

**Pennington Borough Council
Regular Meeting – January 2, 2007**

Mayor Persichilli called the Reorganization Meeting of the Borough Council to order at 7:14 pm. Borough Clerk Betty Sterling called the roll with Council Members Garber, Heinzl, Lawver, Lytle, Tucker and Zompa in attendance.

Also present were Superintendent of Public Works, Jeff Wittkop, Public Safety Director, Bill Meytrott, Borough Administrator, Eugene Dunworth, Borough Attorney, Walter Bliss and Borough Clerk, Betty Sterling.

Mayor Persichilli announced that notice of this meeting has been given to the Pennington Post, Hopewell Valley News, The Times of Trenton and The Trentonian and was posted on the bulletin board in Borough Hall according to the regulations of the Open Public Meetings Act.

Approval of Minutes

Council Member Heinzl made a motion to approve the minutes of the November 13, 2006 regular meeting, second by Council Member Garber with all members present voting in favor with the exception of Ms. Zompa who abstained.

Open to the Public – Agenda Items Only

Mayor Persichilli asked if there were any comments on agenda items only. There were none.

Mayors Business

Mayor Persichilli gave the following State of the Borough address.

State of the Borough of Pennington 2006

2006 was once again a good year for the Borough of Pennington. During 2006, the following took place:

- First, Congratulations to Eileen Heinzl and Joe Lawver for their re-election to Council and to Diane Zompa for her selection to the Council.
- All of the employees of the Borough have gone above and beyond all year long, as they always do – for that, they are to be commended.
- The Borough continued to receive high praises from its Borough Auditor Bob Morrison. The Audit continues to show that the Borough's financial house is in good order, thanks to the efforts of Councilman Joe Lawver. Only two items were noted on the audit, one of which has already been addressed (Certificate of Occupancies issued prior to final inspections) and the other which is so minor that our own auditor tells us not to worry about it (fixed asset tracking system).
- During the planning process, our auditor praised us for putting together tools that will let us look 5 years out, noting that he hasn't seen any other town using similar tools. Borough Clerk/Treasurer Betty Sterling, Borough Chief Financial Officer Sandy Webb, Tax Collector Irene Billings, Land Use Administrator Mary Mistretta and Administrator Gene Dunworth are to be commended for their efforts in this regard.
- The Economic Development Committee developed, distributed and compiled a Business Owners Survey this year as well as managed the installation of the "Welcome to Pennington" signs at all of the main entrances to Pennington.
- A tentative agreement with the D&R Greenway to preserve the excess Public Works land was reached and the final agreement will be worked out in 2007.
- Two grant applications to the NJ DOT for consideration under the Safe Routes to School program were submitted. Those grants are for the RT 31 Safe Crossing and Sidewalk Extensions for E. Delaware, Lower King George and Park Avenues.
- The volunteer spirit is still alive and well in the Borough as evidenced by the work done by all of the members of the various boards, commissions and committees and we thank them for their civic participation. The Parks and Recreation Commission were busy with the Memorial Day parade as well as the many concerts that were put on at the Howe Commons throughout the year. They continue to maintain the American flags which fly along Delaware Avenue and Main Street. They also continue to run movie night at Kunkel Park.
- Kurt Pedersen stepped down as chairman of the PPRC this year. He served 12 years on the Recreation Commission and co-chaired the Memorial Day parade with Emily Schwab during that tenure. He and Emily directed their last parade this past May and will be missed. Pat Papenberg is also retiring from the Commission. Michelle Needham and Ned Fletcher were elected co-chairs of the PPRC and are doing a great job along with the entire Commission coordinating concerts, movies and recreation events in town. This year the County awarded Pennington 17,000 dollars in Mercer at Play grant funding. The PPRC is planning a 1/2 basketball court for Kunkel Park, which will be constructed this year. Kit Chandler and Diana Butcavage joined the Commission January 2006. Steve Cusma and Ed Livernoche will be appointed to the PPRC.
- The Library completed a Strategic Plan this year with the assistance of some twenty community volunteers. Carol DeLuca, the children's librarian and volunteer coordinator retired after 20 years of service to the Pennington Public Library. She and her husband Bob have moved to Arizona. Recognizing the changing role of the Library in the community and the identified goals of the Strategic Plan, the Library Board hired two new personnel to replace Carol DeLuca. Linny

Cangioni was hired as the new director of children's services and Tara Russell was hired as the coordinator of volunteer services. Kathy Doyle began her second year as the Library Director this April. The Library broke ground on a Library Improvement Grant this fall. The 38,000 dollar grant will fund replacement of the concrete entryway to the municipal building, installation of a bluestone patio, landscape lighting and plants and installation of an automatic door opener for the front doors.

- The Hopewell Valley Recreation Committee continues to provide support and advice on recreation services in the Hopewell Valley. This year the Committee supported a joint application for Mercer at Play funding for the purchase and development of active recreation fields and activities at the Twin Pines airport in Hopewell Township. This project is a joint municipal project of Hopewell Twp, Hopewell Borough, Lawrence Township and Pennington Borough. The HVRC also continues to support development of the Lawrence Hopewell Trail, which celebrated the opening of the link through ETS this spring. Additional links are expected in construction this year at the Stony Brook Watershed and the Mercer County Park, Northwest.
- Pat Papenberg will be retired this year as Pennington Borough's representative on the HVRC. Don Williams, who has served since the inception of the HVRC also retired this year. Pennington thanks them both for their energetic and dedicated support of recreation in the Valley.
- This spring the School Board announced their intention to discontinue funding of all non-mandated busing, affecting all Pennington students who attend Toll Gate, Timberlane Middle School and the Hopewell Valley High School. Early this fall a task force was appointed to address this important issue - Pennington citizens who served are Lee Hermann and Murray Peyton. The recommendation of the task force is completed and will be discussed at tonight's meeting.
- A Citizen's Advisory Committee was appointed this past summer to consider and discuss the issue of underage drinking in Hopewell Valley. Citizens who served are:
 - Lori Saporito; Hopewell Borough
 - Judy Hill; Hopewell Township
 - Heidi Kahme; Hopewell Township (chair of the Municipal Alliance)
 - Sally Dobson; Pennington
 - Peter McDonough; Pennington
 Their work and support will be critical to addressing this issue in the coming year.
- Our public works department continues to provide a level of service that is unmatched by other municipalities. Our town and public areas including Kunkel Park and Sked Street Park are well maintained, clean and safe.
- Construction of the long awaited new Public Works Facility and Salt Dome commenced and is largely completed. It will provide our public works employees a safe and clean place to work. It will protect our equipment and vehicles and it is also environmentally compliant with state regulations relating to storm water, vehicle washing and salt storage.
- Vannoy Avenue road reconstruction was started and completed and resulted in great improvements that many residents have commented on.
- King George Road reconstruction was started and completed with major improvements to the intersection at Kunkel Park and a much safer passage for children and other residents using the park now that a sidewalk is in place.
- Significant work on road reconstruction, infrastructure improvements and sidewalks has taken place on Hale Street.
- Plans have been designed for Baldwin Street road reconstruction and plans will be designed for road reconstruction of Brookside Avenue. Both projects are expected to proceed in 2007.
- Members of the Pennington Fire Company and the Pennington Rescue Squad continue to provide invaluable volunteer service to the community. We truly appreciate all that they do. I encourage anyone who has time to volunteer for these organizations to do so.
- The Pennington Business and Professional Association and Erwin Harbat are to be commended for all of their hard work in illuminating the Borough with snowflakes for the holidays. In the fifth year of this project, they have been able to put up approximately fifty snowflakes. Hopefully they can continue their success on this project. The Holiday Walk, sponsored by the PB&PA was also a success.
- Many "new" volunteers have come forward to work with the various committees and commissions this year. We welcome them, look forward to their new energy and thank them for their volunteer spirit. At the same time we thank all who have volunteered and are leaving their respective positions. This volunteer spirit is truly one of the things that make Pennington a great place to live, work and raise a family.
- One of the successes of this year was the creation of a Senior Citizens Advisory Committee made up of seniors from all of the communities in the Valley as well as elected officials from each municipality. It is time to provide quality services for our senior residents in order to encourage them to stay in the Valley.
- Construction on the Shoppes at Pennington continues and is near completion.

Finally, I would like to wish all of you a healthy, happy and prosperous New Year.

Mayor Persichilli recognized the following dignitaries in attendance and thanked them for coming this evening:

Senator Shirley Turner
 Freeholder Brian Hughes
 Rich McCullough, County Democratic Committee Chairman
 Freeholder Tony Mack
 County Clerk, Paula Sollami Covello

Mayor Persichilli asked Mr. Murray Peyton and Ms. Lee Herman to come forward to present a report on hazardous busing prepared by the Busing Task Force. Mr. Peyton reviewed the main objectives that the task force addressed. Mr. Peyton stated that the primary objectives were to maximize safety, minimize costs to the taxpayer, minimize adverse impact on educational services, minimize impact on services provided by municipalities and maximize level of transportation services. Mr. Peyton reviewed the options that were considered by the task force with the result being that the ideal solution would be to have the school board continue to provide busing, followed by the municipality providing funding to the school with the school continuing to administer the program. Mr. Peyton stated that other options were discussed with little or no interest. Mr. Peyton stated that the question now before Pennington Borough Council is what is the best solution for Pennington Borough. Mr. Peyton stated that there are 263 students affected by this issue and of that only 19 are elementary school students. Mr. Lawver commented on some financial considerations that have been discussed. Mr. Lawver stated that the next step would be for the Borough to sit down with the school district and discuss very seriously about other options that might be available. Mr. Peyton answered questions from Council Members. Mayor Persichilli thanked Mr. Peyton and Ms. Herman and everyone who served on the Busing Task Force.

Committee Reports

Planning & Zoning – Mr. Lytle had no report.

Public Works – Mr. Garber had no report.

Personnel – Mr. Persichilli had no report.

Community Services/Library – Ms. Heinzl stated that the Mayor’s report summed things up very well. Ms. Heinzl stated that the both the Library Board, Pennington Parks and Recreation and Hopewell Valley Recreation committees have not met yet for 2007. Ms. Heinzl stated that there open seats on each of these committees if anyone is interested.

Public Safety – Mr. Tucker reported briefly on events within the Police Department for the month of December 2006 and stated that due to Officers taking vacation time he did not have the statistical information for December. Mr. Tucker reported that two meetings have been held with regard to Police contract negotiations.

Finance – Mr. Lawver reported that the Borough closed out the year with ninety-one percent of the general fund spent and ninety-five percent of the water sewer operating fund spent. Mr. Lawver stated that the budget process for 2007 is underway; budget meetings will be scheduled for February and March with budget introduction scheduled for the April 2nd meeting.

New Business

**Borough of Pennington
Resolution #2007-1.9**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2006 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, 26.25% of the total appropriations of the 2006 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 686,559.23 for the current fund budget and \$ 226,251.90 for the water and sewer utility fund;

NOW, THEREFORE, BE IT RESOLVED, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	S				Lytle	X			
Heinzl	X				Tucker	X			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-1.9, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 1.10**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 705,419.13 from the following accounts:

Current	\$ 236,001.30
W/S Operating	\$ 102,356.41
Developers Escrow	\$ 40,747.63
General Capital	\$ 105,902.92
Water/Sewer Capital	\$ 142,303.93
Grant Fund	\$ 77,427.94
Animal Control Fund	\$ 679.00
TOTAL	\$ 705,419.13

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	X				Lytle	X			
Heinzel	X				Tucker	S			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-1.10, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 1.11**

**A RESOLUTION AUTHORIZING CHANGE ORDER UNDER
CONTRACT WITH GRES PAVING COMPANY, INC. FOR
HALE STREET RECONSTRUCTION**

WHEREAS, the Borough Engineer has recommended that a change order be effected under the Contract between the Borough of Pennington and Gres Paving Company, Inc. for the project known as Hale Street Reconstruction (VNHA #36354-500-52) for a net increase of \$11,639.94

WHEREAS, the proposed change order would compensate the Contractor for additional work that is not within the original scope of work as shown on the plans, namely the removal and disposal of brick paver sidewalk, removal of existing concrete curb along a residential driveway and reconstruction of two (2) Type ‘B’ inlets; and

WHEREAS, the proposed change order also would adjust the contract quantities to match the as-built quantities of various items;

WHEREAS, the proposed change order, payable from the State Department of Transportation funds awarded for the project, has been reviewed and approved by the State Department of Transportation;

WHEREAS, further detail on the change order is available for inspection in the Office of the Borough Clerk;

WHEREAS, funds are available in Account No. G-02-44-925-000-255; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid change order and additional payment of \$11,639.94 to Gres Paving, Co., Inc. for the additional work indicated is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	M				Lytle	X			
Heinzel	S				Tucker	X			
Lawver	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-1.11, second by Council Member Heinzl with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2007-1.12**

**RESOLUTION AUTHORIZING CHANGE ORDERS FOR PUBLIC WORKS
MAINTENANCE FACILITY - PHASE II**

WHEREAS, the contract between the Borough of Pennington and Valley Contractors, Inc. for the Public Works Maintenance Facility - Phase II requires additional change orders recommended by the Borough Engineer as follows:

Change Order #3 - to reimburse Valley Contractors for additional soil erosion control measures not indicated on the original plans, in the amount of \$2,305.12; and to create a supplemental item to allow modifications to the electrical supply specified for the building, in the amount of \$4,830.00, the total increase in contract price authorized by this change order therefore amounting to \$7,135.12;

Change Order # 4 - to create a supplemental item to allow modifications to the oil separator specified for the building, thereby increasing contract price in the amount of \$4,000.00;

Change Order # 5 - to reimburse Valley Contractors for work performed that was beyond the scope of the original contract, in the amount of \$7,877.50, the additional work including additional excavation in the area of the building pad, removal of excess material from this excavation off site, and raising the first floor elevation and adjacent inlet in order to minimize the needed excavation;

WHEREAS, the three change orders amount to an increase of contract price in the aggregate amount of \$19,012.62, for which funds are available in Account No. C-04-04-011-000-250 – Ordinance 2004-11;

WHEREAS, further details on these change orders are available for inspection in the office of the Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid change orders to Valley Contractors, Inc. in the total amount of \$19,012.62 are hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	M				Lytle		X		
Heinzl	X				Tucker	X			
Lawver	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-1.12, second by Council Member Lawver. Mr. Garber gave Council a brief overview of the change orders and upon a roll call vote all members voted in favor with the exception of Mr. Lytle who voted no.

**Borough of Pennington
Resolution #2007 – 1.13**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 7
TO VALLEY CONTRACTORS, INC., FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

WHEREAS, additional work has been substantially completed related to Phase II of the Public Works Maintenance Facility and Valley Contractors, Inc. has submitted therefor Payment Request No. 7 in the amount of \$269,081.17;

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the work and improvements covered by Payment Request No. 7 and has approved same for payment;

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds for the payment of Payment Request No. 7 are available in W-06-03-008-000-255(\$132,858.51) and W-06-00-554-000-255 (\$136,222.66);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Valley Contractors, Inc. in the amount of \$269,081.17 is hereby approved pursuant to Payment Request No. 7.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	M				Lytle		X		
Heinzel	S				Tucker	X			
Lawver	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-1.13, second by Council Member Heinzel with all members present voting in favor with the exception of Mr. Lytle who voted No.

**Borough of Pennington
Resolution 2007-1.14**

**RESOLUTION APPOINTING EUGENE DUNWORTH AS
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2007**

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, it is the desire of the Mayor and Council to appoint Eugene Dunworth to that position, for the period of one year from January 1 through December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED, that Eugene Dunworth is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2007 and ending December 31, 2007; and

BE IT FURTHER RESOLVED, that Mr. Dunworth shall serve in this capacity without additional compensation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	X				Lytle	X			
Heinzel	S				Tucker	X			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-1.14, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 1.15**

**A RESOLUTION AUTHORIZING A RISK CONTROL AGREEMENT WITH COMMERCE
NATIONAL RISK CONTROL SERVICES TO COORDINATE ALCOHOL AND DRUG TESTING
SERVICES FOR THE BOROUGH FOR 2007**

WHEREAS, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial drivers license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

WHEREAS, Commerce National Risk Control Services is experienced in and capable of providing such services; and

WHEREAS, this contract shall be for specific services set forth in Exhibit “A” which shall expire on December 31, 2007;

WHEREAS, the Borough agrees to a fee of \$62.80 per participant (Exhibit “B”);

WHEREAS, the services authorized by the contract are professional services and the amount of expense to be incurred under this contract for these services is in any event substantially below the thresholds for both public bidding and pay-to-play;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Mayor of the Borough, with the attestation of the Clerk, and subject to such changes in form as may be required by the Borough Attorney, is hereby authorized to execute the attached contract between the Borough and Commerce National Risk Control Services for the provision of Alcohol and Drug Testing Services for 2007.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	X				Lytle	X			
Heinzel	X				Tucker	S			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-1.15, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution # 2007-1.16**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2006 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Other Expense – Electric		\$ 3,500.00
Other Expense – Street Lighting		\$ 1,000.00
Other Expense – Telephone		\$ 1,000.00
Other Expense – Gas, Fuel, Lubricants		\$ 3,000.00
Salaries – Trash	\$ 1,000.00	
Salaries – Police	\$ 5,500.00	
Salaries – Streets	\$ 2,000.00	
Total Current Fund	\$ 8,500.00	\$ 8,500.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2006 budget appropriations effective December 31, 2006, Nunc Pro Tunc.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	S				Lytle	X			
Heinzel	X				Tucker	X			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-1.16, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution #2007-1.17**

**RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH
HOPEWELL TOWNSHIP TO PROVIDE
HEALTH SERVICES FOR 2007**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of interlocal health services; and

WHEREAS, the Interlocal Services Act permits a local unit to enter into a contract with another government unit for the provision of a service which any party to the agreement is empowered to render; and

WHEREAS, the Interlocal agreement with Hopewell Township is to be completed to the satisfaction of the Borough Administrator and Borough Attorney, as well as to the satisfaction of Hopewell Township; and

WHEREAS, the cost to the Borough for the health services as outlined in the Interlocal agreement would be \$29,879.85, which represents a 5% increase over the previous year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Clerk are hereby authorized to execute the attached interlocal services agreement with Hopewell Township for the provision of health services as outlined in the agreement.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber					Lytle				
Heinzel					Tucker				
Lawver					Zompa				

Council Member Tucker made a motion to approve Resolution 2007-1.7, second by Council Member Heinzel. Council Members inquired as to how the five percent increase came about. Ms. Heinzel stated that the agreement says that prior to the renewal of the contract, costs of services shall be negotiated and mutually agreed upon. Mr. Lawver stated that the five percent increase has been applied to other interlocal agreements with Hopewell Township. Mr. Lawver stated that five percent is probably reasonable, but more should be done to get long-term contracts on interlocal agreements. After a brief discussion, Council agreed to have Mr. Dunworth contact Hopewell Township to pursue negotiation of a long-term agreement. It was decided that the Resolution would be deferred to the February meeting. Mr. Tucker and Ms. Heinzel withdrew their motion and second.

**Borough of Pennington
Resolution 2007 - 1. 18**

RESOLUTION REJECTING BIDS FOR PUBLIC WORKS VEHICLE

WHEREAS, the Borough of Pennington has advertised for bids for the acquisition of a four-wheel drive pick-up truck for the Department of Public Works;

WHEREAS, two bidders responded to the advertisement for bids, Patterson Chevrolet and Malek Chevrolet, and their bids were received and opened on December 18, 2006;

WHEREAS, both bids were reviewed by the Borough Engineer and Borough Attorney and a determination was made that both bids failed to be fully responsive to the advertised requirements for bidding and must therefore be rejected;

WHEREAS, the analysis of the grounds for rejection are set forth in the attached letter from Van Note-Harvey to Betty Sterling, the Borough Clerk, dated December 26, 2006;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid bids of Patterson Chevrolet and Malek Chevrolet, being the only bids received for the sale of a four-wheel pick-up truck to the Borough, are hereby rejected; and

BE IT FURTHER RESOLVED, that the Borough Administrator, with the advice of the Borough Engineer and the Superintendent of Public Works as needed, is hereby authorized to readvertise for bids on the same terms and specifications as set forth in the above advertisement.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	M				Lytle	X			
Heinzel	S				Tucker	X			
Lawver	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-1.18, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution No. 2007- 1.19**

**RESOLUTION AUTHORIZING APPLICATION FOR
FUNDING TO NJDOT SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, the New Jersey Department of Transportation has announced a federal-aid Safe Routes to School Program to encourage and enable children, including those with disabilities, to walk and bicycle to school, to make bicycling and walking to school safer and more appealing modes of transportation, and to facilitate the planning, development and implementation of projects and activities that

will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of primary and middle schools;

WHEREAS, the Safe Routes to School Program provides funds for a variety of projects and activities including the planning, design and construction of such things as sidewalks, crosswalks, bike lanes, multi-use paths and traffic calming within two miles of an elementary or middle school;

WHEREAS, the Borough of Pennington has an acute need for the development of infrastructure to permit Pennington school children to walk and ride bikes to elementary and middle school;

WHEREAS, the Borough has therefore made application for funding to the Safe Routes to School Program for the following projects:

1. construction of sidewalks on a substantial portion of East Delaware Avenue, on lower King George Road and on Park Avenue in the Borough (approx. \$695,000); and
2. in-depth study of options to provide safe crossing of Route 31 for bicyclists and pedestrians (approx. \$90,000);

WHEREAS, Borough Council enthusiastically supports these applications and the purposes of the Safe Routes to School Program;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid applications for funding to the Safe Routes to School Program are hereby authorized, approved and ratified.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	X				Lytle	X			
Heinzel	S				Tucker	X			
Lawver	M				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2006-1.19, second by Council Member Heinzel with all members present voting in favor. Mr. Dunworth stated that he has two copies of the application if anyone would like to review it.

**Borough of Pennington
Resolution #2007 –1.20**

**RESOLUTION APPOINTING ALTERNATE
PROSECUTORS FOR THE YEAR 2007**

WHEREAS, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

WHEREAS, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor be designated and appointed by the municipality;

WHEREAS, Borough Council has appointed Craig Hubert as the Chief Municipal Prosecutor;
and

WHEREAS, the Borough seeks to appoint first, second and third alternate prosecutors to substitute in that order for the Chief Municipal Prosecutor when the Chief Municipal Prosecutor is not able to cover a court session; and

WHEREAS, it is understood that the municipal prosecutor and alternate prosecutors designated and appointed herein have not represented criminal defendants in any municipal court or superior court in Mercer County as of January 1, 2007;

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

1. Edward Hunter is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Renee Summers is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Sahbra Jacobs is hereby appointed Third Alternate Prosecutor of Pennington Borough.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Garber	M				Lytle	X			
Heinzel	S				Tucker	X			
Lawver	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-1.20, second by Council Member Heinzel with all members present voting in favor.

Administrator's Report

Mr. Dunworth referred to a letter from Stewart Schwab, Chief of the Pennington Fire Company regarding parking on the South Main Street Extension, known as the Boulevard, in front of the Tollgate School. Mr. Dunworth stated that Mr. Schwab and Mr. Meytrott met with an individual that lives on the Boulevard and there is a recommendation that parking on the west side of the Boulevard is posing a problem with getting Fire Apparatus down the street in case of an emergency. Mr. Meytrott commented that this has been an ongoing problem for several years. Mr. Meytrott agreed that when cars are parked on both sides of the Boulevard, there is barely enough space to get a car through, let alone a large fire apparatus or an ambulance. Mr. Meytrott stated that Mr. Schwab has pointed out that a simple solution would be to eliminate parking on the inside of the Boulevard section. Mr. Meytrott stated that there were attempts to work this out with the school district several years ago and they were reluctant to eliminate that parking as many school employees park there. Mr. Meytrott stated that responsibility for this section of roadway has always been shared between the Borough and the County. Mr. Meytrott stated that usually the Borough plows the snow and usually the County repairs the road. Mr. Meytrott stated that the Borough could enact an ordinance and seek County approval to prohibit parking. Mr. Lawver stated that a letter should be sent to the School District letting them know that the Borough anticipates passing this ordinance. Mr. Dunworth stated that he would send a letter to the School. Council advised Mr. Bliss to prepare an ordinance for introduction at the February meeting.

Professional Reports

There were no further reports.

Public Comment

Mr. Tom Ogren of 17 East Curlis Avenue commented on the Hazardous Busing issue with regard to how the expense is shared between the three municipalities.

AT, 8:40 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Contract Negotiations
Pending Litigation
Personnel

AT, 10:15PM, Mayor and Council returned to open session.

Council Member Heinzl made a motion to approve the minutes of the September 11th, 2006 and October 10th, 2006, closed sessions for content, but not for release, second by Council Member Tucker with all members present voting in favor.

At 10:20pm, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Lawver with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk