

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
September 6, 2011
Regular Meeting
Closed Session 6:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jenny Crumiller,
Councilman David Goldfarb, Councilman Roger Martindell,
Councilwoman Barbara Trelstad

Absent: Councilwoman Jo Butler, Mayor Mildred Trotman (*in attendance by
telephone Closed Session only*)

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M.
West, Borough Clerk Andrea Lea Quinty

Council President Wilkes 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 September 6, 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 Borough Clerk is directed to include this statement in the minutes of this meeting.”

Council President Wilkes read **Agenda Item C, Resolution 2011-R223**, as follows:

**RESOLUTION 2011-R223
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON SEPTEMBER 6, 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

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.

Councilwoman Trelstad moved to approve; Councilwoman Crumiller seconded. Councilman Goldfarb recused himself from closed session discussion. Council members Wilkes, Crumiller,

September 6, 2011

Martindell, and Trelstad voted in the affirmative. Hearing no nay votes, Council President Wilkes proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

Council President Wilkes asked all present to rise for **Agenda Item D, Salute to the Flag.**

Council President Wilkes opened the meeting with reflections on the events of September 11, 2001, and work of New York's first responders as they relate to safety personnel who assist the Princeton community. Council President Wilkes requested a moment of silence in remembrance of Michael Kenwood of the Princeton First Aid and Rescue Squad, who died in the raging Stony Brook waters during the recent hurricane while seeing if someone was stranded in an abandoned vehicle.

Council President Wilkes read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of June 28, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of June 28, 2011, and Councilman Goldfarb seconded. Council President Wilkes requested an insertion. Council approved unanimously.

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

Councilman Goldfarb announced Standard and Poor's bond rating for Borough at AA+—comparable to the United States and better than New Jersey.

Seeing no one further, Council President Wilkes closed the public portion.

Council President Wilkes read by title **Agenda Item G, New Business (1) — Introduction and Authorization to Publish Ordinance 2011-22** BOND ORDINANCE PROVIDING FOR SIDEWALK AND OTHER RELATED SANITARY SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$105,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$99,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

Councilwoman Trelstad moved to introduce Ordinance 2011-22; Councilman Goldfarb seconded. Councilman Goldfarb observed that both he and Councilwoman Trelstad (along with their neighbors) are assessed under Ordinance 2011-22; their failure to vote in favor would be fatal to introduction.

Borough Engineer John M. West said Ordinance 2011-22 comes before Council in conjunction with Resolution 2011-R227, which will be considered later in the agenda.

Council President Wilkes opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, he closed the public discussion and returned to Council. Hearing no comment, Council President Wilkes called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Council President Wilkes proclaimed the ordinance introduced with a public hearing to be held September 27, 2011.

Council President Wilkes read **Agenda Item G, New Business (2) — Resolution 2011-R224** as follows:

**RESOLUTION 2011 R-224
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING PARTICIPATION IN THE MERCER COUNTY
IMPROVEMENT AUTHORITY'S (MCIA) RENEWABLE ENERGY PROGRAM**

WHEREAS, the Mercer County Improvement Authority ("MCL4") has developed a program ("Program") to provide, among other things, for financing, design, construction, installation, operation and maintenance of solar and other renewable energy projects ("Projects") at facilities owned by the County of Mercer ("County") and by municipalities, boards of education and other public bodies and local government entities in the County (collectively, "Local Units"), at no net cost to the Local Units; and

WHEREAS, the primary goal of the Program is to expand the use of renewable energy by Local Units at their facilities ("Local Unit Facilities"), with its attendant environmental and financial benefits, to reduce energy costs at Local Unit Facilities; and

WHEREAS, the MCIA intends issue a request for proposals ("RFP"), consistent with all applicable law, seeking a solar developer to design, install, construct, operate and maintain, at its sole cost and expense, the Projects at participating Local Units' Facilities, and to provide such Local Units with electricity generated by the Projects located at their Facilities under a Power Purchase Agreement at a price lower than the Local Units are presently paying for electricity, for a term of 15 years (the "Services"); and

WHEREAS, the RFP will provide for three proposal options: (1) private financing, where the selected respondent ("Successful Respondent") must finance the Projects through its own means; (2) partial public financing, where the MCIA will provide construction and permanent financing for up to 70% of the costs of the Projects through issuance of taxable bonds, and (3) full public financing, where the MCIA will provide 100% of the financing through the issuance of bonds; and

WHEREAS, under the RFP, the MCIA retains the sole discretion to select the option under which any contract may be awarded, and to select the solar developer who will provide the services in the most complete, dependable and cost effective manner; and

WHEREAS, to implement the Program at no cost to the Local Units, the MCIA has determined that if option 2 or 3 is selected, it will finance the Projects, all as set forth in the exhibits to the Local Unit License Agreement, defined below, for The Borough of Princeton and for each of the Local Units to date who will participate in the Program, as follows:

Borough of Hightstown
Township of Lawrence
Hamilton Township Fire District #9
Borough of Princeton

Township of Ewing
East Windsor Township
Hamilton Township Public Works

East Windsor Regional School District
Hopewell Valley Regional School District
Princeton Regional School District; and
County of Mercer [Mercer County Special Services School District],

(together with any additional Local Units that may be added to the Program by the MCIA, collectively, the “Participating Local Units”), through the issuance by the MCIA of one or more series of bonds entitled “County of Mercer Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 201 1B (Federally Taxable)” in the aggregate principal amount to be determined upon selection of a Successful Respondent (the “Bonds”); and

WHEREAS, prior to the issuance, if any, of the Bonds, and in accordance with the Local Authorities Fiscal Control Law, the MCIA must file an application (the “LFB Application”) with, and seek, obtain, and officially recognize the findings from, the Local Finance Board in the Department of Local Government Services of the State Department of Community Affairs (the “Local Finance Board”); and

WHEREAS, The Borough of Princeton desires to authorize the MCIA and its consultants to submit an LFB Application on its behalf, if necessary, to finance Participant’s Project(s) set forth in Exhibit A attached hereto (it being understood that the Participant is taking no action in connection with the other Participating Local Units’ Projects); and

WHEREAS, the Participant has offered - and the MCIA has accepted — the Local Unit Facility(ies) set forth in Exhibit A for inclusion in the Program, and the Participant understands and acknowledges that by taking this official action it intends to participate in the Program with regard to the Project(s) set forth in Exhibit A, and that the MCIA is taking several actions in reliance upon inclusion of Participant’s Facility(ies), including proceeding with the issuance of the RFP, selecting a solar developer and establishing a Power Purchase Agreement price under which Participating Local Units will purchase electricity, all pursuant to the RFP, and filing an LFB application, and marketing, selling and issuing the Bonds, if MCIA determines to award under option 2 or 3 of the RFP; and

WHEREAS, the Participant desires to confirm its participation in the Program to permit MCIA to proceed with the issuance of the RFP, and if necessary, to obtain the approval of the Local Finance Board and issue the Bonds,

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

Section 1. The recitals set forth above are hereby incorporated as if set forth at length.

Section 2. Participant believes that its participation in the Program serves the public interest; benefits the health, wealth, convenience or betterment of its citizens, and is an efficient and feasible means of providing electric services to Participant’s Local Facilities.

Section 3. Participant authorizes its Regional Planning Board Director and/or Borough Administrator to assist the MCIA with the preparation and submission of the LFB Application should the MCIA determine to finance the Program, and to take all other action necessary, desirable, or convenient in connection therewith.

Section 4. The Authorized Officer is directed to deliver to the MCIA a fully executed certificate, substantially in the form attached hereto as Exhibit A, evidencing approval of the substance and scope of the Participant’s Project(s).

Section 5. Participant will participate in the Program, acknowledging and understanding that the MCIA is taking several actions, as described in the recitals, in reliance upon Participant’s participation, all for the benefit of Participant and other Participating Local Units, and Participant further acknowledges that its continued participation in the Program is critical to the pricing to be obtained from proposers during the RFP process and that any change in the extent of its participation will have a negative impact on other Participating Local Units.

Section 6. Except for extraordinary unforeseen circumstances not presently contemplated, Participant will not withdraw any of its Local Unit Facilities, set forth in Exhibit A, from inclusion in the Program, so long as the Successful Respondent’s proposal, if any, results in a savings to Participant, and should Participant elect to withdraw any of its Facilities for reasons other than an extraordinary unforeseen circumstance, Participant

will substitute another of its Facilities with comparable energy usage to ensure viability of the Program for all Participating Local Units.

Section 7. On Participant's behalf, the MCIA is authorized to take all actions contemplated above or otherwise reasonably inferred in order to provide Participant with such savings and, if the MCIA determines to finance the Program, prior to the sale of the Bonds Participant shall adopt a supplemental resolution authorizing, among other things, Participant to enter into a Power Purchase Agreement, a Site License Agreement and such other agreements as may be necessary to implement the Program, each to be dated as of the first day of the month of issuance of the Bonds, in such form as shall be presented to the Participant prior to adoption of the supplemental resolution, and if Participant is a Board of Education, obtain any and all approvals from the State Department of Education with respect to the Participant's Project(s)].

Section 8. Participant hereby respectfully requests that the Local Finance Board consider any LFB Application made by MCIA, pursuant to option 2 or 3 of the RFP, as the means to finance Participant's Project(s), and to record its findings and recommendations as provided by law, and Participant agrees that any reference herein to Series 2011 H Bonds may, without Participant's further action, be changed to a subsequent year of issuance, if the Bonds are not issued in 2011.

Section 9. Any action taken by Participant's Authorized Officers or consultants in connection with the Program prior to the adoption hereof is hereby ratified and approved.

Section 10. A certified copy of this resolution shall be forwarded to: Philip S. Miller, Executive Director, Mercer County Improvement Authority, McDade Administration Building, 640 South Broad Street, Trenton, New Jersey 08650 at (609) 278-8100.

Section II. This Resolution shall take effect immediately.

Councilman Goldfarb moved to approve Resolution 2011-R224 and Councilwoman Crumiller seconded. Borough Administrator Robert W. Bruschi explained that Resolution 2011-R224 allows Borough to determine economic feasibility of MCIA's renewable energy (solar) program.

Mr. West clarified that solar panels on the Spring garage roof would generate more electrical power than required by the garage alone; the balance of the savings would be billed to the library. Councilman Goldfarb mentioned the double benefit of shading for cars parked under the panels.

Mr. West, Mr. Bruschi, and Council discussed the parallel issue of a solar initiative (together with Township and regional school district) to be created at the River Road site.

Hearing no further discussion, Council President Wilkes called for a vote. Council President Wilkes proclaimed the motion passed unanimously five to zero.

Council President Wilkes read **Agenda Item G, New Business (3) — Resolution 2011-R225** as follows:

**RESOLUTION 2011-R225
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING A NEW JERSEY STATEWIDE BAN ON NATURAL GAS DEVELOPMENT
INVOLVING HYDROLOGIC FRACTURING**

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey -as Special Protection Waters due to the exceptional water quality and "exceptionally high scenic, recreational, ecological, and/or water supply values" of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DBC Water Code, so that there be "no measurable change in existing water quality except towards natural conditions", requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, protection of New Jersey's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Princeton supports strong regulation by the DBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

BE IT FURTHER RESOLVED that Borough of Princeton supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and.

AND BE IT FURTHER RESOLVED that Borough of Princeton calls on our Congressional Representatives Senator Menendez to join Senator Lautenberg and Congressman Rush Holt in co-sponsoring H.R. 1084/ S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

A CERTIFIED COPY OF THIS RESOLUTION WILL BE SENT TO:

1. *Congressman Rush Holt*
2. *Assemblyman Reed Gusciora*
3. *Assemblywoman Bonnie Watson Coleman*
4. *Senator Shirley Turner*
5. *Senator Frank Lautenberg, One Gateway Center, 23rd Floor, Newark, NJ 07102*
6. *Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102*
7. *Delaware Riverkeeper Network, 300 Pond Street, 2nd Floor, Bristol, PA 19007*
8. *Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901*

Councilwoman Trelstad moved to approve Resolution 2011-R225 and Councilwoman Crumiller seconded.

Councilman Goldfarb supported careful analysis and regulation, but expressed concern that resolutions like 2011-R225 surpass issues directly affecting Princeton Borough and are inappropriate for consideration by Council. He said there is no evidence of threat to Princetonians (or New Jerseyans) from hydraulic fracturing that would justify a statewide *ban* of the activity. He preferred resolution phrasing that advocates strong protection of the watershed.

Councilwoman Crumiller stated that many municipalities and the state itself have banned hydraulic fracturing. She favored the ban because of known instances of environmental damage.

Councilwoman Trelstad said that, while the issue is not specific to Princeton Borough, environmental concerns for the Delaware River watershed are significant for Borough. She emphasized that Council's debate of such far-ranging topics would see no end.

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

Steve Hiltner, 139 North Harrison Street in the Borough and member of the environmental commission, noted that Borough drinking water inventory revealed sources as (1) surface, (2) Raritan River, (3) Millstone River, (4) Delaware and Raritan Canal (which receives water from the Delaware River near Stockton, New Jersey). He thought a more important resolution would restrict use of natural gas. Mr. Hiltner spoke in favor of a ban on hydraulic fracturing.

Steve Miller, Spruce Street and member of the environmental commission, pointed out air pollution connected to hydraulic fracturing—a more generalized problem than for local water. Mr. Miller spoke against the practice.

Hearing no further discussion, Council President Wilkes called for a vote. Council President Wilkes proclaimed the motion approved four to one, with Councilman Goldfarb opposed.

Council President Wilkes read **Agenda Item G, New Business (14) — Resolution 2011-R236** as follows:

**RESOLUTION 2011-R236
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 \$20,541.90 is now available as a miscellaneous revenue anticipated from **“State of New Jersey – Solid Waste Administration – Recycling Tonnage Grant”** and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$20,541.90 be and the same is hereby appropriated under the caption of **“State of New Jersey – Solid Waste Administration – Recycling Tonnage Grant”**

Mr. Bruschi reported that New Jersey reimburses towns based on tonnage of recycled materials.

Councilwoman Trelstad moved to approve Resolution 2011-R236 and Councilwoman Crumiller seconded.

Councilwoman Crumiller wanted to set some of the reimbursement aside to set up a place where residents can recycle electronics. Mr. Bruschi noted that Borough has twice held computer recycling functions that were sparsely attended.

Councilwoman Trelstad wanted to designate some reimbursement money for paper shredding events.

Mr. Bruschi reminded that Borough had opted out of Township's recycling shed at Princeton Shopping Center. Council members suggested revisiting that decision with a view to recycling computers there.

Council talked over various aspects of recycling that included forbidden items, commingling of types (paper / glass / aluminum), cost effectiveness, and so forth.

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

Mr. Miller stressed that "computer" recycling encompasses other electronic items. He mentioned the toxic elements to be found in electronics.

Mr. Hiltner spoke of lack of local commitment to public education on proper recycling.

Acknowledging the uneven standards found in recycling practices, Council President Wilkes asked if Public Works Committee should address the issue. Councilwoman Trelstad, Council liaison to Public Works, agreed to investigate improving recycling methods.

Hearing no further discussion, Council President Wilkes called for a vote. Council President Wilkes proclaimed the motion passed.

Council President Wilkes read **Agenda Item G, New Business (4) — Resolution 2011-R226** as follows:

**RESOLUTION 2011-R226
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF CERTAIN PERFORMANCE BOND**

WHEREAS, the Princeton Regional Planning Board had approved a major Site Plan for Block 49.01, Lot 7, Cap and Gown Club, which required the submittal of a \$247,884.00 performance guarantee; and

WHEREAS, the applicant has requested release of said performance guarantee; and

WHEREAS, the Borough Engineer advises that the improvements covered under this bond are complete and satisfactory and recommends that the performance guarantee be released contingent on the submittal of a maintenance bond in an amount of \$37,182.60 (15% of the original bond), which shall be posted for a one year period.; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Chief Financial Officer is hereby authorized to release the \$247,884.00 Performance guarantee to Cap and Gown Club and accept the Maintenance Bond in the amount of \$37,182.60

Councilwoman Trelstad moved to approve Resolution 2011-R226, Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (5) — Resolution 2011-R227** as follows:

**RESOLUTION 2011-R227
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AWARD OF CONTRACT
FOR CAPITAL PROJECT #11-02
RECONSTRUCTION OF PRINCETON AVENUE AND CHARLTON STREET**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with Capital project # 11-02; Improvements to Princeton Avenue and Charlton Street; and

WHEREAS, the Borough has solicited bid proposals for same; and bid proposals were publically opened on August 31, 2011; and

WHEREAS, the Borough received the following bids:

Topline Construction in the amount of \$643,495.81

S Brothers Inc. in the amount of \$666,250.55

Black Rock Enterprises in the amount of \$668,839.05 (corrected bid amount)

Bil-Jim Construction in the amount of \$888,585.80; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and determined that the bid submitted by Topline Construction, 22 Fifth Street, Somerville, NJ 08876 is a responsible bid and is within the Engineer's Estimate for this project; and

WHEREAS, the New Jersey Department of Environmental Protection's Bureau of Administration & Management's Construction Control Section (Division of Water Quality, Municipal Finance & Construction element) is currently reviewing the bid and other post bid documentation in accordance with the requirements of the New Jersey Environmental Infrastructure Financing Program (NJEIFP); and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton the contract for the project know as # 11-02; Improvements to Princeton Avenue and Charlton Street, be awarded to Topline Construction, 22 Fifth Street, Somerville, NJ 08876, in the amount of \$643,495.81 as set forth in the bid specifications.

That conditioned upon the authorization of the New Jersey Department of Environmental Protection.

The Mayor and Borough Clerk are hereby authorized and directed to execute said Contract on behalf of the Borough.

Councilman Martindell moved to approve Resolution 2011-R227 and Councilwoman Trelstad seconded.

Councilman Goldfarb questioned the timing for consideration of Resolution 2011-R227. Mr. Bruschi replied that capital surplus funds would cover disbursements, pending approval of the related assessment bond.

Hearing no further discussion, Council President Wilkes called for a vote. Council President Wilkes proclaimed the motion passed.

Council President Wilkes read **Agenda Item G, New Business (6) — Resolution 2011-R228** as follows:

**RESOLUTION 2011-R228
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF
2012 FORD F350 PICKUP
STATE CONTRACT # A73961**

September 6, 2011

WHEREAS, the Borough of Princeton wishes to purchase one (1) 2012 Ford F350 Pickup for the Department of Public Works through the State of New Jersey's cooperative purchasing program (N.J.S.A. 40A:11-12); and

WHEREAS, Warnock Automotive, 175 Route 10, East Hanover, New Jersey 07936, was awarded State Contract #A73961 for this vehicle; and

WHEREAS, the 2012 Ford F350 Pickup shall be a 4WD Regular cab with plow package at a total cost of \$30,222.60; and

WHEREAS, the Chief Financial Officer has provided the appropriate Certification of Funds for this purchase.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorize the Borough Administrator to purchase the above listed 2012 Ford F350 Pickup from Warnock Automotive, 175 Route 10, East Hanover, New Jersey 07936, was awarded State Contract #A73961.

Councilwoman Trelstad moved to approve Resolution 2011-R228, Council President Wilkes seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (7) — Resolution 2011-R229** as follows:

**RESOLUTION 2011-R229
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
For Approval of Change Order #1 – Final
Capitol Construction Management LLC**

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14,4) and;

WHEREAS, there is a need to amend the contract with Capitol Construction Management LLC as outlined in the change order prepared by the Borough Engineer and;

WHEREAS, through field changes agreed to and accepted by the Engineer and Contractor a net increase of \$552.51 has occurred; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. Change Order #1 – Final to the Contract between the Borough of Princeton and Capitol Construction Management LLC for the Alterations to Princeton Senior Resource Center in the amount of \$552.51 is hereby approved.

2. The Borough Engineer and Clerk are hereby authorized to sign the Change Order on behalf of the Borough

Councilwoman Trelstad moved to approve Resolution 2011-R229, Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (8) — Resolution 2011-R230** as follows:

**RESOLUTION 2011-R230
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
Approval of Change Order #1 – Final to S. Brothers For Project 10-01
The Reconstruction of Houghton Road and Hawthorne Avenue**

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14,4) and;

WHEREAS, there is a need to amend the contract with S. Brothers as outlined in the change order prepared by the Borough Engineer and;

WHEREAS, through field changes agreed to and accepted by the Engineer and Contractor a net savings of \$45,703.14 has been realized; and

WHEREAS, the New Jersey Department of Transportation has provided funding for this project and requires as part of the submittal for expense reimbursement, an approved Change Order; and

WHEREAS, the Mayor and Council of the Borough of Princeton is satisfied that the requested change order is necessary.

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

1. **Change Order #1 – Final to the Contract between the Borough of Princeton and S. Brothers for the Reconstruction of Houghton Road and Hawthorne Avenue in the amount of - \$45,703.14 is hereby approved.**
2. **The Borough Engineer and Clerk are hereby authorized to sign the Change Order on behalf of the Borough**

Councilman Goldfarb moved to approve Resolution 2011-R230, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (9) — Resolution 2011-R231** as follows:

**RESOLUTION 2011-R231
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING PROFESSIONAL SERVICES AGREEMENT
FOR INFORMATION TECHNOLOGY SERVICES**

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

WHEREAS, the services to be performed are extraordinary and unspecifiable in nature and 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 services contract with mindSHIFT, 3000 Cabot Boulevard West, Suite 3006, Langhorne, PA 19047 (hereinafter referred to as "Provider") to provide goods and services for the support and maintenance of computer hardware and software, and the creation of proprietary hardware and software, for the period October 1, 2011 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 provide server and infrastructure management, 24 hour monitoring of all servers, desktop and user management, data backup hosted exchange, technology consulting and annual assessment as more completely described in the attached Agreement

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider at the rate of \$5,960 per month in an amount not to exceed Seventeen Thousand Eight Hundred Eighty Dollars (\$17,880) for the year 2011.

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 extraordinary and unspecifiable under the provisions of the Local Public Contracts Law because the subject services are specialized and qualitative nature requiring expertise, extensive training and proven reputation in the field of endeavor.

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-R231, Councilwoman Crumiller seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (10, 12, and 13) — Resolutions 2011-R232, 2011-233, and 2011-235** as follows:

**RESOLUTION 2011-R232
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
HISTORICAL SOCIETY OF PRINCETON**

WHEREAS, Historical Society of Princeton is planning Princeton Antiques and Fine Art Show scheduled for September 24 and 25, 2011 and

WHEREAS, the Historical Society of Princeton has requested permission to install a banner over Washington Road in Princeton with approval of the Office of Community and State Affairs at Princeton University beginning Monday, September 12, 2011 through Monday, September 19, 2011 to inform the public of their event; 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 R-233
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING SUBMISSION OF APPLICATION FOR PRINCETON ALCOHOL AND DRUG
ALLIANCE GRANT**

WHEREAS, The Princeton Borough Council of the City of Princeton, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, The Princeton Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, The Princeton Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Mercer;

NOW, THEREFORE, BE IT RESOLVED by the Princeton Borough Council, County of Mercer, State of New Jersey hereby recognizes the following:

1. The Princeton Borough Council does hereby authorize submission of an application for the Princeton Alcohol and Drug Alliance grant for calendar year 2012 in the amount of \$28,020.00
2. The Princeton Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION 2011-R235
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FURNISHING AND DELIVERING
OEM AND NON OEM AUTO PARTS
THROUGH THE MERCER COUNTY
COOPERATIVE CONTRACT PURCHASING SYSTEM**

WHEREAS, the Borough of Princeton is a member of Mercer County Cooperative Contract Purchasing System #CK09-MERCER; and

WHEREAS, in accordance with N.J.S.A. 40A:11-10. the Borough of Princeton may purchase materials and services which have been bid for by the lead agency on our behalf; and

WHEREAS, the lead agency of the Mercer County Cooperative Contract Purchasing System has awarded a ONE YEAR WITH OPTION TO EXTEND ON YEAR for OEM and NON OEM Auto Parts on October 14, 2010; and

WHEREAS, various vendors were awarded as per the attached Exhibit A; and

WHEREAS, the cost and the appropriate monies are provided in the Capital Fund Budget in the Various Borough Departments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton authorize the Borough Administrator to purchase the above service under the cooperative purchasing bid

Councilwoman Trelstad moved to approve Resolutions 2011-R232, 2011-233, and 2011-235; Councilwoman Crumiller seconded; and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item G, New Business (11) — Resolution 2011-R234** as follows:

**RESOLUTION 2011 R-234
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, the Borough of Princeton desires to make application to the Local Finance Board to seek approval to adopt the following refunding bond ordinances:

Refunding Bond Ordinance of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain General Improvement Bonds, Series A and Certain General Improvement Bonds, Series B, Appropriating \$5,600,000 Therefor and Authorizing the Issuance of \$5,600,000 General Improvement Refunding Bonds of the Borough for Financing the Cost Thereof, finally adopted September 14, 2010; and

Ordinance Amending in its Entirety Refunding Bond Ordinance #2007-26 of the Borough of Princeton, in the County of Mercer, New Jersey Providing for the Advance Refunding of Certain Parking Utility Bonds, Series 2003, Appropriating \$11,700,000 Therefor and Authorizing the Issuance of \$11,700,000 Parking Utility Refunding Bonds of the Borough for Financing the Costs Thereof, Finally adopted November 7, 2009, in Order to Increase the Amount of the Parking Utility Refunding Bonds to \$12,650,000.

WHEREAS, the Borough of Princeton believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose is for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the resolution and any other appropriate actions with the Local Finance Board as part of such application.

Section 3. Phoenix Advisors, LLC is hereby retained to assist the Borough in negotiating the terms of the underwriting for the refunding.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its approvals as provided by the applicable New Jersey Statute.

Councilman Goldfarb moved to approve Resolution 2011-R234 and Councilwoman Trelstad seconded.

Councilman Goldfarb explained that Borough is permitted to refinance bonds whenever economic conditions are suitable. Refinancing will only occur if market conditions are right and Borough can save significant money (\$600,000 anticipated) with this application to the local finance board. Mr. Bruschi mentioned that two previous applications expired when no appropriate financial "window" opened.

Observing that the proposed refinancing relates to the parking utility, Councilman Martindell repeated the need to reduce labor costs and improve automation.

Hearing no further discussion, Council President Wilkes called for a vote. Council President Wilkes proclaimed the motion passed.

Councilwoman Trelstad moved to adjourn; Councilwoman Crumiller seconded. There being no further business, Council President Wilkes adjourned the open session meeting at 8:45 P.M.

September 6, 2011

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk