

**Pennington Borough Council
Regular Meeting – February 11, 2008**

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 Chandler, Griffiths, Heinzl, Lawver, Ogren and Tucker 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 Tucker made a motion to approve the minutes of the December 3, 2007, Regular Meeting, second by Council Member Heinzl with all members present voting in favor with the exception of Council Members Chandler and Ogren who abstained.

Council Member Tucker made a motion to approve the minutes of the December 12, 2007, Special Meeting, second by Council Member Heinzl with all members present voting in favor with the exception of Council Members Chandler, Griffiths and Ogren who abstained.

Council Member Tucker made a motion to approve the minutes of the December 26, 2007, Regular Meeting, second by Council Member Heinzl with all members present voting in favor with the exception of Council Members Chandler and Ogren who abstained.

Council Member Lawver made a motion to approve the minutes of the January 7, 2008, Reorganization Meeting, second by Council Member Heinzl with all members present voting in favor with the exception of Council Member Chandler who abstained.

Council Member Tucker made a motion to approve the minutes of the January 7, 2008, Regular Meeting, second by Council Member Lawver with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 23, 2008, Special Meeting, second by Council Member Heinzl with all members present voting in favor with the exception of Council Member Chandler who abstained.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement.

Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 5 minutes.**

There were no comments from the public.

Mayor's Business

Mayor Persichilli introduced Nancy Mollis of 120 King George Road to speak on behalf of the Traffic Calming Initiative. Ms. Mollis introduced members of the committee and updated Council on the work that they have been doing. Ms. Mollis stated that they would be coming back to Council with some recommendations at a later date. Ms. Mollis commented that though there are definite speed issues, the volume of traffic has been very surprising. Ms. Heinzl stated that she is impressed with the work that the Traffic Calming Committee has been doing and that when they come before Council the recommendations will be specific to the types of traffic and the types of roads that are being discussed. Ms. Heinzl asked that when a report is finalized that it be forwarded to the Borough Engineer so that he can advise Borough Council on what the next steps should be.

Mr. Stewart Schwab of 38 South Main Street asked that Borough Council remember that the town opposed the Pennington bypass, which would have been fully funded and would have helped with future traffic in this area.

Mayor's Appointments

Mayor Persichilli made the following appointments:

Mr. William Reuter to represent the Environmental Commission on the Planning Board for a term to expire December 31, 2010.

Mr. Ronald Roveda as a member of the Economic Development Commission for an unexpired term to December 31, 2011

Appointments (with Council Approval)

Mayor Persichilli recommended that Dan Pace be appointed as Alternate Member #1 for a term to expire December 31, 2010. Council Member Heinzl made a motion to approve the appointment, second by Council Member Lawver with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2008-1 by title.

**BOROUGH OF PENNINGTON
County of Mercer**

Ordinance No. 2008 - 1

AN ORDINANCE INCREASING RATES AND FEES CHARGED BY THE PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows:

§ 206-1. Base and usage charges.

A. There are hereby established the following quarterly charges for water customers:

[Base Charge] Meter Size (inches)	First Excess Usage Block Charge [Base Charge] [Less Than] 4,000 Gallons or Less	Second Excess Usage Block Charge 4,001 – [100,000] 20,000 Gallons (per 1,000 gallons)	Third Excess Usage Block Charge [More Than 100,000] 20,001 – 60,000 Gallons (per 1,000 gallons)	Fourth Excess Usage Block Charge 60,001 - 100,000 Gallons (per 1,000 gallons)	More Than 100,000 Gallons (per 1,000 gallons)
Less than 1	[\$25.80] <u>26.60</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>
1	[\$39.40] <u>40.60</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>
2	[\$112.05] <u>115.40</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>
3	[\$251.30] <u>258.85</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>
4	[\$369.30] <u>380.40</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>
6	[\$690.10] <u>710.80</u>	[\$6.05] <u>6.15</u>	<u>\$6.30</u>	<u>\$6.45</u>	[\$6.80] <u>7.05</u>

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge [Base Charge] Meter Size (inches)	First Excess Usage Block Charge [First Usage] Less Than] 4,000 Gallons or Less	Second Excess Usage Block Charge 4,001 – 20,000 [more than 4,000] Gallons (per 1,000 gallons)	Third Excess Usage Block Charge 20,001 – 60,000 Gallons (per 1,000 gallons)	Fourth Excess Usage Block Charge 60,001 - 100,000 Gallons (per 1,000 gallons)	More Than 100,000 Gallons (per 1,000 gallons)
All sizes	[\$28.40] <u>29.25</u>	[\$6.40] <u>6.55</u> per 1,000 gallons	<u>\$6.60</u> per 1,000 gallons	<u>\$6.65</u> per 1,000 gallons	<u>\$6.65</u> per 1,000 gallons

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof..

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feed the units. [The second usage block charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be applied to usage in excess of the product of the number of units by 100,000 gallons.]

[D. Premises not discharging the entire volume of water into the sewers will be allowed a reduction in the charge, provided that the customer installs facilities, satisfactory to the borough, for measuring the volume of either discharged or nondischarged waste into the sewers.]

D. [E.] Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the

borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. [F.] Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. [G.] Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter, as described further.

2. Section 206-2 of the Code, pertaining to standby fees, is hereby amended as follows:

§ 206-2. Standby fees.

A. There is hereby established a quarterly standby fee for private fire-protection systems regardless of the rate or quantity of that service as follows:

Size of Private Lines (inches)	Fee (per connection)
2	\$[115.40] <u>119.00</u>
4	\$[426.00] <u>439.00</u>
6	\$[880.40] <u>907.00</u>
8	\$[1,499.35] <u>1,545.00</u>

B. Customers who are late in making payment of the standby fee will be given notice as to their deficiency in payment, and a copy of this notice shall be sent to the customer's insurance carrier.

C. Standby fees shall be due on March 1, June 1, September 1 and December 1.

3. Section 206-3 of the Code, pertaining to connection fees, is hereby amended as follows:

§ 206-3. Connection Fees.

A. There are hereby established the following standard connection fees:

- (1) Standard water connection is \$[1,302] 1,341 .
- (2) Standard sewer connection fee is \$[2,249] 2,316 .

B. Connection fees shall be paid by all persons connecting to the water and/or sewer system, based upon the product of the connection fee by the number of equivalent dwelling units, as determined and/or approved by the Superintendent of Public Works, or designated representative.

C. Any change in use or increase in the same use of any existing property or facility shall be subject to review and reevaluation of the water and sewer connection service and the number of equivalent dwelling units assigned to the project. Any increase in the number of equivalent dwelling units shall subject the applicant to additional connection fees.

D. Connection fees shall be due prior to the installation of the physical connection.

4. Section 206-4 of the Code, pertaining to tapping fees, is hereby amended as follows:

§ 206-4. Tapping fees.

A. There are hereby established tapping fees to cover the efforts required by the borough for new connections to the water and sewer system.

B. Water tapping fees.

- (1) Water Type 1 (full service - full width) (30 feet or more): \$[2,725] 2,807 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblin. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[2,271] 2,339 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblin. Service connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in service): \$[758] 781 . Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant's plumber provides for the remainder of the service connection. Road opening and inspection fees apply.

Note: Taps one inch and smaller must be performed by the borough. Taps greater than one inch must be performed by the applicant's plumber.

C. Sewer tapping fees.

- (1) Water Type 1 (full service - full width) (30 feet or more): \$[2,271] 2,339 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblin. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[1,816] 1,870 . Full service includes all inspection, excavation, bedding, backfill, pavement, connection restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblin. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in service): \$[758] 781 . Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant's plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply.

Note: Lateral taps greater than four inches must be performed by the applicant's plumber.

D. Tapping fees shall be due prior to the physical connection.

5. Section 206-5 of the Code, pertaining to meter fees, is hereby amended as follows:

§ 206-5. Meter fees.

A. Meters one inch or less in size shall be purchased from the borough. Meters greater than one inch are provided by the applicant and must be approved by the Superintendent of Public Works or designated representative.

Cost	Meter Size (inches)
\$[105.95] <u>109.15</u>	5/8 and 3/4
\$[204.35] <u>210.50</u>	1

B. Meter fees shall be due at the time of delivery of the meter.

6. Section 206-6 of the Code, pertaining to inspection and field service fees, is hereby amended as follows:

§ 206-6. Inspection and field service fees.

A. Inspection fees shall be as follows:

- (1) Service connections: \$[152] 157 .
- (2) Lateral connections: \$[152] 157 .
- (3) Certified construction cost, off-site improvements (escrow): [7.6] 7.8 %.

B. Equipment hourly rates shall be as follows:

- (1) Backhoe: \$[98.40] 101.35 .
- (2) Service truck: \$[59.05] 60.80 .
- (3) Dump truck: \$[59.05] 60.80 .
- (4) Parts: [167] 172 %.

Note: Includes the time required to mobilize to and demobilize from the site.

C. Labor hourly rates.

- (1) Hourly rates shall be as follows:
 - (a) Foreman: \$[78.80] 81.15 .
 - (b) Operator: \$[57.55] 59.30 .
 - (c) Laborer: \$[57.55] 59.30 .

Note: Includes the time required to mobilize and demobilize from the site.

- (2) For overtime (OT), the following multipliers will be applied to the labor rates:
 - (a) Work before 7:30 a.m.: 1.5.
 - (b) Work after 3:30 p.m.: 1.5.
 - (c) Work on Saturday and Sunday: 1.5.
 - (d) Work on borough-recognized holidays: 2.0.
 - (e) Continuous work in excess of 12 hours: 2.0.

D. Line stopping fees shall be as follows:

- (1) Nondisruptive or minor disruptive: \$[228] 235 .
- (2) Major disruptive: \$[1,135] 1,169 .

E. Temporary meter charges shall be as follows:

- (1) Meter installations: \$[68.10] 70.15 .
- (2) Rental (two week maximum): \$[37.80] 39.05 .
- (3) Removal and recording: \$[68.10] 70.15 .
- (4) Special billing: \$[22.75] 23.45 .

7. Section 206-7 of the Code, pertaining to administrative fees, is hereby amended as follows:

§ 206-7. Administrative fees.

Interest will be charged at the same rate as the interest on tax bills.

- A. Returned checks: \$20.00.
- B. Account closeout (shutoff): \$[55.00] 57.00 .
- C. Account setup (turn-on): \$[25.00] 26.00 .
- D. Nonquarterly or additional meter readings: \$[50.00] 52.00 . (On nonquarterly billings, if the reading is requested due to an actual error by the borough, the fee will be waived.)

7. Section 206-8 of the Code, pertaining to application and review fees, is hereby amended as follows:

§ 206-8. Application and review fees.

Application and review fees shall be as follows:

- A. Per EDU for first EDU: \$[15.15] 15.60 .
- B. Per EDU for subsequent EDU: \$[75.75] 78.00 .
- C. Request for availability of service: \$[60.60] 62.40 .
- D. Certified construction cost, off-site improvements (escrow): [3.1] 3.2 %.

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

Council Member Lawver made a motion to open the Public Hearing on Ordinance 2008-1, second by Council Member Tucker. Mr. Stewart Schwab of 38 South Main Street stated that he read in the paper that there would be an increase and that there had not been an increase in six years and that there are many benefits to having our own water and sewer department. Mr. Schwab asked about the benefits. Mr. Griffiths stated that there are significant income contributions to the town from non-taxpaying businesses and others that use Pennington water. Mr. Griffiths stated that there were no increases from 2000 to 2006 and in 2006 an increase of approximately 25 percent occurred. Mr. Lawver stated that the primary driver for that being, that in the six year period as employee, insurance, fuel and other expenses rose, the Borough utilized surplus to balance the budget. Mr. Lawver explained that two things make up the revenue section of the water/sewer budget and they are rents and surplus. Mr. Lawver stated that by continuing to use surplus to offset increasing costs the surplus number has fallen. Mr. Lawver explained that the large

increase in 2006 was to catch up and in 2007 there was still more catching up to do and so there was an 8 percent increase. Mr. Lawver stated that today in 2008, the residents are looking at slightly less than a 3 percent increase, which is roughly the rate of inflation, and so the Borough is on the path of increasing costs according to the increase in operating expenses. Mr. Lawver stated that he anticipates regular 2 to 3 percent increases each year. Mr. Schwab asked what the benefits are of having our own water/sewer department. Mr. Lawver explained that in years when the water/sewer department operates in a surplus, it could contribute revenues to the general fund, which reduces the need to raise taxes. Mr. Lawver stated that 25 percent of Pennington Borough's properties are owned by non-profit entities and providing services to non-profits costs the town money. Mr. Lawver stated that the non-profits do pay water/sewer fees.

Mr. Schwab asked if anyone has looked into selling the water company and if so where is the data? Mr. Lawver stated that no formal conversations have taken place. Mr. Lawver stated that internal conversations have occurred on the Public Works Committee level about the pros and cons of selling the system, interconnecting with another provider or remaining independent as we are today. Mr. Schwab asked if Council has been reading the papers about other towns selling water companies and getting significant revenue to offset taxes for multiple years. Mr. Persichilli stated that if you read the paper there are also many negatives to selling in that the town loses control of the rates that are charged. Mr. Persichilli stated that if you look at some of the increases that other utilities are talking about, 3 percent does not seem like a lot. Mr. Persichilli stated that though a formal study has not been done, there are members of Council who firmly believe that selling the water company should be looked at.

Mayor Persichilli stated that Borough Council is looking at everything possible to determine what makes sense in the long run for the Borough. Mayor Persichilli stated that some things look good in the short term, but not over the long term.

Mr. Chico Marciante of 407 Voorhees Avenue stated that the water and sewer departments are separate and if the water department were sold, there would still be a sewer department. Mr. Marciante asked if the sewer pipes were ever repaired to fix the leaks, which cause an increase in flow to the sewer plant. Mr. Lawver stated that currently the cost to the Borough is small compared to the costs to repair the infrastructure, however in six or seven years when Stony Brook undergoes a readjustment that may change. Mr. Lawver stated that Borough Council has invited the president of Stony Brook Regional Sewerage Authority to the March Council Meeting to educate Council about this issue so the Council can understand what the risks are. Mr. Lawver stated that the Borough has a thirty-year infrastructure and other municipalities have infrastructures much older than ours. Mr. Lawver stated that in the grand scheme, the percentage of treatment costs that are from infiltration and infrastructure problems is small. Mr. Lawver stated that the Borough is not ignoring the problem and hopefully after the March meeting, Council will better understand the issues.

Mr. Bill Ducharme of 18 East Welling Avenue stated that water is a precious commodity and when he first learned of the proposed increases for water and sewer he was taken by surprise as no concrete information was provided. Mr. Ducharme asked if more information were available. Mr. Ducharme stated that conservation is important and he does not agree with selling the water company.

Mr. Lawver explained that when this process began late last year, the committee considered the two categories that make up the budget, salaries and other expense. Mr. Lawver stated that at the start of the exercise, the committee knew that a small increase was needed for 2008. Mr. Lawver stated that at the start of the budget process, the finance committee decided to hold all controllable expenses at a zero increase. Mr. Lawver explained that certain costs like salaries, insurance, pension costs, debt service and sewer treatment costs are not controllable and increases totaled roughly \$30,000. Mr. Lawver explained that these increases are what drove the three percent increase. Mr. Lawver stated that to encourage conservation and knowing that going forward water conservation is going to be an important issue for the Borough, a new tiered rate structure is being introduced. Mr. Lawver stated that those people who are using more water would be paying a higher rate for the water used. Mr. Lawver stated that hopefully this tiered billing structure would encourage conservation. Mr. Lawver stated that he has spoken to Stony Brook Watershed and hopefully in the future the Borough web site will have resources available to reduce water usage and encourage conservation.

Mr. Lawver explained that there are three large capital items coming up in the next few years. Mr. Lawver stated that the first would be replacement of water meters, which hopefully will aid in the issue of unaccounted for water. Mr. Lawver stated that the next issue to be addressed is water storage, not so much for consumption, but for fire suppression. Mr. Lawver stated that preliminary work has occurred on this and Borough Council needs to become more versed before moving forward. Mr. Lawver stated that the third issue is new water sources, either rehabilitating existing wells to get more volume or drilling new wells. Further discussion took place with regard to educating the public on why these increases take place. Mr. Griffiths stated that presently the Borough is faced with antiquated software and it is difficult to perform adequate analysis of the data. Mr. Griffiths stated that Council is looking for ways to encourage conservation by putting the burden on the consumers of water. Mr. Griffiths stated that this is the first year of that strategy being put into place recognizing that to really affect consumption the rate would have to be doubled or tripled as Pennington is an affluent community and residents do not react to increases of \$100 to \$200 a year. Mr. Griffiths stated that with the large capital items that are upcoming are being driven by the demands on the water system.

Mr. Mark Blackwell of 74 North Main Street stated that he is not in favor of selling the water company, as he believes that it brings in more income than it actually costs to operate and maybe the costs that are attached to the water company for salaries, health benefits etc. may be slightly exaggerated. Mr. Blackwell stated that Pennington might be an affluent community now, but there are residents who will be affected by \$100 to \$200 more per year.

Mr. Lawver commented that 75 percent of consumers use less than 20,000 gallons per quarter and will see an increase of 1.5 to 2 percent.

Mayor Persichilli stated that many discussions have taken place and a lot of questions have been raised by new Council Members. Mayor Persichilli stated that the work that has been done over the past couple of years would begin to pay off in the near future. Mayor Persichilli stated that slight increases each year are necessary to avoid large catch up increases. Mayor Persichilli stated that there are many expenses that the Borough does not have control over with the bottom line being that legislator's pass laws with requirements for municipalities with no funding attached.

Council Member Tucker made a motion to close the public hearing, second by Council Member Ogren with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2008-1, second by Council Member Griffiths with all members present voting in favor.

Committee Reports

Planning/Zoning & Library – Ms. Heinzel reported that the Library Board held its reorganization meeting on January 31st. Ms. Heinzel reported that there have been some changes to the children's area in the library. Ms. Heinzel thanked everyone involved with making the changes. Ms. Heinzel stated that unfortunately there are still some leaks in the roof that are being looked into.

Ms. Heinzel reported that the Planning Board met on January 9th, an application for a minor sub-division at 39 Ingleside Avenue was approved, and the homeowners plan to build a second home on the lot. Ms. Heinzel stated that applications for bulk variances at 39 South Main Street were carried and will be considered at the March meeting. Ms. Heinzel stated that the Planning Board will meet on February 13th and the major application on that agenda will be The Pennington School.

Ms. Heinzel reported that the Environmental Commission met on January 21st and they have reviewed the Pennington School application and prepared a letter for the Planning Board to consider.

Public Works – Mr. Lawver gave the following report for water and trash for the Month of January.

COUNCIL REPORT FOR THE MONTH OF JANUARY 2008

WATER

Water pumped for the month of January 2008- 8,736,000
Daily - 281,800

Water pumped for the month of January 2007- 7,558,000
Daily - 243,800

For the month of January 2008 we averaged 38,000 gallons more per day than 2007.

TRASH

79.53 tons of household trash for the month of January 2008 vs. 80.94 tons in January 2007

Curb side pickup for leaves ended the last week in December. Leaves should be placed in open bags without sticks or any debris for pickup. Christmas trees may be placed out by the curb for pickup.

Trash and recycling calendars for 2008 have been distributed.

Mr. Lawver stated that the increase in water usage is being researched with one possible cause being a water main break on Park Avenue that was discovered and repaired last week. Mr. Lawver stated that the Public Works Committee met in January and will meet again this week. Mr. Lawver stated that the meeting in January was primarily to bring new members up to speed on some of the issues that exist.

Personnel – Mr. Ogren had no report.

Community Services – Ms. Chandler stated that the Parks and Recreation Committee met in January primarily to discuss the Mercer At Play Grant. Ms. Chandler stated that the equipment has been delivered and demolishing of the existing equipment is scheduled for March.

Public Safety – Mr. Tucker reported that the budget for the Police Department would be reviewed later this month. Mr. Tucker reported that students at the Timberlane Middle School made a presentation and are pursuing a Christopher Columbus grant for pedestrian safety at the Route 31 and Delaware Avenue crossing. Mr. Tucker reported that the Hopewell Valley School District Safety Committee met in January and discussed several items regarding School Safety. Mr. Tucker reported that there would be an increase in safety drills at the schools.

Mr. Tucker gave the following statistics for the month of January.

105	Motor Vehicle Stops
55	Motor Vehicle Summonses issued
23	Parking Summonses issued
35	Warnings
3	Adult Males Arrested
2	Adult Females Arrested

Finance – Mr. Griffiths reported that the Finance Committee met on January 31st to take a first look at the budget and to discuss the RFP for Banking Services. Mr. Griffiths stated that the purpose of the RFP is to look at potentially consolidating all of the Borough accounts at one or two institutions. Mr. Griffiths stated that the RFP should be released and hopefully by the beginning of April we will be in a position to award banking services. Mr. Griffiths stated that the departments have submitted their budget requests and a print out has been provided. Mr. Griffiths stated that the Finance Committee will be reviewing budget requests over the next few days and the committee will meet again on February 14th to review requested items. Mr. Griffiths stated that the Borough is on track to have a budget issued by the State deadline.

New Business

**Borough of Pennington
Resolution #2008-2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Kathleen & George Nash, for a Planning Board escrow balance for a Planning Board application for property located at 49 Eglantine Avenue, Block 3.02, Lot 3, application no. P07-006, in the amount of \$58.50.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	S			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2008-2.1, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution #2008 – 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 \$ 2,855,922.81 from the following accounts:

Current	\$ 2,031,665.84
W/S Operating	\$ 142,543.59
Developers Escrow	\$ 5,682.75
General Capital	\$ 60,092.61
Water/Sewer Capital	\$ 1,217.72
Grant Fund	\$ 229,587.62
Animal Control Fund	\$ 62.05
Unemployment Trust Fund	\$ 21.04
Other Trust Fund	\$ 47.25
Recreation Trust Fund	\$ 2.34
Sovereign Bank – Capital	\$ 385,000.00
TOTAL	\$ 2,855,922.81

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2008-2.2, second by Council Member Tucker. Following discussion of various bills on the bill list all members present voted in favor of the resolution.

**Borough of Pennington
Resolution #2008-2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2008 TEMPORARY BUDGET**

WHEREAS, the 2008 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 2008 Temporary Budget for the Current Account.

Tax Collector	Other Expense	\$2,000.00
PERS	Other Expense	\$10,474.40
PFRS	Other Expense	\$30,263.00
Library	Salaries	\$25,000.00
Library	Other Expense	\$25,000.00
Insurance – Worker’s Comp.	Other Expense	\$4,706.40
Insurance – Liability & Other	Other Expense	(\$529.30)
Finance	Other Expense	\$11,000.00
Police	Salaries	\$50,000.00
Streets	Other Expense	\$30,000.00
Borough Property	Other Expense	\$7,500.00
Recreation	Salaries	\$3,000.00
Electricity	Other Expense	\$10,000.00
Gas – (Heat)	Other Expense	\$4,000.00
Gas, Fuel, Lubricants	Other Expense	\$5,000.00
	Total	\$217,414.50

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2008 Temporary Budget for the Water and Sewer Fund:

Water	Other Expense	\$23,500.00
Sewer	Other Expense	\$10,000.00
SBRSA Treatment Cost	Other Expense	\$75,000.00
PERS	Other Expense	\$10,474.40
Insurance – Worker’s Comp.	Other Expense	\$9,706.40
Insurance – Liability & Other	Other Expense	\$3,470.70
	TOTAL	\$132,151.50

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	S				Ogren	X			
Heinzel	X				Tucker	M			

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

**Borough of Pennington
Resolution #2008 – 2.4**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (Revised)
UNDER THE BALDWIN STREET RECONSTRUCTION
CONTRACT WITH GRES PAVING COMPANY, INC.**

WHEREAS, the Borough of Pennington has entered into a contract with Gres Paving Company, Inc. known as the Baldwin Street Reconstruction Contract (VNHA #36710-500-52); and

WHEREAS, the Borough Engineer, Van Note Harvey Associates, P.C. has recommended a change order under this contract; and

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; and

WHEREAS, the proposed change order would increase the contract price by \$3,263.40 to adjust the quantity of existing items to match the as-built quantities; to decrease the contract price by \$3,807.40 to adjust for as-built quantities that are less than the original Engineers estimate; and to increase the contract price by \$9,178.24 for necessary work not part of the original contract, the net change in contract price being an increase of \$8,634.24; and

WHEREAS, further detail on this change order is 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 order increasing the contract price by a net amount of \$8,634.24 under the Baldwin Street Reconstruction Contract is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	S				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-2.4, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2008 – 2.5**

**A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE RELATING TO
PENNINGTON SCHOOL MAJOR SITE PLAN AND “D” VARIANCE APPLICATION NO. P-02-
018 (VNHA #38547-500-52)**

WHEREAS, The Pennington School has posted a certain performance guarantee for the completion of site plan improvements required by the Borough Planning Board in connection with Major Site Plan and “D” Variance Application approved by the Board (Application No. P-02-018; VNHA #38547-500-52);

WHEREAS, the aforesaid performance guarantee consist of part performance bond and part cash totaling \$157,767.78, inclusive of part of the interest earned to date (hereafter “Performance Guarantee”);

WHEREAS, in connection with this Planning Board application, The Pennington School also posted an escrow for engineering services now totaling, net of disbursements, the amount of \$56,035.07, inclusive of part of the interest earned to date (hereafter “Engineering Escrow”);

WHEREAS, further in connection with this Planning Board application, The Pennington School agreed to reimburse residents on Academy Court in the Borough for the cost of certain clean-up activities caused by construction, and resolution of the amount owed and actual payment by the School to these residents is still pending;

WHEREAS, the Borough Engineer has inspected the site improvements constructed by The Pennington School pursuant to the Planning Board approvals and has reported that these improvements have been satisfactorily completed;

WHEREAS, the Borough Engineer has recommended that the aforesaid Performance Guarantee be released to The Pennington School subject only to retention of \$5,000. in cash to be held in escrow by the Borough pending mutually satisfactory resolution of claims by residents of Academy Court;

WHEREAS, the Borough Engineer further recommends that the entire remaining Engineering Escrow be released as well to The School;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized as follows:

1. to retain from the cash portion of the Performance Guarantee the amount of \$5,000, to be held in escrow pending resolution of the aforesaid clean-up claims to the mutual satisfaction of the residents of Academy Court and The Pennington School;
2. to release and return to The Pennington School the balance of the Performance Guarantee plus any further interest earned thereon;
3. to release and return to The Pennington School the balance of the Engineering Escrow plus any further interest earned thereon.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	M				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2008-2.5, second by Council Member Tucker. Mr. Tucker inquired about a request to retain a certain amount of money for clean up at Academy Court. Mr. Bliss stated that after a conversation with Borough Engineer, Don Fetzer it was recommended that \$5,000 be retained. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2008-2.6**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEE FOR INSTALLATION OF GREASE INTERCEPTOR
AND MONITORING WELL FOR AVANTI'S RESTAURANT**

WHEREAS, the Borough Engineer has recently completed inspection of the installation of exterior grease interceptor and monitoring well for the Avanti's Restaurant at 21-23 West Delaware Avenue in Pennington Borough;

WHEREAS, as a result of the inspection the Borough Engineer has determined that the installation has been substantially completed, subject only to final inspection and approval by the Construction Code Official;

WHEREAS, the Restaurant, through owner Vincent Severino, has posted cash in the amount of \$14,000 to guarantee successful completion of the installation;

WHEREAS, the Borough Engineer has recommended that Borough Council authorize release of the full amount of this performance guarantee contingent upon final approval of the project by the Construction Code Official;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that upon presentation of documentation that the Construction Code Official has inspected and approved the exterior grease interceptor and monitoring well installed for Avanti's Restaurant, the Borough Clerk is hereby authorized to release to restaurant owner Vincent Severino the full amount of the aforesaid performance guarantee plus any interest earned thereon.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	S			
Heinzel	X				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-2.6, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2008-2.7**

RESOLUTION AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR BANKING SERVICES

WHEREAS, the Borough of Pennington maintains a variety of bank accounts and has need for an array of banking services in order to comply with legal requirements and to ensure effective administration of Borough government;

WHEREAS, Borough Council seeks to obtain proposals from local banks for the provision of banking services to the Borough which would maximize the return on Borough funds and the quality of related services;

WHEREAS, Borough Council also wishes to explore options for new services to enhance the efficiency of Borough operations, including but not limited to credit card services which would permit citizens to use credit cards to pay taxes, fees and fines, without added cost to the Borough;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to:

1. prepare with the approval of the Finance Committee of Borough Council and the Chief Financial Officer of the Borough a request for proposals (RFP) for banking services;
2. advertise the RFP, mail it to all banking institutions with principal or branch offices within an approximate two-mile radius of Pennington, and take such other steps as deemed necessary to maximize competition for Borough business among local banking institutions;
3. in consultation with the Finance Committee and the Chief Financial Officer, provide for the evaluation of responsive proposals and report same to Council.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	S			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2008-2.7, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution #2008-2.8**

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR MUNICIPAL ALLIANCE

WHEREAS, an application was filed with the County of Mercer to apply for funding in the Municipal Alliance Program by a consortium consisting of Hopewell Township, Hopewell Borough and Pennington Borough;

WHEREAS, all three municipalities have executed agreements to participate each year and have jointly signed and submitted for the grant renewal each year; and

WHEREAS, the municipalities have agreed to provide proportionate shares based on the enrollment of students in the Hopewell Valley school system, and Pennington's proportionate share for 2008 is \$1,300.00; and

WHEREAS, funds are available in account #8-01-42-104-000-267, Interlocal Agreements;

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 agreement with Hopewell Township for Municipal Alliance for 2008.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	M				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2008-2.8, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2008-2.9**

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 2008

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 2008 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 \$11,316;

WHEREAS, prior to entering into the contract, CM3 and Invensys shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made a political contribution in violation of the Code of the Borough of Pennington prohibiting certain political contributions by business entities awarded contracts by the Borough for consulting services;

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 2008 as aforesaid.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2008-2.9, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2008 – 2.10**

**A RESOLUTION AUTHORIZING FULL AND FINAL PAYMENT TO
TRENTON TRACTOR & EQUIPMENT, INC. FOR
FURNISHING LOADER BACKHOE**

WHEREAS, the Borough of Pennington has entered into a contract with Trenton Tractor & Equipment, Inc., for the purchase of a certain Loader Backhoe (VNHA #37225-295-22) for the total contract price of \$63,735.;

WHEREAS, Trenton Tractor & Equipment has delivered the Loader Backhoe to the Borough pursuant to the contract;

WHEREAS, the Pennington Superintendent of Public Works has inspected the Loader Backhoe that has been delivered and has advised Van Note Harvey Associates, P.C. that the equipment and all options are in accordance with the Contract Specifications;

WHEREAS, Van Note Harvey has recommended payment of the contract price;

WHEREAS, this is a full and final payment under the contract;

WHEREAS, funds are available in account # C-04-00-900-940-260 and W-06-00-900-953-258;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that full and final payment to Trenton Tractor & Equipment, Inc. in the amount of \$63,735.00 is hereby authorized.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-2.10, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2008-2.11**

RESOLUTION DESIGNATING A BUS STOP ON GREEN STREET

BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, that pursuant to N.J.S.A. 39:4-8(e) the following described location, on a municipal street under the jurisdiction of the Borough, is hereby designated a bus stop:

Along Green Street, on the southbound, westerly side thereof at West Delaware Avenue, beginning at the northerly curb line of West Delaware Avenue and extending 105 feet northerly therefrom;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Pennington will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary security to ensure the safety of the traveling public; and

BE IT FURTHER RESOLVED, that this resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

Mr. Dunworth requested that Resolution 2008-2.11 be pulled from the agenda as more discussion is needed.

**Borough of Pennington
Resolution #2008-2.12**

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 2007 budget appropriations:

<u>Appropriations:</u>	<u>From:</u>	<u>To:</u>
Police – Other Expense		\$2,500.00
Streets – Other Expense	\$ 2,500.00	
Total Current Fund	\$ 2,500.00	\$ 2,500.00

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2008-2.12, second by Council Member Tucker with all members present voting in favor.

Council Discussion

Mr. Ogren stated that he distributed copies of a proposal for an extension of the Lawrence – Hopewell Trail. Mr. Ogren explained that the proposal lays out how the extension would be constructed and financed. Mr. Ogren explained that part would be handled by Bristol Myers Squibb as part of an agreement with Hopewell Township and the second part which would continue the trail from the sewage treatment plant driveway to the Stony Brook bridge is currently an unfunded segment. Mr. Ogren explained that the proposal contemplates Pennington Borough and Hopewell Township joining together for construction of the trail through a joint application to the Department of Transportation. Mr. Ogren explained that the Borough would also have to partner with Hopewell Township for preliminary engineering costs. Council discussed the proposal and related costs, such as DEP permits and engineering that will be required. Mr. Lawver stated that he fully supports the Lawrence Hopewell Trail, however his experience with DEP permits has been that they are very costly. Mr. Lawver stated that he would be hesitant to sign on to the agreement with out better estimates as to what the costs would be for the municipalities.

Administrator’s Report

Safe Routes to School – Mr. Dunworth stated that the Borough applied for this last year and were turned down but now the grant is available again with a deadline of April 18th. Mr. Dunworth explained that the grant is for infrastructure improvements to improve safety for young people walking or bicycling to school and also for educational type programs regarding safety. Mr. Dunworth asked if Council would be interested in submitting an application again. Ms. Heinzel stated that the Borough should definitely pursue this application possibly in connection with the Traffic Calming Committee.

Agreement with Coppola and Coppola – Mr. Dunworth stated that he distributed copies of a proposed agreement with Coppola and Coppola for COAH services. Mr. Dunworth stated that it might be a good idea to have Cindy Coppola attend the next meeting to discuss what would be done under the agreement and to discuss the round three COAH regulations which are due to take place in June. Mayor Persichilli stated that he recently attended a meeting where towns of Mercer County were all represented and other towns are concerned with the increased requirements. Mayor Persichilli stated that an effort is being put together to go back to the State of New Jersey, as a County to push very hard on this issue. Mayor Persichilli stated that for Pennington Borough the requirement is difficult because we do not have the land to build affordable housing and if it gets to a point where the Borough would have to purchase homes to convert them to affordable housing we would be in a lot of trouble. Mr. Dunworth stated that Ms. Coppola references a comment letter that is due by March 22nd. Council agreed that Cindy Coppola should be asked to come to the March meeting.

Library – Sun Bank Agreement – Mr. Dunworth stated that he distributed a copy of an e-mail from the Library and he has had a discussion with Mr. Bliss. Mr. Dunworth explained that Sun Bank has a program where they would offer a no fee account to any library patron who agrees to sign up for Direct Deposit and the Library would then receive \$25.00 for each new account that is opened. Mr. Dunworth asked Mr. Bliss if he would like to comment on his concerns. Mr. Bliss stated that conceptually he did not have problem with the bank offering no fees to library patrons as long as there is full disclosure, however he had some concerns with the safeguards. Ms. Heinzel stated that the Library Board discussed this and thought it would be a good idea. Ms. Heinzel stated that signs would be posted in the Library. Mr. Lawver stated that he did not like the having the public Library serve as a market place. After some discussion, Council was uncomfortable with the idea. Ms. Heinzel stated that she would make the Library Board aware of Council’s concerns.

Mercer County – Shared Services – Feasibility Study – Mr. Dunworth explained that as an update to the Paris Grant Discussion, the County is proceeding with a feasibility study regarding a County Storage

Facility. Mr. Dunworth stated that the County is asking for a letter of intent from each municipality interested in participating in the study. Mr. Dunworth asked for Council approval to submit a letter of intent to participate in the feasibility study.

Professional Reports

Mr. Wittkop thanked Tom Blackwell for his assistance with unloading the recreation equipment, as the Public Works Department is not equipped for unloading items of that size.

Public Comment Period

Mayor Persichilli asked that anyone interested in addressing Council come forward and state their name and address for the record and that comments to the Governing Body be limited to a maximum of 5 minutes.

Mr. Mark Blackwell of 74 North Main Street asked where the Borough stands with regard to the new signal pattern for the traffic light at Delaware and Main as he does not feel that the new pattern is working. Mr. Tucker stated that this is under trial and the focus was a shift towards pedestrian safety for children in particular.

Mr. Blackwell stated that at the Planning Board meeting there was some talk of an ordinance requiring boarding of windows. Mr. Blackwell asked if such an ordinance had been discussed. Mayor Persichilli stated that there was some discussion about whether an ordinance is needed and it was decided that an ordinance is not necessary as the building inspector has the right if a building is deteriorating to go to the owner and require that the building be boarded up.

Mr. Blackwell stated another problem is with homes that are built right on the property line and the inability of the homeowner to work on their homes without accessing the adjacent property. Mr. Blackwell asked if Council would consider a ladder ordinance to allow homeowners with property right on the property line to be able to maintain and work on the property without problems. Mr. Blackwell stated that he thought Lambertville might have such an ordinance. Mayor Persichilli agreed that there is an issue that may not have existed in the past and the question is how should it be addressed. Mayor Persichilli stated that he would like to see things worked out between neighbors as opposed to enacting new ordinances.

As there was no need for a closed session the minutes from the December 3rd and December 12th, 2007 closed session meetings will be considered at the March meeting.

At 9:10 p.m., Council Member Tucker made a motion to adjourn the reorganization meeting, second by Council Member Griffiths with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk