

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 23, 2010
Regular Meeting
Closed Session 7:00 P.M.
Open Session 7:30 P.M.**

Present: Council President Andrew Koontz, Councilwoman Jenny Crumiller, Councilman David Goldfarb, Councilman Roger Martindell, Councilwoman Barbara Trelstad, Councilman Kevin Wilkes, Mayor Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Attorney Maeve E. Cannon, Borough Engineer Christopher M. Budzinski, Police Chief David J. Dudeck, Director of Emergency Services Mark E. Freda, Deputy Borough Clerk Delores A. Williams

Mayor Trotman 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 March 23, 2010, 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 2010-R102**, as follows:

**RESOLUTION 2010-R102
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
INTO CLOSED SESSION ON MARCH 23, 2010**

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

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

Borough Council recessed into closed session.

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

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

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

Presented for approval were the minutes of the open session of March 2, 2010.

Councilwoman Trelstad moved to approve the minutes of the open session of March 2, 2010, Council President Koontz seconded, and Council approved unanimously.

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

There were no public presentations.

Councilman Martindell requested an update on creation of a tickler file. Borough Administrator Robert Bruschi replied that Fire Official William Drake has a software program that may be adaptable to the Borough's needs. He said the next challenge is to identify all the items to be tracked. Mr. Bruschi expected to have a comprehensive list within a month.

Mayor Trotman announced a joint meeting of Township Committee and Borough Council on Wednesday, March 31, 2010, at 7:00 P.M. at Township Hall. Joint Tax Assessor Neal Snyder and a representative of Appraisal Systems will be available to address *general* questions from the public regarding revaluation.

Mayor Trotman read **Agenda Item G, Report (1) — Firehouse Repair — Robert W. Bruschi, Borough Administrator.**

Mr. Bruschi listed three issues:

1. The need for immediate repair (also series of other repairs, some as yet unidentified)
 - a. Engine Company #1 structural integrity of the floor (\$6,000 to \$8,000)
 - b. Roof
 - c. Drainage
2. Determine spatial requirements for fire company
 - a. Apply allocated repair funds to RFP to study needs of entire department
 - b. Apparatus replacement—changing needs, changing technology
 - c. Number and locations of fire houses
3. Single-house (i.e., *fire* house) response plan

- a. Maintain social identity and traditions of each house
- b. Resolve logistical issues (such as parking)
- c. Reduce reliance on mutual aid from nearby towns.

Mr. Bruschi asked Council for a vote tonight on the floor repair (to be less than \$10,000) and to authorize immediate work on an RFP.

Council President Koontz moved to repair the Engine Company #1 floor and Councilwoman Trelstad seconded.

Benjamin Warren, 17 Jefferson Road, asked if Engine Company #1 will house two trucks. Director of Emergency Services Mark E. Freda stated that the floor repair is slated for the center bay only; therefore, one apparatus.

William Shields, President Engine Company #1, stated the intent to put an engine in the repaired building as soon as possible.

Dan Tomalin, Fire Chief, expressed hope that duty crews would respond from Engine Company #1; having a truck stationed there would be helpful.

Mayor Trotman closed the public hearing and called the question. Council approved unanimously.

Mr. Bruschi next asked Council to discuss fire needs for the next 1 to 20 years.

Councilman Goldfarb thought understanding the communal structure of Princeton fire houses was beyond the scope of an outside contractor looking to provide facilities for the future. Mr. Bruschi wanted to work with the three companies to learn the physical (including equipment) and social (including memorabilia) needs to be addressed.

Councilwoman Trelstad suggested evaluating available properties through a communitywide study that might answer additional general needs such as a joint public works facility.

Council President Koontz thought a crucial issue for future fire coverage was volunteer versus professional force.

Mayor Trotman requested a show of hands to authorize an RFP. Council President Koontz so moved, Councilman Wilkes seconded, and Council approved unanimously.

Mr. Bruschi stated that all other repairs will be held in abeyance.

Kate Warren, 17 Jefferson Road, President of the Ladies' Auxiliary of Princeton Engine Company #1, encouraged Council not to stop at replacing the floor; rather include the roof repair and other items that have been identified in order to boost morale. Mr. Bruschi noted that "dedicated funds" are inadequate for roof or drainage work.

Mayor Trotman read **Agenda Item G, Report (2a) — Monthly Police Report — Police Chief David Dudeck.**

**RESOLUTION 2010-R103
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE MONTHLY CHIEF OF POLICE REPORT**

WHEREAS, David Dudeck, Chief of Police of the Borough of Princeton prepared a comprehensive report detailing the police activity for the month of January 2010; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the January 2010 Monthly police report prepared by the Borough Police Administration.

Chief Dudeck congratulated Council President Koontz on his candidacy for Freeholder.

Chief Dudeck reported approximately \$200,000 (and growing) in damages to date from the winter storms. Police, fire, public works, and utility personnel worked together to resolve problems.

Chief Dudeck detailed continued outreach attempts. He mentioned a recent bank fraud case that resulted in a positive outcome with assistance from Federal agencies and neighboring communities.

Councilwoman Trelstad moved to accept the police report, Council President Koontz seconded, and Council accepted unanimously.

Mayor Trotman read by title **Agenda Item H, New Business (1) — Introduction and Order to Publish: Ordinance 2010-03 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974 REGARDING OPERATION OF THE BOROUGH POLICE DEPARTMENT**

Councilwoman Trelstad moved to introduce Ordinance 2010-03; Councilman Wilkes seconded.

Councilman Wilkes clarified Ordinance 2010-03: (1) reduction of force from 34 to 30, (2) reinstitution of position of captain, (3) reorganization of squad system.

Councilman Wilkes described a Pittman schedule—plan for running a 24-hour operation—which requires four squads of one sergeant and four patrol officers (netting three officers on any given 12-hour shift). Councilman Wilkes cited Public Safety's proposed staffing profile:

- **Street force** — 4 officers, 1 sergeant times 4 20 people
- **Investigative force** — 1 detective sergeant, 3 detectives, 1 juvenile detective 5 people
- **Management force** — 1 administrative sergeant, 2 lieutenants, 1 captain, 1 chief 5 people

- **Total force** 30 people.

Council President Koontz observed that an ordinance is not required to *reduce* elements of the police force—instating a captain does require Ordinance 2010-03.

Chief Dudeck stated that Borough could run an efficient department with manpower of 30. He commented that a manpower level of 30 trimmed the force of all “fat,” thereby removing community programs such as bicycle patrol or traffic patrol.

Council discussed Borough’s history of a captain in the chain of command.

Councilman Martindell thought Council was not properly prepared to authorize Ordinance 2010-03. Councilman Martindell said no one has stated a clear necessity for the captain rank.

Chief Dudeck informed Council that both Lt. Papp and Lt. Sutter feel strongly that the Borough police department needs a captain.

Councilman Martindell recommended a more cautious approach to revamping the police department.

Councilwoman Crumiller feared micromanagement by Council.

Council President Koontz said it is time for Council to engage in hiring more officers. Council President Koontz was in favor of appointing a captain—which would, then, require a promotion process to name another lieutenant.

Councilman Goldfarb supported close examination of what, exactly, the police department does. He mentioned the two suspended officers and their budgetary implications. Councilman Goldfarb found it appropriate that a captain be the presumptive future chief.

Councilwoman Trelstad wanted to see *more* community policing (bike patrol). She believed extended discussion of Ordinance 2010-03’s provisions was in order.

Councilman Wilkes observed that promotion of a lieutenant to captain cascades to promotion of a sergeant to lieutenant and promotion of an officer to sergeant—thus providing optimism for advancement for police employees.

Councilman Martindell pointed out the cost of promotions. Council President Koontz countered that upgraded personnel are “cheaper.” Mr. Bruschi stated that total management personnel will remain at four—net cost is the increase from lieutenant to captain, with advanced lieutenant and sergeant paid at lower rates than present.

Council debated appropriate dates for Chief Dudeck to appear with a description of police department activities and a public hearing on the police department. Councilwoman Crumiller and Councilman Wilkes thought it made sense to have both talks on the same day.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Trelstad, and Wilkes voted in the affirmative. Councilman Martindell voted nay. Mayor Trotman proclaimed the ordinance introduced, five to one, with a public hearing to be held April 13, 2010.

Mayor Trotman read by title **Agenda Item H, New Business (2) — Introduction and Authorization To Publish: Ordinance 2010-04 BOND ORDINANCE PROVIDING VARIOUS IMPROVEMENTS FOR THE PARKING UTILITY IN AND BY THE BOROUGH OF PRINCETON IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF**

Councilwoman Trelstad moved to introduce Ordinance 2010-04; Councilman Goldfarb seconded.

Mr. Bruschi stated that Borough parking must now move into the next technology. New meters will accept new technology as well as “extinct” SmartCards. Mechanisms to be purchased include meters, housings, and coin receptacles. Mr. Bruschi predicted parking technology upgrades will arise every five to ten years.

Borough Engineer Christopher Budzinski explained that Borough’s SmartCard mechanism and software is proprietary to the brand. Borough is adding a backlight for downtown meters. Mr. Budzinski said new cards will be needed August/September 2010.

Councilman Wilkes reported that citizens want credit/debit card payment at meters. Mr. Budzinski answered that installation and operating costs (e.g., phone line needed) plus card fees and inconvenience to parkers offset the idea.

Mr. Budzinski said that Ordinance 2010-04 purchases new meters; Borough staff will install. No changes in collection procedures or equipment will result.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue. Seeing no one, she closed the public discussion and returned to Council. Hearing no comment, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the ordinance introduced with a public hearing to be held April 13, 2010.

Mayor Trotman read by title **Agenda Item H, New Business (3) — Resolution 2010-R104**, as follows:

**RESOLUTION 2010-R104
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON**

**APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE
COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE,
DEPARTMENT OF LAW AND PUBLIC SAFETY**

WHEREAS, the Borough of Princeton wishes to apply for a project under the Safe and Secure Communities Program, and

WHEREAS, the Mayor and Council of the Borough of Princeton has reviewed the application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Applicant Local Unit of Government, for the purpose described in the application;

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

1. As a matter of public policy the Applicants Unit of Government wishes to participate to the fullest extent possible with the Department of Law and Public Safety
2. The Attorney General of New Jersey will receive funds on behalf of the Applicant
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications of said funds
4. The division of Criminal Justice shall initiate allocations to the applicant as authorized by law

Councilman Goldfarb moved to approve Resolution 2010-R104, Council President Koontz seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (4) — Resolution 2010-R105** as follows:

**RESOLUTION 2010-R105
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PURCHASE OF
TWO FORD CROWN VICTORIAS
STATE CONTRACT #A72467**

WHEREAS, the Borough of Princeton wishes to purchase two (2) police vehicles; 2010 Ford Crown Victorias, 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 #A72467 for police vehicles; and

WHEREAS, two (2) Ford Crown Victoria police vehicles shall be full sized, four (4) door vehicles, at a total cost of \$40,658 (\$20,329 each); and

WHEREAS, the appropriate monies totaling \$40,658 are provided for by funding in the 2010 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 #A72467 for police vehicles

Councilwoman Trelstad moved to approve Resolution 2010-R105 and Councilman Wilkes seconded.

Councilwoman Trelstad proposed reconvening the public works vehicle committee to determine vehicle needs into the future and to work on a replacement program.

Councilman Goldfarb stated the importance of maintaining a vehicle replacement schedule. Councilman Goldfarb declared that Crown Victoria is the best choice for this year, mentioning that Ford has announced a new, more efficient police car coming in the future.

Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (5) — Resolution 2010-R106** as follows:

**RESOLUTION 2010-R106
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR MUNICIPAL LEGAL SERVICES FOR YEAR 2010**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy P has submitted a proposal indicating they will provide the municipal legal services as the Borough Counsel as per the agreement and fee schedule attached; and

WHEREAS, Arthur R. Thibault completed and submitted a Business Entity Disclosure Certification which certifies that Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

Provider shall serve as special counsel to the Borough of Princeton to prosecute police disciplinary matters as requested by the Borough

Under this Agreement, Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law. The Borough shall pay the Provider at the rate of \$160.00 per hour in an amount not to exceed Twenty Thousand Dollars (\$20,000).

The Mayor and Clerk are hereby authorized to enter into a contract for professional services with Arthur R. Thibault, Jr., Esq., of Apruzzese, McDermott, Mastro & Murphy (hereinafter referred to as "Provider") to provide Special Legal Counsel from January 1, 2010 through December 31, 2010, as hereafter more particularly stated.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Council President Koontz moved to approve Resolution 2010-R106, Councilman Wilkes seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (6) — Resolution 2010-R107** as follows:

**RESOLUTION 2010-R107
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR MUNICIPAL PROSECUTOR SERVICES
FOR THE BOROUGH PRINCETON**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, W. Reed Gusciora has submitted a proposal indicating he will provide Municipal Prosecutor Services for the Borough of Princeton as per the fee schedule attached; and

WHEREAS, W. Reed Gusciora has completed and submitted a Business Entity Disclosure Certification which certifies that W. Reed Gusciora has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit W. Reed Gusciora from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with W. Reed Gusciora as described herein for an amount not to exceed \$31,000 through December 31, 2010; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilwoman Trelstad moved to approve Resolution 2010-R107 and Councilman Wilkes seconded

Councilman Goldfarb read a statement that emphasized the *absence of the appearance of impropriety* on the part of public officials. Councilman Goldfarb opposed W. Reed Gusciora as prosecutor because he is the elected New Jersey legislative representative of Princeton Borough.

Mayor Trotman disagreed with Councilman Goldfarb's conclusions and endorsed the process by which Mr. Gusciora was nominated to be prosecutor.

Council President Koontz defended Mr. Gusciora's court experience in other college towns (Ewing and Lawrence), as well as experience with Borough issues such as shoplifting and drunk driving.

Councilman Wilkes called Mr. Gusciora a "working legal scientist." Councilman Wilkes thought Mr. Gusciora's being a prosecutor was not a conflict or ethical breach but rather a commitment to legal principles.

Councilwoman Trelstad suggested that Mr. Gusciora is a compassionate and caring person—important qualities for a college town prosecutor.

Councilwoman Crumiller stated the selection process was fair and open. Mr. Gusciora was chosen because of his experience and familiarity with Princeton Borough.

Councilman Martindell said it was easy to conceive of unethical circumstances, but unfair to assume the worst. Council's job was to balance avoidance of controversy with constituents' best interests.

Hearing no further discussion, Mayor Trotman called for a vote. Mayor Trotman proclaimed the motion passed five to one, with Councilman Goldfarb against.

Mayor Trotman read **Agenda Item H, New Business (7) — Resolution 2010-R108** as follows:

**RESOLUTION 2010-R108
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR VALUATION AND CONSULTING SERVICES FOR YEAR 2010**

WHEREAS, the Mayor and Council of the Borough of Princeton has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Pamela Brodowski, MAI, ASA, CTA has submitted a proposal indicating they will provide the services as professional appraiser as per the agreement and fee schedule attached; and

WHEREAS, Pamela Brodowski, MAI, ASA, CTA of BRB VALUATION AND CONSULTING SERVICES had completed and submitted a Business Entity Disclosure Certification which certifies that BRB VALUATION AND CONSULTING SERVICES has not made any reportable contributions to a political or candidate committee in the Borough of Princeton in the previous one year, and that the contract will prohibit BRB VALUATION AND CONSULTING SERVICES from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to execute a contract with BRB VALUATION AND CONSULTING SERVICES as described herein for an amount not to exceed \$25,000 through December 31, 2010; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilwoman Trelstad moved to approve Resolution 2010-R108 and Councilman Wilkes seconded.

Mr. Bruschi undertook to inform Council of the identity of the property in question. Mr. Bruschi said the appeal began in 2009.

Councilman Martindell questioned the cost of litigating versus winning the case.

Council President Koontz moved to table Resolution 2010-R108 and Councilman Goldfarb seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (8–14) — Resolutions 2010-R109, 2010-R110, 2010-R111, 2010-R112, 2010-R113, 2010-R114, and 2010-R115** as follows:

**RESOLUTION 2010-R109
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY THE
BRYN MAWR-WELLESLEY PLANNING COMMITTEE**

WHEREAS, The Bryn Mawr-Wellesley wishes to increase public awareness of their book sale event to be held March 24 through March 28, 2010; and

WHEREAS, The Bryn Mawr-Wellesley has requested permission to install a banner over Washington Road to announce their book sale event and has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Wednesday, March 24 through Monday, March 29, 2010; 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 2010-R110
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A MOTION PICTURE THEATRE LICENSE
APPLICATION FOR THE GARDEN THEATRE FOR THE PERIOD OF
JANUARY 1, 2010 THROUGH DECEMBER 31, 2010**

WHEREAS, The Garden Theatre, Inc. located at 160 Nassau Street, Princeton, NJ has applied for a license to operate two auditoriums as required by Borough Ordinance 5-29; and

WHEREAS, in accordance with Borough Ordinance 5-30 the applicant has submitted an application in writing requesting that the Council approve their application for the use as a movie theatre; and

WHEREAS, in accordance with Borough Ordinance 5-32 the Garden Theatre, Inc., has submitted the proper fee in the amount of \$500 for each auditorium totaling \$1,000; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve the request of The Garden Theatre, Inc., to operate two auditoriums within the theatre located at 160 Nassau Street for the period of January 1 through December 31, 2010.

**RESOLUTION 2010-R111
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATION FOR
RANNA BANSAL**

WHEREAS, Ranna Bansal has met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 25(a) through 25(f) as a member of the PRINCETON ENGINE COMPANY #1

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

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

**RESOLUTION 2010-R112
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING FIRE DEPARTMENT APPLICATIONS FOR
ASSOCIATE MEMBERS**

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 employees of Princeton University have met all requirements of Borough of Princeton Code of Laws, Chapter 14, Section 23, Section 25(a) through 25(g) as Associate Members of the PRINCETON FIRE DEPARTMENT:

Sandra M. Kearney
Thomas A. Schweitzer
Thomas E. Hewitt

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

**RESOLUTION 2010-R113
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 **University Medical Center at Princeton, 253 Witherspoon Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2010 through December 31, 2010**, as hereafter more particularly stated.

1. The contract so authorized shall require the Provider to provide **HEALTHY CHILD WELL-BABY CLINIC** services and other related duties as cited in the proposed contract (attached), for a total contract amount not to exceed **\$5,760**.

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 2010-R114
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 **University Medical Center at Princeton, 253 Witherspoon Street, Princeton NJ 08540** (hereinafter referred to as "Provider") to provide consultant services for the Borough from **January 1, 2010 through December 31, 2010**, 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 **\$900**.

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 2010-R115
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
DESIGNATING THE DEPOSITORIES FOR THE BOROUGH OF PRINCETON FOR THE YEAR
2010**

BE IT RESOLVED by the Mayor and Council of the Borough of Princeton that the following depositories will be utilized for the year 2010 by the Borough of Princeton for all monies of the Borough of Princeton coming into the hand of the Chief Financial Officer:

1. Bank of America
2. Wachovia Bank
3. Sovereign Bank
4. PNC Bank of New Jersey
5. New Jersey Cash Management Fund
6. Chase Bank
7. TD Bank
8. Bank of Princeton
9. Hopewell Valley Community Bank
10. Sun National Bank

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Clerk.

Council President Koontz moved to approve Resolutions 2010-R109, 2010-R110, 2010-R111, 2010-R112, 2010-R113, 2010-R114, and 2010-R115 and Councilman Wilkes seconded. Borough Council approved unanimously.

Mayor Trotman read **Agenda Item H, New Business (15) — Resolution 2010-R116** as follows:

**RESOLUTION 2010-R116
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2010 CURRENT FUND BUDGET**

WHEREAS, an emergent 2010 condition has arisen with respect to the 2010 Current Fund Budget, due to the lack of an adopted 2010 Current Fund Budget and no adequate provision has been made in the 2010 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 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2010 temporary budget and this resolution total \$11,868,522.00

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 appropriations in the amount of \$6,604,937.00
2. That the emergency temporary appropriation has been provided for in the 2010 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.

Council President Koontz moved to approve Resolution 2010-R116; Councilwoman Trelstad seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the resolution approved six to zero.

Mayor Trotman read **Agenda Item H, New Business (16) — Resolution 2010-R117** as follows:

**RESOLUTION 2010-R117
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2010 PARKING FUND BUDGET**

WHEREAS, an emergent 2010 condition has arisen with respect to the 2010 Parking Fund Budget, due to the lack of an adopted 2010 Parking Fund Budget and no adequate provision has been made in the 2010 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 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2010 temporary budget and this resolution total \$1,911,740.00

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 appropriations in the amount of \$690,720.00
2. That the emergency temporary appropriation has been provided for in the 2009 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.

Council President Koontz moved to approve Resolution 2010-R117; Councilwoman Trelstad seconded. Hearing no discussion, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item H, New Business (17) — Resolution 2010-R118** as follows:

**RESOLUTION 2010-R118
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2010 AFFORDABLE HOUSING FUND BUDGET**

WHEREAS, an emergent 2010 condition has arisen with respect to the 2010 Affordable Housing Fund Budget, due to the lack of an adopted 2010 Affordable Housing Fund Budget and no adequate provision has been made in the 2010 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 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2010 temporary budget and this resolution total \$142,740.00

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 appropriations in the amount of \$16,370.00
2. That the emergency temporary appropriation has been provided for in the 2009 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.

Council President Koontz moved to approve Resolution 2010-R118; Councilwoman Trelstad seconded.

Councilwoman Trelstad thought \$10,000 was high for “other expenses,” given that salaries were budgeted at \$6,000. Mr. Bruschi explained that “other” covers consultants, lawyers, and so forth.

Hearing no further discussion, Mayor Trotman called for a roll call vote. Deputy Borough Clerk called the roll. Council members Koontz, Crumiller, Goldfarb, Martindell, Trelstad, and Wilkes voted in the affirmative. Mayor Trotman proclaimed the resolution approved.

Mayor Trotman read **Agenda Item I, Old Business (1) — Resolution 2010-R89** as follows:

**RESOLUTION 2010-R89
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
REJECTING BIDS FOR CAPITAL PROJECT
PARKING MANAGEMENT SERVICES OF SPRING STREET GARAGE**

WHEREAS, the Borough of Princeton solicited bids for the project known as Parking Management Services of Spring Street Garage; and

WHEREAS, all bid proposals were publically opened on December 1, 2009; and

WHEREAS, the Borough received the following bids:

Central Parking System, Inc. base bid \$155,384.82 and Alternate A1 \$362,564.58

Five Star Parking base bid \$174,996.00 and Alternate A1 \$415,002.00; and

WHEREAS, pursuant to N.J.S.A 40A:11-24, the Borough requested and received written consent from each bidder to extend the 60 day period of bid review to 120 days, and

WHEREAS, the Borough Engineer has reviewed the lowest responsible bid and determined that pursuant to N.J.S.A 40A:11-13.2. b, the lowest bid substantially exceeds the Borough's appropriation for the services funding for the project, and therefore it is not in the best interest of the Borough to award such a contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Princeton reject all bids for the reason cited above.

Council President Koontz moved to approve Resolution 2010-R89, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Mayor Trotman read **Agenda Item J, Bill List for March 23, 2010 — Resolution 2010-R119** as follows:

**RESOLUTION 2010-R119
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MARCH 23, 2010 BILL LIST**

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are a follows:

CURRENT ACCOUNT (10-01)	235,549.60
RESERVE ACCOUNT (9-01)	82,802.18
PARKING UTILITY OPERATING FUND (10-05)	427.01
PARKING UTILITY OPERATING FUND (9-05)	4,940.98
AFFORDABLE HOUSING OPERATING ACCT (10-24)	
IMPROVEMENT ASSESSMENT (10-11)	
AFFORDABLE HOUSING OPERATING ACCT (9-24)	
CAPITAL ACCOUNT (C-04)	25,128.71
PARKING UTILITY CAPITAL FUND (P-06)	5,370.40
ESCROW (E-30)	2,465.11
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (10-22)	
MANUAL	6,510,171.80

March 23, 2010

ASSESSMENT TRUST FUND (10-11)
GRANT (G-02)

2,051.50

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list March 23, 2010 as presented.

Council President Koontz moved to approve Resolution 2010-R119, Councilman Wilkes seconded, and Council approved unanimously.

Council President Koontz moved to adjourn; Councilman Wilkes seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 10:10 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk