

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
January 22, 2008
Regular Meeting
Closed Session 5:30 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilwoman Winifred Benchley (*arrived 5:38 P.M. for closed session*), Councilman David Goldfarb, Councilman Andrew Koontz, Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Karen L. Cayci, Borough Engineer Christopher M. Budzinski, Borough Police Chief Anthony V. Federico, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 7:37 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 22, 2008, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Mayor Trotman read **Agenda Item C, Resolution 2008-R42** as follows:

**RESOLUTION 2008-R42
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON JANUARY 22, 2008**

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
2. Closed session minutes — August 7, 2007
3. Library parking
4. Northridge

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.

Council President Karcher moved to approve, which was seconded by Councilman Goldfarb and approved by Council members Karcher, Goldfarb, Koontz, Martindell, and Trelstad. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

Borough Council recessed into closed session.

At 7:37 P.M. the Council reconvened into open session.

Mayor Trotman asked all present to rise for the salute to the flag.

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

Presented for approval were the minutes of the closed session of August 7, 2007.

Councilwoman Trelstad moved to approve the minutes of the closed session of August 7, 2007; Councilman Goldfarb seconded.

Councilman Martindell pointed out that these minutes refer to offers tendered to NHKT but do not indicate the written offer. He moved to amend the minutes to attach details. Hearing no second, Mayor Trotman proclaimed the motion failed.

Mayor Trotman reminded Council of the motion to approve the minutes as they stand, excepting that Councilman Koontz be listed as absent for the closed session. Mayor Trotman called for a vote and proclaimed the motion passed three to one, with Councilman Martindell voting nay and Council members Benchley and Koontz abstaining.

Councilman Martindell moved to release immediately to the public the minutes of the closed session of August 7, 2007, as approved. Hearing no second, Mayor Trotman proclaimed the motion failed. For the record, Mayor Trotman announced that the minutes be released to the public at some time in the future.

Presented for approval were the minutes of the reorganization meeting of January 6, 2008.

Councilman Koontz moved to approve the minutes of the reorganization meeting January 6, 2008; Councilman Martindell seconded; Council approved unanimously.

Mayor Trotman read **Agenda Item F, Summary — Closed Session Discussion — Robert W. Bruschi, Borough Administrator**

Borough Administrator Robert Bruschi summarized that Council reviewed NHKT negotiation positions in anticipation of presenting Borough's concerns to NHKT.

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

Henry Landau, owner of Landau's on Nassau Street, reminded Council of a construction trailer with nearby fencing sections on Tulane lot that he had mentioned previously at an October Council meeting. Mr. Landau stated that Council has cost Borough taxpayers nearly \$18,000 over three years by forfeiting the two parking spaces where the trailer sits. Mr. Landau also stated the Borough-owned Tulane lot has not been paved in more than 30 years, and the lighting is totally inadequate.

Mr. Landau also asked about the status of water in the municipal garage basement; the value of five-year-old dollar basis for payment in lieu of tax [PILOT] calculations compared to today's dollars; and other checklist items including hanging wires near Community Liquors, garbage receptacles, and rusting light poles.

Councilman Martindell asked Mr. Bruschi for the cost to date to repair design flaws in the garage.

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

Mayor Trotman read **Agenda Item H, Report (1) — Monthly Police Report — Anthony Federico, Chief of Police**

**RESOLUTION 2008-R43
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, Anthony V. Federico, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of November 2007; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the November 2007 Monthly police report prepared by the Chief of Police.

Chief Federico pointed to reported response training for police reaction to a calamity at a school explaining that 360 hours of training was condensed over two days for all patrol officers and detectives.

Councilwoman Benchley asked Chief Federico for an overview of responsibilities of the two new officers as of January 1, 2008. Chief Federico responded that tasks will include traffic and neighborhood patrol (primarily evening hours). Currently they are updating the merchant alert plan for shoplifting and robbery measures; participating in the Stop Underage Drinking program at liquor stores; and plain clothes details for alcohol and drug possession. Radar patrol will be part of their everyday duty. Chief Federico stated that Borough has reached out to Princeton Township for a joint effort to cite speeding trucks on Route 206.

Chief Federico clarified some line item activities in the November 2007 report such as disorderly conduct and harassment, false fire alarms, and jaywalking and cell phone enforcement.

Councilman Koontz moved to approve Resolution 2008-R43, Councilwoman Benchley seconded, and Borough Council approved unanimously.

Mayor Trotman asked Councils approval and read, out of sequence, **Agenda Item J, New Business (9) — Resolution 2008-R44** as follows:

**RESOLUTION 2008-R44
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING EXECUTION OF AGREEMENTS
PRINCETON COMMUNITY HOUSING**

WHEREAS, by Ordinance No. 2006-24, the Mayor and Council of the Borough of Princeton authorized the conveyance of the real property upon which certain affordable housing is located known as Elm Court and Harriet Bryan House (Block 1.01, Lot 4.01 on the tax map of the Borough of Princeton and Block 6501, Lot 1.10 on the tax map of the Township of Princeton, hereinafter the "Property") to Elm Court, I., Inc. and Elm Court, II., Inc. respectively, which were created by Princeton Community Housing who had advised that they were single asset 501 (c) 3 non-profit corporations whose purpose was to construct housing for low and moderate income persons or families and handicapped persons; and

WHEREAS, Elm Court I, Inc. and Elm Court, II, Inc. have received the necessary subdivision approvals to allow such conveyance; and

WHEREAS, Princeton Community Housing has advised that it now wishes to take title to those lands upon which Elm Court is located (Block 1.10, Lot 4.01) in the name of a different corporate entity known as Elm Court, Inc., rather than Elm Court I, Inc. as previously approved by the Mayor and Council; and

WHEREAS, Princeton Community Housing has further advised that Elm Court, Inc. is a non-profit entity which has received approval as a public charity within Section 509 (a) (2) of the Internal Revenue Code, said approval being subject to conveyance by the Borough of the lands upon which Elm Court is located; and

WHEREAS, Princeton Community Housing has also requested that in connection with the conveyance of title that the Borough execute agreements attached hereto terminating the existing land leases on the Property between the Borough and Princeton Community Housing as well as providing for certain payments in lieu of taxes on the Elm Court project (Block 1.01, Lot 4.01) and on that portion of the Harriet Bryan Housing property located in the Borough of Princeton, known as Block 1.01, Lot 4.02, on which 12 housing units are located, for a 50 year period subject compliance with the terms of the tax abatement agreements; and

WHEREAS, in connection with the conveyance of title, the Borough and Princeton Community Housing also wish to terminate a portion of an existing driveway access easement, as set forth in the attached agreement;

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

The Mayor and Clerk are authorized to execute the following documents, attached hereto: (1.) Termination of Lease Agreement between Borough of Princeton and Elm Court II, Inc; (2.) Termination of Lease Agreement between Borough of Princeton, Elm Court, Inc. and Princeton Community Housing, Inc.”; (3.) Termination of Portion of Driveway Access Easement; (4.) Tax Abatement Agreement between Borough of Princeton and Elm Court, Inc. (5.) Tax Abatement Agreement between Borough of Princeton and Elm Court II, Inc.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute a deed and related documents necessary to transfer Block 1.01, Lot 4.01 as located on the tax map of the Borough of Princeton, to Elm Court, Inc. subject to all reverter provisions previously set forth in Borough Ordinance 2006-24.

Councilman Koontz moved to approve Resolution 2008-R44, and Councilwoman Trelstad seconded. Borough Attorney Karen Cayci explained that Mayor and Council had agreed to transfer Elm Court I and II properties for subdivision. Documents of conveyance are now ready and Council needs to pass a resolution in order to continue receiving PILOT funds. Borough Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, Old Business (1) — Public Hearing and Adoption: Ordinance 2008-01** ORDINANCE CONCERNING SALARIES AND COMPENSATION OF POLICE SUPERIOR OFFICERS OF THE BOROUGH OF PRINCETON

Councilman Koontz moved to adopt Ordinance 2008-01; Councilwoman Benchley seconded. Councilman Goldfarb clarified that the three superior officers will rise one step per year for the duration of the contract, resulting in actual increases of more than five percent compounded. Councilman Martindell added the impact of economic recession on Borough taxpayers. Councilwoman Benchley agreed that Council is “trapped” by arbitration tactics. Councilwoman Trelstad pressed for consolidation with the Township as a route to lower police costs.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Councilman Martindell voted in the negative. Mayor Trotman proclaimed the ordinance adopted five to one.

Mayor Trotman read by title **Agenda Item J, New Business (1) — Introduction and Order to Publish: Ordinance 2008-02** BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$133,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$126,350 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

Councilwoman Trelstad moved to introduce Ordinance 2008-02; Councilwoman Benchley seconded. Mayor Trotman noted that the ordinance is to replace sidewalks and curbing on Cleveland Lane adding that the ordinance addressed concrete curbing, as public responses to enquiries from engineering were inadequate for upgrade on curbing.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Councilman Martindell stepped out leaving the meeting at 8:30 P.M.

Mayor Trotman read **Agenda Item J, New Business (2) — Introduction and Authorization To Publish: Ordinance 2008-03**, ORDINANCE AMENDING SECTION 3(A) OF BOND ORDINANCE NUMBERED 2001-15 OF THE BOROUGH OF PRINCETON, IN THE

COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED NOVEMBER 27, 2001 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.

Councilman Koontz read by title and moved to introduce Ordinance 2008-03; Councilwoman Trelstad seconded.

Mr. Bruschi informed Council that Ordinances 2008-03, -04, -05, and -06 reassign unspent money from old ordinances to cover upcoming 2008 projects.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (3) — Introduction and Authorization To Publish: Ordinance 2008-04, ORDINANCE AMENDING SECTION 3 OF BOND ORDINANCE NUMBERED 2003-15 OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED JUNE 10, 2003 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.**

Councilman Koontz read by title and moved to introduce Ordinance 2008-04; Councilwoman Trelstad seconded. Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (4) — Introduction and Authorization To Publish: Ordinance 2008-05 ORDINANCE AMENDING SECTION 3 (n) OF BOND ORDINANCE NUMBERED 2006-16 OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED JULY 25, 2006 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.**

Councilman Koontz read by title and moved to introduce Ordinance 2008-05; Councilwoman Trelstad seconded. Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (5) — Introduction and Authorization To Publish: Ordinance 2008-06, ORDINANCE AMENDING SECTION 3(e) OF BOND**

ORDINANCE NUMBERED 2007-19 OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED SEPTEMBER 11, 2007 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.

Council President Karcher read by title and moved to introduce Ordinance 2008-06; Councilwoman Trelstad seconded. Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (6) — Introduction and Authorization To Publish: Ordinance 2008-07, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A, OF THE CODE OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY 1974 REGARDING APPLICATION FEES, INSPECTIONS, PERMITS**

Councilman Koontz read by title and moved to introduce Ordinance 2008-07; Councilwoman Benchley seconded. Borough Engineer Christopher Budzinski stated that Ordinance 2008-07 updates developer fees, implements collection of inspection and testing fees, extends zoning approval period to 12 months, and requires site improvement plan for additions.

Councilman Martindell returned to the meeting at 8:35 P.M.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (7) — Introduction and Authorization To Publish: Ordinance 2008-08, AN ORDINANCE AMENDING CHAPTER 33, TREES AND SHRUBS, OF THE CODE OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY 1974**

Councilman Koontz read by title and moved to introduce Ordinance 2008-08; Councilwoman Trelstad seconded.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor

Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (8) — Introduction and Authorization To Publish: Ordinance 2008-09, AN ORDINANCE AMENDING CHAPTER 28, STREETS AND SIDEWALKS OF THE CODE OF THE BOROUGH OF PRINCETON, IN THE COUNTY OF MERCER, NEW JERSEY 1974**

Councilwoman Trelstad read by title and moved to introduce Ordinance 2008-09; Councilwoman Benchley seconded. Mr. Budzinski reported that the fee of 20 cents was established in 1977 and is markedly lower than neighboring municipalities.

Hearing no comment from Council, Mayor Trotman opened the public hearing. Seeing no one, she closed the public hearing.

Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Goldfarb, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced, with a public hearing scheduled for February 26, 2008.

Mayor Trotman read **Agenda Item J, New Business (10 - 19) — Resolutions 2008-R45, 2008-R46, 2008-R47, 2008-R48, 2008-R49, 2008-R50, 2008-R51, 2008-R52, 2008-R53, and 2008-R54** as follows:

**RESOLUTION 2008-R45
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF THREE (3) FORD CROWN VICTORIAS
STATE CONTRACT #A70462**

WHEREAS, the Borough of Princeton wishes to purchase three (3) police vehicles; 2008 Ford Crown Victoria's through the State of New Jersey's cooperative purchasing program (N.J.S.A. 40A:11-12); and

WHEREAS, Winner Ford, 250 Haddonfield-Berlin Road, New Jersey 08034, was awarded State Contract #A70462 for police vehicles; and

WHEREAS, three (3) Ford Crown Victoria police vehicles shall be full sized, four (4) door vehicles, at a total cost of \$58,710 (\$19,570 each); and

WHEREAS, the appropriate monies totaling \$58,710 are provided for by funding in the 2008 Current Fund Temporary Budget;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorize the Borough Administrator to purchase the above listed Crown Victoria police vehicles from Winner Ford, 250 Haddonfield-Berlin Road, New Jersey 08034, awarded State Contract #A70462 for police vehicles

WHEREAS, Princeton Community Housing has advised that it now wishes to take title to those lands upon which Elm Court is located (Block 1.10, Lot 4.01) in the name of a different corporate entity known as Elm Court, Inc., rather than Elm Court I, Inc. as previously approved by the Mayor and Council; and

WHEREAS, Princeton Community Housing has further advised that Elm Court, Inc. is a non-profit entity which has received approval as a public charity within Section 509 (a) (2) of the Internal Revenue Code, said approval being subject to conveyance by the Borough of the lands upon which Elm Court is located; and

WHEREAS, Princeton Community Housing has also requested that in connection with the conveyance of title that the Borough execute agreements attached hereto terminating the existing land leases on the Property between the Borough and Princeton Community Housing as well as providing for certain payments in lieu of taxes on the Elm Court project (Block 1.01, Lot 4.01) and on that portion of the Harriet Bryan Housing property located in the Borough of Princeton, known as Block 1.01, Lot 4.02, on which 12 housing units are located, for a 50 year period subject compliance with the terms of the tax abatement agreements; and

WHEREAS, in connection with the conveyance of title, the Borough and Princeton Community Housing also wish to terminate a portion of an existing driveway access easement, as set forth in the attached agreement;

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

The Mayor and Clerk are authorized to execute the following documents, attached hereto: (1.) Termination of Lease Agreement between Borough of Princeton and Elm Court II, Inc; (2.) Termination of Lease Agreement between Borough of Princeton, Elm Court, Inc. and Princeton Community Housing, Inc.”; (3.) Termination of Portion of Driveway Access Easement; (4.) Tax Abatement Agreement between Borough of Princeton and Elm Court, Inc. (5.) Tax Abatement Agreement between Borough of Princeton and Elm Court II, Inc.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute a deed and related documents necessary to transfer Block 1.01, Lot 4.01 as located on the tax map of the Borough of Princeton, to Elm Court, Inc. subject to all reverter provisions previously set forth in Borough Ordinance 2006-24.

**RESOLUTION 2008-R46
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF ONE (1) 2007 DODGE CHARGER POLICE VEHICLE
STATE CONTRACT #A70462**

WHEREAS, the Borough of Princeton wishes to purchase one (1) police vehicle; a 2008 Dodge Charger, through the State of New Jersey’s cooperative purchasing program (N.J.S.A. 40A:11-12); and

WHEREAS, Warnock Fleet and Leasing, 175 Route 10, East Hanover, New Jersey 07936 was awarded State Contract #A7042 for police vehicles; and

WHEREAS, one (1) 2008 Dodge Charger police vehicle shall be a mid-sized sedan, four door, at a total cost of \$19,469; and

WHEREAS, the appropriate monies totaling \$19,469 are provided for by funding in the 2008 Current Fund Temporary Budget;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorize the Borough Administrator to purchase the above listed Dodge Charger police vehicle from Warnock Fleet and Leasing, 175 Route 10, East Hanover, New Jersey 07936

**RESOLUTION 2008-R47
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES TO KIM H. MILLAR, MC
TO PROVIDE CLINIC PHYSICIAN SERVICES**

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

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 the professional services with **Kim H. Millar, M.D.** (hereinafter referred to as "Provider") to provide services from January 1, 2008 through December 31, 2008.

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

- A.
 - i. Establish medical policy in accordance with all State requirements;
 - ii. Examine children at the Clinic; undertake a determination regarding the state of their health and development; discuss any problems with the parents of the children; provide counseling; and plan the management of health problems; and
 - iii. Supervise the medical aspects of the Clinic's operations.
- B. The Provider shall render said services during regular Clinic sessions.
- C. The aforesaid program activities and services rendered by the Provider shall be reviewed for the purpose of determining its compliance with the requirements of the State Department of Health and the Princeton Regional Health Department.

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 the following compensation:

At the hourly rate of Eighty-Five Dollars (\$85.00) up to a maximum amount of Four Thousand Three Hundred Eighty Dollars (\$4,380.00) as itemized in monthly statements from the Provider. Payment is subject to the availability of funds and the approval and adoption of the 2008 Municipal Budget by the Mayor and Council of the Borough of Princeton. The Borough will not be obligated to pay any pension or fringe benefits to the Provider.

Rendition of Invoices: Payment of fees will be made upon the submission by 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.

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 Princeton Packet as required by law within ten (10) days of its passage.

**RESOLUTION 2008-R48
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH MEDICAL CENTER OF PRINCETON TO PROVIDE
HEALTHY CHILD WELL BABY CLINIC SERVICES**

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

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 the professional services with **THE MEDICAL CENTER OF PRINCETON "THE CENTER"** (hereinafter referred to as "The Provider") to provide services from January 1, 2008 through December 31, 2008.

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

- (a) Provide Healthy Child/Well Baby nursing services for uninsured residents of the municipalities of Princeton Borough and Township for the promotion of health and prevention of chronic and communicable diseases, to perform physical examination, growth measurements, required immunizations, tuberculin tests lead, vision, anemia and hearing screenings and developmental assessment as listed in the attached professional services agreement.

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or

representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

The Borough shall pay the Provider the following compensation:

At the rate of Forty Hundred Eighty Dollars (\$480.00) per clinic per month, twelve clinics per year. The maximum amount which will be paid under this contract is Five Thousand Seven Hundred And Sixty Dollars (\$5,760.00) as itemized in monthly statements from the Provider. The Borough will not be obligated to pay any pension or fringe benefits to the Provider.

Rendition of Invoices: Payment of fees will be made upon the submission by 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. Payment is subject to availability of funds and the adoption of the final 2008 Municipal Budget by the Mayor and Council of the Borough of Princeton.

1. 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.

2. 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.

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

**RESOLUTION 2008-R49
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH MEDICAL CENTER OF PRINCETON TO PROVIDE SEXUALLY TRANSMITTED
DISEASE DETECTION AND CONTROL SERVICES**

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

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 the professional services with THE MEDICAL CENTER OF PRINCETON "THE CENTER" (hereinafter referred to as "The Provider") to provide services from January 1, 2008 through December 31, 2008.

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

(a) Provide a qualified health practitioner to perform physical examination of patients and their contacts in order to diagnose sexually transmitted disease;

(b) Provide qualified professional advanced practice nurses to manage the service in accordance with the policies and regulations of the Center;

(c) Provide all interviewing of patients diagnosed with sexually transmitted disease. The interviewer shall be appropriately trained for this task;

(d) Provide adequate laboratory services for bacteriologic and serologic analyses;

(e) Provide diagnostic and treatment facilities which are accessible to the public on an appointment basis.

(f) Provide an appropriate treatment for persons diagnosed as having sexually transmitted diseases. Such treatment shall be administered according to N.J. State Department of Health guidelines and generally accepted medical practice.

2. The Center shall provide the Health Officer with a written monthly report in a format approved by the Commission.

3. The Center shall provide a written annual report summarizing the activities of the program.

4. The Center shall immediately notify the Health Officer of all positive diagnosis of disease for follow-up by the Health Officer or his designee for examination during regular business hours.

5. The clinical records of the Center shall be accessible to the Health Officer or his designee for examination during regular business hours.

6. The services provided by the Center shall be performed under the specific direction and periodic supervision of the Center's Director of the Outpatient Clinics/Department of Medicine, who shall

periodically consult and confer with the Commission's Health Officer. Their recommendations as to modification of the services provided by the Commission through the Center shall be presented to their respective governing bodies for approval. Any amendments to this agreement must be adopted in accordance with the terms of their Agreement.

7. The Center shall, during the term of this agreement, keep in effect professional liability and workman's compensation insurance on all its employees in accordance with the requirements of State law.

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 the following compensation:

At the rate of Fifty Dollars (\$50.00) per visit for patients who are residents of Princeton Borough or Princeton Township. The Center shall provide the Health Officer with appropriate patient demographic information which is adequate for billing of a patient co-payment. The maximum amount which will be paid under this contract is Nine Hundred Dollars (\$900.00) as itemized in monthly statements from the Provider. The Borough will not be obligated to pay any pension or fringe benefits to the Provider.

Rendition of Invoices: Payment of fees will be made upon the submission by 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. Payment is subject to availability of funds and the adoption of the final 2008 Municipal Budget by the Mayor and Council of the Borough of Princeton.

1. 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.

2. 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.

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

**RESOLUTION 2008-R50
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING A NJ CLEAN COMMUNITIES COORDINATOR**

WHEREAS, the NJ Clean Communities Council works closely with municipalities in the implementation of litter abatement programs, issuing yearly grants for litter abatement, and

WHEREAS, as part of the grant process, municipalities are required to submit an annual report substantiating expenditures against the grant received, and

WHEREAS, each municipality requires a coordinator for this process and the Borough of Princeton wishes to assign Sean Burns as the NJ Clean Communities Coordinator for filing of said annual report.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton that Sean Burns is hereby appointed as the NJ Clean Communities Coordinator for The Borough of Princeton.

**RESOLUTION 2008-R51
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING 2008 COMMITTEE APPOINTMENTS
FOR A FOUR YEAR TERM**

NOW BE IT RESOLVED that those listed below are appointed to the Borough of Princeton committees for a four year term through 01-01-12 as follows:

**HISTORIC PRESERVATION REVIEW
COMMITTEE**

Cecelia Tazelaar (Class A)
James Constantine

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

**RESOLUTION 2008-R52
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING RAFFLE LICENSE RA:321
TO THE MONTESSORI FAMILY SCHOOL**

WHEREAS, the MONTESSORI FAMILY SCHOOL submitted a raffle application to the Borough Clerk on January 16, 2008; and

WHEREAS, N.J.A.C. 13:47-4.1 requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on January 24, 2008; and

WHEREAS, HOMEFRONT INC, in accordance with N.J.A.C. 13:47-3 et seq, has submitted the required fees, four copies of their application, and the Legalized Games of Chance Control Commission (LGCCC) registration form with identification number.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that raffle license RA: 321 for MONTESSORI FAMILY SCHOOL be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the Finding and Determinations for RA: 321 to the LGCCC in accordance with N.J.A.C. 13:47-4.1.

**RESOLUTION 2008-R53
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY THE BLUE POINT GRILL AND SUSAN G. KOMEN FOR THE CURE**

WHEREAS, The Blue Point Grill has planned its annual Oyster Bowl IX to benefit Susan B. Komen For the Cure/Breast Cancer Research to be held on February 3, 2008 at the Blue Point Grill, 258 Nassau Street; and

WHEREAS, 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 Friday, January 25th through Monday, February 4th 2008 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.

**RESOLUTION 2008-R54
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPOINTING BOROUGH PROSECUTOR FOR THE YEAR 2008**

WHEREAS, the Borough, as required by New Jersey State Statute is to provide for the appointment of a Municipal Prosecutor;

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

1. Pursuant to N.J.S.A. 2B:25-4, Kenneth Lozier is hereby appointed to serve as Municipal Prosecutor for the term commencing January 1, 2008 through December 31, 2008 with compensation which shall be set forth in accordance with Professional Service Agreement with the Borough of Princeton.

Councilman Koontz moved to approve Resolutions 2008-R45, 2008-R46, 2008-R47, 2008-R48, 2008-R49, 2008-R50, 2008-R51, 2008-R52, 2008-R53, and 2008-R54.

Regarding Resolution 2008-R45, Councilwoman Trelstad asked if staff had looked at vehicles that conserve gas better than Crown Victoria. Mr. Bruschi noted that New Jersey is investigating multi-fuel vehicles that are acceptable for police operations.

Councilman Martindell seconded the motion, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item K, Bill List for January 22, 2008 — Resolution 2008-R55** as follows:

**RESOLUTION 2008-R55
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JANUARY 22 2008 BILL LIST**

WHEREAS, Decimus W. Marsh, Chief Financial Officer 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 as follows:

| | |
|--|-------------|
| CURRENT ACCOUNT (8-01) | \$13,724.16 |
| RESERVE ACCOUNT (7-01) | 105,617.80 |
| RESERVE ACCOUNT (6-01) | 75.00 |
| PARKING UTILITY OPERATING FUND (8-05) | 10,243.20 |
| PARKING UTILITY OPERATING FUND (7-05) | 11,618.34 |
| AFFORDABLE HOUSING OPERATING ACCT (8-24) | 37.60 |
| IMPROVEMENT ASSESSMENT (8-11) | |
| AFFORDABLE HOUSING OPERATING ACCT (7-24) | |
| CAPITAL ACCOUNT (C-04) | 216,026.89 |
| PARKING UTILITY CAPITAL FUND (P-07) | |
| ESCROW (E-30) | |
| TRUST FUND (T-13) | 11,089.82 |
| GENERAL INSURANCE (6-14) | |
| FLEXIBLE SPENDING FUND (5-22) | |
| MANUAL (6-01) | |
| ASSESSMENT TRUST FUND (5-11) | |
| GRANT (G-02) | 10,000.00 |

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list of January 22, 2008 as presented.

Councilwoman Trelstad moved to approve Resolution 2008-R55, Councilman Koontz seconded, and Council approved unanimously.

Councilman Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 8:40 P.M.

Respectfully submitted,

**ANDREA LEA QUINTY
BOROUGH CLERK**