

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
May 12, 2009
Regular Meeting
Open Session 7:30 P.M.**

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

Absent: Councilwoman Margaret Karcher

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer Christopher M. Budzinski, Police Lieutenant Nicholas Sutter, Chief Finance Officer Sandra L. Webb, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:30 P.M.

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

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

Presented for approval were the minutes of the open session of April 28, 2009.

Councilman Goldfarb moved to approve the minutes of the open session of April 28, 2009, Council President Koontz seconded, and Council approved unanimously.

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

There were no public presentations.

Mayor Trotman read **Agenda Item F, Oath of Office (1) — Resolution 2009-R151** as follows:

**RESOLUTION 2009-R151
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APPOINTMENT OF MICHAEL BENDER
TO POLICE SERGEANT EFFECTIVE MAY 12, 2009**

WHEREAS, in accordance with Section 26-5 of the Code of the Borough of Princeton, Borough Police Chief Anthony Federico, based on Promotional Process Policy Volume I, Chapter 35 of the Princeton Borough Police Department, approved by Mayor and Council, has made recommendation to the Public Safety Committee to promote Patrol Officer Michael Bender to the position of Police Sergeant; and

WHEREAS, The Public Safety Committee recommends to Mayor and Council the appointment of Patrol Officer Bender to Police Sergeant; and

WHEREAS, Patrol Officer Bender has demonstrated the aptitude to be promoted to sergeant and is therefore eligible for promotion to Police Sergeant effective May 12, 2009;

May 12, 2009

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton do hereby confirm the appointment of Patrol Officer Michael Bender as Police Sergeant of the Princeton Borough Police Department effective May 12, 2009.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by the Borough Clerk to the Chief of Police.

Council President Koontz moved to approve Resolution 2009-R151, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item F, Oath of Office (2) — Resolution 2009-R152** as follows:

**RESOLUTION 2009-R152
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE APPOINTMENT OF CAROL A. RAYMOND
TO POLICE SERGEANT EFFECTIVE MAY 12, 2009**

WHEREAS, in accordance with Section 26-5 of the Code of the Borough of Princeton, Borough Police Chief Anthony Federico, based on Promotional Process Policy Volume I, Chapter 35 of the Princeton Borough Police Department, approved by Mayor and Council, has made recommendation to the Public Safety Committee to promote Patrol Officer Carol A. Raymond to the position of Police Sergeant; and

WHEREAS, The Public Safety Committee recommends to Mayor and Council the appointment of Patrol Officer Raymond to Police Sergeant; and

WHEREAS, Patrol Officer Raymond has demonstrated the aptitude to be promoted to sergeant and is therefore eligible for promotion to Police Sergeant effective May 12, 2009;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton do hereby confirm the appointment of Patrol Officer Carol A. Raymond as Police Sergeant of the Princeton Borough Police Department effective May 12, 2009.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by the Borough Clerk to the Chief of Police.

Mayor Trotman moved to approve Resolution 2009-R152, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman swore in Sgt. Michael Bender. Sgt. Bender's wife held the Bible as he took the oath.

Mayor Trotman swore in Sgt. Carol A. Raymond. Sgt. Raymond's mother held the Bible, while her family stood by, as she took the oath.

Lt. Sutter recognized the two new sergeants for their performance in the promotion process, which requires intense preparation. Both recruits had been thrust unexpectedly into leadership positions, and they handled the challenge well.

Mayor Trotman read by title **Agenda Item G, New Business (1) — 1st Quarter Financial Report - Robert W. Bruschi, Borough Administrator; Sandra Webb, Chief Finance Officer.**

Mr. Bruschi stated that the first quarter financial report is always skewed by timing of some items. He expressed cautious optimism.

Councilman Goldfarb asked about construction code revenue trend. Councilman Wilkes pointed out two large ongoing construction projects—Hulfish North and Building C. Mr. Bruschi mentioned that there are many smaller building plans.

Councilwoman Trelstad questioned the hotel/motel tax. Sandra Webb, Chief Finance Officer, responded that previous miscalculations have been remedied and current position is appropriate.

Mayor Trotman proclaimed addition to the agenda of **Ordinance 2009-17** and **Resolution 2009-R160**.

Mayor Trotman read by title new **Agenda Item — Introduction and Order to Publish: Ordinance 2009-17** AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PRINCETON, NEW JERSEY.

Ms. Webb explained that the cap bank allowance is 2.5%; the ordinance permits Borough to bank the additional 1% (to Borough's benefit for this budget and two future budgets).

Councilman Goldfarb clarified that the cap is 2.5% above 2008 budget; in fact, the 2009 budget to be introduced is *lower* than 2008. Ordinance 2009-17 should provide flexibility that may or may not be needed later.

Councilman Goldfarb moved to introduce Ordinance 2009-17; Councilwoman Trelstad seconded.

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 Koontz, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held June 9, 2009.

Mayor Trotman read by title **Agenda Item G, New Business (2) — Introduction and Authorization to Publish – 2009 Borough of Princeton Municipal Budget.**

Councilman Goldfarb moved to introduce the 2009 budget and Councilman Wilkes seconded.

Mr. Bruschi offered some comments to frame the discussion. He said the proposed budget is below 2008 budget, reflecting the two goals assigned to staff: Do not raise salaries (by reducing workforce costs) and coordinate zero tax increase. Mr. Bruschi cautioned Council that not raising taxes keeps the tax base “artificially low” in case of (possible) future surprises.

Ms. Webb stated that surplus was depleted about \$800,000 in 2008; the expectation is to replenish to \$1.9 million. Mr. Bruschi observed that an \$800,000 replenishment goal is not attainable in one year.

Councilman Martindell counted out 12 staff positions eliminated. Mr. Bruschi clarified that some reductions resulted from unfunded vacancies. Mr. Bruschi was willing to review any impending new hires with Council.

Council President Koontz spoke opposing the 2009 budget:

- It is wrong to spend surplus that was already inadequate by bonding agency standards.
- It is difficult to replenish surplus.
- The burden is disproportionate—falling most heavily on non-union personnel.
- Downtown is negatively affected by parking increases (meters, garage, fines).
- Service reductions *cannot* be maintained (Health Department, in particular).
- New Jersey 4% limit on tax increases will carry lower dollars forward.
- All other taxes on Borough residents are going up significantly.

Councilman Goldfarb reflected cutbacks appeared greater for union employees. Council President Koontz countered that union reductions were not layoffs; rather, openings not filled. Council engaged in a brief talk about the impact of personnel reductions.

Councilman Wilkes resisted competing for *most harmed*. He said, “The argument that we should increase our budget this year in order to increase it more next year . . . is heartless.” He challenged the notion that Sunday parking fees are unprecedented, providing nearby examples in Lambertville, New Hope, and towns at the shore. Councilman Wilkes stated that the proposed 2009 zero-increase budget is a “critical first step to control the affordability of living in Princeton Borough.”

Councilman Martindell agreed heartily with Councilman Wilkes and commended his eloquence.

Councilwoman Trelstad applauded staff’s efforts in creating this budget.

Mayor Trotman announced a public session on the budget for June 9, 2009. She asked if anyone in the audience wanted to address Council today.

Jack Morrison, on behalf of downtown merchants, praised Council and staff endeavors to hold the tax line flat. He said merchants hope to find alternatives to Sunday and extended evening parking charges before budget approval next month. Mr. Bruschi explained the process of amending a budget through public participation. He said it is ultimately Council’s decision whether or not to modify the budget on June 9.

Mr. Morrison stated that merchants are looking for a better, more open line of communication from the governing body. Mayor Trotman and Mr. Bruschi agreed to a mutual “heads up” with merchants.

Councilman Martindell mentioned the Landau brothers’ (Nassau Street shopkeepers) search for a commonality of interest among merchants and residents. Councilman Martindell wanted to pursue parking strategies that increase downtown business.

Councilman Wilkes suggested assigning a Council liaison to merchant groups.

Councilman Goldfarb pushed again for formation of a special business improvement district (SID) and promised to revisit Sunday parking if warranted.

Travis Linderman, Merchants for Princeton, requested suggestions from Council about dialogue with Borough leadership for his group's next meeting.

Jenny Crumiller, Library Place, asked if the budget workbook will be posted on Borough Website. Mr. Bruschi replied that the a summary budget is already available; the complete book is too vast to be readable on most home computers. A friendly, line-item format may be possible in the future.

Mayor Trotman closed the public session and asked Borough Clerk to call the roll. Council members Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Council President Koontz voted nay. Mayor Trotman proclaimed the 2009 budget introduced, four to one, with a public hearing to be held June 9, 2009.

Mayor Trotman read by title **Agenda Item G, New Business (3) — Introduction and Order to Publish: Ordinance 2009-16 BOND ORDINANCE PROVIDING FOR IMPROVEMENT TO HARRIET DRIVE IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Councilman Goldfarb moved to introduce Ordinance 2009-16; Councilwoman Trelstad seconded.

Councilman Goldfarb wondered about the associated special assessment for the sidewalk. Christopher Budzinski, Borough Engineer, replied that Ordinance 2009-16 is strictly to fund the actual improvement; that the assessment ordinance to follow. Mr. Bruschi added that bidding this job is to "test the market" for major ventures coming up later. Council debated introducing an ordinance without neighborhood feedback and assessments in place.

Mayor Trotman declared that it is Council policy not to debate controversial topics during summer months when Council members are likely to be unavailable.

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 Koontz, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing scheduled for June 9, 2009.

Mayor Trotman read **Agenda Item G, New Business (4-8) — Resolutions 2009-R153, 2009-R154, 2009-R155, 2009-R156, and 2009-R157** as follows:

May 12, 2009

Bayard Lane Sidewalk Program
(Project Name)

From: **Hodge Road**

To: **Monument Drive**

in the Municipality of **Princeton Borough** County of **Mercer**

State of New Jersey for a distance of **0.33** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$86175**. The Sponsor requests **\$86175** in State funds and anticipates contributing **\$0**,

AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

- | | |
|--|--|
| <input type="checkbox"/> Resurfacing | <input type="checkbox"/> Culvert (Less than 20 foot span) |
| <input type="checkbox"/> Roadway Reconstruction | <input type="checkbox"/> Bridge (20 foot span or greater) |
| <input type="checkbox"/> Surface Treatment | <input checked="" type="checkbox"/> Safety Improvement |
| <input type="checkbox"/> Traffic Signal Installation | <input type="checkbox"/> Safe Streets to Schools |
| <input type="checkbox"/> Intersection Improvement | <input checked="" type="checkbox"/> Other (Describe Below) |
| <input type="checkbox"/> Bikeway | <u>Sidewalk Replacement</u> |

Scope of Work (Provide a detailed written description of the project - use additional sheets if necessary)

Project involves the removal and replacement of severely deficient sidewalk along State Highway US Route 206 (Bayard Lane). Princeton Borough petitioned the Department to address this issue and Commissioner Dilts recommended application to this funding source. The current condition of the sidewalk is unsafe, with numerous sections of heaved and displaced sidewalk, which is a pedestrian safety hazard. Many pedestrians traverse this sidewalk to attend the nearby Arts Council, YMCA Princeton Public Library and Downtown Central Business District. Improvement to this section of sidewalk will greatly improve public safety.

[SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT]

Total Estimated Cost of Improvement (Attach a detailed cost estimate)

Construction Cost (From attached estimate)	\$79,792.00
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	\$0.00
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	\$0.00
Construction Inspection and Material Testing if requesting (15% of the final allowable construction cost maximum)	\$6,383.00
Total Estimated Cost	\$86,175.00

Project Information

Is utility work planned within the project limits over the next five (5) years? – Yes _____ No **X**
Is the purchase of right-of-way required before the start of project construction? – Yes _____ No **X**
Does the project intersect a State Highway? – Yes **X** No _____ If yes, which highway? **US Route 206**
If Yes, is the intersection signalized? – Yes _____ No **X**
Is there a railroad crossing within the project limits? – Yes _____ No **X**
Is there a railroad crossing 100 feet outside of the project limits? - Yes _____ No **X**
Will the construction impact traffic across a railroad crossing outside the project limits? – Yes _____ No **X**

ADDITIONAL FORMS OR DOCUMENTS REQUIRED - ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT

Traffic Signal and/or Channelization - Attach a copy of the “Authorization to Design or Install”

Roadway Project – Attach a copy of “Appendix RD”

Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"

Bikeway Project – Attach a copy of "Appendix BW"

Safe Streets to Schools Project – Attach a copy of "Appendix SS"

Location map - 8 ½” x 11” only, showing project limits (all information must be clear and legible with street names labeled)

NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the

total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.

d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.

e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.

f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.

g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:

1. Preparation of contract drawings and supplementary specifications.
2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
3. Construction of the above referenced improvement.
4. Monitoring and supervising compliance with all provisions of this Agreement.

h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.

i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.

j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.

k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.

l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.

m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.

n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.

- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
 - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.
 - 1. Two (2) copies of the summary of construction bids.
 - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.

aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:

1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.

2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.

3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.

bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.

cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.

ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.

gg. It shall maintain the completed project in a manner satisfactory to the Department.

hh. It will comply with Title VI of the 1964 Civil Rights Act.

ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.

jj. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the **Administrator** and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

FOR THE SPONSOR

ATTEST and AFFIX SEAL _____

(Clerk)

(Presiding Officer)

May 12, 2009

FOR THE DEPARTMENT OF TRANSPORTATION

Fiscal Year/Funds: _____

Job Number: _____

Account: _____

State Funds: _____

FA0 Number _____

Certification of Funds _____
Date

By _____
Director, Division of Accounting and Auditing

APPROVED: _____
Michael Russo, Director, Division of Local Aid and Economic Development Date

It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of Transportation or Designee on _____ .

Secretary, Department of Transportation

**RESOLUTION 2009-R155
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING PURCHASE OF TURNOUT GEAR
FOR PRINCETON FIRE DEPARTMENT**

WHEREAS, the Borough of Princeton wishes to purchase 28 sets of Morning Pride-brand Firefighters Turnout Gear through the New Jersey’s Cooperative Purchasing Program (N.J.S.A. 40A:11-12) and;

WHEREAS, Total Fire Group Inc., has been awarded the New Jersey State Contract #71050 for Morning Pride-brand Firefighters Turnout Gear and;

WHEREAS, Witmer Associates, 104 Independence Way, Coatesville, PA is the authorized vendor on behalf of Total Fire Group Inc. for this State Contract, and:

WHEREAS, the 28 sets of replacement Firefighter Turnout Gear purchase cost is \$59,360.00 and the appropriate monies are provided in the Capital Fund Budget for the Borough of Princeton in the amount of \$59,360.00 and;

WHEREAS, the Chief Financial Officer has certified the availability of said funds in Ordinance 2008-24, Fire Equipment – C-04-08-024-310

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Princeton authorize the Borough Administrator to purchase the above 28 sets of Morning Pride –brand Firefighters Turnout Gear for the Princeton Fire Department under state contract from Witmer Associates on behalf of Total Fire Group Inc.

**RESOLUTION 2009-R156
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES
IN CONNECTION WITH GIS WORK TO VAN NOTE HARVEY ASSOCIATES, PC**

WHEREAS, the Borough had previously entered into an agreement 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 Van Note Harvey Associates P.C, located at 777 Alexander Road, Princeton, New Jersey 08540, (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, said Agreement has now expired; and the Borough wishes to continue to retain the Provider to provide GIS work; 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 work on the Borough GIS base mapping and scanning, for a total fee of nineteen thousand dollars (\$19,000.00).

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.

**RESOLUTION 2009-R157
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
UNIVERSITY MEDICAL CENTER AT PRINCETON**

WHEREAS, The University Medical Center At Princeton is planning their 31st Annual Princeton HealthCare 10K Race and Children's Marathon on Saturday, June 7, 2009; and

WHEREAS, The University Medical Center has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Monday, June 1 through Monday, June 8, 2009 to inform the public of the Race; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

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

May 12, 2009

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

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

Council President Koontz moved to approve Resolutions 2009-R153, 2009-R154, 2009-R155, 2009-R156, and 2009-R157; Councilman Wilkes seconded; Borough Council approved unanimously.

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

**RESOLUTION 2009-R158
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Anthony V. Federico, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of March 2009; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the March 2009 Monthly police report prepared by the Chief of Police.

Lt. Sutter congratulated Officer Daniel Citren, named Officer of the Year.

Including promotions recognized today, Lt. Sutter said there are now six sergeants on the force.

Council President Koontz moved to accept the police report and Councilman Martindell seconded. Council approved five to zero.

Mayor Trotman read **Agenda Item I, Discussion — Request for Proposal (RFP)/Police Study**.

Councilman Goldfarb, noting that Chief Federico is not present, recommended tabling discussion of the RFP until Chief Federico is available to advise Council.

Councilman Martindell suggested Council proceed to evaluate options. Councilman Goldfarb insisted that Chief Federico should enlighten Council as to (1) what the department really wants to know and (2) what information he himself can provide to public and Council. When/If Chief Federico does not have or cannot provide information of value that can be obtained reliably from contractors, an RFP might be discussed.

Councilman Martindell argued that pertinent facts are not going to come from inside the department.

1. Were recent investigations handled fairly for the officers, the department, and the taxpayers? An outside perspective is imperative. A cheaper procedure must be found.

2. Why are officers leaving the force? Interviews should be held by an independent body.
3. How can the relationship between Borough Council and Police Department be restructured for better communication and less friction?

Councilman Wilkes stated Council needs Chief Federico's input when voting to accept an RFP expenditure. Prior to that, Councilman Wilkes wants to know about credentials and costs.

Council President Koontz noted the public's desire to know appropriate level of protection (total force number) and management of internal discipline. He sought consensus from Council to determine what is needed, what Chief Federico can supply, and what Council can learn from other municipalities' experiences.

Councilwoman Trelstad emphasized that Council did not have control over management of the police disciplinary proceedings. She supported Councilman Martindell's idea to find an independent interviewer of departing officers.

Councilman Goldfarb said Council first must decide what the police department will do—examine what *is* done and choose essentials.

Councilman Goldfarb reminded that Mercer County prosecutors office fully supported actions of Borough Police Department. He felt an independent evaluation would waste money.

Councilman Martindell viewed Mr. Bruschi's RFP at \$10–15,000 to be reasonable for a “quick look-see.” Councilman Martindell stated the point of the study—guiding Council toward a relationship between the governing body and police force with respect to management; in particular, personnel issues.

The Borough Administrator expressed doubt that “targeted review” should bid at more than \$7–8,000. Mr. Bruschi stressed the need for dialogue about police staffing. An important issue for future discussion is direction of a Borough/Township consolidated police department.

Council President Koontz summarized Mr. Bruschi's highlights:

1. Oversight—ordinance change is under Council's control
2. Staffing level—has been managed appropriately in the past.

Speaking for the Chief, Mr. Bruschi said the grievance process is too cumbersome. Mr. Bruschi found no harm in issuing the RFP.

In regard to the Mercer County prosecutor, Councilman Wilkes quoted “trust but verify.”

Councilman Goldfarb stated that the State of *New Jersey* will pay for a unified police study. Next is formation of a consolidation & joint services committee.

May 12, 2009

Council President Koontz was concerned whether Mercer County prosecutor's office was aware that Borough is considering evaluating their performance during the three officers' suspensions.

Councilman Martindell moved to proceed with issuing the RFP and Councilwoman Trelstad seconded. Mayor Trotman called the question by show of hands. The motion carried three to two.

Mayor Trotman read **Agenda Item J, Correspondence — 7th Annual Ivy Fest — Richard Ryan, Ivy Inn.**

Councilman Goldfarb moved to approve as arranged in previous years. Council President Koontz seconded. Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for May 12, 2009 — Resolution 2009-R159** as follows:

**RESOLUTION 2009-R159
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE May 12, 2009 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 (9-01)	5,003,095.87
RESERVE ACCOUNT (8-01)	47,277.55
PARKING UTILITY OPERATING FUND (9-05)	59,657.51
PARKING UTILITY OPERATING FUND (8-05)	7,621.25
AFFORDABLE HOUSING OPERATING ACCT (9-24)	150.00
IMPROVEMENT ASSESSMENT (9-11)	
AFFORDABLE HOUSING OPERATING ACCT (8-24)	
CAPITAL ACCOUNT (C-04)	46,241.94
PARKING UTILITY CAPITAL FUND (P-08)	18,262.23
ESCROW (E-30)	8,408.06
TRUST FUND (T-13)	12,650.00
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (9-22)	
MANUAL	782,971.03
ASSESSMENT TRUST FUND (9-11)	
GRANT (G-02)	

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of May 12, 2009 as presented.

Council President Koontz moved to approve Resolution 2009-R159, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read new **Agenda Item, Resolution 2009-R160** as follows:

**RESOLUTION 2009-R160
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING LOCAL BUDGET EXAMINATION
FOR THE 2008 MUNICIPAL BUDGET**

May 12, 2009

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 2009;

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.

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.

Council President Koontz moved to approve Resolution 2009-R160, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Council President Koontz moved to adjourn; Councilwoman Trelstad seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 9:30 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk