

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
November 22, 2011
Regular Meeting
Closed Session 6:30 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

Absent: Councilwoman Barbara Trelstad, Mayor Mildred Trotman

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M. West, Land Use Development Official Derek Bridger, Police Chief David J. Dudeck, Princeton Sewer Operating Committee Manager Robert A. Hough, Planning Board Director Lee O. Solow, Deputy Borough Clerk Delores A. Williams

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 November 22, 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-R275**, as follows:

**RESOLUTION 2011-R275
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON NOVEMBER 22, 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. Litigation update
2. Personnel

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

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

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

Borough Council recessed into closed session.

At 7:35 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 read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of September 13, 2011.

Councilman Goldfarb moved to approve the minutes of the open session of September 13, 2011. Councilwoman Butler requested that a comment not be printed in italic type. Linda Fahmie, ROI Renovations and representing Carnevale interests on Nassau Street, asked the minutes to reflect Carneval's wish to change zoning on East Nassau Street to NB. Councilwoman Butler seconded. Council approved unanimously five to zero.

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.

Councilwoman Butler mentioned flyers for Human Services Commission drive for donors for their 12th annual holiday wish list for Princeton youth. Interested parties should contact Cynthia Mendez at Human Services Office.

Councilman Martindell stated even greater need for a tickler list with impending consolidation. Borough Administrator Robert Bruschi replied that the tickler is ready for evaluation by Finance Committee and Council members—already in usable form for staff purposes.

Council President Wilkes announced Governor Christie's appearance at the public library to discuss consolidation and to offer his assistance in the management of future unification of the two towns.

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

Council President Wilkes read **Agenda Item G, Discussion (1) — Princeton Future (PF) — NB and SB Zoning — Jim Constantine.**

Ms. Fahmie said the eight interested SB owners and neighbors on Nassau Street were notified of today's agenda too late to schedule participation. Her group proposes a discussion, specifically to change SB to NB, early in December.

Councilman Goldfarb expressed concern that Council's will to hold a zoning talk in October had been ignored. Council President Wilkes clarified that today's agenda does not include Council action; a presentation by Princeton Future only.

Mr. Bruschi said tonight's presentation should supplement staff meetings, drafted and recrafted new ordinance, talks with neighbors, and other preliminary work on permitted tenancy in NB. Councilman Goldfarb repeated the desirability of having Land Use Development Official Derek Bridger and Planning Board Director Lee O. Solow present for such evaluation.

Councilwoman Crumiller reported that this is the second time an ordinance has been discussed without awareness by all on Council. She asked fellow Council members to keep everyone informed.

Council President Wilkes said it is unlikely two conversations on Nassau zoning can be scheduled during 2011; the effort must be resumed before the new Council in 2012.

Mr. Constantine said Princeton Future has been looking at east the end of Nassau Street since 2002; this is the first presentation before Council. Mr. Constantine reported citizens' comments—they like the area's vitality and diversity; mix of small shops, commercialism, residential; distinct from downtown; intermingling of town and gown.

Larry Hugick, member of Council of Princeton Future, described a neighborhood survey conducted in 2010. Invited participants were registered voters living on the nearby streets; about one-third responded.

Preferred uses were:

- Reading Terminal-style market
- Supermarket
- Restaurant

. . . with dwindling interest in:

- Mixed use (retail/office/residential)
- Retail
- Residential
- Wawa-style market
- General office
- Hotel/inn

. . . and opposition to:

- Laundromat
- Bank
- Fast-food restaurant.

Other favored ideas include a variety of building heights, wide sidewalks with seating, a community focal point with green space and foot traffic, with business fronts on the street and parking behind.

Mr. Solow listed permitted uses in NB and SB.

Councilman Goldfarb distinguished between drive-through and non-drive-through banks and restaurants. Mr. Hugick said the survey had not touched on drive-through facilities.

Mr. Constantine provided personal observations on change and growth in the district from “Gasoline Alley” days to current “Restaurant Row (BYOB).”

Referring to a map of the area, Mr. Constantine proposed specific improvements such as linked parking areas to prevent cruising and offered ideas for diverse sidewalk seating, dining, walking. In particular, a kiosk and walk-up windows add to the pedestrian experience; safety at crosswalks and bus shelters is paramount. He reviewed some shared space concepts and varied streetscapes.

Mr. Solow demonstrated some offset incentives such as more density exchanged for open space or quality courtyard amenities.

Councilman Martindell supported the general concepts outlined. He thought this proposed ordinance could promote coordination and cooperation for neighborhood enhancement; a Borough economic development officer or special improvement district (SID) would help with Department Of Transportation issues, grants, and so forth.

Councilman Goldfarb recognized that neighborhood improvements would benefit all property owners if true coordination were achieved.

Mr. Constantine explained that SIDs look to accommodate infrastructure improvements that add value to properties and allow coordinated development throughout the district, thereby benefiting the public realm.

Councilwoman Butler was disturbed at the delay by Council, from September 13, 2011, for discussing development of East Nassau.

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

Ms. Fahme asked for talks on NB and SB zones. She pointed out that banks—deemed undesirable in the survey—are AAA tenants, while restaurants are the most risky. Ms. Fahme emphasized that SB zoning is antiquated—gas stations and funeral parlors no longer fitting for East Nassau. Ms. Fahme asked Council and the public to address this.

Councilman Goldfarb stated that banks have historically been excluded from ground floor space downtown (CBD) because they are uninteresting. Their appropriate locations are immediately adjacent to CBD.

Mr. Solow clarified that banks are permitted in NB. He said banks (and offices) are discouraged at the first-floor level because of lack of bustle, a “dead space.” Mr. Solow said a revised zoning ordinance for Nassau should include considerations for both the neighborhood streetscape concerns and property owners’ needs. He said there are differences between the two sides of the street (lot sizes, building heights, floor-area ratios, among others) that must be addressed.

Chip Crider, Bank Street, faulted the survey for allowing only registered voters, skewing the results toward property owners’ wants. More transient, lower-income populations use laundromats and fast food.

Seeing no one further, Council President Wilkes closed the public discussion and returned to Council.

Council President Wilkes stressed the need to examine all points of view. He quizzed Mr. Bruschi and Mr. Solow as to organizing a session with SB owners, with subsequent consideration by Council. Mr. Solow indicated a preliminary meeting within a week or two. Mr. Bruschi agreed.

Council President Wilkes read **Agenda Item H, Report (1) — Monthly Police Report — David Dudeck, Chief of Police.**

**RESOLUTION 2011-R276
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of September 2011; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the September 2011 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck was looking forward to working with Council and the transition team toward a positive and energetic consolidation experience.

Councilman Goldfarb requested a monthly interpretation throughout 2012 of status of police consolidation.

Chief Dudeck reported that, obviously, alcohol cases were higher with resumption of Princeton University (PU) classes.

Councilwoman Butler asked the parameters for transferring patients from McCosh to hospital. Chief Dudeck replied that McCosh makes the determination based on their ability to handle the medical situation.

Councilman Goldfarb noticed lower reported thefts (Borough's primary major crime). Chief Dudeck had no ready explanation—possibly less reporting of ordinary shoplifting, with merchants choosing to handle thieves on their own. Lack of reporting thwarts police enforcement of possible crime sprees.

Councilman Martindell moved to accept the police report, Councilwoman Butler seconded, and Council accepted unanimously.

Mr. Bruschi mentioned pending agenda items:

- Public hearing for E5 (December 6)—full evening
- Introduction of a SID—full evening.

He asked what items need Council action prior to year end.

Councilwoman Crumiller suggested transition team appointments.

Council considered holding special meetings November 29 and December 20 (instead of December 27) and what topics to be covered.

Council President Wilkes read by title **Agenda Item I, New Business (1) — Introduction and Authorization to Publish Ordinance 2011-26 BOND ORDINANCE PROVIDING FOR THE STABILIZATION OF THE STONY BROOK SEWER MAIN IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Councilman Goldfarb moved to introduce Ordinance 2011-26; Councilwoman Butler seconded.

Mr. Bruschi explained that the Borough will finance an emergency appropriation to authorize a contract for work to be done while the weather holds. He said there is a significant erosion issue resulting in a sewer pipe suspended in air. Ordinance 2011-26 permits raising funds to cover the appropriation.

Kristin Applegat of Princeton University offered expert advice from Princeton University personnel on reconstruction of the stream.

Councilman Martindell noted that there are several drainage easements that flood from time to time. He recommended improving contact with Department of Environmental Protection in order to expedite permits for maintenance work.

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. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, and Martindell voted in the affirmative. Council President Wilkes proclaimed the ordinance introduced with a public hearing to be held December 6, 2011.

Council President Wilkes read **Agenda Item I, New Business (2) — Resolution 2011-R277** as follows:

**RESOLUTION 2011-R277
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING LICENSE AGREEMENT ALLOWING
PRINCETON UNIVERSITY TO INSTALL SHARROWS
ALONG ALEXANDER ROAD, UNIVERSITY PLACE, CHAMBERS STREET,
WASHINGTON ROAD, WILLIAM STREET, OLDEN STREET,
PROSPECT AVENUE AND PORTION OF COLLEGE ROAD**

WHEREAS, the Borough of Princeton has installed thermoplastic sharrows symbols on various roadways within the Borough in order to designate a safe passage area for bicyclists; and

WHEREAS, the Trustees of Princeton University wish to install sharrow symbols on roadways within the University Campus and privately owned roadways by the University as well as along Alexander Road, University Place, Chambers Street, Washington Road, William Street, Olden Street, Prospect Avenue, and portion of College Road; and

WHEREAS, the Borough of Princeton wishes to authorize the installation of additional sharrow symbols along Alexander Road, University Place, Chambers Street, Washington Road, William Street, Olden Street, Prospect Avenue, and portion of College Road.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to enter into the attached License Agreement with the Trustees of Princeton University (the Licensee), allowing Princeton University to install sharrows along Alexander Road, University Place, Chambers Street, Washington Road, William Street, Olden Street, Prospect Avenue, and portion of College Road. The specific location of the proposed sharrow symbols shall be administratively reviewed and approved by the Office of the Borough of Princeton Engineer before installation. The License Agreement authorized by this Resolution is on file in the office of the Borough Clerk and may be inspected during regular office hours. A certified true copy of this Resolution shall be furnished upon its adoption to: Princeton University, c/o Kristin S. Appelget, Director of Community and Regional Affairs, 22 Chambers Street, Princeton, New Jersey 08543.

Councilman Goldfarb moved to approve Resolution 2011-R277; Councilwoman Butler seconded.

Ms. Appleget wanted to add portions of College Road to the sharrows list. Mover and seconder agreed to the addition.

Borough Council approved unanimously five to zero.

Council President Wilkes read **Agenda Item I, New Business (3) — Resolution 2011-R278** as follows:

**RESOLUTION 2011-R278
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

**APPROVING THE 2009 THROUGH 2012 COLLECTIVE NEGOTIATIONS AGREEMENT WITH
THE TEAMSTERS UNION LOCAL 676
POLICE DISPATCHERS**

WHEREAS, on January 1, 1999 a Borough of Princeton Police Dispatchers Association was created within the Teamsters Local 676; and

WHEREAS, the Collective Negotiations Agreement between the Borough of Princeton and Teamsters Local 676 AFL/CIO expired on December 31, 2008; and

WHEREAS, there is a need for the Borough of Princeton and the Borough of Princeton Police Dispatchers enter into a Collective Negotiations Agreement; and

WHEREAS, the parties have reviewed and as such have presented an Agreement for the period of January 1, 2009 through December 31, 2012; and

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 Teamsters Local 676, 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 Teamsters Local 676 and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.
3. An executed copy of this Agreement between the Borough of Princeton and the Teamsters Local 676 Princeton Borough, New Jersey and a copy of this Resolution shall be forwarded to State of New Jersey Public Employers Relations Commission.

Councilman Goldfarb moved to approve Resolution 2011-R278; Councilwoman Butler seconded.

Mr. Bruschi announced that the collective negotiations agreements were held by the union pending ratification. Council discussed particular provisions in the contracts.

Council emphasized resolving police dispatch during the consolidation year.

Borough Council approved four to one, with Councilman Martindell opposed.

Council President Wilkes read **Agenda Item I, New Business (4-10) — Resolutions 2011-R279, 2011-R280, 2011-R281, 2011-R282, 2011-R283, 2011-R284, and 2011-R285** as follows:

**RESOLUTION 2011-R279
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPOINTING CHIEF FINANCIAL OFFICER**

WHEREAS, as required by New Jersey State Statute the Borough wishes to appoint a Chief Finance Officer;

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

1. Pursuant to N.J.S.A 40A:9-140.2 and N.J.S.A 40A:9-140.8 et seq, Sandra L. Webb has met the requirements and is hereby appointed to serve as Chief Financial Officer in the Borough of Princeton.

**RESOLUTION 2011-R280
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Borough of Princeton is the owner of certain surplus property which is not longer needed for public use; and

WHEREAS, Mayor and Council of the Borough of Princeton are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

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

- (1) The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and condition of the State Contract. The terms and condition of the agreement entered into with GovDeals is available online at govdeals.com and also available on file in the Office of the Borough Clerk.
- (2) The sale will be conducted online and the address of the auction site is www.govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

1989 INTERNATION DUMP TRUCK/ MILES 69424/VIN# 1HTLDZ3R9KH677961

TORO WALKBEHINE MOWER BAD ENG MODEL#CV137 SPEC#PS-21524 SER#2716711924

OIL LEAF BLOWER SER#008172

AIR COMPRESSOR PUMP MODEL#240 SER#203806 SIZE 4X3

S&L AIR COMPRESSOR PUMP C5026-3033 3 INCH BORE

JOHN DEER PUSH MOWER

**RESOLUTION 2011-R281
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
JACOB T. LAPENNA**

WHEREAS, Jacob T. Lapenna has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Engine Company #1

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2011-R282
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
MARGARET BERTASI**

WHEREAS, Margaret Bertasi has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Engine Company #1

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2011-R283
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
LIA COITO**

WHEREAS, Lia Coito has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the Princeton Hook and Ladder

WHEREAS, the membership application has been reviewed by the municipal officers; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton hereby approve the application for membership to the Office of the Borough Administrator, the Fire Chief and Fire Company.

**RESOLUTION 2011-R284
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 \$3,056.22 is now available as a miscellaneous revenue anticipated from “**State of New Jersey – Body Armor**” and

SECTION 2.

BE IT FURTHER RESOLVED, that a like sum \$3,056.22 be and the same is hereby appropriated under the caption of “**State of New Jersey – Body Armor**”

**RESOLUTION 2011-R285
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	5		Jennifer Bruno	210 Elm Road Princeton, NJ 08540	\$7,064.63
3.01	13		Bracilovic, Ana & Grant Cooper	59 Westcott Road Princeton, NJ 08540	\$3,955.24
4.01	10		Sussman, Harvey A & Marion	77 Cleveland Lane Princeton, NJ 08540	\$8,622.05

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10.02	4		Morrison, Dale & Barbara	130 Hodge Road Princeton, NJ 08540	\$17,859.26	
11.01	16		Zeldis, Jerome & Sharon	151 Library Place Princeton, NJ 08540	\$1,530.75	
28.01	8.02	C02	Tucker, Melanie	51 Park Place Princeton, NJ 08542		\$285.22
32.12	22	CJ1	Danileyko, Edward	43 Gordon Way Princeton, NJ 08540		\$2,736.02
32.12	47	CT2	Vulchi, Nataraj & Millika J	14 Cameron Court 17 Westminster Drive Princeton Junction, NJ 08550	\$2,403.46	
42.01	2		Bowen, David & William & D. Sullivan	87 College Road West		\$13,715.83
Make check payable to: Trustees of Princeton University MacMillan Bldg- Bus. Office Princeton, NJ 08544						
49.01	3.01		Dial Elm & Cannon Club/ Attn RW	21 Prospect Ave Princeton, NJ 08540	\$34,868.14	
51.02	52&54		Weitz, Eric	12 Aiken Avenue Princeton, NJ 08540		\$3,732.03
52.01	2		Bennett, Antony & Elizabeth Smith	44 Princeton Ave. Princeton, NJ 08540	\$225.07	
52.01	60		Morrison, Carol	315 Nassau Street		\$4,498.03
52.01	64		Foley, John C	327-329 Nassau St		<u>\$3,181.92</u>
						\$7,679.95

Make check payable to:
Corelogic Real Estate Tax Dept.
Attn: Refund Dept
PO Box 961250
Fort Worth, TX 76161-9887

53.02	29		Freeman, Elaine B.	17 Pelham Ave 676 Center Street Trenton, NJ 08611		\$2,782.66
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TOTAL REFUNDS: \$107,460.31

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 Resolutions 2011-R279, 2011-R280, 2011-R281, 2011-R282, 2011-R283, 2011-R284, and 2011-R285; Councilwoman Crumiller seconded; Borough Council approved unanimously.

Council President Wilkes read **Agenda Item I, New Business (11) — Resolution 2011-R286** as follows:

**RESOLUTION 2011-R286
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING AN APPROPRIATION FOR COSTS PURSUANT TO N.J.S.A. 40A:4-48 FOR STONY
BROOK SEWER MAIN STABILIZATION**

WHEREAS, an emergency has arisen with respect to Stony Brook Sewer Main Stabilization and, no adequate provision was made in the 2011 budget for the aforesaid project, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$300,000 and three (3) percent of the total operating appropriations in the budget for 2011 is \$623,687; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all Governing Body members affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for Stony Brook Sewer Main Stabilization in the amount of \$300,000.
2. That said emergency appropriation shall be provided for in a Bond Ordinance, which is to be introduced November 22, 2011.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Martindell moved to approve Resolution 2011-R286 and Councilman Goldfarb seconded. Deputy Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Goldfarb, and Martindell voted in the affirmative. Council President Wilkes proclaimed the motion carried.

Council President Wilkes read **Agenda Item J, New Business (1) — Resolution 2011-R287** as follows:

**RESOLUTION 2011-R287
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE NOVEMBER 22, 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 Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (11-01)	103,799.46
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (11-05)	7,098.72
PARKING UTILITY OPERATING FUND (10-05)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	2,000.00
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	601.28
CAPITAL ACCOUNT (C-04)	23,277.52
PARKING UTILITY CAPITAL FUND (P-06)	4,480.00
ESCROW (E-30)	7,905.72
TRUST FUND (T-13)	

GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	2,270,360.14
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	1,340.33

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

Councilman Goldfarb moved to approve Resolution 2011-R287; Councilwoman Butler seconded.

Councilman Goldfarb observed that overspending of Borough's legal budget was not attributable to Hill Wallach.

Councilwoman Butler, Councilwoman Crumiller, and Councilman Goldfarb expressed concern that subsets of Council had sought legal assistance—at very high fees—without knowledge or vote of the entire Council.

Council approved the bill list unanimously.

Council President Wilkes read new **Agenda Item — Resolution 2011-R288** as follows:

**RESOLUTION 2011-R288
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE EMERGENCY STABILIZATION
OF SECTIONS OF THE 12" DIAMETER SANITARY SEWER
ALONG THE STONY BROOK**

WHEREAS, the Princeton Sewer Operating Committee (PSOC) operates and maintains a 12" diameter sanitary sewer along the Stony Brook (between Puritan Court / Wendover Drive and the Stony Brook; and

WHEREAS, the PSOC staff has observed that sections of the 12" diameter sanitary sewer has been exposed and undermined along the brook due to Hurricane Irene in August 2011; and

WHEREAS, Robert A. Hough, P.E., Manager of the PSOC, has advised that it is essential to the health, safety and welfare of the citizens of Princeton Borough and Township that these sections of 12" diameter sanitary sewer be stabilized; and

WHEREAS, any attempt to proceed with the full competitive procurement process to obtain construction services will consume several months; and

WHEREAS, N.J.S.A. 40A:11-6 allows for an emergency contracting procedure where the need for certain services could not have been reasonably foreseen and the immediate acquisition of such services is necessary to protect the public health, safety and welfare; and

WHEREAS, the PSOC has obtained proposals for the stabilization of these sections of 12" diameter sanitary sewer; and

WHEREAS, Castoro & Company, Inc., Hopewell, New Jersey submitted a responsive proposal to stabilize these sections of 12" diameter sanitary sewer in the amount of \$269,500.00; and

WHEREAS, an emergency appropriation and Bond Ordinance in the amount of \$300,000.00 has been authorized; and

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NOW, THEREFORE, BE IT RESOLVED by the Princeton Borough Mayor and Council that an emergency construction services contract for the stabilization of sections of the 12” diameter sanitary sewer along the Stony Brook be awarded to Castoro & Company, Inc, Hopewell, New Jersey for a total not to exceed \$269,500.00 is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the necessary Agreement with Castoro & Company, Inc.

Princeton Sewer Operating Committee Manager Robert A. Hough summarized the Castoro (a known, reliable contractor) bid of \$269,500 with work to begin the week of December 5, 2011. Councilman Goldfarb moved to approve Resolution 2011-R288, which awards emergency stabilization of sections of a sewer pipe. Councilwoman Crumiller seconded. Borough Council approved unanimously.

Councilwoman Butler moved to adjourn; Councilman Martindell seconded. There being no further business, Council President Wilkes adjourned the open session meeting at 9:50 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk