offsets (contributions to medical benefits, for example).

Mr. Bruschi listed possible savings:

- Trim trash pickup (weekly instead of biweekly)
- Cut back recreation programs
- Pay down capital projects with capital surplus
- Fund smaller projects to avoid bonding.

Mr. Bruschi asked Council to reassign duties of Human Services Department: Welfare to county, youth programs to recreation, civil rights to state agencies, Crosstown to Suzanne Patterson/Senior Resource.

Mr. Bruschi suggested Council re-prioritize capital spending (example: \$1 million reduction would save \$40,000 in debt service). He speculated that some initial spending on technology for Spring Street Garage would result in lower overall outgo. Mr. Bruschi stressed consolidation with Township of police and public works units.

Councilman Koontz asked about a county-wide 911/dispatch system. Mr. Bruschi replied that county fire and first aid squads pushed for consolidation, which will occur January 1, 2009.

Mr. Bruschi noted the need to identify ratable growth and zoning changes to facilitate investment in Princeton Borough.

Mr. Bruschi emphasized the value of a volunteer fire department and its administrative needs versus emergency response. This is not an area for cutback.

Mr. Bruschi listed other considerations that include rebuilding the surplus, repayment of revaluation, credit card convenience vs. fees, environmental efficiencies (lights, windows).

Mr. Bruschi stated that administration will proceed with stated staffing plans (including bargaining units). He sought timely, prompt Council assistance to find savings (such as consolidation with Township) for early implementation in 2009.

Councilman Martindell proposed adopting “no tax increase” as Council’s goal for 2009. He listed factors for Council to tackle to achieve this goal:

1. Parking rate increase
2. Public works and police personnel cuts
3. Consolidation of small services (affordable housing, dispatch) with Township
4. Retrieve money due from Township

Councilman Martindell stressed the need to act *immediately*—2008.

Councilwoman Trelstad moved to hold a special meeting Tuesday, December 16, 2008, and to adopt a goal of 0% tax increase. Council President Karcher requested specific figures prior to a special meeting. Mayor Trotman warned that unilateral actions fail without cooperation from Township. Councilman Wilkes supported Councilwoman Trelstad’s motion and Councilman Martindell’s outline for action December 2008; in particular, he sought staff reductions at public works and police.

Councilman Koontz warned against setting unachievable goals and wanted to identify a “wise” goal.

Councilman Goldfarb proposed a special discussion of 2009 budget issues at the regularly scheduled meeting on December 23, 2008.

Councilwoman Trelstad observed that substantial revenue can be expected late 2009/2010 when building projects conclude.

Councilwoman Trelstad amended her motion for a special meeting Tuesday, December 16, 2008, to state “regularly scheduled meeting on December 23, 2008.” Mayor Trotman summarized that the only items on that agenda will be (1) budget and (2) bill list—unless something imperative arises. Mr. Bruschi requested an early start time and Council voted unanimously to meet at 5:30 P.M.

Mayor Trotman read by title **Agenda Item J, Old Business (1) — Resolution 2008-R254** as follows:

**RESOLUTION 2008-R254  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO  
NEIL H. SHUSTER, ESQ. FOR MEDIATION SERVICES**

**WHEREAS**, by Resolution 2003-R54, the Mayor and Council of the Borough of Princeton authorized execution of a Redevelopment Agreement between the Borough of Princeton and Nassau HKT Urban Renewal Associates, LLC (“NHKT”) for the Park/Plaza Redevelopment Area in the Borough of Princeton which included certain lands described in the Redevelopment Agreement as the “Building C” area and which authorized a Ground Lease for the “Building C” area (“the Redevelopment Documents”); and

**WHEREAS**, certain issues and disputes have arisen between the Borough and NHKT with respect to the Redevelopment project including the Building C ground rent; and

**WHEREAS**, pursuant to the Redevelopment Documents, the Borough and NHKT are obligated to attempt to resolve any disputes through mediation prior to pursuing any other remedies; and

**WHEREAS**, the Borough and NHKT wish to retain Neil H. Shuster, Esq. to serve as mediator; and

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

**WHEREAS**, Neil H. Shuster, Esq. (“the Provider”) has submitted a mediation agreement to such mediation services pursuant to which the Borough and NHKT will share equally all mediation costs; and

**WHEREAS**, the Mayor and Council wish to authorize same in an amount not to exceed \$8000.00 for the Borough share of mediation fees; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available under Parking Operating Account Nos.8-05-02-007-273; and

**WHEREAS**, under the Mediation 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; and

**WHEREAS**, 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; and

**WHEREAS**, A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute the mediation agreement with the Provider as described herein.

Councilman Koontz moved to approve Resolution 2008-R254 and Councilman Goldfarb seconded.

Councilman Martindell opposed the scope of the mediator’s work and that mediation will be held in closed session, with limited comment to the public. Borough Attorney Karen Cayci clarified that a hallmark of the mediation process is *total confidentiality* when a public entity is involved.

Councilman Koontz noted that litigation is still a possible solution to the dispute with NHKT. The hope is that mediation will succeed, making litigation unnecessary.

Mayor Trotman called the question and proclaimed the motion carried five to one, with Councilman Martindell opposed.

Mayor Trotman read **Agenda Item K, New Business (1–9) — Resolutions 2008-R288, 2008-R289, 2008-R290, 2008-R291, 2008-R292, 2008-R293, 2008-R294, and 2008-R295** as follows:

**RESOLUTION 2008-R 288  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**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, 2009, 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.** for the period **January 1, 2009 through December 31, 2009.**

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.

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 compensation. An amount not to exceed Twenty Thousand Dollars (\$20,000.00) 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.

**RESOLUTION 2008-R289  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING A SERVICE AGREEMENT WITH  
SOMERSET COUNTY COUNCIL ON AFFORDABLE HOUSING (SCCOAH)**

**WHEREAS**, the Borough wishes to enter into an agreement with **Somerset County Coalition on Affordable Housing (SCCOAH)**, a nonprofit collaboration of business, financial institutions, social service agencies, public officials and housing advocates, (the "Provider"), for the performance by the Provider of professional services in connection with the marketing and qualification of tenants for affordable housing units for the period January 1, 2009 through December 31, 2009; 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 services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

**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 **Somerset County Coalition on Affordable Housing (SCCOAH)**

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

To serve as the Administrative Agent for the Borough of Princeton and to administer and enforce affordability controls as provided in N.J.A.C. 5:80-26.14, for certain housing units as more fully set forth in the contract:

Under this contract, 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.

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

An amount not to exceed Twenty-Five Thousand Nine Hundred and Eight Six Dollars (\$25,986.00).

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.

**RESOLUTION 2008-R290  
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 Robert Verry, CPM (hereinafter referred to as "Provider") to serve as a hearing officer for police administrative disciplinary matters from December 10, 2008 through March 1, 2009, 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 hearing officer for police disciplinary matters as requested by the Borough and in that capacity to conduct such hearings and provide written findings and conclusions.

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 at the rate of \$ 75.00 per hour in an amount not to exceed Four Thousand Dollars (\$4,000).

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-R291  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL SERVICES  
TO CIVIL SOLUTIONS  
FOR PHASE II OF THE PSOC'S  
GEOGRAPHIC INFORMATION SYSTEM (GIS)**

**WHEREAS**, the Mayor and Council of the Borough of Princeton had previously entered into an agreement 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 with Civil Solutions, a division of Adams, Rehmann and Heggan Associates, Inc. (the "Provider"), for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

**WHEREAS**, the Provider developed the initial Geographic Information System (GIS) for the Princeton Sewer Operating Committee (PSOC); and

**WHEREAS**, the Provider has submitted a proposal dated November 7, 2008 indicating they will provide services and other related duties as follows:

Phase II Services – Database Development and Application Implementation for the Princeton Sewer Operating Committee’s (PSOC) Geographic Information System (GIS). The services and fees are further described in their proposal of November 7, 2008, a copy of which is attached as Exhibit A.

**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 term 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 advertise; 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 Borough shall pay the Provider an amount not to exceed Ninety-two Thousand Ten Dollars and Eighty-three Cents (\$92,010.83) in accordance with the previously referenced proposal of November 7, 2008; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available under Current Account No. C-04-06-015-314; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to enter into a contract for the aforesaid services with the Provider.

1. The Borough shall pay the Provider an amount not to exceed Ninety-two Thousand Ten Dollars and Eighty-three Cents (\$92,010.83).
2. The form of contract shall include standard provisions common to professional services 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-R292  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
TO AWARD A CONTRACT  
TO WARNOCK FLEET FOR A  
2009 DODGE DURANGO**

**WHEREAS**, the Princeton Sewer Operating Committee (PSOC) C/O the Borough of Princeton wishes to purchase a 2009 Dodge Durango through the New Jersey Cooperative Purchasing Program (N.J.S.A. 40A:11-12); and

**WHEREAS**, Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936 has been awarded New Jersey State Contract # A70852 for a 2009 Dodge Durango; and

**WHEREAS**, the total cost of the 2009 Dodge Durango and accessories is \$23,168.80; and

**WHEREAS**, the appropriate monies are provided in the Capital Fund Budget for the PSOC in the amount of \$23,168.80 as provided by the attached certification of funds from the Chief Financial Officer.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Princeton authorize the Borough Administrator to purchase the above 2009 Dodge Durango under State Contract # A70852 from Warnock Fleet.

**RESOLUTION 2008-R293  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
TO AWARD A CONTRACT  
TO DITSCHMAN / FLEMINGTON  
FORD FLEET SALES FOR A  
2009 FORD F-250 PICK-UP TRUCK**

**WHEREAS**, the Princeton Sewer Operating Committee (PSOC) C/O the Borough of Princeton wishes to purchase a 2009 Ford F-250 Pick-up Truck through the New Jersey Cooperative Purchasing Program (N.J.S.A. 40A:11-12); and

**WHEREAS**, Ditschman / Flemington Ford Fleet Sales, 215 Routes 202 & 31, Flemington, New Jersey 08822 has been awarded New Jersey State Contract # A70988 T2100 for a 2009 Ford F-250 Pick-up Truck; and

**WHEREAS**, the total cost of the 2009 Ford F-250 Pick-up Truck and accessories is \$25,041.00; and

**WHEREAS**, the appropriate monies are provided in the Capital Fund Budget for the PSOC in the amount of \$25,041.00 as provided by the attached certification of funds from the Chief Financial Officer.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Princeton authorize the Borough Administrator to purchase the above 2009 Ford F-250 Pick-up Truck under State Contract # A70988 T2100 from Ditschman / Flemington Ford Fleet Sales.

**RESOLUTION 2008 – R294  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING THE CONTRACT KNOWN AS  
“PLACEMENT AND REMOVAL OF  
SOLID WASTE DUMPSTERS – BEGINNING JANUARY 2009”  
TO J. VINCH & SONS, INC.**

**WHEREAS**, the Princeton Sewer Operating Committee has solicited bid proposals for the weekly placement and removal of solid waste dumpsters for the Solid Waste Convenience Center on River Road for a one (1) year term to commence on or about January 1, 2009 and ending December 31, 2009; and

**WHEREAS**, all bid proposals were opened on December 2, 2008; and

**WHEREAS**, the Borough received the following six (6) bids:

J. Vinch & Sons, Inc. in the amount of \$58,640.00;

Future Sanitation, Inc. in the amount of \$60,400.00;

Carnevale Disposal Company, Inc. in the amount of \$63,840.00;

Central Jersey Waste & Recycling, Inc. in the amount of \$67,920.00;

MIDCO Waste Systems in the amount of \$72,704.00;

Waste Management of New Jersey, Inc., \$77,600; and

**WHEREAS**, it is the recommendation of the Manager of the Princeton Sewer Operating Committee that the contract be awarded to J. Vinch & Sons, Inc., 2 Vinch Avenue, Trenton, New Jersey 08638, as the lowest responsible bidder; 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 that a Contract be awarded to J. Vinch & Sons, Inc., 2 Vinch Avenue, Trenton, New Jersey 08638, for weekly placement and removal of 30 cubic yard solid waste dumpsters to be located at the Municipal Convenience Center on River Road for the period beginning January 1, 2009 and ending December 31, 2009, in a total amount not to exceed \$58,640.00, said amount to include all disposal charges for the period.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

**RESOLUTION 2008-295**

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
APPROVING TAX REFUNDS**

WHEREAS, Sandra Webb, Chief Financial Officer has forwarded a list of residents for tax refund from the Borough of Princeton for review and approval by the Mayor and Council as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
19.01	2		2-4 Nassau LLC 4 Nassau Street	2-4 Nassau Street	\$3,000.00
32.01	200		Charikar, Moses & Deepa Ramakrishna	44 Scott Lane	\$75.03
54.02	36.01		Ikenberry, Gilford III & Lidiausami	121 Broadmead	\$1,000.00
Due to an overpayment of 2008 taxes.					
11.01	7		B.V.D. Investment Properties LLC 6720 W. 167 <sup>th</sup> Street, Suite 2 Tinley Park, IL 60477	12 Morven Place	\$8,750.24
33.04	105		Mimnaugh, Howard & Dennis O'Neill  Payable to: Wells Fargo Real Estate Tax Service, LLC/Mimnaugh ATTN: Financial Support Unit-Region 1 1 Home Campus, MAC X2302-04D Des Moines, IA 50328-0001	78 Linden Lane	\$2,405.97

Due to a duplicate 2008 payment.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the tax refunds as presented.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the CFO, Tax Assessor and Tax Collector.

Councilman Koontz moved to approve Resolutions 2008-R288, 2008-R289, 2008-R290, 2008-R291, 2008-R292, 2008-R293, 2008-R294, and 2008-R295.

Councilman Martindell asked if Borough has had experience with Hearing Officer Verry (Resolution 2008-R290). Mr. Bruschi replied that Mr. Verry was referred by Mr. Thibeau.

Councilman Wilkes inquired what the Sewer Operating Committee is mapping apart from existing extensive Borough and Township maps (Resolution 2008-R291). Borough Engineer Christopher Budzinski stated that previous geographic information system funding specifically excluded sewer level because sewer mapping is a joint endeavor.

Councilman Martindell seconded the motion. Borough Council approved unanimously.

**Mayor Trotman read Agenda Item L, Bill List for December 9, 2008 — Resolution 2008-R296 as follows:**

**RESOLUTION 2008-R296  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

**APPROVING THE DECEMBER 9, 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 as follows:

CURRENT ACCOUNT (8-01)	166,287.66
RESERVE ACCOUNT (7-01)	
PARKING UTILITY OPERATING FUND (8-05)	155,859.53
PARKING UTILITY OPERATING FUND (7-05)	1,500.00
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
IMPROVEMENT ASSESSMENT (8-11)	
AFFORDABLE HOUSING OPERATING ACCT (7-24)	
CAPITAL ACCOUNT (C-04)	52,358.53
PARKING UTILITY CAPITAL FUND (P-08)	
ESCROW (E-30)	2,498.93
TRUST FUND (T-13)	86.82
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (5-22)	
MANUAL	477,087.14
ASSESSMENT TRUST FUND (5-11)	
GRANT (G-02)	1,625.00

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton approve the bill list of December 9, 2008 as presented.

Councilwoman Trelstad moved to approve Resolution 2008-R296, Councilman Koontz seconded, and Council approved unanimously.

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

Respectfully submitted,

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