

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 11, 2008
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Margaret Karcher, Councilwoman Winifred Benchley, Councilman Andrew Koontz (*arrived 7:07 P.M.*), Councilman Roger Martindell, Councilwoman Barbara Trelstad, and Mayor Mildred Trotman

Absent: Councilman David Goldfarb

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

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

"This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of March 11, 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-R90** as follows:

**RESOLUTION 2008-R90
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MARCH 11, 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. Personnel
2. Closed session minutes – January 8, 2008
March 4, 2008
3. Negotiations - NHKT

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

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

Councilwoman Trelstad moved to approve, which was seconded by Councilwoman Benchley and approved by Council members Karcher, Benchley, Martindell, and Trelstad. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved four to zero.

Borough Council recessed into closed session.

At 7:30 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 January 8, 2008, and the closed session of March 4, 2008. Mayor Trotman announced that both sets of minutes will be on the agenda for March 25, 2008.

Presented for approval were the minutes of the open session of February 26, 2008.

Councilman Koontz moved to approve the minutes of the open session February 26, 2008, Councilwoman Benchley seconded, and Council approved unanimously.

Presented for approval were the minutes of the open session of March 4, 2008.

Councilwoman Trelstad moved to approve the minutes of the open session March 4, 2008, Councilman Koontz seconded, and Council approved four to zero, with Councilwoman Karcher abstaining.

Mayor Trotman announced that council will return to closed session at the end of the open session to discuss Nassau HKT.

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

Mr. Bruschi summarized that Council reviewed personnel issues (police matters and personnel contracts).

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.

There were no public presentations. Mayor Trotman closed the public portion.

Councilman Martindell commented on Councilwoman Benchley's announcement that she will be retiring from service to the Borough. Councilman Martindell congratulated Councilwoman Benchley for her contribution to Princeton Borough as a Councilwoman for seven years. Mayor Trotman noted that working with Councilwoman Benchley has been fun, productive, and heartily thanked her for her service. Councilwoman Benchley regretted that her retirement from Council

meant the end of her participation in decisions on interesting Borough issues but added that she would remain committed to staying involved and thanked all members and staff.

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

**RESOLUTION 2008-R91
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 January 2008; 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 January 2008 Monthly police report prepared by the Chief of Police.

Chief Federico noted some typographical errors in his report. Councilman Koontz, noting the change in the cell phone law/driving, asked whether the department has yet rolled out an enforcement effort. Chief Federico stated that officers now treat cell phone use by drivers as a primary offence.

Councilwoman Trelstad moved to approve the police report and Councilwoman Benchley seconded. Council voted unanimously to approve.

Mayor Trotman read **Agenda Item H, Report (2) – Council on Affordable Housing (COAH), Overview of Proposed Regulations – Lucy Voorhoeve (Executive Director) and Sean Thompson of COAH**

Ms. Lucy Voorhoeve, Executive Director commended Princeton Borough for its active production of affordable housing and creation of supportive organizations. Ms. Voorhoeve reviewed prior regulations and presented an overview of the proposed new COAH regulations highlighting the following;

- Court decisions affecting new COAH regulations
 - Define affordable housing need
 - Identify “filtered” units using updated data
 - New method for determining current conditions
 - Extend third-round projection period from 2014 to 2018
- University of Pennsylvania team (with Rutgers) determined a need of 115,000 units during the period 1999 to 2018

She noted more aggressive ratios:

- For every five residential market units built, one must be affordable
- For every 16 jobs created an associated one unit affordable housing obligation

Ms. Voorhoeve spoke of exclusionary zoning and data for municipal projections, which includes vacant land. Independent municipal projections derived from US Census and land study data which included DEP wetlands. Data was used as foundations for municipal projections and would be reflected accordingly. Ms. Voorhoeve stated there is a process which provides for adjustment to municipalities and encourages comment.

Ms. Voorhoeve explained growth share concept – actual growth which takes place and how jobs are counted explaining the 2004 rules regarding jobs with types of uses was not quite accurate but accurate employment data is challenging and difficult to find. Certificate of Occupancy doesn't accurately track, COAH is interested in public feedback

Ms. Voorhoeve also addressed the “compensatory benefit” requirement provided to developers of one additional market unit above for every affordable unit built. She went on to review court-mandated regulation of payment in lieu of construction (final COAH proposal of \$161,000 average per unit statewide – \$152,000 for this region) and regional contribution agreements (RCAs) (\$67–80,000 per unit – \$70,000 here – including consideration of new construction plus rehabilitation).

Mr. Sean Thompson of COAH mentioned compliance obligation options: (1) rehabilitation share; (2) total buy-around obligation, cumulative from 1987 to 1999; and (3) growth share for 1999 to 2018.

When asked about funding sources Ms. Voorhoeve stated payment in lieu stays in the municipality.

Councilwoman Benchley asked if RCAs will remain under the new legislation. Ms. Voorhoeve pointed out that COAH is not empowered to eliminate RCAs; COAH establishes the appropriate amount and approves specific RCAs presented.

Again regarding new legislation, Councilwoman Benchley asked how development fees will be allotted. Ms. Voorhoeve explained that distribution will be competitive among communities but prioritized by COAH participation.

Mayor Trotman sought clarification regarding jobs gained and lost. Ms. Voorhoeve proposed identified new jobs by Certificates of Occupancy (CO) for either new buildings or physical expansion of an existing building. Also provision that Municipalities inventory non residential vacant/non-vacant space at the time of application versus a time in the future. She pointed out the difficulty in “counting” such implied jobs and difficult to maintain that inventory.

There was discussion regarding Princeton Medical Center example of increased count to Plainsboro but not reduction to Princeton Borough.

Councilwoman Trelstad mentioned Princeton University construction of new buildings requiring staff yet they are exempt.

Councilman Martindell profiled Princeton Borough as “built up,” historically aggressive in support of affordable housing, where land is expensive, noting that Borough is roughly 50% property-tax exempt. He brought up John/Witherspoon area gentrification pushing out generations-long residents of neighborhood who have been “affordable housing families.” He suggested Princeton Borough opt out of COAH and risk the builders’ remedies. Ms. Voorhoeve noted that unfortunately COAH cannot resolve gentrification issues. Noting that “municipal preference” was unfortunately overturned by the New Jersey Supreme Court, new regulations propose expanding the definition of who qualifies. She recommended Borough’s continued participation in COAH as the “right thing to do” for the community and region. She urged Borough to become a partner with COAH in outreach and public education regarding affordable housing matters.

Councilman Koontz stated that partnership with COAH is not cost effective for Princeton Borough affordable housing needs and questioned if the new proposed rules will stand up. Councilman Koontz noted that growth share is difficult to determine fairly. He recommended that COAH strive for a legislative framework. Ms. Voorhoeve emphasized that COAH has been working closely with New Jersey Attorney General to assure that proposed regulations are constitutional and respond specifically to the court’s requirements, with the hope of avoiding appeals in upcoming years.

Council suggested that affirmative marketing hurts in that it does not meet the municipality’s immediate need to help local residents or attract our teachers and police. Ms. Voorhoeve responded that often some portion is local.

Ms. Voorhoeve commented on the need to identify funding sources at state level, Mr. Bruschi responded with doubts that will happen and reviewed cost to provide affordable housing stating we are at a disadvantage. Tremendous resources are needed.

Ms. Cayci questioned if educational institutions are exempt why they are included in employment counts.

Mayor Trotman reviewed comment period and opened the public discussion and asking if anyone wished to address Council.

Marvin Reed, chair of the Master Plan Committee, raised the issue of inclusionary units in a development and asked if Borough can insist that 20% of units be within the development and in the zoning provided; Ms. Voorhoeve replied, “Yes.”

Mr. Reed wondered about liability if Borough wrote its own affordable program that complied with statewide standards, perhaps with local preference, without partnership with COAH will the courts see that we are doing enough. Ms. Voorhoeve responded that without COAH process you could be liable.

David Schrayner, Spruce Street, Chair of Borough Affordable Housing Board, asked about effects of new regulations on small projects versus large developments. Ms. Voorhoeve recognized the difficulty of meeting all distributions for a small job, and said COAH is pursuing flexibility.

Seeing no one further from the public, Mayor Trotman closed the public presentation and returned to Council.

Councilwoman Benchley suggested that Council obtain any public information about University expansion plans with an explanation of how expansion, somehow, does *not* result in higher employment numbers..

Land Use Development Official Derek Bridger presented the **2007 Affordable Housing Activity Report**, offered a snapshot of Princeton Borough Affordable Housing Consultant Shirley Bishop's Proposed Comments and presented an outline of prospective Borough obligations.

Mr. Bridger presented COAH's schedule for 2008:

- Borough comments – week of March 24
 - COAH written rebuttals – May
 - Enacted into law – June
 - Borough plan
Planning Board review
Adoption
- before end of September

Mr. Bridger summarized that new affordable housing units are required by 2018 based on present situation and known expansion plans; 69 are in place with nine more needed. New construction projects (Palmer Square, hospital district, and so forth) already include 20% affordable units, holding Borough even with COAH requirements.

Councilman Martindell requested a serious discussion by Council on whether to opt in or opt out of COAH. Mayor Trotman suggested such discussion is premature without more detailed information about prior round numbers and Borough's position facing growth share. She noted that opting out can be decided at any time. Mayor Trotman will put COAH participation on an agenda for May 2008.

Mr. Bridger addressed Borough comments to COAH:

1. Redefine demolition credit
2. Reassess loss of 2500 jobs associated with relocation of the medical center
3. Clarify status of graduate and faculty housing
4. Explain negative 157 residential growth

Karen Cayci, Borough Attorney advised Council to strengthen the comment regarding Appendix D, institutions of higher learning prior to March 22, 2008. Ms. Cayci will circulate amended comments to Council.

Mr. Bridger recapped 2007 Affordable Housing Activity and accomplishments. Councilwoman Benchley lamented lack of dispersion of information to citizens and encouraged development of a newsletter.

Councilman Koontz moved to accept Mr. Bridger's report and Councilwoman Benchley seconded. Council accepted unanimously.

Mayor Trotman read by title **Agenda Item I, Old Business (1) – Public Hearing and Adoption: Ordinance 2008-11** AN ORDINANCE AMENDING CHAPTER 22, OFFENSES – MISCELLANEOUS, OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974.

Councilwoman Benchley moved to adopt Ordinance 2008-11; Councilwoman Trelstad seconded.

Mayor Trotman opened the public hearing and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public hearing and returned to Council. Hearing no comment from Council, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Koontz, Martindell and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read by title **Agenda Item I, Old Business (2) – Public Hearing and Adoption: Ordinance 2008-12** AN ORDINANCE BY THE BOROUGH OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53, TO UNDERTAKE JOINTLY WITH THE TOWNSHIP OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY A COMPLETE REVALUATION OF ALL REAL ESTATE WITHIN BOTH MUNICIPALITIES FOR TAX EQUALIZATION PURPOSES.

Councilman Koontz moved to adopt Ordinance 2008-12; Councilwoman Benchley seconded.

Mayor Trotman opened the public hearing and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public hearing and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Koontz, Martindell and Trelstad voted in the affirmative. Mayor Trotman proclaimed the ordinance adopted.

Mayor Trotman read **Agenda Item J, New Business (1 - 5) – Resolution 2008-R92, Resolution 2008-R93, Resolution 2008-R94, Resolution 2008-R95, and Resolution 2008-R96**, as follows:

**RESOLUTION 2008-R92
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AUTHORIZING THE SUBMISSION
OF AN APPLICATION FOR A LOAN FROM
THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
FINANCING PROGRAM**

APPLICANT: THE PRINCETON SEWER OPERATING COMMITTEE, A JOINT AGENCY OF THE BOROUGH OF PRINCETON AND THE TOWNSHIP OF PRINCETON, ADMINISTERED BY THE BOROUGH OF PRINCETON

PROJECT NO.: S340656

WHEREAS, the Princeton Sewer Operating Committee, a joint agency of the Borough of Princeton and the Township of Princeton, administered by the Borough of Princeton, intends to file an Application for Financial Assistance with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the following:

Various Sanitary Sewer System Rehabilitation Projects

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

1. That Robert W. Bruschi, the Princeton Borough Administrator, is authorized to act as the Authorized Representative to represent the Princeton Sewer Operating Committee, a joint agency of the Borough of Princeton and the Township of Princeton, administered by the Borough of Princeton, in all matters relating to the projects undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Borough of Princeton, One Monument Drive, Princeton, New Jersey 08542, telephone (609) 497-7622.

2. This authorization is contingent upon the Township of Princeton adopting a reciprocal resolution authorizing the above referenced loan application.

3. A certified true copy of this resolution shall be furnished by the Clerk of the Borough of Princeton to the Clerk of the Township of Princeton and to the Princeton Sewer Operating Committee upon adoption.

**RESOLUTION 2008-R93
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
AWARDING CONTRACT TO ABLE MECHANICAL INC.
FOR HVAC PREVENTIVE MAINTENANCE**

WHEREAS, the Borough of Princeton has determined the need for construction services in connection with a project known as HVAC Preventive Maintenance 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 Wednesday, February 27, 2008; and five 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 the apparent low bid was rejected for failure to provide proof of receipt of two clarification statements, and

WHEREAS, it is therefore the recommendation of the Borough Business Administrator that the contract be awarded to the second bidder, Able Mechanical Inc., 94 Railroad Avenue, PO Box 69, Belford NJ, 07718 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 one year contract be awarded to Able Mechanical Inc. , 94 Railroad Avenue, PO Box 69, Belford NJ, 07718, for lump sum contract in the amount of \$17,356.00, along with emergency hourly rates of \$89.50 straight time, \$134.50 overtime and \$179.00 Sunday/Holiday time, 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 2008-R94
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

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 consultant services for the Planning Board from January 1, 2008 through December 31, 2008, 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 to review and evaluate various land development applications as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various issues associated with the development application forwarded to the Provider for review and comment.

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 \$100.00 per hour for Landscape Architect/Planner/Certified Tree Expert and \$50.00 per hour for Draftsman/Designer., and pursuant to the proposal of January 31, 2008.

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 2008-R95 OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON

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 Land Concepts Group (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from January 1, 2008 through December 31, 2008, 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 to review and evaluate various land development applications as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various issues associated with the development application forwarded to the Provider for review and comment.

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 \$90.00 per hour, and pursuant to the proposal of February 1, 2008.

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 2008-R96
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON**

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 Comp Comm Inc. (hereinafter referred to as "Provider") to provide consultant services for the Planning Board from March 12, 2008 through December 31, 2008, 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 to review and evaluate various land development applications with wireless communication facilities as filed with the Board to the Provider, and specifically authorized by the Board's Planning Director, the Borough Engineer or their designees. The Provider shall complete all its work in a timely fashion and within the statutory review period as provided for the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq., and Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974." The Provider shall also meet with the representatives of the Borough and the applicant as may be necessary in order to discuss with said representatives, as well as with members of the respective Boards or their staff, the various communications 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 the following compensation with a rate schedule of:

Administrative	\$45.00 per hour;
Field Service Tech	\$75.00 per hour;
Senior Tech/Field Manager	\$90.00 per hour;
Staff Engineer (Level II)	\$135.00 per hour;
Senior Engineer (Level I)/Eng. Manager	\$150.00 per hour;
Principal/Executive	\$150.00 per hour;
Expert Testimony	\$180.00 per hour;

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.

Councilman Koontz moved to approve Resolution 2008-R92, Resolution 2008-R93, Resolution 2008-R94, Resolution 2008-R95, and Resolution 2008-R96; Councilman Martindell seconded and Borough Council approved unanimously five to zero.

Mayor Trotman read **Agenda Item J, New Business (6) — Resolution 2008-R97** as follows:

**RESOLUTION 2008-R97
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2008 CURRENT FUND BUDGET**

WHEREAS, an emergent 2008 condition has arisen with respect to the 2008 Current Fund Budget, due to the lack of an adopted 2008 Current Fund Budget and no adequate provision has been made in the 2008 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2008 temporary budget and this resolution total \$15,264,504.22

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached schedule in the amount of \$5,894,928.22

2. That the emergency temporary appropriation has been provided for in the 2008 Budget under the said title.

3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Mr. Bruschi noted one amendment to the current budget regarding line item for prosecutor. Councilman Koontz moved to approve Resolution 2008-R97 as amended by Mr. Bruschi; Councilman Martindell seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item J, New Business (7) — Resolution 2008-R98** as follows:

**RESOLUTION 2008-R98
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2008 AFFORDABLE HOUSING UTILITY BUDGET**

WHEREAS, an emergent 2008 condition has arisen with respect to the 2008 Affordable Housing Utility Budget, due to the lack of an adopted 2008 Budget and no adequate provision has been made in the 2008 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2008 temporary budget and this resolution total \$54,000.00.

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached schedule in the amount of \$28,500.00.
2. That the emergency temporary appropriation has been provided for in the 2008 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilwoman Trelstad moved to approve Resolution 2008-R98; Councilman Koontz seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item J, New Business (8) — Resolution 2008-R99** as follows:

**RESOLUTION 2008-R99
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2008 PARKING UTILITY BUDGET**

WHEREAS, an emergent 2008 condition has arisen with respect to the 2008 Parking Utility Budget, due to the lack of an adopted 2008 Parking Utility Budget and no adequate provision has been made in the 2008 temporary budget for appropriations for the next several months, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2008 temporary budget and this resolution total \$1,492,494.00.

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

1. An emergency temporary appropriation be and the same is hereby made as per the attached schedule in the amount of \$350,000.00.
2. That the emergency temporary appropriation has been provided for in the 2008 Budget under the said title.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Councilman Koontz moved to approve Resolution 2008-R99; Councilwoman Trelstad seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Karcher, Benchley, Koontz, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

March 11, 2008

At 9:50 P.M. Councilwoman Karcher moved to return to closed session and Councilwoman Benchley seconded. Council approved unanimously and recessed to closed session.

Council returned to open session and Councilman Koontz moved to adjourn. There being no further business, Mayor Trotman adjourned the open session meeting at 10:15 P.M.

Respectfully submitted,

Andrea Lea Quinty
Borough Clerk