

**Proposed Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
March 13, 2012
Regular Meeting
Open Session 7:00 P.M.**

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

Absent: None

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Borough Engineer John M. West, Land Use Development Official Derek Bridger, Assistant Borough Attorney Henry Chou, and Deputy Borough Clerk Delores A. Williams

Mayor Moore 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 13, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

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

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

Presented for approval were the minutes of the closed sessions of September 13, 2011; October 4, 2011; October 25, 2011; November 9, 2011; November 22, 2011; December 6, 2011; and December 20, 2011.

Councilman Martindell moved to table approval of closed session meetings until such time as private review can occur. Councilman Wilkes seconded.

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

Anne Neumann, Princeton Borough, nominated the Dinky station with accompanying freight building, platform, canopy, and historic infrastructure as a protected historic site under

applicable local ordinances. She attached State nomination papers to her application. Ms. Neumann read aloud from her nomination letter to the Historic Preservation Review Committee.

Kip Cherry, Princeton Township, endorsed Ms. Neumann's nomination of the Dinky station. Ms. Cherry reinforced that the entire Dinky functioning site, including the tracks, has been on the National Register since 1984. The station anchors the shortest operating railroad in the United States.

Councilman Martindell requested a litigation status report from Assistant Borough Attorney Henry Chou and a tickler file update from Borough Administrator Robert Bruschi.

Mayor Moore read **Agenda Item F, Reports (1) — Council Liaison Reports.**

Councilwoman Howard reported that the flu outbreak in Princeton is over. The Health Department is working with the University Medical Center of Princeton to assure that residents will have bus vouchers (taxi vouchers after hours) for clinic care when the hospital moves to Plainsboro.

Councilwoman Butler reported that the Traffic and Transportation Committee is pursuing pedestrian safety in schools. Borough Engineer John West will work with neighboring town engineers to assess the Route One jughandle closings.

Councilwoman Butler identified the scope of work for the Transition Information Technology team, which will be dependent on the Facilities group outcomes regarding phones, computer systems, and so forth. Councilwoman Butler said the first job of the Personnel Committee is to manage an organization with employees who will be out of work at the end of the year.

Councilwoman Crumiller covered Governor Christie's withdrawal of New Jersey from the Regional Green House Gas Initiative and the Environmental Commission's opposition to his decision. The public composting program for Borough residents has been set up for a monthly charge of \$20 (an investment in future savings for trash pickup).

Councilwoman Crumiller announced that TV 30 is now streaming for households with Internet connections.

Councilwoman Butler recommended formation of a unified parks and recreation department.

Council President Trelstad cautioned that there will be costs associated with a position for parks expertise.

Councilman Wilkes stated the public pool is progressing ahead of schedule. Requests for Proposals for the transit and traffic studies on Alexander/University will be released soon.

Council President Trelstad said Public Works is dealing with ongoing issues such as street paving. A new initiative this year is recycling at Communiversity. Consolidated affordable housing efforts will begin looking at needs for single men—possibly in conjunction with

Princeton University. Council President Trelstad described a group home for developmentally challenged adults on North Harrison Street.

Councilman Martindell stated that the budget will be available early in April.

Councilman Martindell wanted Council to be on record opposing measures before New Jersey legislature exempting private colleges (including Princeton University) from land use laws.

Mayor Moore announced a cluster development of 15 houses at the Institute for Advanced Study was approved by the Regional Planning Board. The Master Plan subcommittee referred to the Regional Planning Board the updating of the historic element, which had been noncompliant with Municipal Land Use Law since 1996.

Mayor Moore attended the Historic Preservation Review Committee meeting that dealt with moving the Palmer Square Post Office and abandonment of the New Jersey Transit operations at the Dinky facilities. In progress is a citizen nomination of the Dinky building as a historic site.

Mayor Moore stated that the World Trade Center steel will arrive, with police escort from Brooklyn, in Princeton on March 24, 2012, with a welcome ceremony at the Witherspoon fire house at 11:17 A.M. Councilman Wilkes recommended that the memorial be placed on Borough land.

Mayor Moore stated that nine positions will be phased out with consolidation. How the present Borough Hall will be used remains to be seen.

Mayor Moore read **Agenda Item G, Discussion (1) — Complete Streets Policy Resolution – Laurie Harmon.**

**RESOLUTION 2012-R132
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
TO ESTABLISH A COMPLETE STREETS POLICY**

WHEREAS, the New Jersey Department of Transportation's Complete Streets Policy states, "a Complete Street is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected, multi-modal network of transportation options;" and

WHEREAS, significant accomplishments have already been achieved by incorporating pedestrian safety and traffic calming measures when public streets are improved; and,

WHEREAS, Complete Streets policies support the goals of the Princeton Community Master Plan; and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the governing body of Princeton Borough wishes to implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists and transit users of all ages and abilities.

NOW, THEREFORE, BE IT RESOLVED, by the Princeton Borough Council that all public street projects, both new construction and reconstruction (excluding maintenance) undertaken by the Borough of Princeton shall be designed and constructed as “Complete Streets” whenever feasible to do so in order to safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to pedestrian safety, and subject to the following conditions:

- a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.
- b. Public transit facilities shall not be required on streets not serving as transit routes.
- c. In any project, should the cost of pedestrian, public transit, and/or bicycle facilities cause an increase in project costs in excess of 15%, as determined by engineering estimates, that would have to be funded with local tax dollars, then and in that event, approval by Borough Council must be obtained for same prior to bidding of the project.

Yan Chang Bennett of the Joint Princeton Pedestrian Bicycle Advisory Committee presented the New Jersey Complete Streets Policy resolution for adoption by Borough Council. She said the Complete Streets Policy incorporates planning, design, construction, maintenance, and operation of new and retro-fit transportation facilities within public rights of way. A complete street is defined as a means of providing safe access for all users of a multi-modal network of transportation operations.

Council President Trelstad commented that completing sidewalk networks will markedly reduce hazardous busing costs.

Councilman Wilkes moved Resolution 2012-132 and Councilwoman Butler seconded. Council accepted unanimously.

Mayor Moore read **Agenda Item G, Discussion (2) — Designation of Historic Preservation Element of the Master Plan—Henry Chou, Assistant Borough Attorney.**

Councilwoman Howard recused herself at 8:20 p.m.

Mr. Chou stated that the Historic Preservation Element of the Master Plan included a list of all historic sites in Princeton Borough as designated by the Borough’s Historic Preservation Review Committee, which included the Dinky station—already named in state and national registers of historic places since 1984. When a citizen requests naming a historic district under Borough code 17A-118.6, Council defers to the Historic Preservation Review Committee, which holds a public hearing and returns to Council with its recommendation.

**RESOLUTION 2012-R133
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
REFERRING REQUEST TO DESIGNATE
PRINCETON RAILROAD STATION AS HISTORIC SITE
TO HISTORIC PRESERVATION REVIEW COMMITTEE**

WHEREAS, on March 13, 2012, a citizen of Princeton Borough, Ms. Anne Neumann, requested the Borough Council to designate the Princeton Railroad Station as a historic site, pursuant to section 17A-118.6 of the Borough Code; and

WHEREAS, pursuant to section 17A-118.6(a) of the Borough Code, the party proposing a property for historic designation shall submit a supporting nomination report to the Historic Preservation Review Committee (“HPRC”) of the Borough of Princeton; and

WHEREAS, pursuant to section 17A-118.6(b) of the Borough Code, the HPRC must schedule a public hearing concerning the proposed designation, with proper notice to the affected property owner and the public; and

WHEREAS, the HPRC must hold a public hearing concerning the proposed designation pursuant to section 17A-118.6(d-e); and

WHEREAS, pursuant to section 17A-118.6(f) of the Borough Code, the HPRC must prepare and forward a report to the Borough Council, recommending whether the Princeton Railroad Station should be designated as a historic site under the Borough Code; and

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

1. This matter is referred to the HPRC for further proceedings under section 17A-118.6(a-f) of the Borough Code.
2. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.

Councilwoman Crumiller moved Resolution 2012-133. Councilman Martindell seconded.

Land Use Development Official Derek Bridger offered to place the request on the Historic Preservation Review Committee agenda for April 4, 2012. He thought it was reasonable to assume culmination during April. Mr. Chou said the national- and state-named historic property did not include the tracks (Lot 39).

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

Richard Goldman, attorney representing Princeton University, the owner of the property in question, was disconcerted that Princeton University had not received a copy of the request for historical status for a piece of their land. He pointed out that the person submitting the nomination is a plaintiff in two lawsuits against the University (as well as against the Borough). Also, no copies of the complaints (one from five months ago, one from two months ago) have been served to Princeton University.

Mr. Goldman objected to the procedure based on a 1984 report that cannot be challenged. Mr. Goldman wondered why Council had picked a single site from the myriad of sites (many of which are owned by Princeton University) designated by the Historic Preservation Review Committee to rush approval through the Regional Planning Board; in particular, a site nominated by a litigant against the owner.

Ms. Cherry defended the 1984 designation as vetted and accepted for the national register. She maintained that the tracks are included as part of the site.

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

Council President Trelstad moved to postpone voting on Resolution 2012-133 until March 27, 2012. Councilman Wilkes seconded in support of Princeton University's right to comment on the resolution.

Mr. Chou indicated that a resolution is not required to refer a request to the Historic Preservation Review Committee under section 17A-118(c).

Mayor Moore called for a show of hands and stated that the motion to postpone failed three to two.

Mayor Moore called for a show of hands and stated that the motion to forward Resolution 2012-133 to the Historic Preservation Review Committee passed three to two, with Council President Trelstad and Councilman Wilkes against.

Councilwoman Howard returned to the dais at 8:55 p.m.

Mr. Chou is preparing an ordinance to show the transit right of way on the official Borough map.

Council President Trelstad read and moved **Agenda Item H, New Business (1) — Resolution 2012-R120** as follows:

**RESOLUTION #2012-R120
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE PROFESSIONAL SERVICES AGREEMENT
TO SHIRLEY M. BISHOP FOR
PROFESSIONAL PLANNING SERVICES –
COUNCIL ON AFFORDABLE HOUSING**

WHEREAS, the Borough previously entered into an agreement with **Shirley M. Bishop, P.P., LLC**, housing and planning consulting firm (the “Provider”), dated March 13, 2012, for the performance by the Provider of professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

WHEREAS, the Borough wishes to extend the term and compensation under said agreement; and

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

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

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 an amendment to its contract for the aforesaid services **with Shirley M. Bishop, P.P., L.L.C.**

1. The contract so authorized shall require **Shirley M. Bishop, P.P., LLC**, to provide services and other related duties, as follows:

To provide professional planning services in connection with various New Jersey Council on Affordable Housing requirements as they relate to the Borough’s third round affordable housing plan and other affordable housing planning needs, including preparation of a third round plan and appeals of that plan.

Under this contract, the Provider shall at all times act as an independent professional contractor and not as an employee of the Borough, and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

2. The Borough shall pay the Provider the following additional compensation.

Services shall be provided at a rate of \$150.00 an hour and shall not to exceed Three Thousand Dollars (\$3,000.00) in accordance with a rate schedule, a copy of which is attached as Exhibit A to the Professional Services Agreement.

3. 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.

4. 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.

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

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

Councilwoman Butler seconded.

Mr. Bridger defended payment to Ms. Bishop as redeemed against certain purchases (246 John Street and 6 Shirley Court), COAH waivers, and challenges from the University Medical Center of Princeton. Approximately \$200,000 remaining in the Affordable Trust must be committed by July 1, 2012, or forfeited to the State.

Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (2) — Resolution 2012-R121** as follows:

**RESOLUTION 2012-R121
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES
TO CIVIL SOLUTIONS
FOR MAINTENANCE AND SUPPORT OF THE PSOC'S
GEOGRAPHIC INFORMATION SYSTEM (GIS)**

WHEREAS, the Mayor and Council of the Borough of Princeton had previously entered into an agreement as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5 with Civil Solutions, a division of Adams, Rehmann and Heggan Associates, Inc. (the "Provider"), for the performance by the Provider for professional services in connection with certain activities being conducted by the Borough, as hereafter more particularly stated; and

WHEREAS, the Provider developed and maintained the initial Geographic Information System (GIS) for the Princeton Sewer Operating Committee (PSOC); and

WHEREAS, the Provider has submitted a proposal dated February 9, 2012 indicating they will provide services and other related duties as follows:

GIS Layer Maintenance and Support to include the scanning of additional lateral inspection records (approximately 5,000 records), standardizing the naming convention with the existing format and GIS layer maintenance and provide staff support. The services and fees are further described in their proposal of February 9, 2012, a copy of which is attached as Exhibit A.

WHEREAS, the Provider has completed and submitted a Business Entity Disclosure Certification which certifies that the Provider 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 the Provider from making any reportable contributions through the term of the contract; and

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

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

WHEREAS, the Borough shall pay the Provider an amount not to exceed Twenty Thousand Dollars and Zero Cents (\$20,000.00) in accordance with the previously referenced proposal of February 9, 2012; and
WHEREAS, the Chief Financial Officer has certified that funds are available under Current Account No. C-04-06-015-314; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton authorizes the Mayor and Borough Clerk to enter into a contract for the aforesaid services with the Provider.

1. The Borough shall pay the Provider an amount not to exceed Twenty Thousand Dollars and Zero Cents (\$20,000.00).
2. The form of contract shall include standard provisions common to professional services 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.
5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Wilkes seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (3) — Resolution 2012-R122** as follows:

**RESOLUTION 2012-R122
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AMENDING ALLOCATION FOR
REHABILITATION COSTS ASSOCIATED
WITH AFFORDABLE HOUSING AT
246 JOHN STREET**

WHEREAS, the Borough previously entered into an agreement with 246 John Street, Inc., a subsidiary corporation of PCH Homes, Inc. (the “Provider”), which is a New Jersey nonprofit corporation that owns and operates affordable housing, whereby the Provider is obligated to own and manage the rehabilitation of the real property located at 246 John Street, Princeton Borough, New Jersey (the “Property”), as more fully detailed in the Purchase, Sale and Development Agreement (the “Agreement”) between the Provider and the Borough of Princeton attached as Exhibit “A”; and

WHEREAS, the services (acquisition and management) to be performed by the Provider were previously approved by the New Jersey Council on Affordable Housing (“COAH”) and are services that are not subject to the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough Council adopted Resolution 2011-R170 on June 28, 2011, authorizing the expenditure of funds from the Borough’s Affordable Housing Trust Fund in the amount of \$1250,000, comprising of \$120,000 towards the rehabilitation of the Property (including the preparation of architectural plans), and \$5,000 to cover the Provider’s affirmative marketing management fee and other contingencies; and

WHEREAS, pursuant to the Agreement, the Borough transferred the Property to the Provider on September 8, 2011; and

WHEREAS, Borough staff and the Provider have jointly decided upon an architect to prepare the rehabilitation plans; and

WHEREAS, pursuant to the Agreement, the Provider solicited bids from general contractors for the rehabilitation of the Property; and

WHEREAS, the Provider received four bids, ranging from \$139,335 to \$314,850 and Borough staff and the Provider met with each general contractor and reviewed their proposals; and

WHEREAS, one of the bidders was Sherute Builders, which has completed several projects in the Borough on behalf of PCH in a timely manner, with excellent work quality and within budget; and

WHEREAS, Borough staff and the Provider recommend that the contract be awarded to Sherute Builders, which placed a bid of \$156,935; and

WHEREAS, all of the bids received by the Provider, including the one placed by Sherute Builders, exceeded the previously estimated rehabilitation cost of \$120,000; and

WHEREAS, Borough staff estimates that \$180,000 will be required to cover the rehabilitation cost, including the architectural services; and

WHEREAS, the additional rehabilitation funds required is still within the allocated figures set forth in the amended spending plan previously approved by COAH; and

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

1. Borough Council Resolution 2011-R170 is superseded, and the Borough shall fund the rehabilitation of the property in accordance with the attached purchase and development agreement in an amount not to exceed **one hundred eighty thousand dollars (\$180,000.00)**.
2. The Borough shall pay the Provider an amount not to exceed **five thousand dollars (\$5,000.00)** as a management fee.
3. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
4. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Councilman Martindell seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (4) — Resolution 2012-R123** as follows:

**RESOLUTION 2012-R123
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING A FUNDING AGREEMENT WITH
PCH HOMES INC.**

WHEREAS, the Borough wishes to enter into an agreement with **PCH Homes, Inc.** a New Jersey nonprofit corporation, (the “Provider”), to fund the purchase of a market rate townhouse and convert it to a deed-restricted moderate income affordable housing unit; and

WHEREAS, the New Jersey Department of Community Affairs (“DCA”) has approved the Borough’s expenditure of funds from its Affordable Housing Trust Fund in connection with its agreement with PCH Homes, Inc.; and

WHEREAS, the services to be performed by PCH Homes, Inc. are services which are not subject to public bidding requirements under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.,

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

The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid services with **PCH Homes Inc.**

1. The Borough shall pay the provider \$168,750 as the Borough’s portion of the purchase price of 6 Shirley Court as part of the Boroughs Affordable Housing Program. The property will be deed restricted as a moderate-income rental unit for a period of ninety-nine (99) years. PCH Homes will contribute \$45,000 of the total purchase price of \$213,750 and will contribute up to \$5,000 in any repairs necessary for the rental of the unit.
2. Under this contract, the Provider shall at all times act as an independent 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.
3. The Funding Agreement shall include a standard mandatory deed restriction, as set forth in the appendices of the Uniform Housing Affordability Controls (“UHAC”), with covenants restricting rentals, conveyance and improvements and requiring notice of foreclosure and bankruptcy.
4. A notice of this action shall be published in the Princeton Packet as required by law within ten (10) days of its passage.
5. An executed copy of the contract between the Borough and the Provider and a copy of this Resolution shall be on file and available for public inspection in the Office of the Borough Clerk.

Mr. Bridger explained that, as part of the spending waiver plan, the Borough was authorized to purchase two middle-income properties on Shirley Court.

Councilman Wilkes seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (5) — Resolution 2012-R124** as follows:

**RESOLUTION 2012-R124
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
RELEASE OF CERTAIN PERFORMANCE BOND**

WHEREAS, the Princeton Regional Planning Board had approved a Major Site Plan for Block 27.01, Lot 10, 12, 13, 78, NHKT Phase-II, which required the submittal of a \$517,992.00 Performance Guarantee; and

WHEREAS, the applicant has requested release of said Performance Guarantee; and

WHEREAS, the applicant has requested a waiver of posting a one year Maintenance Guarantee; and

WHEREAS, the Borough Engineer advises that the improvements covered under this Bond are complete and satisfactory and recommends that the Performance Guarantee be released and whereas the improvements have been complete for approximately two years, the Borough Engineer has no objection to the waiver of the one year Maintenance Guarantee.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Princeton, the Chief Financial Officer is hereby authorized to release the \$517,992.00 Performance Guarantee to NHKT and waive the Maintenance Bond.

Councilman Wilkes seconded. Mr. Bruschi stated that the project is finished and it is appropriate to release the bond.

Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (6) — Resolution 2012-R125** as follows:

**RESOLUTION 2012-R125
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
AMENDING RESOLUTION 2012-R69
APPOINTING THE MUNICIPAL COURT JUDGE**

WHEREAS, pursuant to N.J.S.A. 2B:12-4, in municipalities governed by a form of government other than the Mayor-Council form of government, the municipal judge shall be appointed by the governing body of the municipality; and,

WHEREAS, the Borough of Princeton is governed by the Borough form of government; and,

WHEREAS, pursuant to Resolution 2012-R69, the Princeton Borough Council appointed Bonnie L. Goldman Municipal Court Judge for a one-year term commencing February 1, 2012 through January 31, 2013; and,

WHEREAS, N.J.S.A. 2B:12-4a requires that Municipal Court Judges be appointed to three-year terms; and,

WHEREAS, the Princeton Borough Council wishes to amend Resolution 2012-R69 to provide for a three-year term, subject to the consolidation of the Borough of Princeton and the Township of Princeton.

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

1. Resolution 2012-R69 is hereby amended to provide that, pursuant to N.J.S.A. 2b:12-4, Bonnie L. Goldman is hereby appointed to serve as Municipal Court Judge for a term of three (3) years from the date of appointment (February 1, 2012 through January 31, 2015), subject, however, to the consolidation of the Borough of Princeton and the Township of Princeton on January 1, 2013 at which time the terms of office and appointments of all local officers and employees elected or appointed by, in or for the participating municipalities shall cease and terminate pursuant to N.J.S.A. 40:43-66.68.

Councilman Martindell seconded.

Council President Trelstad explained that Judge Goldman's contract with Princeton Borough terminates with consolidation on January 1, 2013, when the Borough will no longer exist.

Council President Trelstad moved to table Resolution 2012-R125, Councilwoman Butler seconded, and Borough Council approved unanimously.

Council President Trelstad read and moved **Agenda Item H, New Business (7) — Resolution 2012-R126** as follows:

**RESOLUTION 2012-R126
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED
BY CORNER HOUSE FOUNDATION**

WHEREAS, the Corner House Foundation for their Groovy Night Event being held on April 20th, 2012; and

WHEREAS, the Corner House Foundation has requested permission to install a banner over Washington Road in Princeton Borough with approval of the Office of Community and Regional Affairs at Princeton University beginning Monday, April 9, 2012 through Monday, April 16, 2012 to advertise this program to the entire Princeton Community; and

WHEREAS, this banner will be promptly removed after its use as required by Borough ordinances; and

WHEREAS, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

WHEREAS, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Councilman Wilkes seconded, and Borough Council approved unanimously.

Mr. Bruschi stated that Resolutions 2012-R127, 2012-R128, and 2012-R129 amend the temporary budget so that Borough operations will continue uninterrupted until final budget approval.

Council President Trelstad read and moved **Agenda Item H, New Business (8) — Resolution 2012-R127** as follows:

**RESOLUTION 2012-R127
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION**

FOR THE 2012 CURRENT FUND BUDGET

WHEREAS, an emergent 2012 condition has arisen with respect to the 2012 Current Fund Budget, due to the lack of an adopted 2012 Current Fund Budget and no adequate provision has been made in the 2012 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 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2011 temporary budget and this resolution total \$15,325,948.00

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 \$5,601,737.00
2. That the emergency temporary appropriation has been provided for in the 2012 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 Martindell seconded. Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the motion passed.

Council President Trelstad read and moved **Agenda Item H, New Business (9) — Resolution 2012-R128** as follows:

**RESOLUTION 2012-R128
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2012 PARKING FUND BUDGET**

WHEREAS, an emergent 2012 condition has arisen with respect to the 2012 Parking Fund Budget, due to the lack of an adopted 2012 Parking Fund Budget and no adequate provision has been made in the 2011 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 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2012 temporary budget and this resolution total \$2,388,706.00

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 \$700,000.00
2. That the emergency temporary appropriation has been provided for in the 2012 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 Martindell seconded. Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the motion passed.

Council President Trelstad read and moved **Agenda Item H, New Business (10) — Resolution 2012-R129** as follows:

**RESOLUTION 2012-R129
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
APPROVING AN EMERGENCY TEMPORARY APPROPRIATION
FOR THE 2012 AFFORDABLE HOUSING FUND BUDGET**

WHEREAS, an emergent 2012 condition has arisen with respect to the 2012 Affordable Housing Fund Budget, due to the lack of an adopted 2012 Affordable Housing Fund Budget and no adequate provision has been made in the 2012 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 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including the original 2012 temporary budget and this resolution total \$123,400.00

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 \$61,700.00
2. That the emergency temporary appropriation has been provided for in the 2012 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 Martindell seconded. Mayor Moore called for a roll call vote. Deputy Borough Clerk called the roll. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Mayor Moore proclaimed the motion passed.

Council President Trelstad read and moved **Agenda Item I, Bill List for March 13, 2012 — Resolution 2012-R130** as follows:

**RESOLUTION 2012-R130
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE MARCH 13, 2012 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 as follows:

CURRENT ACCOUNT (12-01)	2,197,091.28
CURRENT ACCOUNT (11-01)	21,134.82
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	1,318.49
PARKING UTILITY OPERATING FUND (11-05)	4,126.00
AFFORDABLE HOUSING OPERATING ACCT (12-24)	

AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	
CAPITAL ACCOUNT (C-04)	157,110.66
PARKING UTILITY CAPITAL FUND (P-06)	
ESCROW (E-30)	4,595.40
TRUST FUND (T-13)	1,872.50
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	246,640.81
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	800.00

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

Councilman Martindell seconded and Council approved unanimously.

Council President Trelstad read **Agenda Item J, Resolution 2012-R131** as follows:

**RESOLUTION 2012-R131
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
TO ENTER INTO CLOSED SESSION**

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 presently exist; and

WHEREAS, the Governing Body wishes to discuss the following issues:

1. Land acquisition
2. Closed session minutes

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

Councilwoman Butler moved to enter closed session and Councilwoman Crumiller seconded. There being no further business, Mayor Moore adjourned the open session meeting at 9:15 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk