

**Approved Open Session
Of the Mayor and Council of the Borough of Princeton
March 10, 2009
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilman David Goldfarb, Councilman Roger Martindell, Councilman Kevin Wilkes, and Mayor Mildred Trotman

Absent: Councilwoman Margaret Karcher, Councilwoman Barbara Trelstad

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, 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 March 10, 2009, 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 2009-R105**, as follows:

**RESOLUTION 2009-R105
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MARCH 10, 2009**

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 staffing
2. Negotiations — NHKT
3. Negotiations — Princeton Township/Northridge
4. Administration personnel

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.

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

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 February 3, 2009.

Council President Koontz moved to approve the minutes of the open session of February 3, 2009, Councilman Wilkes seconded, and Council approved unanimously four to zero.

Presented for approval were the minutes of the special budget session of February 17, 2009.

Councilman Martindell moved to approve the minutes of the special budget session of February 17, 2009, Council President Koontz seconded, and Council approved unanimously with a revision as to budget plans for *each* park and *all* parks.

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

Mr. Bruschi reported that Council discussed personnel actions in the police department and administration offices. Council also discussed contracts with Township related to the Northridge sewer matter. Karen Cayci, Borough Attorney, updated Council on NHKT mediation.

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.

Eleanor Lewis, 108-110 Linden Lane, requested Council pledge to the taxpayers a zero tax increase for 2009. She stated that taxpayers are earning less and spending less; governing body must reflect that. She referred to Harrison Street Park, new parking enforcement vehicles, and other new vehicles as abuse by Council of its responsibility to taxpayers.

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

Mayor Trotman read by title **Agenda Item H, Public Hearing (1) — Final Improvement Assessment for Project 04-02.**

**RESOLUTION 2009-R106
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CONFIRMING REPORT OF THE SIDEWALK IMPROVEMENT OFFICER
FOR CAPITAL PROJECT 2004 - 02**

WHEREAS, by Ordinance No. 2008-02, entitled, “BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$133,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$126,350 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” adopted February 26, 2008, sidewalk improvements were authorized to be undertaken and the cost thereof was directed to be assessed against the properties in accordance with law; and

WHEREAS, pursuant to said ordinance said local improvements were completed and referred to the Borough Engineer of the Borough of Princeton for the making of such assessments, all in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes; and

WHEREAS, said Borough Engineer did thereafter make such assessments and report thereon to the Mayor and Council of the Borough of Princeton as required by law; and

WHEREAS, said Mayor and Council has examined said report and assessments and has considered the same at a hearing after publication and notice to the owner or owners named in said report as required by law, and has found said report in all respects properly made;

NOW, THEREFORE, BE IT RESOLVED that the said report of the Borough Engineer be and the same is hereby confirmed and that such report be forthwith filed with the Collector of Taxes of the Borough of Princeton;

BE IT FURTHER RESOLVED, that the amounts shown in said report apportioning the costs and expense of said improvements be and the same hereby are assessed upon the said owners of the lands fronting or bordering on said improvements as follows, and that said assessments shall each be paid in not more than ten (10) equal, annual, consecutive installments, with interest thereon at the rate of five percent (5%) per annum on the 10th day of March of each year. The first of said installments shall be due and payable two months after the confirmation of the assessment. In the case of any such installment which remains unpaid for thirty (30) days from and after the date it shall become due and payable, the whole assessment or balance thereof shall become due and payable and shall draw interest at the rate imposed upon the arrearages of taxes in the Borough and shall be collected in the same manner provided by law for other past due assessments.

<u>OWNER</u>	<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>	<u>ASSESSMENT</u>
JOHNSON KRISTINA 75 CLEVELAND LANE PRINCETON NJ 08540	4.01	5	75 CLEVELAND LANE	\$3,391.32
STEPHENSON DIMITRIE 66 WITHERSPOON ST #317 PRINCETON NJ 08542	4.01	6	81 CLEVELAND LANE	\$1,383.53
LUNDER E & R EZEKOWITZ & D LUNDER 193 ELM ROAD PRINCETON NJ 08540	4.01	9	193 ELM ROAD	\$2,868.65
SUSSMAN HARVEY A & MARION S 77 CLEVELAND LANE PRINCETON NJ 08540	4.01	10	77 CLEVELAND LANE	\$1,371.53
GRASSLE J FREDERICK & JUDITH 113 CLEVELAND LANE PRINCETON NJ 08540	4.01	15	113 CLEVELAND LANE	\$1,475.22
PALSHO EDWARD R & DOROTHEA C 145 CLEVELAND LANE PRINCETON NJ 08540	4.01	16	145 CLEVELAND LANE	\$1,343.22
KUENNE CHRISTOPHER B & LESLIE V 89 CLEVELAND LANE PRINCETON NJ 08540	4.01	18	89 CLEVELAND LANE	\$2,913.50
LAMB CRAIG M & JEANETTE FILE 33 LAFAYETTE RD	5.01	10	33 LAFAYETTE RD	\$1,942.89

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PRINCETON NJ	08540					
KANN P R & K E HOUSE 58 CLEVELAND LANE PRINCETON NJ	08540	5.01	11	58 CLEVELAND LANE		\$3,792.45
DE RAVEL D'ESCLAPON RYSIA 64 CLEVELAND LANE PRINCETON NJ	08540	5.01	28	64 CLEVELAND LANE		\$5,306.73
ZETTERBERG MARTIN & JOANMARIE LAND 178 LIBRARY PLACE PRINCETON NJ	08540	5.01	29	178 LIBRARY PLACE		\$786.29
PERLMAN JEFFREY F & SHARON L 67 LAFAYETTE RD PRINCETON NJ	08540	5.02	3	67 LAFAYETTE RD		\$729.32
LANGLOIS JOHN JR & HSIN-I PO BOX 1371 PRINCETON NJ	08542	5.02	4	71 CLEVELAND LANE		\$1,454.29
KLAINERMAN SERGIU & ANCA NICULIN 61 CLEVELAND LANE PRINCETON NJ	08540	5.02	6	61 CLEVELAND LANE		\$1,407.06
RUSSO LAURIE PO BOX 251 PRINCETON NJ	08542	5.02	7	57 CLEVELAND LANE		\$1,443.53
HOCKINGS ERIC F & SARAH C 200 LIBRARY PLACE PRINCETON NJ	08540	5.02	8	200 LIBRARY PLACE		\$1,180.42
MCISAAC GLENN & KATHRYN 65 CLEVELAND LANE PRINCETON NJ	08540	5.02	21	65 CLEVELAND LANE		\$1,471.06
PERKINS FREDERICK G III TRUST 200 OCEAN LANE DRIVE #806 KEY BISCAYNE FL	33149	5.03	2.01	76 CLEVELAND LANE		\$1,677.43
SMITH DONALD V & MAUREEN A C/O HLHZ,INC 245 PARK AVE NEW YORK NY	10167	5.03	2.02	70 CLEVELAND LANE		\$3,394.70
KARABELAS ARGERIS N & ELOISE M 129 HODGE ROAD PRINCETON NJ	08540	5.03	1	129 HODGE ROAD		\$328.19
HARGROVE JOSEPH J & SERVIN CARLA K 42 LAFAYETTE ROAD PRINCETON NJ	08540	5.03	20	42 LAFAYETTE ROAD		\$1,715.54
WHITE RUSSELL & SHARON 7 LAFAYETTE ROAD PRINCETON NJ	08540	5.03	23	50 LAFAYETTE ROAD		\$881.60
KNIPPER JAMES J		5.03	27	22 LAFAYETTE RD		\$381.23

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22 LAFAYETTE ROAD PRINCETON NJ	08540				
ROWE PAMELA 191 LIBRARY PLACE PRINCETON NJ	08540	6.01	4	191 LIBRARY PLACE	\$1,994.83
STEVENSON PHILLIP J & MARY LOU 42 CLEVELAND LANE PRINCETON NJ	08540	6.01	5	42 CLEVELAND LANE	\$1,647.53
BESSELAAR G & IMMESBERGER RTRUST 34 CLEVELAND LANE PRINCETON NJ	08540	6.01	7	34 CLEVELAND LANE	\$3,461.38
VACEK VERA H 48 CLEVELAND LANE PRINCETON NJ	08540	6.01	19	48 CLEVELAND LANE	\$1,184.42
MEADOW DAVID & LISA R MIRIN 51 CLEVELAND LANE PRINCETON NJ	08540	6.02	10	51 CLEVELAND LANE	\$1,488.30
GLASGOLD MARK J & KARA A 45 CLEVELAND LANE PRINCETON NJ	08540	6.02	11	45 CLEVELAND LANE	\$1,475.53
ROWE PAMELA CARTER 43 CLEVELAND LANE PRINCETON NJ	08540	6.02	12	43 CLEVELAND LANE	\$1,379.53
JACOBUS DAVID P & CLAIRE R 37 CLEVELAND LANE PRINCETON NJ	08540	6.02	13	37 CLEVELAND LANE	\$1,375.68
FIRMENICH JOHAN & EMILY 33 CLEVELAND LANE PRINCETON NJ	08540	6.02	14	33 CLEVELAND LANE	\$1,472.15
BOROUGH				LILAC LANE	\$632.07
HONORE BO E & ANDREA S 2 CLEVELAND LANE PRINCETON NJ	08540	7.01	16	2 CLEVELAND LANE	\$2,191.29
LANGER D H & SUSAN F LANGER TRUST 12 CLEVELAND LANE PRINCETON NJ	08540	7.01	21	12 CLEVELAND LANE	\$1,585.97
CLEVELAND LANE LLC 21 LILAC LANE PRINCETON NJ	08540	7.01	22	18 CLEVELAND LANE	\$1,487.53
METZGER BRUCE M & ISOBEL M 20 CLEVELAND LANE PRINCETON NJ	08540	7.01	23	20 CLEVELAND LANE	\$1,423.53
CHADI JAMES D & SHIVA 33 LILAC LANE		7.01	24	33 LILAC LANE	\$1,475.37

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PRINCETON NJ	08540				
DOYLE AIDEN J & MARLENE 6 CLEVELAND LANE PRINCETON NJ	08540	7.01	25	6 CLEVELAND LANE	\$1,438.91
DOYLE AIDEN J & MARLENE 6 CLEVELAND LANE PRINCETON NJ	08540	7.01	31	10 CLEVELAND LANE	\$1,215.53
LAPLACA LAUREL S 162 NASSAU STREET PRINCETON NJ	08540	7.02	4	29 CLEVELAND LANE	\$1,455.53
EUGENIDES JEFFREY K & K Y YAMAUCHI 25 CLEVELAND LANE PRINCETON NJ	08540	7.02	5	25 CLEVELAND LANE	\$1,215.53
EUGENIDES JEFFREY K & K Y YAMAUCHI 25 CLEVELAND LANE PRINCETON NJ	08540	7.02	6	25 CLEVELAND LANE	\$981.32
BARTLETT JOHN P & LEIGH E CONSTABLE 19 CLEVELAND LANE PRINCETON NJ	08540	7.02	7.01	19 CLEVELAND LANE	\$2,205.62
WILLIAMSON KIRK & SANDY 11 CLEVELAND LANE PRINCETON NJ	08540	7.02	7.02	11 CLEVELAND LANE	\$933.32
MOSNER DENNIS J & MICHELE B 7 CLEVELAND LANE PRINCETON NJ	08540	7.02	8	7 CLEVELAND LANE	\$1,589.39
MORRISON JOHN M & DEBORAH W 1 CLEVELAND LANE PRINCETON NJ	08540	7.02	9	1 CLEVELAND LANE	\$2,043.60
GREENSPAN NANCY B 5 CLEVELAND LANE PRINCETON NJ	08540	7.02	17	5 CLEVELAND LANE	\$843.76
ZHU TIM & JOAN WANG 164 CLEVELAND LANE PRINCETON NJ	08540	8.01	1	164 CLEVELAND LANE	\$2,078.55
OECHLER HENRY J JR 30 ROCKEFELLER PLAZA NEW YORK NY	10112	8.01	6	150 CLEVELAND LANE	\$2,431.06
PATEL SAMIR & ARTI 90 CLEVELAND LANE PRINCETON NJ	08540	8.01	8	90 CLEVELAND LANE	\$2,443.21
SLIGHTON MR & MRS ROBERT 80 CLEVELAND LANE PRINCETON NJ	08540	8.01	9	80 CLEVELAND LANE	\$2,139.33
VAILLANT GERARD & ALMYNE		8.01	13	158 CLEVELAND LANE	\$911.65

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158 CLEVELAND LANE
PRINCETON NJ

08540

Christopher Budzinski, Borough Engineer, informed Council that final assessments have been made and most are lower than pre-assessment figures.

Councilman Martindell had heard from a constituent who had not wanted a sidewalk at her property and now must pay for its maintenance and cleanup. Councilman Goldfarb responded that any sidewalk is part of a sidewalk *system*. Homeowners throughout town have been contributing to that sidewalk system in concert with Borough policy.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on the issue of Cleveland Lane reconstruction.

Rysia DeRavel, 64 Cleveland Lane (corner of Lafayette Road), stated that 80% of her frontage lies on Lafayette where there is no sidewalk (optional block-by-block vote); yet her assessment is by far the highest of the entire neighborhood. She was further disturbed by a visit from police telling her to shovel her walks. Mr. Budzinski explained that *Council* decided to assess by property frontage the total cost of the sidewalk (half to be paid by homeowner)—not a vote by neighbors.

Mr. Budzinski countered that Ms. DeRavel's property fronts 28% of Lafayette.

Councilman Goldfarb stated the formula for assessment is essentially fair. Council agreed that some inequities may occur which could be addressed on a case-by-case basis.

Henry Oechler, 150 Cleveland Lane, sought clarification on assessment process and payment procedure. Mr. Oechler commended Engineering representatives who were on the scene of the reconstruction project.

Council President Koontz moved to approve Resolution 2009-R106 and Councilman Wilkes seconded. Mayor Trotman proclaimed the motion carried unanimously.

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

Mr. Nathanson introduced members of his team and presented a slide show of the new Arts Council building and Arts Council's activities. Mr. Nathanson described cooperative efforts with Historical Society and members of neighborhood advisory groups. He spoke of the huge success and growth of the annual spring festival, Communiversality.

Mr. Nathanson explained their funding was received through contributions (mostly from foundations) and a legacy grant of \$250,000 that earned enough to offer some free programming and free entry for ticketed events. He said Arts Council is newly funded by the National Endowment for the Arts for Robeson Community Music Series—a program for internationally recognized musicians to provide free workshops for Princeton young people.

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Mr. Nathanson went on to describe a variety of programs offered to children, young people, and adults including instruction, celebrations, exhibitions, and concerts.

Mayor Trotman welcomed Arts Council back to Princeton Borough proper and commended Arts Council's staff. She asked about protecting the quilt from fading and Mr. Nathanson replied that answers are being sought.

Councilman Goldfarb spoke about the new building—that it has achieved its goals and more—with its modern face, compatibility to the neighborhood, and reminders of its origins.

Council President Koontz moved to accept Mr. Nathanson's report and Councilman Goldfarb seconded. Council voted to accept four to zero.

Mayor Trotman read **Agenda Item J, Discussion (1) — District One Polling Location Change — David Christie**

Mr. Christie informed Council that most of District One voters are affiliated with the University (90% in student housing plus 5% University employees). Mr. Christie's group's goal is to accommodate the 95% affiliated with University by placing a polling site on campus. Mr. Christie's stated his idea had overwhelming support from university voters and university administration to locate the polling place at Frist Campus Center.

Mr. Christie stated that Frist was suddenly pulled from consideration as a relocation site. He came today—already on the agenda—to seek guidance from Council on an alternative site and to explain the process thus far.

Council President Koontz expressed concerns: (1) University students do not vote in June primary races, (2) not all students are in District One, (3) confusion with District Seven at Suzanne Patterson, (4) parking control by Borough is vital, (5) Frist a hardship for non university residents.

Councilman Goldfarb mentioned left turns onto Washington Road as a serious problem for a Frist polling site. He favored a campus location farther west such as the U Store.

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

Josh Leinsdorf, 35 Forrester Drive, poll worker in District One, said Trinity and Frist are equal—some bad, some good. He said parking is always an issue and districts are confusing. District One spends \$1000 to administer primaries for a dozen votes; consolidation makes sense. Mr. Leinsdorf also supported the U Store site.

Kristen Applegat, Princeton University, stated that University eliminated Frist as a polling site because of parking and access issues with nearby campus buildings.

Mayor Trotman read **Agenda Item K, New Business (1) — Resolution 2009-R107** as follows:

**RESOLUTION 2009-R107
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
MERCER COUNTY, NEW JERSEY
SUSTAINABLE JERSEY CERTIFICATION**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Princeton Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Princeton Borough hereby acknowledges that the residents of Princeton Borough desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Princeton Borough wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Princeton Borough is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices ; and

WHEREAS, as elected representatives of Princeton Borough, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW, THEREFORE, BE IT RESOLVED, that to focus attention and effort within Princeton Borough on matters of sustainability, Princeton Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification; and

BE IT FURTHER RESOLVED by the Princeton Borough Council that we do hereby authorize Lee Solow, Planning Director, to serve as Princeton Borough's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of Princeton Borough.

Councilman Martindell moved to approve Resolution 2009-R107, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, New Business (2) — Resolution 2009-R108** as follows:

**RESOLUTION 2009-R108
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING PARTICIPATION IN THE DEVELOPMENT OF THE
MERCER COUNTY WASTEWATER MANAGEMENT PLAN**

WHEREAS, the New Jersey Department of Environmental Protection readopted the Water Quality Management Planning rules, NJAC 7:15, with amendments, repeals and new rules in May 2008 with an effective date of July 7, 2008; and,

WHEREAS, the Rules transfer assignment and primary responsibility for the development and updating of Wastewater Management Plans to New Jersey counties; and,

WHEREAS, the Rules require counties to submit a county-wide Wastewater Management Plan to the NJDEP; and,

WHEREAS, the Rules stipulate that failure to submit an updated Wastewater Management Plan may result in the withdrawal of all wastewater service area designations; and,

WHEREAS, the NJDEP has made funding available in the form of grants-in-aid to the counties for development of the Wastewater Management Plans; and,

WHEREAS, Mercer County accepted its role in water resource planning as the responsible wastewater management planning agency for its thirteen municipalities and will fund preparation of the Plan; and,

WHEREAS, the Plan will result in 1) a county-wide proposed sewer service area; 2) a determination of future wastewater demand and proposed infrastructure needed to support demand in both urban and non-urban municipalities; 3) an analysis of groundwater and treatment plant capacity to support future wastewater needs; and 4) determination of water supply quality and quantity including measures to ensure adequate water supply; and,

WHEREAS, municipalities have the option to participate as informed local representatives; and,

WHEREAS, municipalities will participate in the quality control and assurance of data and to ensure consistency of the Plan with municipal growth plans and natural resource objectives and will not be required to make a monetary contribution to the development of the county-wide Wastewater Management Plan; and,

WHEREAS, municipalities will have continued access to data and information developed by the County for the Plan provided municipal data is supplied in an acceptable format to the County in accordance with the work program and schedule; and,

WHEREAS, the County will establish a mechanism for sharing data, information, and draft Plans to be used by the municipalities as desired; and,

WHEREAS, the Governing Body of the Borough of Princeton has concluded that it is appropriate, necessary and in the municipality's interest to fully participate in the development of the Mercer County Wastewater Management Plan through the full and active participation of the Municipal government,

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

1. The Borough of Princeton shall work with the County in the preparation of the Mercer County Wastewater Management Plan in accordance with a proposed work program and schedule issued by Mercer County;
2. The Borough of Princeton shall provide municipal data in an acceptable format to the County in accordance with the work program and schedule including any other documents as may be required; and,
3. The Borough of Princeton hereby designates the following people to act as authorized liaisons of the Borough of Princeton, to Mercer County in the development of the Mercer County Wastewater Management Plan:
 - Christopher M. Budzinski, P.E., Borough Engineer;
 - Lee Solow, P.P., Director, Regional Planning Board; and
 - Robert A. Hough, P.E., Manager, Princeton Sewer Operating Committee

Councilman Goldfarb moved to approve Resolution 2009-R108, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, New Business (3) — Resolution 2009-R109** as follows:

**RESOLUTION 2009-R109
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE SUBMISSION
OF AN APPLICATION FOR A LOAN FROM
THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
FINANCING PROGRAM**

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APPLICANT: THE PRINCETON SEWER OPERATING COMMITTEE, A JOINT AGENCY OF THE BOROUGH OF PRINCETON AND THE TOWNSHIP OF PRINCETON, ADMINISTERED BY THE BOROUGH OF PRINCETON

PROJECT NO.: S340656

WHEREAS, the Princeton Sewer Operating Committee, a joint agency of the Borough of Princeton and the Township of Princeton, administered by the Borough of Princeton, intends to file an Application for Financial Assistance with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the following:

Various Sanitary Sewer System Rehabilitation Projects

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

1. That Robert W. Bruschi, the Princeton Borough Administrator, is authorized to act as the Authorized Representative to represent the Princeton Sewer Operating Committee, a joint agency of the Borough of Princeton and the Township of Princeton, administered by the Borough of Princeton, in all matters relating to the projects undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Borough of Princeton, One Monument Drive, Princeton, New Jersey 08542, telephone (609) 497-7622.

2. This authorization is contingent upon the Township of Princeton adopting a reciprocal resolution authorizing the above referenced loan application.

3. A certified true copy of this resolution shall be furnished by the Clerk of the Borough of Princeton to the Clerk of the Township of Princeton and to the Princeton Sewer Operating Committee upon adoption.

Council President Koontz moved to approve Resolution 2009-R109 and Councilman Goldfarb seconded.

Council President Koontz pointed out that Federal stimulus funds are flowing through New Jersey Environmental Infrastructure program. He said Harrison Street Park is a candidate for stimulus money dedicated for environmental purposes. Mr. Bruschi stated that applications can be amended and plans resubmitted. Mr. Budzinski offered that only the storm sewer portion of Harrison (\$100,000) would qualify for Clean Water Act. He said plans need to be “shovel ready” at submission. Council discussed mechanisms for pursuing Infrastructure funds with the expertise and connections of Robert Hough, Sewer Operating Committee Manager.

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

Mayor Trotman read **Agenda Item K, New Business (4) — Resolution 2009-R110** as follows:

**RESOLUTION 2008-R110
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough previously entered 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.

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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 a contract for professional services with Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy (hereinafter referred to as "Provider") to provide Special Legal Counsel from March 1, 2009 through December 31, 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 special counsel to the Borough of Princeton to prosecute police disciplinary matters as requested by the Borough

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. **ADVANCE** The Borough shall pay the Provider at the rate of \$160.00 per hour for an additional amount of ten thousand dollars (\$10,000.00) total amount not to exceed twenty thousand dollars (\$20,000.00).

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.

Council President Koontz moved to approve Resolution 2009-R110 and Councilman Goldfarb seconded.

Councilman Martindell reviewed Arthur Thibault's work to date and anticipated needs. He noted that Mr. Thibault's full reports did not go to Council. Councilman Martindell mentioned three situations when Council needed—but did not get—advice from Mr. Thibault and Council was excluded from the decision process. Council must charge Mr. Thibault to be more responsive to Council. Councilman Martindell moved to table the resolution to the Public Safety committee. Hearing no second, Mayor Trotman declared the motion to table failed.

Councilman Goldfarb and Council President Koontz expressed satisfaction with Mr. Thibault's performance. Councilman Wilkes supported Councilman Martindell's sentiments but favored paying for work already done. Councilman Martindell articulated dismay at Council's oversight of the police department.

Mr. Bruschi proposed closely analyzing Mr. Thibault's monthly bills to determine his areas of action.

Ms. Cayci explained that Mr. Thibault's original contract was to serve as prosecutor and this amendment provides for the same. She suggested changing the description of scope if Council seeks broader special advice.

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Councilman Goldfarb requested copies of all invoices from all providers of legal services to Borough.

Mayor Trotman called the question and proclaimed the resolution passed three to one , with Councilman Martindell voting nay.

Mayor Trotman reminded everyone that Sustainable Princeton will hold a meeting 7:00 P.M., March 11, 2009, at Suzanne Patterson. The public is invited and encouraged to attend.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:05 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk