

**Pennington Borough Council
Regular Meeting – February 5, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Heinzl, Lawver, Tucker and Zompa in attendance. Mayor Persichilli stated that Mr. Garber would be arriving late.

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 Lawver made a motion to approve the minutes of the December 4, 2006 regular meeting, second by Council Member Tucker with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 2, 2007, reorganization meeting, second by Council Member Heinzl with all members present voting in favor.

Council Member Zompa made a motion to approve the minutes of the January 2, 2007, regular meeting, second by Council Member Tucker with all members present voting in favor.

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 announced the resignation of Council Member Jim Lytle effective January 29th, 2007.

Mayor Persichilli stated that Wayne Blauth has been hired as Technical Assistant in the Construction Department.

Mayor Persichilli announced the following appointments:

- Terry Evanko – Senior Citizen Representative to Hopewell Valley Recreation
- Michelle Needham – Citizen Representative to Hopewell Valley Recreation
- Rachel Donington-Torpey – Economic Development Committee
- David Haines – Library Board of Trustees

Mayor Persichilli introduced Abigail Waugh and stated that after meeting with Ms. Waugh about the Senior Center he invited her to come and speak to Council.

Ms. Waugh stated that she wanted to come and introduce herself to Council and to express some concerns regarding the Senior Center on Reading Street. Ms. Waugh stated that she along with members of the Senior Advisory Board met with Mayor Persichilli to discuss the building. Ms. Waugh reviewed both minor and major repairs that need to be done to make the building usable. Ms. Waugh reviewed with Council some sources for funding to assist with the recommendations. Ms. Waugh explained that she would like Council approval to explore possible funding and to get quotes for some of the work. After some discussion, Council agreed that these concerns should be prioritized and explored and once that is done, come back to Council with a proposal for repairs with funding sources identified.

Mayor Persichilli read the following proclamation:

**Proclamation by the Mayor
and Borough Council
of Pennington, New Jersey
Recognizing Jon Butler**

WHEREAS; Mr. Jon Butler of Pennington, New Jersey is being honored by the National Council of Youth Sports (NCYS) for the 2006 Hershey's STRIVE Award National Administrator of the Year; and,

WHEREAS; Mr. Butler is being recognized for having accomplished the essentials of STRIVE: Sports Teach Respect, Initiative, Values and Excellence; and

WHEREAS; the NCYS membership represents 52-million boys and girls in organized youth sports so this is quite an honor; and ,

WHEREAS; Mr. Butler has been a guiding force in establishing a successful youth model in the sports industry and Mr. Butler has worked with Pop Warner to enable children to participate in team sports

and activities in a safe and structured environment with programs that teach fundamental values, skills and knowledge that will benefit them throughout their lives.

NOW, THEREFORE, BE IT PROCLAIMED THAT, the Mayor and Council of the Borough of Pennington hereby honors and congratulates Mr. Jon Butler on this the 5th day of February 2006.

Mayor Persichilli asked Mr. Butler to come forward and be recognized for this award. Mr. Butler spoke a few words and thanked Mayor and Council.

Mayor Persichilli made a recommendation to appoint Robert Riley to the Senior Advisory Board for a term beginning January 1, 2007 and ending December 31, 2008. Council Member Tucker made a motion, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli made the following change in Council Assignments for 2007.

Diane Zompa from Public Safety to Public Works
Eileen Heinzl from Public Works to Public Safety

Presentations

Mayor Persichilli invited Mr. Brian Stanko of Orth Rodgers and Associates and Mr. Winn Thompson, Planning Board Chair to come forward. Mr. Stanko stated that Orth Rodgers was retained by the Borough to conduct a traffic engineering review. Mr. Stanko gave an overview of the findings of the study. Ms. Heinzl stated that Bristol Myers Squibb has been presented with a copy of the study and the next step will be to meet with them to discuss the report and to answer any questions that have been raised.

Ordinances for Introduction

BOROUGH OF PENNINGTON ORDINANCE NO. 2007 - 1

AN ORDINANCE AMENDING CHAPTER 39, ENTITLED "OFFICERS AND EMPLOYEES", OF THE CODE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY, BY CREATING A NEW ARTICLE VIII, ENTITLED "MUNICIPAL HOUSING LIAISON", FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF PENNINGTON'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

WHEREAS the Borough of Pennington Planning Board adopted a "Housing Element", dated February 1994 and revised through March 1995, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.; and

WHEREAS the Borough Council of the Borough of Pennington has complied with the requirements of the New Jersey Council On Affordable Housing (COAH) and petitioned the New Jersey Council On Affordable Housing (COAH) for "Substantive Certification" on August 27, 1996; and

WHEREAS the New Jersey Council On Affordable Housing (COAH) granted final "Substantive Certification" to the Borough of Pennington on June 5, 2002; and

WHEREAS the Borough of Pennington has committed to address its third round fair share obligation by petitioning COAH for review and certification of a newly adopted "Housing Plan Element And Fair Share Plan" in accordance with N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq. by May 15, 2007; and

WHEREAS COAH requires that each certified municipality appoint a specific municipal employee to serve as a "Municipal Housing Liaison" to be responsible for administering its affordable housing program, including affordability controls and the "Affirmative Marketing Plan", and, where applicable, supervising any contracting "Administrative Agent".

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Pennington, in the County of Mercer and the State of New Jersey, that a new Article VIII, to be titled, "Municipal Housing Liaison", be included in Chapter 39, entitled "Officers and Employees", of the Code of the Borough of Pennington to create the position of "Municipal Housing Liaison" for the purpose of administering the Borough of Pennington's affordable housing program pursuant to the New Jersey Fair Housing Act of 1985, as follows:

SECTION 1. Add a new Article VIII, to be entitled "Municipal Housing Liaison", to Chapter 39 of the Code of the Borough of Pennington to read in its entirety as follows:

"ARTICLE VIII MUNICIPAL HOUSING LIAISON

39-28. Purpose.

The purpose of this article is to create the administrative mechanisms needed to discharge the

responsibility of the Borough of Pennington to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

39-29. Definitions.

- A. "Municipal Housing Liaison" means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program of the Borough of Pennington.
- B. "Administrative Agent" means the entity responsible for administering the affordability controls of some or all of the restricted units in the affordable housing program of Pennington Borough, as designated pursuant to N.J.A.C. 5:80-26.14.

39-30. Establishment of Municipal Housing Liaison Position.

- A. There is hereby established the position of Municipal Housing Liaison of the Borough of Pennington.
- B. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee, subject to the approval of the New Jersey Council on Affordable Housing (COAH)..

39-31. Compensation.

Compensation for the Municipal Housing Liaison, if any, shall be fixed by the governing body at the time of appointment.

39-32. Administrative Powers and Duties.

- A. The Municipal Housing Liaison shall be responsible for the oversight and administration of the affordable housing program of the Borough of Pennington, including the following responsibilities which may not be contracted out:
 - (1) serving as Pennington Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) monitoring the status of all restricted units in the Borough of Pennington's Fair Share Plan;
 - (3) compiling, verifying, and submitting annual reports as required by COAH;
 - (4) coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered and/or approved by COAH; and
 - (6) if applicable, serving as the Administrative Agent for some or all of the restricted units in Pennington Borough, as described in §39-32.C. of this article hereinbelow.
- B. Subject to approval by COAH, the Borough of Pennington may contract with or authorize a consultant, authority, government or any agency charged by the governing body to administer the affordable housing program of Pennington Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- C. The following administrative powers and duties shall be specifically delegated to an approved Administrative Agent as set forth by contract, or shall be performed by the Municipal Housing Liaison when not specifically delegated to an approved Administrative Agent:
 - (1) Affirmative Marketing.
 - (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Pennington Borough and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental/ lease requirements, and landlord/tenant law.

- (2) Household Certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of either the ownership or rental certificates set forth in Appendices "J" and "K" of N.J.A.C. 5:80-26.1 et. seq., as applicable;
 - (e) Creating and maintaining a referral list of eligible applicant households with members living or working in the housing region where the units are located; and
 - (f) Referring households for certification to affordable units employing the random selection process as provided in the Affirmative Marketing Plan of the Borough.
- (3) Affordability Controls.
 - (a) Furnishing to attorneys or closing agents the forms of deed restrictions and mortgages for recording, at the time of conveyance of title to each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring removal of deed restrictions and cancellation of mortgage note through proper filing with the county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of "Continuing Certificates of Occupancy" or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and Rental.
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing Requests from Unit Owners.
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

- (6) Enforcement.
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Annually posting in all rental properties, including two-family homes, a notice of the maximum permitted rent together with the telephone number of the Administrative Agent or Municipal Housing Liaison, as appropriate, where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (f) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund or other appropriate municipal fund approved by the New Jersey Department of Community Affairs (DCA);
 - (g) Establishing a rent-to-equity program;
 - (h) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering affordability controls; and
 - (i) Providing annual reports to COAH as required.
- (7) The Administrative Agent or the Municipal Housing Liaison as appropriate shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to that subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. This ordinance shall take effect immediately upon final adoption, publication and the filing of a copy of said ordinance with the Mercer County Planning Board, as provided by law.

Mayor Persichilli read Ordinance 2007-1 by title. Council Member Lawver made a motion to introduce Ordinance 2007-1, second by Council Member Heinzl. Mr. Bliss stated that this is the first reading on the ordinance and that COAH requires that this position be established. Mr. Bliss stated that Cindy Coppola prepared the ordinance and that she believes that it will satisfy COAH's needs. Mr. Bliss stated that the ordinance has the useful function of codifying all of the various Borough responsibilities for administering the affordable housing program and ensures that either the liaison or a contract agent will be performing these functions. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Ordinance 2007-2**

**AN ORDINANCE PROHIBITING PARKING
ON A PORTION OF THE SOUTH MAIN STREET
EXTENSION KNOWN AS "THE BOULEVARD,"
AND AMENDING ARTICLE III OF THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Pennington Fire Company has reported to Borough Council a problem concerning parking on the South Main Street Extension, known as "The Boulevard," near the Tollgate School, in that when cars park on both sides of that roadway there is too little roadway remaining to permit fire apparatus to pass through safely in the case of an emergency;

WHEREAS, the Chief of the Pennington Fire Company and the Director of Public Safety for the Borough recommend that Borough Council prohibit parking on the west side of the South Main Street Extension between East Welling Avenue and the driveway to the Tollgate School;

WHEREAS, Borough Council has determined that prohibiting parking as recommended would serve the public health, safety and welfare;

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

1. Section 200-10 of Article III of the Code of the Borough of Pennington, which prohibits parking at all times at specified locations in the Borough, is amended to prohibit parking at all times on the west side of the South Main Street Extension for a distance of 242 feet north from the intersection of the South Main Street Extension and East Welling Avenue, the amendment to be effected by inserting in Section 200-10 in alphabetic order the following:

Name of Street	Side	Location
South Main Street Extension	West	From East Welling Avenue north a distance of 242 feet

2. This ordinance shall be effective upon approval by the County of Mercer and upon final passage and publication as required by law.

Mayor Persichilli read Ordinance 2007-2 by title. Council Member Tucker made a motion to introduce Ordinance 2007-2, second by Council Member Heinzl. Mr. Tucker explained that this ordinance comes from a recommendation from the Fire Chief, as emergency vehicles are unable to get down the road when there are cars parked there. Mr. Dunworth stated that a letter has gone out to the School Board and to the Tollgate School advising them of this ordinance. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
ORDINANCE 2007-3**

**AN ORDINANCE AMENDING PART I OF THE CODE OF THE BOROUGH OF PENNINGTON,
CONCERNING ADMINISTRATION, AND PROHIBITING CERTAIN POLITICAL
CONTRIBUTIONS BY PROFESSIONAL BUSINESS ENTITIES AWARDED PROFESSIONAL
SERVICE CONTRACTS BY THE BOROUGH**

WHEREAS, contracts for services with professional business entities are exempt from public bidding requirements under the New Jersey Local Public Contracts Law;

WHEREAS, Borough Council of the Borough of Pennington has determined that in order to maintain public confidence in the integrity of decisions awarding such contracts it is in the public interest to take formal action to insulate these decisions from the political influence of campaign contributions to or for the benefit of affected decisionmakers;

WHEREAS, Borough Council embraces the legal restrictions imposed on political contributions by the New Jersey Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, and it seeks to enhance these restrictions with respect to contributions by professional business entities;

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities provided such rules and procedures are not otherwise preempted by State law;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Part I of the Code of the Borough of Pennington, concerning Administration, is hereby amended by the adoption of a new Article II establishing regulations affecting the award of contracts to professional business entities, as follows:

1. Prohibition of Awarding Public Contracts to Certain Contributors

(a) Any other provision of law to the contrary notwithstanding, the Borough or any of its departments or agencies or independent authorities, as the case may be, shall not enter into an agreement or otherwise contract with any professional business entity for professional, banking, insurance coverage services or any other consulting services, including contracts and agreements awarded pursuant to a process permitted as a "fair and open" process under the New Jersey Local Pay-to-Play Law, if within one calendar year immediately preceding the date of the contract or agreement that entity has solicited or made any contribution of money, or pledge of a contribution, including an in-kind contribution, in excess of the amounts specified in subsection (d), to any Borough municipal candidate for or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Borough or Mercer County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties.

(b) No professional business entity which enters into negotiations for or agrees to any contract or agreement with the Borough or any of its departments or agencies or independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting services,

including contracts and agreements awarded pursuant to a process permitted as a “fair and open” process under the New Jersey Local Pay-to-Play Law, shall solicit or make any contribution of money, or pledge of a contribution, including an in-kind contribution, to any Borough municipal candidate for or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Borough or Mercer County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties, between the time of first communications between that business entity and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

(c) For purposes of this ordinance, a “professional business entity” means and includes any natural or legal person providing or offering to provide professional, banking, insurance coverage services or other consulting services. A natural or legal person includes an individual, firm, proprietorship, corporation, professional corporation, partnership, or any other organization or association. The definition of “business entity” includes in the aggregate all officers of the entity, all partners in the entity, all principals of the entity who own ten percent (10%) or more of the profits or assets of the entity or ten percent (10%) of the stock in the case of a business entity that is a for-profit corporation, and all subsidiaries directly controlled by the entity. An individual included in the definition of business entity or professional business entity shall also include the individual’s spouse, if any, and any child living in the same household as the individual or spouse.

(d) A “professional business entity” may in any calendar year contribute, without violating subsection (a) of this section, a maximum of \$300 each for any purpose to any candidate for mayor or council, or \$300 each to any Borough party committee, or \$500 each to any Mercer County party committee or PAC referenced in this ordinance. However, any individual or entity or group of individuals or entities constituting a “professional business entity” under this section, including in the aggregate all covered principals, partners, officers and subsidiaries of the entity, may not in any calendar year contribute more than \$2,500 to all Borough candidates and officeholders with ultimate responsibility for the award of the contract and all Borough and Mercer County party committees and all covered PACs combined.

(e) For purposes of this section, the office or offices considered to have ultimate responsibility for the award of a contract shall be the Mayor and the Borough Council.

2. Contributions Made Prior to the Effective Date

No contribution of money or other thing of value, including an in-kind contribution, shall be deemed a violation of this ordinance, nor shall the efficacy of any contract or agreement be thereby affected, if that contribution was made by the professional business entity prior to the effective date of this ordinance.

3. Contribution Statement by Professional Business Entity

(a) Prior to entering into any contract or agreement with a professional business entity to procure its services, including professional, banking, insurance coverage or consulting services, the Borough or its departments, agencies or independent authorities, as appropriate, shall obtain from the professional business entity a sworn statement made under penalty of perjury that the professional business entity, including in the aggregate all covered principals, partners, officers and subsidiaries, has not made a contribution in violation of this ordinance. The effectiveness of any award of a contract or agreement covered by this ordinance shall be conditioned upon satisfactory compliance with this requirement.

(b) The professional business entity shall have a continuing duty to report any violation of this ordinance that may occur during the negotiation or duration of a contract.

4. Return of Excess Contributions

A professional business entity, candidate, officeholder, candidate committee, party committee or PAC may cure a violation of this ordinance if, within 30 days after the prohibited contribution, the Borough Council is notified of the violation in writing and the prohibited contribution is returned to the professional business entity.

5. Other Prohibited Conduct; Penalty

(a) It shall be a violation of this ordinance to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a candidate or campaign committee of any candidate for Borough office or any holder of Borough office; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant will make or solicit any contribution, which if made or solicited by the business entity itself would subject the entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii), directly or indirectly, through or by any other person or means, do any act which would subject the entity to the restrictions of this ordinance.

(b) All professional services agreements and other contracts for covered services between a professional business entity and the Borough or its departments, agencies or independent authorities, as appropriate, shall provide by operation of law that it shall be a material breach of the agreement for the business entity to engage in conduct prohibited by this ordinance.

(c) Any professional business entity which violates this ordinance also shall be disqualified from eligibility for future Borough contracts for a period of four calendar years from the date of the violation.

6. Severability

If any provision of this ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those for which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

7. Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

Mayor Persichilli read Ordinance 2007-3 by title. Council Member Lawver made a motion to introduce Ordinance 2007-3, second by Council Member Zompa. After a brief discussion all members present voted in favor.

Mr. Garber arrived at 8:00 during committee reports.

Committee Reports

Planning & Zoning – No Report.

Personnel – No Report

Community Services/Library – Ms. Heinzl reported that with tonight's appointment, the Library Board of Trustees has a full membership and the next meeting will be held on February 22nd. Ms. Heinzl stated that the Library Board has been discussing their strategic plan and implementation of some of the ideas that were recommended.

Ms. Heinzl reported that Pennington Parks and Recreation has set a tentative schedule of events for the upcoming year, check the website for updates. Ms. Heinzl reported that the next meeting will be held tomorrow night, February 6, 2007, with one of the items for discussion being the half court basketball court at Kunkel Park.

Ms. Heinzl reported that Hopewell Valley Recreation met in January and they will be hosting the first of three fingerprinting sessions for coaches on February 10th. Ms. Heinzl stated that they have raised about \$3,000 for fingerprinting and donations are still being accepted. Ms. Heinzl reported that the next meeting would be February 8th.

Ms. Heinzl reported that she along with Bill Reuter and Jeanne Donlon would be meeting with Stonybrook Watershed Association for a tour of Pennington in connection with the Municipal Assessment on February 21st at 1:00 pm.

Ms. Heinzl reported on a meeting that was held with regard to Safe Crossing of Route 31 at Delaware Avenue.

Public Safety – Mr. Tucker reported that labor negotiations with the Police are continuing and hopefully will result in an agreement. Mr. Tucker reported the following statistics for 2006:

1,378	Motor Vehicle Stops
657	Motor Vehicle Summonses
281	Parking Summonses
14	DUI Summonses
663	Warnings
48	Adult Males – Arrested
14	Adult Females – Arrested

Mr. Tucker gave the following statistics for January 2007

112	Motor Vehicle Stops
73	Motor Vehicle Summonses
9	Parking Summonses
2	DUI Summonses
54	Warnings
8	Adult Males – Arrested
3	Adult Females – Arrested

Finance – Mr. Lawver reported that the first drafts of the budget are in. Mr. Lawver stated that the finance committee would be meeting in the next couple of weeks to finalize the budget.

Mr. Lawver reported that the Economic Development Committee met on January 22nd, 2007 to discuss priorities for the year. Mr. Lawver stated that topping the list is working with Rider University to complete the consumer survey and market analysis. Mr. Lawver stated that the Economic Development Committee is planning to take pieces of the Streetscape Report and hopefully move forward with that project.

Public Works - Mr. Garber reported that the Public Works Committee did not meet in the month of January. Mr. Garber gave the water and trash report for the month of January.

PENNINGTON BOROUGH PUBLIC WORKS

TO: David Garber, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: February 2, 2007

RE: **COUNCIL REPORT FOR THE MONTH OF JANUARY 2007**

WATER

Water pumped for the month of January 2007-	7,558,000
Daily-	243.8
Water pumped for the month of January 2006 -	8,212,000
Daily-	264.9

For the month of January 2007 we averaged 21,100 gallons less per day than 2006.

TRASH

80.94 tons of household trash for the month of January 2007 vs. 85.02 tons in January 2006

The Public Works Department is pleased to report it recently completed its second year in a row without any reported injuries or workman's compensation claims. In addition, the Department was awarded \$1,976.00 by the Mid Jersey Municipal Joint Insurance Fund for its Safety Awareness Program. This marks an increase of approximately 287 percent over the previous years award. This money is dedicated towards the purchase of Safety Equipment for the department.

New Business

**Borough of Pennington
Resolution #2007-2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Bank of America, c/o First American Real Estate Tax Service, PO Box 961250, Fort Worth TX 76161-9887 for an overpayment of 2006 property taxes due to a County appeal for Lee & Joanne Conner, 419 Hale Street, Block 904 Lot 1 in the amount of \$2,660.63.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-2.1, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.2**

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 \$ 2,239,898.04 from the following accounts:

Current	\$ 1,835,793.84
W/S Operating	\$ 104,312.57
Developers Escrow	\$ 6,655.31

General Capital	\$	352.44
Water/Sewer Capital	\$	269,611.29
Grant Fund	\$	22,958.74
Animal Control Fund	\$	69.07
Recreation	\$	4.82
Unemployment Trust	\$	10.97
Trust Fund	\$	104.07
TOTAL		\$ 2,239,873.12

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-2.2, second by Council Member Heinzel. Council Members questioned various bills on the bill list and upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2007-2.3**

RESOLUTION AUTHORIZING AMENDMENTS TO THE 2007 TEMPORARY BUDGET

WHEREAS, the 2007 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2007 Temporary Budget for the Current Account.

Mayor & Council	Other Expense	\$1,000.00
Finance	Other Expense	\$10,000.00
Library	Other Expense	\$20,000.00
Library	Salaries	\$15,000.00
Construction	Salaries	\$10,000.00
Construction	Other Expense	\$2,000.00
Tax Collection	Other Expense	\$2,000.00
Police	Salaries	\$50,000.00
Insurance – Worker’s Comp	Other Expense	\$3,118.32
Insurance – Liability & Other	Other Expense	\$185.50
Total		\$ 113,303.82

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2007 Temporary Budget for the Water and Sewer Fund:

Insurance – Worker’s Comp.	Other Expense	\$ 8,118.36
Insurance – Liability/Other	Other Expense	\$ 9,185.50
SBRSA – Treatment Costs	Other Expense	\$ 88,644.00
Water	Other Expense	\$ 20,000.00
Sewer	Salaries and Wages	\$ 20,000.00
Group Insurance	Other Expense	\$ 20,000.00
TOTAL		\$165,947.86

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-2.3, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.4**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 5
TO C.M. DICOCCO, INC., FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE AND EMERGENCY SERVICES CONTRACT**

WHEREAS, pursuant to the contract between C. M. DiCocco, Inc. and the Borough of Pennington known as the Public Works Maintenance and Emergency Services Contract, C. M. DiCocco, Inc. has performed work under Maintenance Services involving replacement of two (2) sanitary sewer manhole castings, one on South Main Street and the other on North Main Street; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the contractor's Request for Payment No. 5 in the amount of \$6,860; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available in account # W-06-00-553-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to C. M. DiCocco in the amount of \$6,860. pursuant to Payment Request No. 5 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Garber made a motion to approve Resolution 2007-2.4, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.5**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 6 FOR
THE 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 an additional change order recommended by the Borough Engineer as follows:

Change Order No. 6 - to compensate Valley Contractors, Inc. for modifications to the lighting system beyond the specifications of the original contract, in the amount of \$3,162.50, the modifications including changing five (5) exterior wall mounted lights from 250 watts to 400 watts and adding one (1) 400 watt exterior wall mounted light with switch;

WHEREAS, the change order amounts to an increase of contract price in the aggregate amount of \$3,162.50, for which funds are available in Account No. C-04-04-011-000-250 pursuant to Ordinance 2004-11, as certified by the Chief Financial Officer of the Borough, contingent upon a sufficient appropriation being provided in the adopted Municipal Budget for 2007; and

WHEREAS, further details on this change order are available for public 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 order to Valley Contractors, Inc. in the total amount of \$3,162.50 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								
Heinzel	X				Tucker	S			
Lawver	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-2.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.6**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 8
TO VALLEY CONTRACTORS, INC., FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

WHEREAS, Valley Contractors, Inc. has completed certain work pursuant to its contract with the Borough of Pennington for the project known as Phase II of the Public Works Maintenance Facility; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the contractor's Request for Payment No. 8 (\$74,936.60) net of two percent retainage (\$1,498.73), the net due therefore amounting to \$73,437.87; and

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account # W-06-00-554-000-255 pursuant to Ordinance 97-3 & 98-18;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Valley Contractors, Inc. in the amount of \$73,437.87 pursuant to Payment Request No. 8 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Garber made a motion to approve Resolution 2007-2.6, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.7**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2
TO GRES PAVING COMPANY, INC., FOR WORK COMPLETED
ON THE HALE STREET RECONSTRUCTION PROJECT**

WHEREAS, Gres Paving Company, Inc. has completed certain work pursuant to its contract with the Borough for the project known as the Hale Street Reconstruction Project; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the contractor's Request for Payment No. 2 (\$83,242.59) net of two percent retainage (\$1,664.86), the net due therefore amounting to \$81,577.73; and

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account # G-02-44-925-000-255;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Gres Paving Company, Inc. in the amount of \$81,577.73 pursuant to Payment Request No. 2 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-2.7, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution 2007 – 2.8**

**RESOLUTION ACCEPTING BID FOR SALE OF PICK-UP TRUCK TO THE BOROUGH FOR
THE DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, on January 29, 2007 one bid was received, from Patterson Chevrolet of Trenton, New Jersey, in the amount of \$31,338.00;

WHEREAS, the bid documents were reviewed by Van Note-Harvey Associates and the Borough Attorney and found to be acceptable;

WHEREAS, Van Note-Harvey Associates recommends that the bid of Patterson Chevrolet be accepted and that the contract for sale of the four-wheel drive pick-up truck to the Borough be awarded to this firm;

WHEREAS, the funds needed to enter into this contract are available;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the bid of Patterson Chevrolet for sale of the advertised four-wheel pick-up truck to the Borough for \$31,338.00 be accepted and that the contract for sale of the vehicle be awarded to Patterson Chevrolet in conformance with its bid and the advertised terms and specifications.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-2.8, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2007-2.9**

RESOLUTION AMENDING RESOLUTION 2007-1.12 AUTHORIZING CHANGE ORDERS FOR PUBLIC WORKS MAINTENANCE FACILITY - PHASE II

WHEREAS, Borough Council at its meeting of January 2, 2007 approved Resolution 2007-1.12 which authorized certain change orders for the contract between the Borough of Pennington and Valley Contractors, Inc. for the project known as Public Works Maintenance Facility - Phase II;

WHEREAS, it has been discovered that Resolution 2007-1.12 contains an error as to the change order known as Change Order #3,

WHEREAS, Resolution 2007-1.12 refers to Change Order #3 as including a supplemental item to allow modifications to the electrical supply in the amount of \$4,830. when the correct amount for this item is \$4,200;

WHEREAS, correcting this error reduces the amount of the increase in contract price for Change Order #3 to \$6,505.12 and the overall increase in contract price authorized by Resolution 2007-1.12 to \$18,382.62;

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, (1) that the aforesaid Resolution 2007-1.12 is hereby amended to incorporate the above-described changes, and (2) Resolution 2007-1.12 as so amended is hereby approved and ratified.

Record of Council Vote on Passage

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

Council Member Garber made a motion to approve Resolution 2007-2.9, second by Council Member Zompa with all members present voting in favor.

**Borough of Pennington
Resolution #2007-2.10**

RESOLUTION AUTHORIZING A CONTRACT WITH CM3 BUILDING SOLUTIONS ON BEHALF OF INVENSYS BUILDING SYSTEMS FOR THE SUPPORT AND MAINTENANCE OF ITS PROPRIETARY SOFTWARE AND FOR RELATED EQUIPMENT REPAIR IN CONNECTION WITH OPERATION OF THE HVAC SYSTEM FOR BOROUGH HALL FOR YEAR 2007

WHEREAS, Invensys Building Systems ("Invensys") is the designer of specialized software and equipment for the monitoring and regulation of HVAC systems and the identification of system-related problems requiring maintenance and repair; and Invensys has designed and installed such a control system for Borough Hall;

WHEREAS, the central component of the Invensys control system installed in Borough Hall for the monitoring and regulation of the HVAC system is a central control module designed and constructed by Invensys which consists of proprietary hardware and software and is connected to an Invensys-designed circuit of sensors throughout the building;

WHEREAS, CM3 Building Solutions (“CM3”) is an authorized factory representative of Invensys and is licensed by Invensys to conduct all operations necessary to support and maintain the proprietary hardware and software of Invensys;

WHEREAS, the Borough seeks to enter into an agreement with CM3 on behalf of Invensys for the year 2007 for the maintenance of the central control module and related circuitry and sensors and for the performance of equipment repairs as needed by this control system;

WHEREAS, the most important services to be provided by CM3 on behalf of Invensys under the proposed agreement relate to the support and maintenance of the central control module and related proprietary hardware and software used to monitor and regulate the HVAC system;

WHEREAS, the equipment repair services to be performed by CM3 on behalf of Invensys under the proposed agreement are incidental to and interrelated with maintenance of its proprietary hardware and software and combining responsibility for maintenance of that proprietary system in a single contract with responsibility for related equipment repair ensures accountability for repairs;

WHEREAS, the contract price for services relating solely to repair of equipment is substantially below the threshold for public binding, and the amount in question combined with the problems inherent in coordinating repairs with the use of proprietary software makes solicitation of competitive quotations not practicable;

WHEREAS, the proposed agreement is therefore exempt from public bidding pursuant to the exceptions set forth in N.J.S.A. 40A:11-5(1)(dd) and N.J.S.A. 40A:11-6.1a and related regulations;

WHEREAS, the terms of the contract with CM3 on behalf of Invensys will be reviewed and revised to the satisfaction of the Borough Administrator and Borough Attorney and such contract shall not exceed the contract price of \$11,004;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to execute a contract with CM3 on behalf of Invensys for 2007 as aforesaid.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-2.10, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2007-2.11**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2007

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough’s potable water system;

WHEREAS, New Jersey Analytical Laboratories, having its office at 1590 Reed Road, Suite 102A, Pennington, NJ 08534, is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, New Jersey Analytical Laboratories has submitted a proposal for the work dated November 29, 2006, for a contract price of \$16,500, to be invoiced at \$1,375 per month each month of the calendar year 2007;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, the Borough Administrator has determined and has certified in writing that the anticipated value of this contract for professional services, having a term of one (1) year, may exceed \$17,500;

WHEREAS, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which, except in prescribed circumstances, prohibits the award of professional services contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council awards this contract without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of this contract.

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with New Jersey Analytical Laboratories for a contract price not to exceed \$16,500.00 for the calendar year 2007, for the services described in the annexed proposal dated November 29, 2006, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

BE IT FURTHER RESOLVED, that the form of the professional services agreement shall be approved by the Borough Attorney;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-2.11, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.12**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 6
TO C.M. DICOCCO, INC., FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE AND EMERGENCY SERVICES CONTRACT**

WHEREAS, work has been completed under Maintenance Services of the Public Works Maintenance and Emergency Services Contract; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed; and

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account # W-06-00-553-000-250; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that

1. Payment Request No. 6 in the amount of \$1,587.60 be authorized to C.M. DiCocco, Inc.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-2.12, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2007-2.13**

RESOLUTION AUTHORIZING CONTRACT WITH pCi/Labs, Inc.

WHEREAS, the Borough of Pennington requires professional services for the testing of the Borough's drinking water on a routine basis throughout the year;

WHEREAS, pCi/Labs, Inc. with an office at 103 South Greenbush Road, Orangeburg, NY 10962, has submitted a proposal for doing the necessary work for a contract price not to exceed \$7,600 for the year;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached proposal by pCi/Labs, Inc. dated January 8, 2007 be accepted; and that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a contract with pCi/Labs, Inc., pursuant to the proposal, for a contract price not to exceed \$7,600, subject to approval as to form by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-2.13, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007-2.14**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the next 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, and 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>Appropriations:</u>	<u>From:</u>	<u>To:</u>
Legal Services – Other Expense	\$ 2,000.00	
Streets – Other Expense	\$ 2,350.00	
Planning Board – Other Expense		\$4,350..00
Total Current Fund	\$ 4,350.00	\$ 4,350.00

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-2.14, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution 2007-2.15**

**RESOLUTION SUPPORTING HOPEWELL TOWNSHIP
IN REQUIRING CRIMINAL BACKGROUND CHECKS
FOR RECREATION EMPLOYEES AND VOLUNTEERS
WHO HAVE DIRECT CONTACT WITH MINORS**

WHEREAS, athletic and recreation programs sponsored by Hopewell Township involve non-profit youth-serving organizations with adult employees and volunteers who have regular unsupervised contact with minors;

WHEREAS, the Borough of Pennington does not sponsor athletic and recreation programs involving youth-serving organizations, and Pennington youth participate instead in the programs offered by Hopewell Township;

WHEREAS, State law now permits non-profit youth-serving organizations to request the State Police to perform criminal background checks on current and prospective employees and volunteers, in order to check the criminal histories of employees and volunteers who have direct contact with minors and disqualify those with convictions for pertinent crimes and offenses;

WHEREAS, the Hopewell Township Director of Parks and Recreation has recommended that all employees and volunteers of programs sponsored by Hopewell Township or co-sponsored by Hopewell Township with the Hopewell Valley Parks and Recreation Department, who have regular, unsupervised access to minors involved in such programs, be required to submit to criminal history background checks at their own expense;

WHEREAS, the Township Committee of Hopewell Township has adopted an ordinance known as Ordinance 2-33.15(a)-(e) of the Revised General Ordinances of Hopewell Township, which directs all non-profit youth-serving organizations, including the Hopewell Valley Parks and Recreation Department, which operate youth sports programs that receive funding from Hopewell Township, or utilize facilities owned or maintained by Hopewell Township, to require that all employees and volunteers who have regular, unsupervised contact with minors obtain a criminal history background check;

WHEREAS, the Hopewell Township ordinance further provides that any person whose criminal background check reveals a record of conviction of a disqualifying offense, as specified in the ordinance, shall not be eligible to work or volunteer for the organization;

WHEREAS, Hopewell Township would further require that any organization that fails to comply with these requirements be subject to loss of funding, loss of use of facilities or withholding of funding for facility maintenance;

WHEREAS, Borough Council of the Borough of Pennington wishes to applaud the initiatives of Hopewell Township in this regard and voice support for the new ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it supports the initiatives of Hopewell Township and adoption of Ordinance 2-33.15(a)-(e) of the Revised General Ordinances of Hopewell Township requiring that recreation organizations and programs obtain criminal background checks for employees and volunteers who have regular unsupervised contact with minors, and to ensure that persons with records of offenses which indicate a risk of harm to our youth be disqualified from participation in these organizations and programs; and

BE IT FURTHER RESOLVED, that the Borough Clerk send a certified copy of this Resolution to the Mayor and Township Committee of Hopewell Township.

Record of Council Vote on Passage

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

Council Member Heinzel made a motion to approve Resolution 2007-2.15, second by Council Member Zompa with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.16**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3
UNDER CONTRACT WITH GRES PAVING COMPANY, INC.
FOR HALE STREET RECONSTRUCTION**

WHEREAS, the Borough Engineer has recommended that a certain Change Order No. 3 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 \$3,205.30;

WHEREAS, the proposed change order would increase contract quantities with respect to roadway excavation and quarry blend stone to match as-built quantities;

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 \$3,205.30 to Gres Paving, Co., Inc. for the additional quantities 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	S								
Heinzel	X				Tucker	X			
Lawver	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-2.16, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 2.17**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
INTERLOCAL SERVICES AGREEMENT WITH THE BOARD OF FIRE
COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1
FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES**

WHEREAS, the Borough of Pennington (the “Borough”), is responsible for providing Emergency Medical Services within the boundaries of the Borough; and

WHEREAS, pursuant to the Interlocal Services Act (N.J.S.A. 40:8A-1 et.seq.), the Borough desires to contract with the Board of Fire Commissioners of Hopewell Township Fire District No. 1 for the provision of Basic Life Support Services within the boundaries of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough of Pennington is hereby authorized and directed to execute an interlocal services agreement between the Borough of Pennington and the Board of Fire Commissioners of Hopewell Township Fire District No.1 for the provision of Basic Life Support Services within the boundaries of the Borough, substantially in the form annexed hereto (the “Agreement”) and further subject to the approval of the Borough Attorney of the Borough of Pennington.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-2.17, second by Council Member Heinzel with all members present voting in favor.

Administrator Report

Gateway Sign – Mr. Dunworth stated that he received a request regarding the gateway sign on Main Street at the School Board Building. Mr. Dunworth explained that Peyton Associates sponsored the sign.

Mr. Dunworth stated that Peyton Associates has now changed hands and a request has been made that the sponsor sign be changed to read Henderson Realty. Mr. Dunworth stated that this came up at a prior meeting and Council denied the request, stating that it should remain as is or the sponsor sign should be removed. Mr. Dunworth stated that Peyton Associates did not like the response and they have written a letter to Council.

Kathy Nemeth and Judd Henderson addressed Council with regard to the letter that was submitted. Council heard the request, discussed and asked questions and decided that the sign should remain as is or be removed with no replacement.

Interlocal – Health Services – Mr. Dunworth stated that he spoke with Bruce Hilling, Hopewell Township Administrator with regard to negotiating the Interlocal Agreement for Health Services as a multi-year agreement. Mr. Lawver stated that he would be meeting with John Murphy next week to discuss all of the Borough Interlocal Agreements between Hopewell Township and Pennington Borough.

Professional Reports

There were no professional reports.

Public Comment

Nick Hamner of the Pennington Post pointed out a couple of concerns with the Library's new wireless access.

Mr. Anthony Kopkash a resident of Hale Street stated that he wrote a letter to Mr. Dunworth regarding some concerns that he has with the Police Department. Mayor Persichilli stated that Council received his letter and that he has already met for preliminary discussions with Mr. Meytrott. Mr. Meytrott stated that he is looking into the concerns expressed by Mr. Kopkash. Mayor Persichilli stated that Council is aware of the concerns expressed, discussions have taken place and will continue.

Mr. Mark Blackwell stated that he agrees with Mr. Kopkash and his concerns.

Ms. Lee Herman related two situations with regard to children walking to Tollgate school safely.

At 9:33pm, Council Member Heinzl 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