

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
January 10, 2012  
Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

Present: Council President Barbara Trelstad, Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilwoman Heather Howard, Councilman Roger Martindell, Councilman Kevin Wilkes, Mayor Yina Moore

Absent: None

Staff Present: Borough Engineer John M. West, Borough Attorney Maeve E. Cannon, Princeton Sewer Operating Committee Manager Robert A. Hough, Chief Finance Officer and Assistant Administrator Sandra L. Webb, Deputy Borough Clerk Delores A. Williams

Mayor Moore 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 January 10, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”*

Mayor Moore read **Agenda Item C, Resolution 2012-R30**, as follows:

**RESOLUTION 2012-R30  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON JANUARY 10, 2012**

**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 — 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.

January 10, 2012

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

Borough Council recessed into closed session.

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

Mayor Moore asked all present to rise for **Agenda Item D, Salute to the Flag**.

Mayor Moore read **Agenda Item E, Approval of Minutes**.

Presented for approval were the minutes of the open session of October 25, 2011.

Council President Trelstad moved to approve the minutes of the open session of October 25, 2011, Councilwoman Butler seconded, and Council approved five to zero, with Councilwoman Howard abstaining.

Presented for approval were the minutes of the open session of November 9, 2011.

Council President Trelstad moved to approve the minutes of the open session of November 9, 2011, Councilwoman Crumiller seconded, and Council approved five to zero, with Councilwoman Howard abstaining.

Presented for approval were the minutes of the open session of November 22, 2011.

Councilwoman Crumiller moved to approve the minutes of the open session of November 22, 2011, Councilman Martindell seconded, and Council approved five to zero, with Councilwoman Howard abstaining.

Presented for approval were the minutes of the open session of November 29, 2011.

Councilman Martindell moved to approve the minutes of the open session of November 29, 2011, Councilwoman Butler seconded, and Council approved five to zero, with Councilwoman Howard abstaining.

Mayor Moore read **Agenda Item F, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda. Mayor Moore explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Linda Fahmie, representing the Carnevale family (owners of 255 Nassau Street), requested Council consideration of rezoning East Nassau at the earliest possible meeting. Mayor Moore has directed staff to draft a zoning ordinance for discussion by Council on January 24, 2012.

Patrick Simon, 17 Harriet Drive, asked status of Transition Task Force. Mayor Moore announced addition of transition task force as **Agenda Item G, Discussion (2)**.

Mayor Moore read **Agenda Item G, Discussion (1) — 2012 Preliminary Budget** — *Sandra Webb, Chief Finance Officer*.

Ms. Webb stressed the early date of this presentation on preliminary budget process, as 2011 has not been closed. She said some projections are based on third quarter 2011 results.

Ms. Webb predicted a 1.63% increase in spending for 2012. She did not expect the surplus to differ from years 2011, 2010, and 2009—surplus unchanged after three years of zero tax increases. Borough is hoping for no cut in state aid. Departments will be asked to hold expenses flat again. Ms. Webb reported that debt service (about \$3.6 million) remains within the window set by Finance Committee in the past. Ms. Webb foresaw modest capital projects for 2012.

Ms. Webb discussed recent activity in the capital fund balance—\$2.2 million used in 2011 (\$1 million above 2010) plus repayments from joint projects with the Township (\$900,000) and Department of Transportation funds for road work—now at \$3.3 million, with about \$2.1 million tentatively pledged for 2012. Ms. Webb sought guidance from Council for further budget planning.

Ms. Webb reviewed tax and spending limitations imposed by the state. Base 2% tax levy is enhanced by Borough through unutilized cap balances and unutilized spending caps (2.5%) from previous years.

Ms. Webb cautioned that reduced state aid must be replenished somewhere—fund balances or tax levies. She anticipated protection from the governor's tool kit (points for acceptable answers) if deadlines are met.

Mayor Moore asked about the additional Princeton University payment of \$250,000 (above the \$250,000 for transition costs) for 2012; has Finance earmarked those moneys? Ms. Webb has “tweaked” some numbers and is looking to Finance for direction.

Councilwoman Butler asked what budget items have so far been covered in talks with the Township. Ms. Webb replied that combining 2011 budgets will provide a starting point.

Councilman Martindell, Chair of the Finance Committee, reported no new initiatives before Finance Committee this year—for example, no labor contracts, no bond issues; the thought being that less finance activity the better for the year facing consolidation. He hoped to repeat zero percent tax increase. Regarding consolidation, joint finance groups will draft *pro forma* budgets for 2013 as baseline and the committees will pursue negotiations on allocation of costs.

Councilwoman Howard, new Finance member, pointed out that Governor Christie has promised to cover 20% of unification expense; it behooves the Borough and Township to track those funds into his initial budget with a joint letter approving the partnership. Councilwoman Howard

January 10, 2012

suggested making a list of anticipated state accommodations—cap balances, unifying of debts (potential legal issues), and so forth.

Ms. Webb agreed with Councilwoman Butler that maintaining a revenue balance is important.

Councilman Wilkes brought up the philosophical issue of Borough capital surplus, raised and paid for by Borough taxpayers in the past. He recommended assigning those funds to Borough-specific issues, such as centralized trash collection strategies for downtown. Council President Trelstad concurred, and included recycling.

Mayor Moore returned to Princeton University's PILOT, hoping to establish a way to relieve recent severe tax burden on some properties.

Mayor Moore read new **Agenda Item G, Discussion (2) — Transition Task Force (TTF)**.

Mayor Moore remembered that Councilman Martindell proposed a joint resolution with the Township to form, empower, guide the constitution of, and set the general requirements of the Transition Task Force. Mayor Moore hoped for a prompt Council vote on such resolution.

Councilman Martindell provided the draft resolution dated January 10, 2012. He summarized resolution points:

- 15 members
- Quorum and voting
- Power to hire experts
- Hold open executive sessions, receive testimony, generate reports, write a budget
- Schedule of reports
- Generate contributions of \$25,000 each body (suggested amounts).

Borough Counsel Maeve Cannon echoed the Township Attorney's concerns that the task force was designed to liaise among governing bodies and departments; not to pursue a substantive, decision-making role. Ms. Cannon emphasized the need to reign in the powers and authority of the Transition Task Force; she saw an area of danger in subpoena power.

Ms. Cannon recommended limitations on creation and spending of a task force budget with a provision that any change must be approved by Council and Committee rather than the two administrators.

Councilman Wilkes wondered about a sunset clause for the Transition Task Force agreement. Councilwoman Butler suggested aligning with termination of consolidation commission; that is June 30, 2013.

Council President Trelstad thought the task force should function more as a resource than a liaison—for example, human resources professionals in the Transition Task Force applicant pool.

Councilwoman Butler quoted commission Chair Anton Lahnston who opposed limiting citizen involvement in favor of staff/resident joint effort. He said commission's role should be reduced with increased work by Transition Task Force. Councilwoman Butler stressed the skills seen in the applicants not available from staff members.

Councilman Martindell mentioned the opportunity to reinvent government and re-envision the community's future—which can only come from the public. The governments will still have ongoing supervision and all final approvals.

Councilwoman Howard reported on a resolution from yesterday's commission meeting that the Chair will appoint a current commission member (Bernie Miller of Township Committee, already appointed by Township to the Transition Task Force) to be a formal link with the Transition Task Force.

To avoid redundancy, Ms. Cannon questioned, for example, hiring an independent auditor.

Council President Trelstad thought it important to avoid roadblocks because of the restrictive timeframe.

Mayor and Counsel discussed most opportune meeting dates for the Transition Task Force; final scheduling will be flexible.

Council President Trelstad moved to approve the draft resolution as outlined during this meeting; Councilwoman Crumiller seconded.

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

Patrick Simon, 17 Harriet Drive, suggested that the final report be termed "full implementation report."

Councilwoman Butler wanted good records of the Transition Task Force's activities kept to benefit other New Jersey communities facing consolidating topics.

Seeing no one further, Mayor Moore closed the public discussion and returned to Council.

Councilman Martindell summarized Council's input on the draft document.

Mayor Moore called for a vote and proclaimed the motion passed unanimously.

Mayor Moore read new **Agenda Item I, New Business — Resolution 2012-R50** as follows:

**RESOLUTION 2012-R50  
JOINT RESOLUTION  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON AND  
THE MAYOR AND COMMITTEE OF THE  
TOWNSHIP OF PRINCETON ESTABLISHING A**

## TRANSITION TASK FORCE

**Whereas**, on November 8, 2011, the voters of the Borough of Princeton and the Township of Princeton approved by referendum a ballot question asking whether the Borough and Township should be consolidated into one municipality to be named "Princeton"; and

**Whereas**, as a result of said referendum, municipal consolidation shall occur on January 1, 2013; and

**Whereas**, to appropriately plan for the consolidation of municipal operations and finances, the Mayor and Council of the Borough of Princeton and the Mayor and Committee of the Township of Princeton deem it advisable to establish a transition task force for the purposes of recommending and facilitating appropriate actions and decisions concerning the legal municipal consolidation that shall occur on January 1, 2013; and

**Whereas**, the transition task force shall derive its authority from and report to the governing bodies of the Borough and Township of Princeton; and

**Whereas**, the general mission of said task force shall be to propose implementation of the recommended municipal consolidation of the Borough and Township, using the Joint Consolidation Study Commission Final Report dated June 2011 as a guide;

**Whereas**, to appropriately advise the governing bodies of the municipalities as stipulated in the Municipal Consolidation Act at N.J.S.A. 40:43-66.57c. (Discharge of commission), the Shared Services and Consolidation Commission may issue advisory opinions to the governing bodies, the Transition Task Force, and to the Task Force subcommittees;

**Now, therefore**, the Borough and the Township hereby jointly resolve as follows:

1. **Name**. The Borough and the Township hereby establish a Princeton Municipal Consolidation Transition Task Force [the "Transition Task Force"].

2. **Membership**. The Borough Mayor and Council and the Township Mayor and Committee hereby appoint fifteen persons to serve as members of the Transition Task Force. Membership in the Transition Task Force shall include:

A. Two members of the 2012 governing body of the Borough, with power to vote; and

B. Two members of the 2012 governing body of the Township, with power to vote; and

C. Four residents of the Borough of Princeton appointed by the Borough, three of whom shall have power to vote and one of whom shall serve as an alternate with no power to vote except in the absence of a voting member of the same category of member; and

D. Four residents of the Township of Princeton appointed by the Township three of whom shall have power to vote and one of whom shall serve as an alternate with no power to vote except in the absence of a voting member of the same category of member; and

E. One representative of the State Department of Community Affairs, with no power to vote;

F. The Administrator of the Borough of Princeton, with no power to vote; and

G. The Administrator of the Township of Princeton, with no power to vote.

### 3. **Quorum and Voting**.

A. A quorum of the Transition Task Force shall be three voting members who are residents of the Borough and three voting members who are residents of the Township.

B. The Transition Task Force shall make decisions by majority vote of its members present who are residents of the Borough and majority vote of its members who are residents of the Township.

### 4. **Structure and Appointments**.

A. The Transition Task Force shall elect a chair and vice-chair or co-chairpersons, one resident of the Borough and one resident of the Township, and shall engage legal counsel independent of the Borough and Township; that is, not in the employ of either the Borough or the Township.

B. The Transition Task Force shall establish and administer subcommittees at their discretion. It is expected that subcommittees will exist in respect to major departments (including police and public works), personnel, finance, information technology, and other areas to be identified by the Transition Task Force. Subcommittees shall involve the participation of Borough and Township staff in addition to residents and/or

municipal governing body members. Such subcommittees will be created by, report to, and serve at the pleasure of the Transition Task Force.

C. For each subcommittee affiliated with a particular municipal department, the Borough Administrator and/or the Township Administrator shall appoint at least one municipal staff person to serve that subcommittee under the direction of the appointing Administrator. There shall be no requirement that subcommittee members be resident in Princeton Borough or Township. Membership on subcommittees shall be open to persons affiliated with educational institutions, and persons with commercial and/or professional offices, located in the Borough and the Township.

D. The Transition Task Force may employ such assistance and professionals as it deems appropriate, upon approval of the Borough and Township Administrators.

5. **Powers.** The Transition Task Force shall operate under the joint authority and direction of the Borough and the Township governing bodies, acting through their respective Administrators. The Task Force shall have all such powers as are provided under the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 *et seq.* Additionally, the Task Force's powers shall include, but not be limited to:

A. meeting in open and executive session;

B. engaging professional advisors on such budget and conditions as may be determined by the Borough and Township, including, but not limited to, legal counsel, auditor, facilitator, and clerk;

C. requiring the production of documents from the Borough and the Township;

D. requiring the appearance and testimony before the Transition Task Force of any employee or contract worker of the Borough or the Township;

E. producing reports and recommendations concerning (i) the consolidation and/or operations of all agencies of the Borough and Township, as compared to the Joint Consolidation Study Commission Final Report dated June 2011, and (ii) the creation and operation of the municipality of Princeton in all manner and form as the Transition Task Force shall deem appropriate.

F. establishing a budget for its operations, subject to approval of the Mayor and Council and Mayor and Committee of the respective municipalities.

6. **Reports.** The Transition Task Force shall prepare written minutes of its meetings. The Transition Task Force shall hold open public meetings to discuss its work with the general public on Wednesday, March 21, 2012, at 7 p.m. and on Wednesday, May 23, 2012, at 7 p.m. Additionally, if needed, the Borough and Township governing bodies hereby agree to meet in joint open session to consider the work of the Transition Task Force, as follows:

A. Monday, February 13, 2012, 7 p.m.;

B. Monday, March 12, 2012, 7 p.m.;

C. Tuesday, April 10, 2012, 7 p.m.;

D. Monday, May 7, 2012, 7 p.m.;

E. Tuesday, June 12, 2012, 7 p.m.

The Transition Task Force shall deliver to the Borough and Township governing bodies a preliminary report on or before April 10, 2012 and a Full Implementation Report on or before June 26, 2012. The dates specified herein are provided as a guideline for the Transition Task Force. After constitution of the Transition Task Force, it will either agree to the dates specified herein or provide alternative dates for approval by the governing bodies.

7. **Budget.**

A. To support the operations of the Transition Task Force, the Borough hereby agrees to initially budget \$25,000 and the Township hereby agrees to initially budget \$25,000 in 2012 general operating funds.

B. No municipal employee shall be compensated for his/her work in connection with the operations of the Transition Task Force, except upon joint approval of the governing bodies of the Borough and Township.

8. **Termination**

The Transition Task Force shall terminate on June 30, 2013.

Mayor Moore described December 2011 activity of a subcommittee named to review applications for membership on the Transition Task Force. She acknowledged that she and Councilwoman Howard inspected pertinent documents, despite not having yet been sworn in as elected officials.

Councilwoman Butler stated the deadline for applications was midnight on December 7. Applications were included for Council consideration on December 20 in closed session. Councilwoman Butler reported that then-Council President Wilkes, Councilwoman Crumiller, and herself were available to complete the review process during the holiday week in order to seat the Transition Task Force on January 3, 2012.

Councilwoman Butler mentioned a response of 30 people interested in serving on the Transition Task Force or subcommittees. Councilwoman Butler described the culling process employed by the *ad hoc* group. By consensus, the *ad hoc* committee chose eight applicants for interview, with a view to naming the task force on January 10. (Applicants from Princeton University were excluded because of uncertain credentials and allegiances.)

Councilman Martindell recognized the importance of the Open Public Meetings Act and consequences of inadvertently contravening it. He wanted to discuss in open session how candidates were selected. Mayor Moore replied that those criteria will be discussed next.

Councilman Martindell wanted to choose more applicants for public interview and add them to the eight originally selected for consideration.

Mayor Moore stated that Council will reopen the sorting process—based on accidental infringement of regulations for closed meetings.

Councilwoman Howard wanted a diverse team that represents all the strengths and talents of the Borough. She stressed a residency requirement, with expertise in finance and budget, information technology, municipal or state government, and civil service personnel. She also favored legal experience, negotiation skills, and deep ties to the community.

Councilwoman Butler commended Councilwoman Howard's recapitulation of the *ad hoc* committee's talks. Councilwoman Butler added successful organizational change to the list of criteria.

Councilwoman Howard stressed a standard set of interview questions for fairness.

Councilwoman Crumiller mentioned a well-rounded committee with complementary skills.

Council President Trelstad was looking for experience with—in particular—municipal government.

Councilman Wilkes desired geographical balance across Borough neighborhoods and professional/family variety.

Councilman Martindell quibbled that current Borough residency was too restrictive. He said affiliation with Princeton University should not be discounted for eligibility. Regarding skill sets, Councilman Martindell emphasized leadership in order to counter dual chairmanship. He thought it inappropriate to exclude resumes received through Community State Affairs.

Councilman Martindell suggested a second round of interviews should include a larger pool of individuals.

Mayor Moore pressed Councilman Martindell for his list of criteria. He argued against bars from consideration—that is, Princeton University affiliation, Community State Affairs, non-residency. Leadership should be a factor. Councilman Martindell looked for consistency regarding participation in earlier consolidation efforts.

Councilwoman Butler clarified that opportunities to comment to the *ad hoc* group passed unrealized; it is too late in the day to revise the interviewing methodology.

Councilwoman Crumiller moved to appoint a three-person committee of Council to review the applicants already interviewed and choose four. Councilwoman Butler seconded, opining that a smaller group might move forward more easily than Council as a whole.

Ms. Cannon explained that the inadvertent violation of the Public Meetings Act on December 28<sup>th</sup> occurred when two elected officials—as of that date members of the public—attended a private session. She said that today’s Council talks in an open forum are the curative measure of the violation.

Council President Trelstad suggested a new subcommittee of Council be empowered to reopen interviews to include a few more people than the original eight.

Councilwoman Howard was concerned about the delay from beginning again when the original group was unanimous in its choices. Councilwoman Crumiller concurred with the unnecessary hold up. Councilwoman Butler reminded that they found eight excellent people; additional excellent people must be weighed against deferring naming the Transition Task Force.

Councilman Wilkes said he has failed to pick four from the initial group of eight that meet the diversity and ability mix needed for the Transition Task Force team. Therefore, he supported identifying more candidates for examination.

Councilwoman Butler objected that discussing candidates in an open forum will harm future volunteerism; people will be reluctant to step forward knowing they will be dissected in public.

Ms. Cannon warned against email meetings among Council members.

Mayor Moore repeated: (1) Councilwoman Crumiller moved to appoint a three-person committee of Council to review the applicants already interviewed and choose four. (2) Councilwoman Butler had seconded. (3) Council President Trelstad had amended to open the process to include more interviewees.

Council discussed timing requirements for creation of a subcommittee—including special Council session, public notification, interviews, and voting.

Mayor Moore called for a vote on the Trelstad amendment to find additional people for interview on Tuesday, January 17. Mayor Moore proclaimed the vote tied three to three (Council President Trelstad, Councilman Martindell, and Councilman Wilkes for; Councilwoman Butler, Councilwoman Crumiller, and Councilwoman Howard against) and voted nay, defeating the amendment.

Mayor Moore called for a vote on the original motion to appoint a three-person committee. Mayor Moore broke a three–three tie (Councilwoman Butler, Councilwoman Crumiller, and Councilwoman Howard for; Council President Trelstad, Councilman Martindell, and Councilman Wilkes against), by voting in favor. Council President Trelstad, Councilwoman Butler, and Councilman Wilkes volunteered to serve.

Mayor Moore read **Agenda Item H, Old Business (1) — Resolution 2011-R308** as follows:

**RESOLUTION #2011-R308  
THE BOROUGH OF PRINCETON  
COUNTY OF MERCER, STATE OF NEW JERSEY**

**A RESOLUTION OF THE BOROUGH OF PRINCETON APPROVING THE BOROUGH’S ENTRY INTO A SETTLEMENT AGREEMENT & RELEASE, LICENSE, AND CHANGE ORDER WITH NASSAU HKT, LLC**

WHEREAS, the Borough of Princeton desires to enter into the attached Settlement Agreement and Release (the “Agreement”), License, and Change Order with Nassau HKT, LLC (“NHKT”), which are incorporated herein as if set forth at length; and

WHEREAS, NHKT was appointed redeveloper of a certain site located in the Borough for which the Borough and NHKT entered into: (1) Redevelopment Agreement dated January, 2003 (the “Redevelopment Agreement”), and (2) Ground Lease dated September 1, 2004 (the “Ground Lease”); and

WHEREAS, Princeton Borough and NHKT have asserted several claims against each other arising out of the Redevelopment Agreement and Ground Lease, which were the subject of litigation as set forth in the matter captioned Nassau HKT Urban Renewal Associates, LLC v. The Troast Group, Inc., et al., N.J. Superior Court, Law Division, Docket No.: MER-L-1663-06 (the “NHKT Lawsuit”); and

WHEREAS, all claims between the parties are hereby settled.

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

1. The Borough of Princeton is authorized to enter into the attached Settlement Agreement & Release, License, and Change Order with NHKT.  
IT IS SO RESOLVED.

MUNICIPAL CLERK

BOROUGH OF PRINCETON

\_\_\_\_\_  
Name:  
Title: Borough Clerk  
Dated:

\_\_\_\_\_  
Name:  
Title: Mayor  
Dated:

Council President Trelstad moved to table Resolution 2011-R308; Councilman Martindell seconded. Mayor Moore proclaimed the resolution tabled.

Mayor Moore read **Agenda Item I, New Business (1) — Resolution 2012-R31** as follows:

**RESOLUTION 2012-R31  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE 2012 COMMITTEE APPOINTMENTS  
FOR A THREE YEAR TERM**

**NOW BE IT RESOLVED** that those listed below are appointed to the Borough of Princeton committees for a three year term through January 1, 2015 as follows:

<b>PRINCETON SEWER OPERATING</b>	David A. Goldfarb (Replaces D. Sipprelle)
<b>AFFORDABLE HOUSING</b>	Laurie Harmon (Reappointed) Anne Neumann (Replaces D. Schrayner)
<b>JOINT PEDESTRIAN AND BICYCLE</b>	Laurie Harmon (Reappointed)

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to each committee and the Office of the Municipal Clerk.

Council President Trelstad observed that approving resolutions in block is problematic for committee appointments, as the information is not available to the public until minutes are published. She read Resolution 2012-R31 into the record.

Councilwoman Crumiller suggested posting Council’s entire agenda packet to the Website; she offered to assist in the scanning process.

Council President Trelstad moved to approve Resolution 2012-R31, Councilwoman Howard seconded, and Borough Council approved unanimously.

Mayor Moore read **Agenda Item I, New Business (2–15) — Resolutions 2012-R32, 2012-R33, 2012-R34, 2012-R35, 2012-R36, 2012-R37, 2012-R38, 2012-R39, 2012-R40, 2012-R41, 2012-R42, 2012-R43, 2012-R44, and 2012-R45** as follows:

**RESOLUTION 2012-R 32  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
TO EXTEND THE EXISTING CONTRACT TO  
DAN BERNOSKI FIRST CLASS PLUMBING AND HEATING, INC.  
FOR THE TELEVISION INSPECTION  
OF SANITARY SEWER LATERALS  
FOR THE PRINCETON SEWER OPERATING COMMITTEE  
THROUGH DECEMBER 2012**

**WHEREAS**, on August 10, 2010 the Mayor and Borough Council adopted Resolution 2010 – R230 approving a contract with Dan Bernoski First Class Plumbing and Heating, Inc. for the television inspection of sanitary sewer laterals throughout the Princeton Sewer Operating Committee (PSOC) sanitary sewer service area through December 2011; and

**WHEREAS**, the Manager / Engineer of the PSOC has advised the Mayor and Borough Council of the need for television inspection of sanitary sewer lateral throughout the PSOC sanitary sewer service area through December 2012; and

**WHEREAS**, the contract known as “Television Inspection of Sanitary Sewer Laterals for the Princeton Sewer Operating Committee – September 2010 through December 2011” for said services allows for two (2) one year (1) year extensions of the existing contract; and

**WHEREAS**, the Manager / Engineer of the PSOC recommends a one (1) year tie extension until December 31, 2012; and

**WHEREAS**, THE Borough’s Chief Financial Officer has advised that previously approved fund are still available for the purposes set forth herein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton that the contract for the project known as “Television Inspection of Sanitary Sewer Laterals for the Princeton Sewer Operating Committee – September 2010 through December 2011”, awarded to Dan Bernoski First Class Plumbing and Heating, Inc., Trenton New Jersey, in the bid amount of \$36,250.00, be extended for a one (1) year period until December 31, 2012 and the Mayor and Clerk are hereby authorized to

execute an agreement amendment with Dan Bernoski First Class Plumbing and Heating, Inc. in a form substantially similar to the agreement attached hereto.

**RESOLUTION 2012-R33  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
TO EXTEND THE EXISTING CONTRACT TO  
TOM L. WELLS ELECTRICAL CONTRACTING, INC.  
FOR ELECTRICAL SERVICES – VARIOUS LOCATIONS WITHIN THE  
SERVICE AREA (BOROUGH AND TOWNSHIP OF PRINCETON)  
OF THE PRINCETON SEWER OPERATING COMMITTEE  
THROUGH DECEMBER 2012**

**WHEREAS**, on August 10, 2010 the Mayor and Borough Council adopted Resolution 2010 – R229 approving a contract with Tom L. Wells Electrical Contracting, Inc. for electrical services for the Princeton Sewer Operating Committee (PSOC) throughout the PSOC’s sanitary sewer service area through December 2011; and

**WHEREAS**, the Manager / Engineer of the Princeton Sewer Operating Committee has advised the Mayor and Borough Council of the need for electrical services throughout the PSOC sanitary sewer service area through December 2012; and

**WHEREAS**, a contract known as “Electrical Services – Various Locations within the Service Area (Borough and Township of Princeton) of the Princeton Sewer Operating Committee – September 2010 through December 2011” for said services allows for two (2) one (1) year extensions of the existing conditions; and

**WHEREAS**, the Manager / Engineer of the Princeton Sewer Operating Committee recommends a one (1) year time extension until December 31, 2012; and

**WHEREAS**, the Borough’s Chief Financial Officer has advised that previously approved funds are still available for the purposes set forth herein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton that the contract for the known as “Electrical Services – Various Locations within the Service Area (Borough and Township of Princeton) of the Princeton Sewer Operating Committee – September 2010 through December 2011”, awarded to Tom L. Wells Electrical Contractor, Inc., Princeton New Jersey, for a lump sum contract not to exceed \$60,000.00, with electrician rates of \$85.00 / hours straight time, \$150.00 / hour overtime and electrician helper rates of \$11.00 / hour straight time, \$30.00 / hour overtime, with material and equipment markup of 40% be extended for a one (1) year period until December 31, 2012 and the Mayor and Clerk are hereby authorized to execute an agreement amendment with Tom L. Wells Electrical Contractor, Inc. in a form substantially similar to the agreement attached hereto.

**RESOLUTION 2012 –R34  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING THE CONTRACT KNOWN AS  
“PLACEMENT AND REMOVAL OF  
SOLID WASTE DUMPSTERS – BEGINNING JANUARY 2012”  
TO FUTURE SANITATION, INC.**

**WHEREAS**, the Princeton Sewer Operating Committee has solicited bid proposals for the weekly placement and removal of solid waste dumpsters for the Solid Waste Convenience Center on River Road for a one (1) year term to commence on or about January 1, 2012 and ending December 31, 2012; and

**WHEREAS**, all bid proposals were opened on December 21, 2011; and

**WHEREAS**, the Borough received the following five (5) bids:

- Future Sanitation, Inc. in the amount of \$49,425.00;
- Horizon Disposal, Inc. in the amount of \$49,800.00;
- J. Vinch & Sons, Inc. in the amount of \$50,025.00;
- MIDCO Waste Systems in the amount of \$50,850.00;
- Carnevale Disposal Company, Inc. in the amount of \$56,250.00; and

**WHEREAS**, it is the recommendation of the Manager of the Princeton Sewer Operating Committee that the contract be awarded to Future Sanitation, Inc. 385 Cranberry Road, Farmingdale, New Jersey 07727, as the lowest responsible bidder; 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 that a Contract be awarded to Future Sanitation, Inc., 385 Cranberry Road, Farmingdale, New Jersey 07727, for weekly placement and removal of 30 cubic yard solid waste dumpsters to be located at the Municipal Convenience Center on River Road for the period beginning January 1, 2012 and ending December 31, 2012, in a total amount not to exceed \$49,425.00, said amount to include all disposal charges for the period.

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

**RESOLUTION 2012-R35  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING A PROFESSIONAL SERVICES AGREEMENT  
TO NEW JERSEY ANALYTICAL LABORATORIES, LLC  
FOR GROUNDWATER AND SURFACE WATER ANALYSIS,  
FEBRUARY 2012 TO JANUARY 2013**

**WHEREAS**, the Princeton Sewer Operating Committee (PSOC) has advised the Mayor and Council that it wishes to engage **New Jersey Analytical Laboratories, LLC**, 1590 Reed Road, Suite A 1, Pennington, New Jersey 08534 (the "Provider") for the performance by the Provider of professional services in connection with certain activities being conducted by the Princeton Sewer Operating Committee; and

**WHEREAS**, the services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq., and

**WHEREAS**, the Local Public Contracts Law requires that the Resolution authorizing the award of contract for the services without competitive bidding be publicly advertised; and

**WHEREAS**, the PSOC did obtain four (4) quotations for the performance of the work and New Jersey Analytical Laboratories, LLC submitted the lowest quotation; and

**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 the aforesaid services with New Jersey Analytical Laboratories, LLC (the "Provider").

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

The Provider shall perform ground water and surface water analysis at the Princeton Sanitary Landfill for the period of February 1, 2012 to January 31, 2013. The scope of the work involves quarterly sampling of six (6) groundwater-monitoring wells and two (2) surface water locations at the Princeton Sanitary Landfill. The analysis is an annual requirement of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and closure plan with the NJDEP. Under this contract, the 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 the following compensation:

An amount not to exceed Eight Thousand Two Hundred Dollars and No Cents (\$8,200.00).

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. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

4. A notice of this action shall be published in The Times of Trenton as required by law within ten (10) days of its passage.

5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

**RESOLUTION 2012-R36  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AWARDING CONTRACT FOR  
RENTAL & CLEANING OF UNIFORMS**

**WHEREAS**, the Borough of Princeton has determined the need for rental & cleaning of uniforms for the Blue Collar workers in the Borough of Princeton; and

**WHEREAS**, the Borough has solicited bid proposals for same and bid proposals were opened on Thursday, December 15, 2011; and one bid was opened and read, and

**WHEREAS**, the bid was reviewed by the Borough Engineer and found to be in order, therefore the recommendation of the Borough Engineer that the contract be awarded to American Wear Inc., 261 N. 18th Street, East Orange NJ, 07017 as the lowest responsible bidder; 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 that a contract be awarded to American Wear Inc., 261 N. 18th Street, East Orange NJ, 07017, from January 1, 2012 through December 31, 2012, for a unit price contract not to exceed \$23,114 for 2012, based upon the unit prices pursuant to the bid response.

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

**RESOLUTION 2012-R37  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
AUTHORIZING AN AWARD FOR PROFESSIONAL SERVICES  
LANDSCAPE CONSULTING**

**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 **Daniel Dobromilsky & Associates** (hereinafter referred to as "Provider") to provide consult services for the Planning Board and the Zoning Board from January 1, 2012 through December 31, 2012, 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 a consultant to the Regional Planning Board of Princeton and the Zoning Board of Princeton Borough to review and evaluate various land development applications filed with the Boards, 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, NJASA 40:SSD-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.

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 proposal of the Provider dated December 5, 2011 (attached).

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 2012-R38  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
AWARDING CONTRACT TO MAGIC TOUCH CONSTRUCTION  
FOR PLUMBING SERVICES**

**WHEREAS**, the Borough of Princeton has determined the need for plumbing services in connection with various projects at various locations within the Borough of Princeton; and

**WHEREAS**, the Borough has solicited bid proposals for same; and

**WHEREAS**, all bid proposals were opened on Thursday, December 15, 2011; and two bids were opened and read, and

**WHEREAS**, the bid results are summarized on the attached spreadsheet, and

**WHEREAS**, the bids were reviewed by the Borough Engineer and Borough Attorney, and found to be satisfactory, and

**WHEREAS**, it is therefore the recommendation of the Borough Engineer that the contract be awarded to Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735 as the lowest responsible bidder; 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 that a contract be awarded to Magic Touch Construction, 59 West Front Street, Keyport NJ, 07735, from January 1, 2012 through December 31, 2012, for a lump sum base contract of \$23,100, with a maximum contract amount not to exceed \$50,000, with plumber rates of \$84.00/hr straight time, \$126.00/hr overtime and plumber helper rates of \$42.00/hr straight time, \$63.00/hr overtime, with material markup of 10% and rental equipment markup of 10%, as set forth in the bid specifications.

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

**RESOLUTION 2012-R39  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **Katherine Korwin, 25 Shara Lane, Pennington, NJ 08534** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional **health** services for a total contract amount not to exceed **\$5,000.00**.

Under this Agreement, Provider shall at all times act as an independent professional contractor and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

Rendition of Invoices: Payment of fees will be made upon the submission to the Provider to the Borough of invoices in duplicate in the form prescribed by the Borough not later than the tenth (10th) day of the month following that covered by the invoice, and shall specify in detail the periods for which fees are

claimed for the services performed. The provider shall give written notice to the Borough when the Provider has billed eighty (80%) of the compensation set forth in paragraph I of the Agreement.

2. The form of contract shall include standard provisions common to professional service agreements entered into by the Borough and shall be subject to approval by the Borough Attorney.

3. The contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.

4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

**RESOLUTION 2012-R40  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a shared services contract for professional services with **the Township of Hamilton, 2090 Greenwood Avenue, PO Box 00150, Trenton, NJ 08650-0150** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide **ADULT SEXUALLY TRANSMITTED DISEASE** services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$1,200**.

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 2012-R41  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **Princeton HomeCare, 208 Bunn Drive, Princeton NJ 08540** (hereinafter referred to as "Provider") to

provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, 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 4, 2012** (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 within ten (10) days of its passage.

**RESOLUTION 2012-R42  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON**

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

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

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

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with **Amy Gittel, D.O.; 601 River Road, Yardley, PA 19067** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2012 through December 31, 2012**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide professional medical services and other related duties as cited in the contract (attached), for a total contract amount not to exceed **\$4,380.00**.

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 2012-R43  
THE BOROUGH OF PRINCETON  
COUNTY OF MERCER, STATE OF NEW JERSEY**

**A RESOLUTION OF THE BOROUGH OF PRINCETON APPROVING A LICENSE AGREEMENT BETWEEN THE BOROUGH OF PRINCETON AND 90 NASSAU LLC**

WHEREAS, the Borough of Princeton (the "Borough") desires to enter into a license agreement ("License Agreement") with 90 Nassau LLC ("90 Nassau") having offices located at 195 Nassau Street, Princeton, NJ 08542.

WHEREAS, an underground storage tank protrudes onto Nassau Street from certain real property designated Lot 38, Block 20.01 on the tax map of the Borough of Princeton, Mercer County, New Jersey; and

WHEREAS, it is in the public interest for the Borough to grant a limited license to permit the encroachment into the public right of way; and,

WHEREAS, the consent granted herein is a license to permit an encroachment in and along the Nassau Street public right of way located at certain real property designated Lot 38, Block 20.01 on the tax map of the Borough of Princeton, Mercer County, New Jersey.

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

2. 90 Nassau is hereby granted permission to encroach on the public right of way on Nassau Street along certain real property designated Lot 38, Block 20.01 on the tax map of the Borough of Princeton, Mercer County, New Jersey.

3. The Borough is permitted to enter into the License Agreement with 90 Nassau granting the encroachment onto the public right of way of Nassau Street along certain real property designated Lot 38, Block 20.01 on the tax map of the Borough of Princeton, Mercer County, New Jersey pursuant to the terms and conditions set forth in the License Agreement attached hereto.

**RESOLUTION # 2012-R44  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
FOR  
APPROVAL OF CHANGE ORDER #1 – FINAL TO RED OAK BUILDING**

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 Red Oak Building as outlined in the change order prepared by Saphire and Albarran and;

WHEREAS, through field changes agreed to and accepted by the Engineer and Contractor a net **savings of \$1,342.00** has been realized; 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 Red Oak Building for the Fire House #3 roof replacement project in the amount of - \$1,342.00 is hereby approved.

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

**RESOLUTION 2012-R45  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY BLUE POINT GRILL**

WHEREAS, the Blue Point Grill for their 13th Annual "Oyster Bowl" to be held on February 5, 2012 at 258 Nassau Street, Princeton, New Jersey; and

**WHEREAS**, the Blue Point Grill has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, January 30, 2012 through Monday, February 6, 2012 to advertise this program to the entire Princeton Community; 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.

Council President Trelstad moved to approve Resolutions 2012-R32, 2012-R33, 2012-R34, 2012-R35, 2012-R36, 2012-R37, 2012-R38, 2012-R39, 2012-R40, 2012-R41, 2012-R42, 2012-R43, 2012-R44, and 2012-R45; Councilman Martindell seconded. Borough Council approved unanimously.

Mayor Moore read **Agenda Item I, New Business (16) — Resolution 2012-R46** as follows:

**RESOLUTION 2012-R46  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED  
BY COMMUNITY OPTIONS, INC.**

**WHEREAS**, the Community Options, Inc. for their 4<sup>th</sup> Annual “Cupid’s Chase 5K Run” to be held on February 11, 2012 at Princeton Shopping Center, Princeton, New Jersey; and

**WHEREAS**, the Community Options, Inc. has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, February 6, 2012 through Monday, February 13, 2012 to advertise this program to the entire Princeton Community; 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.

Councilman Wilkes recused himself from the vote on Resolution 2012-R46.

Council President Trelstad moved to approve Resolution 2012-R46; Councilwoman Howard seconded. Borough Council approved unanimously five to zero.

Mayor Moore read **Agenda Item I, New Business (17 and 18) — Resolution 2012-R47 and Resolution 2012-R48** as follows:

**RESOLUTION 2012-R47  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
ARJUNA GOLDMAN**

**WHEREAS**, ARJUNA GOLDMAN 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 2012-R48  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING FIRE DEPARTMENT APPLICATION FOR  
ASSOCIATE MEMBER JOSHUA C. BUTLER**

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

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

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

JOSHUA C. BUTLER

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

Council President Trelstad moved to approve Resolution 2012-R47 and Resolution 2012-R48; Councilman Martindell seconded. Borough Council approved unanimously.

Mayor Moore read **Agenda Item I, New Business (19) — Resolution 2012-R49** as follows:

**RESOLUTION 2012-R49  
APPROVING AGREEMENT  
WITH PRINCETON UNIVERSITY CONCERNING  
VOLUNTARY CONTRIBUTION PAYMENT TO THE  
BOROUGH OF PRINCETON**

**WHEREAS**, the Trustees of Princeton University (the "University") own substantial real property in the Borough of Princeton (the "Borough"), which is exempt from real estate taxes pursuant to *N.J.S.A. 54:4-3.6*; and

**WHEREAS**, in recognition of the municipal services provided to it by the Borough, and its role as a responsible citizen, the University has historically made monetary contributions to support the Borough and other non-profit institutions; and

**WHEREAS**, the Borough and the University have developed a voluntary contribution payment for a one year period commencing on January 1, 2012 and expiring on December 31, 2012, inclusive, which is set forth in the attached Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Princeton that the Mayor and Clerk are hereby authorized to execute the attached Agreement with the University concerning voluntary contribution payment.

*January 10, 2012*

Councilwoman Howard recused herself and left the meeting at 10:00 P.M.

Councilman Martindell moved to approve Resolution 2012-R49; Councilman Wilkes seconded.

Councilman Martindell pointed out that the base PILOT of \$1.7 million will be the base amount for future agreements. Council members thanked Princeton University for its PILOT contribution.

Councilwoman Butler stated that Boston had billed its nonprofit organizations for 25% of what their tax would have been. Other communities have looked at ways to determine a fair PILOT amount. Councilwoman Butler did not see the level of work employed by other towns and hoped the Borough will find a more comprehensive approach to negotiation.

Borough Council approved unanimously five to zero.

Councilman Martindell moved to adjourn; Council President Trelstad seconded. There being no further business, Mayor Moore adjourned the open session meeting at 10:05 P.M.

Respectfully submitted,

**Delores A. Williams**  
**Deputy Borough Clerk**