

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
July 14, 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, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, and Mayor Mildred Trotman

Absent: Councilwoman Margaret Karcher

Staff Present: Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Chief Finance Officer Sandra L. Webb, Borough Clerk Andrea Lea Quinty

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

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of July 14, 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-R187**, as follows:

**RESOLUTION 2009-R187
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JULY 14, 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. Negotiations — Princeton Township/North Ridge
2. Negotiations — Princeton University
3. Closed session minutes — June 9, 2009

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.

July 14, 2009

Council President Koontz moved to approve; Councilwoman Trelstad seconded. Council members Koontz, Goldfarb, 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 7:30 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 June 9, 2009.

Councilwoman Trelstad moved to approve the minutes of the open session of June 9, 2009, with a correction. Councilman Martindell seconded, and Council approved unanimously five to zero.

Presented for approval were the minutes of the closed session of June 9, 2009.

Council President Koontz moved to approve the minutes of the closed session of June 9, 2009, with a deletion. Councilman Martindell seconded, and Council approved unanimously.

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

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

Mayor Trotman noted the death of Police Chief Anthony V. Federico June 28, 2009 and commended the Borough Police Department during the difficult time surrounding his sudden death. Mayor Trotman thanked the Princeton Township Police and Mercer County Sheriffs Department in addition to various surrounding communities for their assistance.

Councilman Goldfarb and members of Council acknowledged the long-term benefits of Chief Federico's contributions and his dedication to the police department and Princeton community.

Mayor Trotman read **Agenda Item G, Correspondence (1)** — *Todd Reichart, Pine Street Neighborhood.*

Councilman Goldfarb moved to approve the suggested memorial design for David Bradford located in Pine Street Park. Councilwoman Trelstad seconded.

Council President Koontz supported the memorial stating it was well thought out and tasteful for Mr. Bradford, whose legacy is a very fine park on Pine Street.

Borough Council unanimously approved the motion. The proposed memorial design was approved.

Mayor Trotman read by title **Agenda Item H, Old Business (1) — Final Improvement Assessment for Project 08-03.**

**RESOLUTION 2009-R188
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CONFIRMING REPORT OF THE SIDEWALK IMPROVEMENT OFFICER
FOR CAPITAL PROJECT 2008-03/WILSON ROAD**

WHEREAS, by Ordinance No. 2008-26, entitled, “ORDINANCE APPROPRIATING \$16,000 FROM THE CAPITAL SURPLUS FUND TO PROVIDE CURBING IMPROVEMENTS ON CERTAIN PROPERTIES LOCATED ON WILSON ROAD IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, AND DIRECTING THE SPECIAL ASSESSMENT THE COST THEREOF” adopted November 5, 2008, curb 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 four point five percent (4.5%) per annum on the 14th day of July 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.

| BLK | LOT | LOCATION | OWNER/ADDRESS | TOTAL ASSESSMENT |
|------------|------------|-----------------|---|-------------------------|
| 3.01 | 27 | 64 WILSON | KESTER R & FREDRIKA H. PIERSON 64 WILSON RD PRINCETON, NJ 08540 | \$2185.99 |
| 3.01 | 32 | 50 WILSON | HERITAGE HOME BUILDERS 10 WINDMERE WAY PRINCETON, NJ 08540 | \$3,959.20 |
| 3.01 | 35 | 106 WILSON | RUTH C. THORNTON 106 WILSON ROAD PRINCETON, NJ 08540 | \$1,332.80 |
| 3.01 | 36 | 94 WILSON | NANCY G. MANNING 94 WILSON ROAD PRINCETON, NJ 08540 | \$2,454.70 |
| 3.01 | 37 | 84 WILSON | PAUL A. & MARILYN KAY TAYOR 84 WILSON ROAD PRINCETON, NJ 08540 | \$2,548.00 |
| 3.01 | 38 | 74 WILSON | WILLIAM N. & ANGELA N.H.CREAGER | \$2,178.34 |

74 WILSON ROAD
PRINCETON, NJ 08540

Councilwoman Trelstad moved to adopt Resolution 2009-R188; Councilman Goldfarb 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 resolution passed five to zero.

Mayor Trotman read **Agenda Item I, New Business (1) — Resolution 2009-R189** as follows:

**RESOLUTION 2009-R189
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough of Princeton desires to amend an existing professional services agreement in connection with certain activities as hereafter more particularly stated, and

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

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

The Mayor and Clerk are hereby authorized to enter into an amended contract for professional engineering services with Carl E. Peters LLC, 63 Moran Avenue, Princeton NJ 08542 (hereinafter referred to as "Provider") to provide continued consultant services for the Borough from July 14, 2009 through December 31, 2009, as hereafter more particularly stated.

1 . The contract so authorized shall require the Provider to provide continued professional engineering services and other related duties, for an additional amount of \$10,000.00 and a total amended contract amount not to exceed \$30,000.00.

Under this Agreement, Provider shall at all times act as an independent professional contractor 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.

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 acknowledged the ongoing value of Mr. Peters's history with Borough. Councilman Wilkes moved to approve Resolution 2009-R189, Councilman Martindell seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (2) — Resolution 2009-R190** as follows:

**RESOLUTION 2009-R190
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT**

**FOR MUNICIPAL PROSECUTOR SERVICES
FOR THE BOROUGH PRINCETON**

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

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

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

WHEREAS, Kenneth W. Lozier, Esq. was appointed on January 1, 2009 as Municipal Prosecutor; and

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

WHEREAS, Kenneth W. Lozier has completed and submitted a Business Entity Disclosure Certification which certifies that Kenneth W. Lozier, Esq. and Roselli Griegel, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit Kenneth W. Lozier, Esq. and Roselli Griegel, P.C. from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with Kenneth W. Lozier, Esq. as described herein for an amount not to exceed \$37,200 through December 31, 2009; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Council President Koontz moved to approve Resolution 2009-R190, Councilwoman Trelstad seconded, and Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (3 and 4) — Resolution 2009-R191 and 2009-192** as follows:

**RESOLUTION 2009-R191
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **HiTOPS, 21 Wiggins Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2009 through December 31, 2009**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide adolescent sexual transmitted disease services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$5,000.00**.

Under this Agreement, Provider shall at all times act as an independent professional contractor 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.

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 2009-R192
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **HiTOPS, 21 Wiggins Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2009 through December 31, 2009**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide adolescent health education services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$4,000.00**.

Under this Agreement, Provider shall at all times act as an independent professional contractor 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.

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 Resolutions 2009-R191 and 2009-R192. Council confirmed the continuing need for services provided by HiTOPS for adolescent health education sexually transmitted disease consultation. Council President Koontz stated a change in leadership at HiTOPS—Elizabeth M. Casparian replacing Lori Heninger as Executive Director. Councilman Goldfarb seconded the motion. Council approved unanimously.

Mayor Trotman read **Agenda Item I, New Business (5–14) — Resolutions 2009-R193, 2009-R194, 2009-R195, 2009-R196, 2009-R197, 2009-R198, 2009-R199, 2009-R200, 2009-R201, and 2009-R202**, as follows:

**RESOLUTION 2009-R193
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING GRANT AGREEMENT WITH NJ DEPT OF COMMUNITY AFFAIRS
LEAD IDENTIFICATION AND FIELD TESTING 2009 (LIFT)**

WHEREAS, the Mayor and Council of the Borough of Princeton desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$6,456 to Purchase IT equipment to aid in lead risk assessments in the Borough of Princeton and Township of Princeton ;

BE IT THEREFORE RESOLVED;

1) the Mayor and Council of the Borough of Princeton does hereby authorize the application for such grant; and

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Princeton and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

**RESOLUTION 2009-R194
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATIONS FOR
ASSOCIATE MEMBERS**

WHEREAS, in February 2009 Borough Council approved an amendment to Articles III, IV and V of Chapter 14 of the Code of the Borough of Princeton which expanded the volunteer fire member classification to include Princeton University employees as Associate Members; and

WHEREAS, the membership applications have been reviewed by the appropriate municipal officers; and

WHEREAS, the following employees of Princeton University have met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as Associate Members of the PRINCETON FIRE DEPARTMENT:

Neal Amato, Jr.
Michael Christensen
Frank Ciancetti
Vincent Cuomo
Roger Denareski
Brian Glendon
Twylen Hicks
Gregory Iannarelli
Richard LaMothe
Raymond Lane
Christopher Machusak
Antonino Maio
Daniel Voicheck

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the applications for Associate Membership to the Office of the Borough Administrator, the Fire Chief, Princeton University and Fire Companies.

**RESOLUTION 2009-R195
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
TO AWARD A CONTRACT TO COMPUTER SYSTEMS AND METHODS CORPORATION.**

WHEREAS, the Borough of Princeton wishes to purchase 8 General Dynamics Model GD-6000 semi-rugged laptop computers through the New Jersey Cooperative Purchasing Program (N.J.S.A. 40A:11-12) and;

WHEREAS, the Borough of Princeton wishes to purchase 8 sets of mounting hardware for laptop computers in the various fire apparatus in the Princeton Fire Department fleet through the New Jersey Cooperative Purchasing Program (N.J.S.A. 40A:11-12) and;

WHEREAS, the Borough of Princeton wishes to purchase labor for the installation and mounting of the laptops and hardware described above, through the New Jersey Cooperative Purchasing Program (N.J.S.A. 40A:11-12) and;

WHEREAS, Computer Systems and Methods Corporation, 15 Maple Street, Somerville, NJ 08876 has been awarded the New Jersey State Contract #T1785 for General Dynamics Model GD-6000 semi-rugged computers, Gamber Johnson mounting hardware (various), and labor for the installation mounting hardware and computers;

WHEREAS, the 8 General Dynamics semi-rugged computers, mounting hardware, labor and extended warranty's purchase cost is \$44,139.00 and the appropriate monies are provided in three Capital Fund Budgets (2006-15 \$1,062.00/2007-20-\$7657.61/2008-24-\$35,419.39) for the Borough of Princeton; and

WHEREAS, the Chief Financial Officer has certified the availability of said funds in Ordinance 2006-15, Ordinance 2007-20 and Ordinance 2008-24;

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Princeton authorize the Borough Administrator to purchase the above 8 General Dynamics GD-6000 semi-rugged laptops, mounting hardware and labor for the Princeton Fire Department under state contract from Computer Systems and Methods Corporation.

**RESOLUTION 2009-R196
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
IN THE COUNTY OF MERCER, NEW JERSEY
DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT
COSTS FROM PROCEEDS OF DEBT OBLIGATION IN CONNECTION WITH THE
BOROUGH'S PARTICIPATION IN THE 2009 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE FINANCING PROGRAM**

WHEREAS, the Borough of Princeton, in the County of Mercer, New Jersey (the "Borrower") intends to construct, renovate or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may incur and pay for certain costs of the Project ("Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower which are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs incurred and paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW THEREFORE, BE IT RESOLVED by the Members of the governing body of the Borrower, in the County of Mercer, New Jersey as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs incurred and paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations Section 150.2

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the project at this time is \$3,350,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations Section 1.148-10 to avoid arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds," including "sinking funds," "pledged funds," of funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

EXHIBIT A

Various rehabilitation projects throughout the Princeton Sewer Operating Committee's sanitary sewer service area

**RESOLUTION 2009-R197
DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,350,000
GENERAL IMPROVEMENT BONDS, SERIES 2009, OF THE BOROUGH OF PRINCETON, IN
THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW
JERSEY PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
TRUST FINANCING PROGRAM.**

WHEREAS, the Borough of Princeton (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough for various rehabilitation projects throughout the Princeton Sewer Operating Committee's sanitary sewer service area (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2009, in an aggregate principal amount not to exceed \$3,350,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Borough as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$3,350,000, in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinance of the Borough, which bond ordinance is entitled "BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,720,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,720,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF", supplemented by a bond ordinance entitled, "BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,350,000 FOR THE REHABILITATION OF THE SEWER SYSTEM IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,350,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION" and was finally adopted by the Borough at a meeting duly called and held on June 14, 2005, as supplemented June 23, 2009, respectively, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$3,350,000;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

(a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;

(b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESOLUTION 2009-R198

AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Princeton (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough for various rehabilitation projects throughout the Princeton Sewer Operating Committee's sanitary sewer service area (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2009, in an aggregate principal amount not to exceed \$3,350,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Borough by either the Mayor or the Chief Financial Officer in substantially the forms filed in the Borough Clerk's Office with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Borough (collectively, the "Borough Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Borough Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Borough as determined hereunder and to affix the corporate seal of the Borough to such Financing Documents.

Section 2. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

**RESOLUTION 2009-R199
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of

revenue in the sum of \$6,786.00 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Public Health Priority Funding**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$6,786.00 be and the same is hereby appropriated under the caption of “**State of New Jersey – Public Health Priority Funding**”

**RESOLUTION 2009-R200
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$558.78 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Cops in Shops**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$558.78 be and the same is hereby appropriated under the caption of “**State of New Jersey – Cops in Shops**”

**RESOLUTION 2009-R201
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$2,819.50 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Clean Communities**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$2,819.50 be and the same is hereby appropriated under the caption of “**State of New Jersey – Clean Communities**”

**RESOLUTION 2009-R202
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
CHAPTER 159- SPECIAL BUDGET ITEM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when

such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$12.50 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Over the Limit**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$12.50 be and the same is hereby appropriated under the caption of “**State of New Jersey – Over the Limit**”

Council President Koontz moved to approve Resolutions 2009-R193, 2009-R194, 2009-R195, 2009-R196, 2009-R197, 2009-R198, 2009-R199, 2009-R200, 2009-R201, and 2009-R202. Councilman Martindell seconded. Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, Bill List for July 14, 2009 — Resolution 2009-R203** as follows:

**RESOLUTION 2009-R203
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE July 14 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) | 2,250,884.87 |
| RESERVE ACCOUNT (8-01) | 694.00 |
| PARKING UTILITY OPERATING FUND (9-05) | 25,484.15 |
| PARKING UTILITY OPERATING FUND (8-05) | 550.00 |
| AFFORDABLE HOUSING OPERATING ACCT (9-24) | 2,427.50 |
| IMPROVEMENT ASSESSMENT (9-11) | |
| AFFORDABLE HOUSING OPERATING ACCT (8-24) | |
| CAPITAL ACCOUNT (C-04) | 1,128,107.91 |
| PARKING UTILITY CAPITAL FUND (P-06) | 2,399.80 |
| ESCROW (E-30) | 27,000.50 |
| TRUST FUND (T-13) | 28.00 |
| GENERAL INSURANCE | |
| FLEXIBLE SPENDING FUND (9-22) | |
| MANUAL | 2,579,203.07 |
| ASSESSMENT TRUST FUND (9-11) | 25,000.50 |
| GRANT (G-02) | 4,879.00 |

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of July 14, 2009 as presented.

Councilwoman Trelstad moved to approve Resolution 2009-R203, Council President Koontz seconded, and Council approved unanimously.

July 14, 2009

Council President Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 7:50 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk