

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 8, 2011
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler,
Councilwoman Jenny Crumiller, Councilman David Goldfarb,
Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor
Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Princeton Regional Health
Commission Officer David Henry, Chief Financial Officer Sandra L.
Webb, Deputy Borough Clerk Delores A. Williams

Mayor Trotman called the meeting to order at 7:00 P.M. and read the open public meetings
statement as follows:

*“This meeting is called to order pursuant to the provisions of the Open Public Meetings
Law. This meeting of March 8, 2011, 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 Deputy Borough Clerk is directed to include this statement in the
minutes of this meeting.”*

Mayor Trotman read **Agenda Item C, Resolution 2011-R73**, as follows:

**RESOLUTION 2011-R73
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MARCH 8, 2011**

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 University
2. Personnel
3. Negotiations — NHKT

WHEREAS, minutes will be kept and once the matter involving confidentiality of the above no longer
requires that confidentiality, then minutes can be made public; and

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

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

Borough Council recessed into closed session.

At 7:35 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, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

Councilman Martindell commented that the full cost of the recent police disciplinary action was \$440,000. He asked colleagues on Public Safety to view the issue to ascertain how to avoid that kind of settlement again. Council President Wilkes, Police Commissioner and Public Safety Chair, noted the request.

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

Mayor Trotman read **Agenda Item G, New Business (9) — Resolution 2011-R80** as follows:

**RESOLUTION 2011-R80
BOROUGH AND TOWNSHIP OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY**

WHEREAS the Borough and the Township of Princeton endorse Sustainable Princeton's commitment to best environmental practices and its initiative to encourage the use of cloth bags and re-usable, recycled, and recyclable plastic and paper bags; and

WHEREAS manufacture of new plastic bags increases unsustainable American demand for fossil fuels by 12 million barrels per year, and American citizens discard 100+ million plastic bags a year (of which only 1 - 3% are recycled); and

WHEREAS plastic bags in landfills take 400+ years to degrade and are the second-largest pollutants of oceans; and

WHEREAS paper bags require 40% more energy to create and generate 80% more solid waste than plastic bags; and

WHEREAS plastic bags, because they are noncompostable, are environmental hazards that clog sewer systems, pollute waterways, make water-purification more expensive, and kill mammals, birds, and aquatic life; and

WHEREAS nations (from China to Sweden) and municipalities (San Francisco, Toronto, Westport [CT, pop. 27,000]) have banned or otherwise sharply curtailed distribution of new plastic bags and encourage use of cloth bags or reusable recycled plastic bags; and private companies worldwide increasingly discourage use of new plastic bags; and

WHEREAS the Borough and the Township recognize their social and economic duties to protect the health of their citizens and the natural environment, and their civic responsibility to implement practices that will reduce environmentally destructive and inappropriate use of plastic and paper bags;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Princeton and the Township Committee of the Township of Princeton that June 9, 2011, shall commence the "B.Y.O. Bag Campaign" ("Bring Your Own Bag Campaign"), whereby both governing bodies strongly recommend that all citizens and residents honor the spirit and actions of Sustainable Princeton by engaging in the following environmentally best practices, in perpetuity: to re-use or purchase their own cloth bags, to use re-usable plastic bags and re-usable paper bags (instead of accepting new bags from merchants), and to urge neighbors and friends to do likewise; and Borough Council and Township Committee further recommend that all merchants distribute or sell cloth bags or recycled plastic bags or recycled paper bags and cease to offer new plastic bags.

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Councilwoman Trelstad moved to approve Resolution 2011-R80 and Councilwoman Butler seconded.

Daniel Harris (present with co-author Mary Brophy) reported on the national and international nature of the Bring Your Own Bag campaign. Mr. Harris invited everyone to the kick-off—to include a movie and presentations—on June 9, 2011, at Princeton Public Library.

Councilman Goldfarb asked if reusable cloth bags contribute to disease because they harbor bacteria. He also wondered about the environmental impact of recycled plastic bags.

Mr. Harris said his group is pursuing facts about various bag types and their environmental consequences with a view to future legislation.

Ms. Brophy was reluctant to comment on pathogenic value of bacteria—important creatures of nature—in cloth totes. Even so, she said the destructive power of plastic has been proved.

Regarding recycled plastic, Ms. Brophy said her research had indicated that a mere 1 to 3% of plastic bags are recycled.

Mr. Harris declared that plastic, recycled or not, depletes fossil fuels—a net loss. Mr. Harris observed that the science on recycling of plastic is incomplete.

Mayor Trotman called the question. Council approved unanimously.

Mayor Trotman read **Agenda Item F, Report (1) — Princeton Regional Health Commission Report-2010 – David Henry, Health Officer.**

Through a slide show, Mr. Henry presented Health's mission, personnel, history, 2010 activities, and so forth. Mr. Henry emphasized shared services and agency partnerships that produce consolidated savings, with ongoing positive relationships with state and local officials.

Mr. Henry listed current projects:

- Sustainable Princeton
- Hospital vital statistics aid for Plainsboro
- Sexually transmitted diseases and tuberculosis services shared with Trenton, Hamilton, and Mercer County
- Emergency planning
- On-site food inspection reporting
- H1N1 vaccination program
- Lecturing at Rutgers.

Councilwoman Trelstad asked how Health's mini-Web site interrelates with Borough's Web site. Mr. Henry replied that WWW.PRINCETONHEALTHOFFICE.ORG links to both Borough and Township. Councilwoman Trelstad, Public Works liaison, volunteered to meet with Mr. Henry to coordinate leaf composting.

Councilman Martindell congratulated Health on zero capital requests for several years.

Councilman Martindell asked if Health is Borough's link to the Spanish translators in Trenton. Mr. Henry confirmed the service—audio *and* video at \$1.00 per minute (\$0.80 less than rival translator)—is open to all departments.

Mr. Henry stated that Borough must maintain its vital statistics data of 2000 births per year to answer for various life events as needed. Borough will assist the hospital's new municipality, Plainsboro, with statistical overflow.

Councilman Goldfarb raised substance abuse as a public health issue, especially in Borough with its enormous population of young people. Mr. Henry stated that youthful abusers are routinely referred to Corner House for counseling and rehabilitation programs. Mr. Henry will discuss with his Health Commission colleagues the possibility of collaboration with Corner House and Princeton University (PU).

Councilwoman Trelstad moved to accept the health report, Councilwoman Butler seconded, and Council accepted unanimously.

Mayor Trotman read **Agenda Item F, Report (2) — Budget-2011** – *Robert W. Bruschi, Administrator; Sandra Webb, CFO.*

Mr. Bruschi stated that New Jersey Toolkit deadlines for 2011 must be met to receive state aid:

- Introduction by March 11
- Public hearing scheduled for April 5
- Adoption by April 22.

Mr. Bruschi asked Council to introduce the budget with a one-cent tax increase (plus \$75 average annually)—for a \$208,000 rise. Mr. Bruschi enumerated anticipated revenues as follows:

• Parking	\$1,493,790
• Court	1,047,500
• Sewer (increase to be proposed)	3,100,000
• Capital fund	2,190,774
• Surplus	800,000
• Construction	722,000
• PU	1,180,496.

Excepting obligated (by statute) expenditures, Mr. Bruschi said the only necessary operating expenditure is to maintain the fire department fleet.

Mr. Bruschi stated that Finance has requested a budget modification of \$208,000 so as to realize zero tax increase for the third consecutive year. Staff will look at:

1. Provide services at appropriate cost
2. Reduce services
3. Reduce staff salaries
4. Implement joint services (tax assessor and fire inspection effective July 1, 2011; dispatch possibly at a later date; other services to be identified).

Mr. Bruschi declared that the 2011 budget process must be expedited. Between introduction today and adoption by April 22, (1) establish joint agencies' budgets, (2) joint Finance recommendations, (3) joint governing bodies' debates, and (4) public hearings(s) must occur. Due to timetable constraints, Mr. Bruschi asked that Council members schedule interim appointments with him or Chief Finance Officer Sandra L. Webb with specific items of concern. Mr. Bruschi invited members of the public to do the same.

Mayor Trotman opined that at least two public meetings should be held. Mr. Bruschi recommended one meeting about capital budget and one meeting on operating budget, with a subsequent formal public hearing.

Councilwoman Crumiller asked Mayor Trotman to maximize lead time for informing the public.

Councilman Martindell wanted to find savings toward zero tax through reduction of expenses and/or enhancement of revenues. Councilman Martindell listed a perfect storm of dire consequences for future taxpayers: (1) no sharing of services, (2) PU lowers or stops its contribution, (3) hospital no longer paying into sewer coffers. Mr. Bruschi thought Borough was in good shape, with downtown redevelopment nearly finished and Palmer Square completion coming up. Having said that, Mr. Bruschi stated a convergence as listed by Councilman Martindell would be tough to withstand during the first year

Council President Wilkes asked about Princeton Township's participation in police dispatch and Mr. Bruschi said their load of calls would strain the present capabilities of the five communities' shared effort.

Mr. Bruschi stated that timing is uncertain for hospital properties becoming taxable.

Councilwoman Butler opposed achieving zero tax increase through depletion of surplus.

Councilwoman Trelstad supported zero percent increase.

Ms. Webb announced that the 2011 budget is posted on CITIZENFINANCE Web site and will be loaded on Borough Web site.

Mayor Trotman read by title **Agenda Item G, New Business (1) — Introduction and Order to Publish: Ordinance 2011-03 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.**

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Councilwoman Trelstad moved to introduce Ordinance 2011-03; Councilman Martindell seconded.

Councilman Goldfarb clarified that Ordinance 2011-03 is designed to permit exceeding the municipal budget appropriation limit in future years, not for the 2011 budget.

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. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item G, New Business (2) — Resolution 2011-R74** as follows:

**RESOLUTION 2011-R74
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING LOCAL BUDGET EXAMINATION
FOR THE 2011 MUNICIPAL BUDGET**

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

WHEREAS, pursuant to N.J.A.C 5:30-7.2 through 5:30-7.5 the Borough of Princeton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief financial Officer has determined that the Borough of Princeton meets the necessary conditions to participate in the program for the year 2011;

NOW THREFORE, 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.

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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.

Councilwoman Trelstad moved to approve Resolution 2011-R74 and Councilman Martindell seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held April 12, 2011.

Mayor Trotman read **Agenda Item G, New Business (3) — Introduction and Order to Publish: 2011 Borough of Princeton Municipal Budget.**

Councilman Goldfarb moved to introduce 2011 Borough of Princeton Municipal Budget and Councilwoman Trelstad seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the budget introduced with a public hearing to be held April 12, 2011.

Mayor Trotman read **Agenda Item G, New Business (4) — Resolution 2011-R75** as follows:

**RESOLUTION 2011-R75
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE 2010 THROUGH 2012 COLLECTIVE NEGOTIATIONS AGREEMENT
WITH NEW JERSEY STATE POLICEMEN'S BENEVOLENT ASSOCIATION, INC., LOCAL
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WHEREAS, there is a need for the Borough of Princeton and the Patrol Officers of the Police Department of the Borough of Princeton to enter into a Collective Negotiations Agreement; and

WHEREAS, the parties entered into negotiation and as such an agreement was made for the period of January 1, 2010 through December 31, 2012.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized and directed to execute an Agreement with PBA Local 130 substantially in the form attached hereto.

1. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
2. An executed copy of this Agreement between the Borough and the New Jersey State Policemen's Benevolent Association, Inc. Local 130 and a copy of this Resolution shall be on file and available for public inspection in the Office of the Deputy Borough Clerk.
3. An executed copy of this Agreement between the State Policemen's Benevolent Association, Inc. Local 130 and a copy of this Resolution shall be forwarded to State of New Jersey Public Employers Relations Commission.

Mr. Bruschi declared that Council acted on Resolution 2011-R75 at an earlier date.

Mayor Trotman read **Agenda Item G, New Business (5) — Resolution 2011-R76** as follows:

**RESOLUTION 2011-R76
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
WITH LOUIS P. RAGO, ATTORNEY AT LAW
FOR SPECIAL LEGAL SERVICES**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with Louis P. Rago, Attorney At Law (hereinafter referred to as "Provider") to provide professional services for the Planning Board through December 31, 2011, as hereafter more particularly stated.

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

Provider shall serve as special legal counsel to the Regional Planning Board of Princeton to review Borough land development application related to Palmer Square as filed with the Board, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various issues associated with the development application forwarded to the Provider for review and comment as more specifically outlined in the attached "Exhibit A"

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

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.

Councilwoman Trelstad moved to approve Resolution 2011-R76 and Councilman Martindell seconded. Mayor Trotman stated that the planning board needs authorization for a substitute attorney in case of scheduling conflicts. Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (6) — Resolution 2011-R77** as follows:

**RESOLUTION 2011-R77
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
DESIGNATING ALTERNATE COURT ADMINISTRATOR**

TO SIGN WARRENTS FOR PRINCETON BOROUGH

WHEREAS, the Borough of Princeton Court Administrator is called upon from time to time warrants on behalf of said Court; and

WHEREAS, the Mayor and Council of the Borough of Princeton wishes to designate an alternative Municipal Court Administrator to execute warrants in the absence or unavailability of the Princeton Borough Court Administrator.

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

1. The Borough of Princeton hereby appoints Township Court Administrator Corinne Sliker as an alternate designee for the Borough of Princeton to affix signatures on warrants to be issued through the Princeton Borough Municipal Court should the Princeton Borough Court Administrator Susan Shapiro or Deputy be unavailable or for any reason unable to sign said warrants.

2. A certified true copy of this Resolution shall be furnished upon its adoption to the Honorable Bonnie Goldman, PJMC, 49 Rancocas Road, Mt. Holly, New Jersey 08060; to Corinne Sliker, Princeton Township Court Administrator, Township of Princeton and Debra A. Jenkins, Assistant Director, Municipal Court Services NJ Office of the Courts, PO Box 986, Trenton, NJ 08625.

Mayor Trotman read **Agenda Item G, New Business (7) — Resolution 2011-R78** as follows:

**RESOLUTION 2011-R78
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING
PROFESSIONAL SERVICES AGREEMENT WITH
PRINCETON HOMECARE FOR NURSING SERVICES**

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 **Princeton HomeCare, 208 Bunn Drive, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2011 through December 31, 2011**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional **health** services and other related duties as cited in the proposal letter of **January 6, 2011** (attached), for a total contract amount not to exceed **\$7,660.00**

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

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within ten (10) days of its passage.

Councilwoman Trelstad asked the purpose of Resolution 2011-R78 and Resolution 2011-R79. Mr. Henry explained that HomeCare conducts examinations at area churches and other facilities, plus flu clinic.

Councilwoman Trelstad wondered about categories of tax refunds as listed in Resolution 2011-R84 and how much of the \$43,000 was due to recalculation. Ms. Webb promised to provide details.

Councilman Goldfarb requested results of all the revaluation appeals. He followed up on reporting by the assessor of sales prices and assessed valuations. Mr. Bruschi said he would investigate.

Mayor Trotman read **Agenda Item G, New Business (8, 10–13) — Resolution 2011-R79, Resolution 2011-R81, Resolution 2011-R82, Resolution 2011-R83, and Resolution 2011-R84** as follows:

**RESOLUTION 2011-R79
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON APPROVING
PROFESSIONAL SERVICES AGREEMENT WITH
HEALTH EDUCATION SERVICES**

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 **Health Education Services, 35 Blue Ridge Road, Titusville, NJ 08560** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2011 through December 31, 2011**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional **health** services and other related duties as cited in the proposal agreement (attached), for a total contract amount not to exceed **\$7,000.00**.

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 2011-R81
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING THE CONTRACT FOR CAPITAL PROJECT 10 - 09,
ROOF REPLACEMENT AND MECHANICAL UPGRADES
PRINCETON FIRE DEPARTMENT – WITHERSPOON STREET FIREHOUSE
TO RED OAK BUILDING GROUP**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital Project # 10-09, known as the Roof Replacement and Mechanical Upgrades Princeton Fire Department Witherspoon Street Firehouse; and

WHEREAS, the Borough has solicited bid proposals for same and all bid proposals were publically opened on February 17, 2011; and

WHEREAS, the Borough received the following base bids:

Red Oak Building Group in the amount of \$178,100.00
USA General Contracting Corporation in the amount of \$188,000.00
Bill Leary Air Conditioning & Heating in the amount of \$194,900.00
Gabe Sganga, Inc. in the amount of \$198,774.00
DCN General Contractors, LLC. in the amount of \$218,000.00
Mercer General Works, Co., Inc. in the amount of \$222,699.84
GEN II Contracting Co., Inc. in the amount of \$224,397.00
McMullen Roofing in the amount of \$248,048.00
Arista Builders + Designers, Inc. in the amount of \$249,600.00
JDS General Contracting in the amount of \$258,500
Apex Enterprises in the amount of \$271,000; and
Adirondack Contracting Inc. in the amount of \$342,000.00

WHEREAS, the Director of Emergency Services and the Borough Engineer recommend award of the contract and therefore makes the total project amount equal to \$178,100.00; and

WHEREAS, the Borough Attorney has determined that the apparent low bidder, Red Oak Building Group has submitted a complete bid package; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby recommends that the above referenced contract be awarded to Red Oak Building Group, 27 Dublin Rd, Pennington , NJ 08534 for Capital Project #10-09, in the total amount of \$178,100.00, as set forth in the bid specifications utilizing the materials specified and without exception.

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

**RESOLUTION 2011-R82
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
PRINCETON FIRST AID AND RESCUE SQUAD**

WHEREAS, The Princeton First Aid and Rescue Squad wishes to increase public awareness of emergency medical and technical rescue services and to announce EMS WEEK, a national recognition of professional contributions to the community being held May 15-21, 2011; and

WHEREAS, The Princeton First Aid and Rescue Squad has requested permission to install a banner over Washington Road to announce EMS Week and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning Friday, May 13 through Friday May 20, 2011; 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

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.

**RESOLUTION 2011-R83
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
BRYN MAWR-WELLESLEY BOOK SALE COMMITTEE**

WHEREAS, The Bryn Mawr-Wellesley wishes to increase public awareness of their book sale event to be held March 23, through March 27, 2011; and

WHEREAS, The Bryn Mawr-Wellesley has requested permission to install a banner over Washington Road to announce their book sale event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Monday, March 21 through Monday, March 28, 2011; 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

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.

**RESOLUTION 2011-R84
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TAX REFUNDS**

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

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Owner</u>	<u>Property Location</u>	<u>Amount</u>
1.01	28		Linky, Donald 186 Elm Road Princeton, NJ 08540	186 Elm Road	\$944.63
2.02	41		Itkoff, Lance & Bernadette 301 elm Road Princeton, NJ 08540	301 Elm Road	\$2974.72
23.02	11		Miller, Roland & Kudra, I. 28 Hawthorne Ave. Princeton, NJ 08540	28 Hawthorne Ave.	\$1747.43
25.02	24		Danser, Constance 21 Humbert Street Princeton, NJ 08540	21 Humbert Street	\$887.39
52.01	55		Edokwe, O & Pannell, P 69 Patton Ave.	10 Princeton Ave.	<u>\$3999.91</u>

March 8, 2011

Princeton, NJ 08540

The above refunds should be paid to: BAC Tax Services Corp. Total= \$10,554.08
Attn: Property Tax Refunds
P.O. Box 10211
Van Nuys, CA 91499-6089

5.03	2.02	Harrison Family Trust 70 Cleveland Lane Princeton, NJ 08540	70 Cleveland Lane	\$5225.05
17.02	61	Sullivan, Mark & DiSalvo, L 25 Green Street Princeton, NJ 08540	25 Green Street	\$2580.96
17.03	85.0204 C154	Martin, William C 301 Spring Hill Road Princeton, NJ 08558	154 Witherspoon St	\$1148.74
22.02	17.02 C02	Gillespie, Robert & Higgins, J 63 Jefferson Road Princeton, NJ 08540	63 Jefferson Road	\$79.01
25.01	68.01 C01	Bechler, Jeffrey & Mary 36 Wiggins Street Princeton, NJ 08540	36 Wiggins Street	\$2026.15
28.01	11	Neilson, Scott C. 12 Moore Street Princeton, NJ 08540	12 Moore St	\$2868.60
31.06	61	Fisher, Marian J. 138 Linden Lane Princeton, NJ 08540	138 Linden Lane	\$2218.47
52.01	62	Camner, James J & Constance S. 321 Nassau Street Princeton, NJ 08540	321 Nassau St.	\$735.42
53.03	39	Liebmann, Dana 14 Pelham Street Princeton, NJ 08540	14 Pelham Street	\$1138.61
56.03	168	Goodman, Lionel & Ruth S 52 Sturges Way Princeton, NJ 08540	52 Sturges Way	\$3962.69

The above refunds should be paid to: Corelogic R.E. Tax Svc. Total= \$21,983.70
Attn: Refund Dept.
P.O. Box 961250
Fort Worth, TX 76161-9887

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5.03	1	Karabelas, Argeris & Eloise 129 Hodge Road Princeton, NJ 08540	129 Hodge Road	\$8.03
10.02	52	Tilghman, Shirley M 9 Campbelton Circle Princeton, NJ 08540	9 Campbelton Circle	\$2293.43
27.03	64	Matin, Razia Q. & Shaikh, M 37 Pardee Circle Princeton, NJ 08540	28 Vandeventer Ave.	\$350.50

**Make check payable to: Hudson City Savings Bank
Attn: Property Tax Refunds
PO Box 944
Paramus, NJ 07653-9778**

30.01	10	Bird, Jan Eileen 53 Moran Ave Princeton, NJ 08540	53 Moran Ave	\$909.67
30.01	85	Procaccino, John P & Laura L. 8 Chestnut Street Princeton, NJ 08542	8 Chestnut Street	\$2027.56

**Make check payable to: LPS Property Tax Solutions
Attn: Property Tax Refunds
3100 New York Drive, suite100
Pasadena, CA91107**

32.01	214	Mazotas, N C/O Mazotas Mgmnt 344 Nassau St. Princeton, NJ 08540	344 Nassau Street	\$2348.13
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**Make check payable to: Sun National Bank
Attn: Property Tax Refunds
PO Box 849
Vineland, NJ 08360**

32.12	41 CD3	Keller, Suzanne & Charles Haar 14 Gordon Way Princeton, NJ 08540	14 Gordon Way	\$16.25
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33.04	1.07 C02	Maple Four LLC C/O Robison 140 Longview Drive Princeton, NJ 08540	73 Maple Street	\$611.85
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**Make check payable to: Lydia Robison
(owner of property)
As per telephone conversation on 2/24/11**

March 8, 2011

43.01	6	Trustees of Princeton Univ. Macmillan Bldg- Bus Office Princeton, NJ 08544	Forbes College	\$7.75
47.01	27	Thompson 195 Nassau Assoc. 195 Nassau Street Princeton, NJ 08542	13 Charlton Street	\$1215.60
52.01	6	Chu, Tsu-Kai 23 Linwood Circle Princeton, NJ 08540	49 Aiken Avenue	\$283.64

TOTAL TO BE REFUNDED **\$ 42,610.19**

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

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

Councilman Martindell moved to approve Resolution 2011-R77, Resolution 2011-R78, Resolution 2011-R79, Resolution 2011-R81, Resolution 2011-R82, Resolution 2011-R83, and Resolution 2011-R84; Councilwoman Trelstad seconded; and Council approved unanimously.

Mayor Trotman read **Agenda Item G, New Business (14) — Resolution 2011-R85** as follows:

**RESOLUTION 2011-R85
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING TRANSFERS IN ACCORDANCE
WITH N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton, County of Mercer, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-59, that the transfers in the amount of \$232,800.00 be made between the 2010 Budget Appropriation Reserves as follows:.

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$ 7,800.00	Employee Group Insurance	Library - OE
\$100,000.00	Employee Group Insurance	Police – S&W
\$ 27,000.00	Accumulated Sick Leave	Police – S&W
\$ 3,000.00	Salary & Wage Adjustment	Police – S&W
\$ 20,000.00	Street Lighting	Police – S&W
\$ 20,000.00	Employee Group Insurance	Administration – OE
\$ 10,000.00	Garbage and Trash	Administration – OE
\$ 15,000.00	Telephone	Administration – OE
\$ 15,000.00	Social Security	Administration – OE
\$ 3,000.00	Street Lighting	Administration – OE
\$ 12,000.00	Accumulated Sick Leave	Administration - OE

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Councilman Martindell moved to approve Resolution 2011-R85 and Councilwoman Trelstad seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item G, New Business (15) — Resolution 2011-R86** as follows:

**RESOLUTION 2011-R86
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2011 CURRENT FUND BUDGET**

WHEREAS, an emergent 2011 condition has arisen with respect to the 2011 Current Fund Budget, due to the lack of an adopted 2011 Current Fund Budget and no adequate provision has been made in the 2011 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2011 temporary budget and this resolution total \$15,931,301.00

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached appropriations in the amount of \$6,629,229.00
2. That the emergency temporary appropriation has been provided for in the 2011 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Martindell moved to approve Resolution 2011-R86 and Councilwoman Trelstad seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item G, New Business (16) — Resolution 2011-R87** as follows:

**RESOLUTION 2011-R87
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2011 PARKING FUND BUDGET**

WHEREAS, an emergent 2011 condition has arisen with respect to the 2011 Parking Fund Budget, due to the lack of an adopted 2011 Parking Fund Budget and no adequate provision has been made in the 2011 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2011 temporary budget and this resolution total \$2,420,210.00

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached appropriations in the amount of \$929,955.00
2. That the emergency temporary appropriation has been provided for in the 2011 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilwoman Trelstad moved to approve Resolution 2011-R87 and Councilman Martindell seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item G, New Business (17) — Resolution 2011-R88** as follows:

**RESOLUTION 2011-R88
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2011 AFFORDABLE HOUSING FUND BUDGET**

WHEREAS, an emergent 2011 condition has arisen with respect to the 2011 Affordable Housing Fund Budget, due to the lack of an adopted 2011 Affordable Housing Fund Budget and no adequate provision has been made in the 2011 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2011 temporary budget and this resolution total \$58,420.00

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached appropriations in the amount of \$29,210.00
2. That the emergency temporary appropriation has been provided for in the 2011 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilwoman Trelstad moved to approve Resolution 2011-R88 and Councilwoman Butler seconded. Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the motion carried.

Mayor Trotman read **Agenda Item H, Bill List for March 8, 2011 — Resolution 2011-R89** as follows:

RESOLUTION 2011-R89

March 8, 2011

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MARCH 8, 2011 BILL LIST**

WHEREAS, Finance Officer 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 Deputy Borough Clerk has certified that the vouchers listed on the attached register are as follows:

CURRENT ACCOUNT (11-01)	1,940,217.46
RESERVE ACCOUNT (10-01)	50,891.66
PARKING UTILITY OPERATING FUND (11-05)	17,099.66
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	3,890.00
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
CAPITAL ACCOUNT (C-04)	44,019.37
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	1,965.00
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list March 8, 2011 as presented.

Councilman Martindell moved to approve Resolution 2011-R89 and Councilwoman Trelstad seconded. Councilwoman Trelstad questioned payment to Monarch Benches, which supplies Borough street furniture. Council approved unanimously.

Mayor Trotman read **new Agenda Item — Resolution 2011-R90** as follows:

**RESOLUTION 2011-R90
THE BOROUGH OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY
RESOLUTION APPROVING ADDITIONAL CONSIDERATION FOR ACQUISITION OF
EASEMENT ON 70 PATTON AVENUE, REFERENCED AS BLOCK 52.01, Lot 46 ON THE
TAX MAP OF THE BOROUGH OF PRINCETON**

WHEREAS, the Borough of Princeton determined the need for acquisition of a perpetual easement on 70 Patton Avenue, Block 52.01, Lot 46 for the purpose of constructing and maintaining a storm sewer system as part of the improvements to Harrison Street Park, the Borough's property; and

WHEREAS, the owners of 70 Patton Avenue agreed to provide the easement to the Borough in consideration of \$15,406.00; and

WHEREAS, the Borough Council passed Resolution 2009-R282 on October 13, 2009, approving acquisition of a perpetual easement on 70 Patton Avenue, Block 52.01, Lot 46 for the purpose of constructing and maintaining a storm sewer system as part of the improvements to Harrison Street Park, the Borough's property in consideration of payment by the Borough to the Grantor of \$15,406.00; and

WHEREAS, at the time Resolution 2009-R282 was passed by the Borough Council, a revaluation of real property in the Borough was being conducted; and

WHEREAS, as a result of the revaluation, the fair market value of 70 Patton Avenue, Block 52.01, Lot 46 had increased; and

WHEREAS, in light of the revaluation, the Borough agreed to provide the owners of 70 Patton Avenue, Block 52.01, Lot 46 with additional consideration of \$7,000.00 for the conveyance of the perpetual easement on their land for the purpose of constructing and maintaining a storm sewer system;

March 8, 2011

NOW THEREFORE BE IT RESOLVED, by the Princeton Borough Council that:

1. The Borough is authorized to provide additional consideration for the acquisition of an easement on 70 Patton Avenue, referenced as Block 52.01, Lot 46 on the tax map of the Borough of Princeton pursuant to the Deed of Easement executed on the 12th day of October 2009, which is incorporated by reference as if fully set forth at length herein.

Council President Wilkes moved to approve Resolution 2011-R90 and Councilwoman Trelstad seconded. Mayor Trotman explained that Resolution 2011-R90 approves consideration for acquisition of an easement at 70 Patton Avenue for drainage during construction of Harrison Street Park. Council approved unanimously.

Councilwoman Trelstad moved to resume closed discussions about PU and Council President Wilkes seconded. Councilman Goldfarb recused himself from PU talks. There being no further public business, Mayor Trotman adjourned the open session meeting at 9:05 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk