

**Pennington Borough Council  
Regular Meeting – March 3, 2008**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling was absent. Mary Mistretta called the roll with Council Members Chandler, Griffiths, Heinzel, Lawver, Ogren and Tucker in attendance.

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

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 February 11, 2008, Regular Meeting, second by Council Member Heinzel with all members present voting in favor.

**COAH Discussion**

Mayor Persichilli introduced Borough Planner, Cindy Coppola to update Council on the new COAH regulations. Mayor Persichilli stated that he attended a meeting last week on COAH and everyone seems to be unhappy with the regulations. Mayor Persichilli asked Ms. Coppola to update Borough Council on where the Borough is headed and what needs to be done.

Ms. Coppola stated that the Mayor was correct in that no one is happy with the new regulations and that includes both municipalities and builders. Ms. Coppola stated that COAH has issued the proposed third round rules, which are under public comment until March 22<sup>nd</sup>. Ms. Coppola stated that the expected adoption date is June 2<sup>nd</sup>. Ms. Coppola stated that the general feeling is that COAH is going to adopt the rules as is and amend them as they move forward. Ms. Coppola stated that this approach does create some confusion and difficulty. Ms. Coppola stated that the third round rules have a major impact to municipalities in that COAH went back and revised the rules to require a greater growth share obligation. Ms. Coppola stated that instead of one affordable dwelling unit for every 25 jobs that are created it is now 1 affordable for every 16 jobs created. Ms. Coppola explained that those jobs are based on use group categories that are set forth in COAH's new rules and they basically indicate the amount of square feet per use that would generate a job. Ms. Coppola explained that those numbers were also readjusted from the original third round rules to the point that some are favorable and others are horrendous. Ms. Coppola cited some examples of the changes, indicating that some are as much as seven and one-half times the original number. Mr. Lawver inquired as to changes to retail and general office numbers as that would most likely affect Pennington. Ms. Coppola stated that she did not have the exact figures with her, however they did change slightly, one went up and one went down. Ms. Coppola stated that she went back and reviewed the Borough growth share relative to the first housing plan that was done, based on the original third round rules. Ms. Coppola stated that based on the certificates of occupancy that have been and were projected to be issued in the Borough through 2014, the number would actually go down because educational uses K-12 were eliminated from the calculation. Ms. Coppola stated that the numbers relating to retail and office did not change substantially with regard to the growth share obligation for non-residential, because of the Pennington School eliminations. Ms. Coppola explained that the prior obligation was for 6 units of affordable housing and now, just looking at projections that were done for the 2007 Housing Plan, is 5.1, which is essentially 6 units.

Ms. Coppola stated that with regard to residential, COAH's revised rules would require one affordable unit for every five growth share units, instead of one for eight. Ms. Coppola stated that this is a significant impact with regard to Pennington Borough; previously two units were required as a result of growth share. Ms. Coppola explained the calculation instituted by COAH and stated that the numbers calculated are the minimum that municipalities have to accept. Ms. Coppola stated that for Pennington Borough, COAH has indicated that the residential growth share will generate the need for 16 affordable housing units as opposed to the 4 that we recalculated and for non-residential, 23 affordable units compared to 6 that the Borough had calculated.

Ms. Coppola stated that COAH has also extended the time period from 2014 to 2018, so there is a longer time period covered. Ms. Coppola stated that COAH is saying that in the projected time period, Pennington Borough will have 76 new housing units and will create 356 new jobs. Ms. Coppola explained that COAH hired consultants to prepare all of this information and a very lengthy study was done. Ms. Coppola stated that the accuracy of the study is questionable.

Ms. Coppola stated that she has found after reviewing all of their municipal clients that there are a number of things that COAH did not address, for instance areas that have sewers, versus areas that do not have sewers, in other words areas in the state that are the growth planning areas. Ms. Coppola stated that it seems like COAH figured out how many affordable units were needed throughout the State and worked backwards allocating among the Counties.

Ms. Heinzel inquired if a challenge to this study would be done on a town-by-town basis or is there an intention for a statewide challenge? Ms. Coppola stated that there has been some talk and the League of Municipalities is very concerned however, the advice that she has heard from most attorneys and from COAH is that every municipality should speak out regarding the proposed rules and the projections. Ms. Coppola stated that they are suggesting to each of their municipal clients that they draft a letter prior to the

March 22<sup>nd</sup> public comment period to make their objections known. Ms. Coppola stated that she has been attending numerous talks and meetings on this issue and it appears that COAH has assumed that areas that are developed still have a potential for redevelopment and that municipalities can provide for affordable needs through redevelopment. Ms. Coppola stated that approach is good if there are areas in need of redevelopment but Pennington does not have that. Ms. Coppola stated that she spoke to Sean Thompson, the Borough's COAH Planner and explained the Borough's concerns. Ms. Coppola stated that under the second round, the Borough had a vacant land and a durational adjustment meaning that the Borough could not under the second round meet the projections of affordable units proposed by COAH. Ms. Coppola stated that the Borough still has the second round obligation and the remaining required units would have to be on the Capital Health site and/or at the landfill site. Ms. Coppola stated that there is still an unmet need for the units required under the second round, but for which a vacant land adjustment was given. Ms. Coppola stated that Sean Thompson said that the vacant land adjustment from the second round still stands and the Borough still has the obligation to provide those units as planned and zoned for. Ms. Coppola stated that with regard to the third round, the Borough could do a vacant land adjustment and argue again that the Borough does not have the land. Ms. Coppola stated that the third round requirements are far more extensive than the second round. Ms. Coppola stated that she does think that Pennington definitely has the ability to refute the required 38 new affordable units as there is no place to provide them.

Mayor Persichilli inquired as to the proposed project for the Capital Health Site. Ms. Coppola stated that she did discuss the site with Sean Thompson and no matter what goes on the site; the proposed fifty percent of non-residential use will generate more of a housing obligation for the Borough. Ms. Coppola stated that from the Borough's perspective, the Borough should try to meet the needs that the site will generate. Mr. Lawver asked if the Borough could require that the eight units of affordable housing be satisfied and also any growth share created. Ms. Coppola stated that the Borough could not obligate the growth share because this site was included under the second round. Ms. Coppola stated that a meeting should take place with the prospective owner, the Borough and COAH to figure out the best arrangement for the property. Ms. Coppola stated that it is important to remember that any growth in the Borough generates an obligation.

Ms. Coppola stated that some other changes in the rules that Council should be aware of are changes to age restricted housing, rehabilitations and Regional Contribution Agreements and how the changes will affect Pennington Borough.

Ms. Coppola stated that one bit of good news is that COAH is going to allow for increases in development fees. Ms. Coppola stated that residential development fees will go from one percent of equalized assessed value to one and one-half percent, non residential will go from two percent to three percent. Ms. Coppola stated that they are advising and will prepare draft ordinances for all of their municipal clients to adopt new fee ordinances as soon as COAH adopts the new rules.

Ms. Coppola stated she has highlighted some of the changes, and the biggest concern, which is the issue of growth share. Ms. Coppola recommended that Pennington Borough do a vacant land study, which will not eliminate the obligation but COAH will come out and evaluate the sites after the study is done. Ms. Coppola suggested several other possibilities for Pennington Borough to meet its COAH obligations. Ms. Coppola advised Council to try to come up with a feasible plan to maintain protection and get it into COAH. Ms. Coppola stated that she does not recommend doing nothing as some municipalities are doing, as that would open the Borough up to a Builders Remedy suit. Mr. Lawver asked how likely it would be for Pennington Borough to become involved in a Builders Remedy suit. Ms. Coppola stated that Builders Remedy suits are almost always upheld regardless of what the zoning is for the property, because the Courts frown on municipalities who are not complying with the State mandate.

Mayor Persichilli asked Ms. Coppola to summarize what needs to be done and how to proceed with the new COAH regulations. Ms. Coppola stated that the first thing would be a letter to COAH, that should be submitted no later than March 22<sup>nd</sup> with the Borough's objections and concerns. Ms. Coppola stated that she would be happy to draft a letter for Council to review. Ms. Coppola stated that she has submitted a contract for services relating to COAH, including a vacant land survey, a new development fee ordinance, and any resolutions that may be required under the third round and work needed on the Housing Plan for submission by the end of the year. Ms. Coppola stated that under the new third round rules a lot of the ordinances that have been done may have to be revised and that is also included in the contract.

Mr. Lawver asked how Council would like to proceed on the contract from Coppola and Coppola. Ms. Coppola stated that they would like to get working on the items included in the contract as soon as possible. Ms. Coppola stated that COAH allows for a certain percentage of administrative expenses to come out of COAH fees collected. After further discussion and questions from Borough Council, Ms. Coppola was authorized to draft a letter to COAH for submission no later than March 22<sup>nd</sup>. Ms. Coppola stated that once Council decides on the contract, they will revise the dates accordingly and resubmit the contract for consideration.

### **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

**Governor's Proposed Budget** - Mayor Persichilli stated that he and Mr. Dunworth would like to talk briefly on the Governor's proposed budget. Mr. Dunworth stated that many towns are passing resolutions opposing the municipal aid cuts and the proposed budget. Mr. Dunworth stated that the League of Municipalities is trying to put together action letters and several towns have already passed resolutions. Mr. Dunworth stated that this is not something that needs to be done tonight; action could be taken at the April 7<sup>th</sup> meeting. Mr. Dunworth stated that of the 566 towns in the State, 300 have less than 10,000 in population and those are the towns where a lot of municipal aid is being eliminated. Mr. Dunworth stated that from what we can tell so far, it looks like the Borough would lose about \$106,000 of the \$306,000 in State Aid that the Borough receives. Mr. Ogren suggested that a resolution be drafted for the April 7<sup>th</sup> meeting. Mr. Dunworth stated that there is money in the State budget for feasibility study's on consolidation. Mr. Ogren stated that there is no incentive for shared services, in fact this affects towns with many shared services along with towns that have no shared services, there is no distinction. Mr. Griffiths pointed out that in business, consolidation does not always save costs. Mr. Lawver stated that realistically, the expenses that Pennington would save are people costs and it amounts to less than \$200,000 in best-case scenario that would be saved. Mr. Lawver stated that at the macro level great arguments for consolidation can be made, but at the micro level there are great arguments against consolidation. Mayor Persichilli asked Council's opinion on Mr. Ogren's recommendation to voice Pennington Borough's opinion through a resolution. Mr. Lawver stated that he is in favor of a resolution, however the resolution should suggest other areas for equal dollar cuts. Ms. Heinzl asked if anyone would pay attention to such a resolution and suggested that the resolution state the services residents of Pennington get are very valuable and if we were to consolidate we would not save money and we have looked at this and we oppose the budget based on our interests. Mr. Ogren stated that the message should be that if the Governor is going to cut State Aid to towns then cut everyone the same percentage and don't single out small towns. Discussion took place with regard to the many State Regulations that require budget expenditures within the Borough budget in relation to the cuts in State Aid. Following the discussion Council agreed that Pennington Borough should voice their objections to the State Legislators by way of a resolution, outlining the many budget requirements due to State regulations and how the cuts to State Aid will affect the services provided. Mr. Lawver volunteered to come up with a list of mandated items that cost the Borough funds that provide no benefit to the taxpayers of Pennington.

**West Trenton Rail Line** – Mayor Persichilli stated that Mr. Dunworth provided a copy of a resolution from the Township of Hillsborough in support of this issue. Mayor Persichilli stated that this would be very costly and asked if Borough Council would be in support of the line. Mayor Persichilli stated that there would not be a stop in Pennington, but there would be stops in Hopewell Borough, Ewing and somewhere around Merrill Lynch. After some discussion, Mr. Ogren recommended that Pennington Borough defer to the neighboring municipalities who will be directly affected.

## Committee Reports

**Public Works** – Mr. Lawver reported that the Public Works Committee did meet on February 19<sup>th</sup> to discuss the continued efforts to reduce unaccounted for water. Mr. Lawver stated that to date, the Borough has conducted leak detection and replacement and upgrading of water mains and service lines in connection with road projects. Mr. Lawver stated that the next step, at the recommendation of the Borough Engineer is to replace the large water meters throughout town. Mr. Lawver stated that, Council will be asked to consider some new ordinances to set the standard for water meters. Mr. Lawver gave the following report for water and trash for the Month of February 2008.

### **PENNINGTON BOROUGH PUBLIC WORKS**

**TO:** Joseph Lawver, Chairman  
Public Works Committee

**FROM:** Jeff Wittkop, Superintendent

**DATE:** March 3, 2008

**RE:** **COUNCIL REPORT FOR THE MONTH OF FEBRUARY 2008**

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#### **WATER**

Water pumped for the month of February 2008- 8,361,000  
Daily- 288.3

Water pumped for the month of February 2007- 7,187,000  
Daily- 256.6

For the month of February 2008 we averaged 31,700 gallons **more** per day than 2007.

#### **TRASH**

64.61 tons of household trash for the month of February 2008 vs. 58.70 tons in February 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.

One broken water main on Park Avenue, estimated loss of water 500,000 gallons, has been repaired.

Mr. Lawver reported that the Economic Development Commission met on February 25<sup>th</sup>, Mr. Brit West and Mr. Tim Norris of NT Callaway Realty came and gave a talk on commercial real estate. Mr. Lawver stated that a discussion took place as to what role the Borough can play in matching potential businesses to vacant spaces in town. Mr. Lawver stated that the Economic Development Commission would continue to work on filling the vacant spaces on Main Street. Mr. Lawver stated that the Economic Development Commission has published a newsletter. Mr. Lawver stated that parking continues to be a discussion item with the commission. Mr. Lawver stated that Pennington Borough will be represented at Mercer County's Economic Development Conference on March 23, a table will be set up with representatives available to meet with interested parties. Some discussion took place with regard to parking and the need for more parking spaces.

**Planning/Zoning & Library** – Ms. Heinzl reported that the Library Board met on February 28<sup>th</sup>. Ms. Heinzl stated that the Autographic Software update is scheduled for March 2<sup>nd</sup>, this update would improve the circulation desk computer and all of the software that the library uses. Ms. Heinzl stated that the Library would be closed to the public on Friday, March 15<sup>th</sup> for staff training. Ms. Heinzl stated that the Friends of the Public Library have approved a wish list for the library, which will fund non-print media, such as DVD's and audio books and also will include some furniture for the children's area. Ms. Heinzl stated that the Library Board regretfully accepted the resignation of Roxanne Douvos effective in May, due to a job relocation.

Ms. Heinzl reported that the Planning Board met on February 13<sup>th</sup>, a use variance for 145 South Main was heard and after comments and discussion from the Board, the application was withdrawn. Ms. Heinzl stated that the Planning Board also heard the first part of an application for the Pennington School for fields, lighting and parking. Ms. Heinzl stated that concerns from neighbors, the Borough Engineer and the Environmental Commission were heard and addressed or will be addressed after further information is provided. Ms. Heinzl stated that the hearing on The Pennington School application will continue at the meeting on March 12<sup>th</sup>.

Ms. Heinzl reported that the Environmental Commission met on February 18<sup>th</sup>. Ms. Heinzl stated that the kilowatt meters are available for circulation in the Library. Ms. Heinzl stated that these meters come with a list of instructions to measure how much electricity a residents appliances are using. Ms. Heinzl stated that the Environmental Commission is encouraging feedback from residents who use the meters. Ms. Heinzl stated that the Environmental Commission has plans for a booth at Pennington Day where water wheels will be distributed to encourage water conservation. Ms. Heinzl stated that members of the commission are working on putting together a water conservation tip sheet for the Borough website.

**Personnel** – Mr. Ogren reported that the Personnel Committee would be meeting on March 12<sup>th</sup>.

**Community Services** – Ms. Chandler reported that Pennington Parks and Recreation met on February 13<sup>th</sup> primarily to review the Calendar of Events for 2008, including concerts and movie nights.

**Public Safety** – Mr. Tucker reported that the Police Department has been working with the Finance Committee to develop the 2008 budget. Mr. Tucker stated that a meeting was held with Hopewell Township Police Chief, George Meyer, Hopewell Township Administrator, Paul Pogorzelski, Borough Administrator, Gene Dunworth and Public Safety Director, Bill Meytrott to discuss matters of mutual interest.

Mr. Tucker reported that the Traffic Calming Initiative will be meeting again shortly and they are expected to come forward with a comprehensive report in the next couple of months.

Mr. Tucker reported that Mr. Meytrott and Mr. Dunworth met with Hopewell Township Fire Commissioner Chipowsky and EMS Chief Matthew Martin to discuss a fee for services.

Mr. Tucker gave the following statistics for the month of February 2008:

89	Motor Vehicle Stops
38	Motor Vehicle Summonses issued
21	Parking Summonses issued
35	Warnings
0	DUI
1	Enforcement Arrest

Mr. Tucker requested a closed session at the end of the meeting to discuss personnel matters.

Mr. Tucker reported that the Public Safety Committee met on February 29<sup>th</sup> to discuss a number of items. Mr. Tucker stated that one of the items is where the Borough stands on the pedestrian safety plan, including the Crossing Guard at Main and Delaware and the uniformed Officer at Route 31 and Delaware. Mr. Tucker stated that both crossings are working out well with only one complaint about the "barn dance" signal at Delaware and Main. Mr. Tucker stated that a manual override has been installed at the Route 31

traffic light, but it is not yet operational. Mr. Tucker stated that Pennington Borough pursued a no turn on red signal to protect students crossing Route 31, but the NJ DOT did not approve it.

Mr. Tucker stated that a number of portable pedestrian crosswalk signs are awaiting approval from Mercer County, though the County is in turn waiting for approval from the NJ DOT. Mr. Tucker stated that the Borough was successful in obtaining "walk your bike" signs at the Delaware Avenue railroad bridge and the signs were recently installed thanks to Stewart Schwab and the Hopewell Township sign shop.

Mr. Tucker stated that the Traffic Calming Committee is seeking a replacement to serve on the committee. Mr. Tucker stated that Ms. Heinzl would be presenting some names to Mayor Persichilli for consideration.

Mr. Tucker reported that the sidewalk survey is done. Mr. Tucker stated that Council Members have copies of the survey and Council Members Joe Lawver, Tom Ogren and Eileen Heinzl have been designated as a sub-committee to study the matter and make recommendations.

Mr. Tucker stated that the Hopewell Township Fire District has requested \$3,000 from the Borough for Emergency Services. Mr. Tucker stated Mr. Meytrott as contacted Julie Aberger and Dan Boone with regard to the request. Mr. Meytrott stated that he spoke with Dan Boone and advised him of the concerns that Borough Council had about stepping on the toes of the Pennington First Aid Squad. Mr. Meytrott stated that it might be a good idea to have a meeting with representatives of the First Aid Squad. Mr. Meytrott stated that Mr. Boone asked that Mr. Dunworth send a letter requesting the meeting. Mr. Meytrott stated that he spoke to both Dan Boone and Cindy Orlandi of the First Aid Squad and they seemed to have no problem with the Borough paying for the Township services.

Mr. Dunworth reminded Mr. Tucker that there is another contract with the Hopewell Township Fire District for fire inspections is also pending approval with no changes from last year.

Mr. Chico Marciante stated he used to do these inspections for the Borough and that he did some research and it appears that the Fire District is making about \$10,000 for doing these inspections. Mr. Marciante did not understand how they could then turn around and ask for another \$3,000. Mayor Persichilli asked Mr. Marciante if he would be interested, since he has experience with this issue, in doing further research and reporting back so that Council can make an informed decision on whether to renew this contract or hire a part time person to do the inspections. Some discussion took place as to whether the Borough Fire Inspector has the necessary license to perform the inspections. Mr. Dunworth stated that he would find out. Mr. Meytrott clarified that Mr. Marciante's reference to \$10,000 in fees for inspections is different from the \$3,000 the Fire District is requesting for BLS Services, though they are both through the Fire District. Mr. Marciante agreed to do some research and report back to Council on the Fire Inspection Services.

Mr. Tucker stated that Pennington Borough has joined with neighboring municipalities to apply for a 911 grant for Police Dispatch Services.

Mr. Tucker stated that the time has come to replace the Jeep, which will be a matter for the Finance Committee to consider. Mr. Tucker reported that there are two options; an environmentally safe (green) vehicle, which does not have enough room for a full cage to confine prisoners or a non-green vehicle, which can accommodate a cage.

Mr. Tucker stated that provided in the Council packages was a Nuisance Ordinance introduced by the Board of Health for Council review and comment. Mr. Tucker stated that the Board of Health intends to adopt the ordinance at their May meeting.

Mr. Tucker stated that the Senior Advisory Board met and there are a number of concerns at the Senior Center that need to be addressed so that the building can be used until another solution is found. Mr. Tucker stated that the heating system was repaired this winter and the air conditioning system will be repaired in the spring at a cost of approximately \$15,000. Mr. Tucker stated that the building needs to be upgraded to make the bathrooms handicap accessible. Mr. Tucker reviewed some other minor repairs that need to be made.

**Finance** – Mr. Griffiths reported that the Finance Committee has met to review the Public Safety and Public Works budgets. Mr. Griffiths stated that the Police Department's major request is a new vehicle for the department and the Public Works Department has requested a garbage truck. Mr. Griffiths stated that the Finance Committee is proceeding cautiously with these decisions given the news from the State regarding State Aid. Mr. Griffiths briefly reviewed some items under discussion items with regard to the budget.

Mr. Griffiths stated that discussions are taking place with Hopewell Township and Hopewell Borough with regard to a sharing of operating expenses for the Senior Center. Mr. Griffiths stated that the Finance Committee will be meeting again on Thursday to discuss revenues at which point the committee will review some of the decisions that have been deferred.

**New Business**

**Borough of Pennington  
Resolution #2008-3.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Lucia & Colin Andrei, for an escrow balance for Planning Board application No. P07-004 for property located at 218 S. Main Street, Block 703, Lot 17, in the amount of \$36.50.

**BE IT RESOLVED**, that a refund be issued to Elinor F. Allen-Ganie, of 577 Bellevue Avenue, Trenton, NJ 08618, in the amount of \$8.00 for a certified copy fee.

**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 2008-3.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2008 – 3.2**

**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 \$ 1,120,064.52 from the following accounts:

Current	\$ 706,958.23
W/S Operating	\$ 73,436.03
Developers Escrow	\$ 230,146.26
General Capital	\$ 14,274.00
Grant Fund	\$ 13,025.00
Animal Control Fund	\$ 125.00
Sovereign Bank – Capital	\$ 82,100.00
<b>TOTAL</b>	<b>\$ 1,120,064.52</b>

**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	M				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2008-3.2, second by Council Member Lawver. Council Members raised questions with regard to specific items on the bill list. Upon a roll call vote, all members present voted in favor of the resolution.

**Borough of Pennington  
Resolution #2008-3.3**

**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.

Legal Services	Other Expense	\$25,000.00
Insurance – Surety Bonds	Other Expense	(\$ 427.00)
Streets	Salaries	\$20,000.00
Environmental Commission	Other Expense	\$ 300.00
Social Security	Other Expense	\$15,000.00
I/L Recycling Services	Other Expense	\$10,000.00
	<b>Total</b>	<b>\$ 69,873.00</b>

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

Water Operating	Salaries	\$ 5,000.00
Water Operating	Other Expense	\$ 10,000.00
Sewer Operating	Salaries	\$ 5,000.00
Group Insurance	Other Expense	\$25,000.00
Social Security	Other Expense	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 50,000.00</b>

**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 2008-3.3, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2008-3.4**

**RESOLUTION AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR  
2008-09 SHARE (SHARING AVAILABLE RESOURCES EFFICIENTLY) GRANT FUNDING TO  
SUPPORT A RECORDS STORAGE FACILITY FEASIBILITY STUDY**

**WHEREAS**, the Governing Body of the County of Mercer is applying for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey Share Program in the amount of \$20,000 to support a County Records Storage Facility feasibility study; and

**WHEREAS**, the County of Mercer is the lead agency in this program and agrees to make the full match requirement for the grant, and the Borough shall have no financial obligation in connection with this project; and

**WHEREAS**, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

**WHEREAS**, the purpose of this grant is to promote shared services between local units through the sharing in a feasibility study for a County Records Storage Facility that would be beneficial to all participating local units;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Pennington, that the Borough of Pennington does hereby agree to join with the County of Mercer in applying for a grant for the purpose conducting a County Records Storage feasibility study.

**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 2008-3.4, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington  
Resolution #2008-3.5**

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MERCER FOR A RECORDS STORAGE FEASIBILITY STUDY**

**WHEREAS**, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

**WHEREAS**, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

**WHEREAS**, in the 2008-09 grant cycle, priority funding will be given to the county to perform records management projects for all of their municipalities; and

**WHEREAS**, the Borough of Pennington desires to collaborate with the County of Mercer in a records storage and disposal project to include a feasibility study for a records storage facility and service center; and

**WHEREAS**, the Borough of Pennington is acknowledging their participation in this records storage facility and service center feasibility study; and

**WHEREAS**, the Borough of Pennington is acknowledging that the County of Mercer would be both lead agency and the applicant for such a proposal, and that the Borough shall have no financial obligation in connection with this project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the Borough of Pennington does hereby support and commit to participation in the PARIS grant for the purposes set forth above.

**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 2008-3.5, second by Council Member Heinzel with all members present voting in favor.

**Council Discussion**

**Municipal Aid – Streetscape Improvements** – Mr. Ogren referred to a copy of a letter from Michael Russo of the Department of Transportation in response to Mayor Persichilli’s letter to Commissioner Kolluri regarding the DOT’s rejection of Pennington Borough’s application for municipal aid grant for the downtown streetscape improvements. Mr. Ogren stated that the letter encourages the Borough to continue to apply for the municipal aid program and other state aid programs in the future. Mr. Ogren stated that there are two options at this point, one is to resubmit the application as a municipal aid grant application similar to last year, however it would be in competition with any road projects. Mr. Ogren stated that another option is to apply for discretionary funding. Mr. Ogren stated that Council has a copy of the Resolution/application submitted last year, which could be submitted as a discretionary aid application. Mr. Ogren stated that he has contacted Senator Shirley Turner’s office and they are very interested in supporting a request for discretionary funding should the Borough decide to go that route. After some discussion, Council agreed that the Borough should pursue an application for discretionary aid. Council Member Griffiths made a motion to approve Resolution 2008-3.6, second by Council Member Ogren with all members present voting in favor.

**Safe Routes to School** – Mr. Ogren explained that he would be putting together an application for submission this year. Mr. Ogren briefly outlined the proposed projects and referred to handouts displaying flashing lights, bump outs at crosswalks and improvements to the area in front of 245 South Main Street. Mr. Ogren stated that the application would also call for repair of 100 linear feet of sidewalks and installation of missing curbing from Curlis Avenue to Vannoy Avenue. Mr. Ogren asked for direction from Council with regard to the flashing lights. Mr. Lawver recommended applying for in ground flashing lights and depending on the award amount further decisions could be made. Mr. Ogren stated that he has written a letter to the County Engineer and if Council were in favor of pursuing this grant, he would request a letter of support from Mercer County. Mr. Ogren stated that the deadline for the grant is April 18<sup>th</sup>, so there is still time to get a resolution on the agenda for the April meeting and to get the application completed.

Ms. Heinzl stated that she along with Mr. Ogren have been investigating funding sources for the Pennington link of the Lawrence-Hopewell Trail. Ms. Heinzl stated that Mr. Ogren has put together a proposal and they would like some direction from Council on how to proceed. Ms. Heinzl stated that the proposal was distributed at the last Council meeting and asked if Council Members had time to review the proposal. Ms. Heinzl stated that the link is actually in Hopewell Township and discussions have taken place with the Township Administrator about how to proceed with the next step, which would be preliminary design engineering. Ms. Heinzl stated that the proposal to the Township would be to split the cost of the preliminary engineering in half, amounting to approximately \$15,000 as the cost to the Borough. Mr. Lawver inquired as to whether an estimate has been obtained for permits obtaining wetland and stream encroachment permits. Mr. Ogren stated that he is working on obtaining that information from the DEP. Mr. Lawver stated that this project has been on hold because the permitting is going to be very costly. Ms. Heinzl explained that the preliminary engineering has to be done in order to apply for a DOT grant for the permits. Ms. Chandler inquired as to the likelihood that a grant would be awarded for this project. Mr. Ogren stated that there is no guarantee, however the application would be a joint application with Hopewell Township for a major regional recreational amenity, linking a Borough with Stonybrook Millstone Watershed and corporate campuses and he can't imagine a project that would have higher priority. Mr. Lawver stated that at a time where the Borough is facing a minimum of \$81,000 and maybe \$106,000 in state aid cuts, and at a time where every department has been asked to hold all expenses at zero, and at a time where we are looking for new and creative ways to stretch dollars to cover existing programs, is the Borough in a position to spend money on a new program. After further discussion, Council decided that the finance committee would consider these issues during the budget process after the State Aid funds are released.

**Public Health Nuisance Code Ordinance** – Council Members had copies of the Nuisance Code Ordinance introduced at the Board of Health meeting and scheduled for adoption in May, for their review. Council Members had several questions or comments regarding this ordinance. After some discussion, Ms. Mistretta offered to put all of the comments in a memo to the Board of Health. Mr. Tucker asked that anyone with additional comments forward them to Ms. Mistretta to be included in a memo to the Board of Health.

### **Administrator's Report**

Mr. Dunworth stated that all of his items were covered previously.

### **Professional Reports**

No comments from Professionals.

### **Public Comment Period**

Mr. Robert Hague of 413 Burd Street reviewed his concerns about dogs being permitted at public events. Mr. Hague stated that he has come before Council three times, where he has presented statistics relating to dog incidences. Mr. Hague stated that he is feeling a sense of urgency with regard to this issue with spring being less than three weeks away. Mr. Hague asked if any discussions have taken place. Ms. Heinzl responded that the recreation committee did talk about this issue and their thoughts were to try and discourage people from bringing dogs to public events. Ms. Chandler stated that the recreation committee is planning to continue to discourage people from bringing their dogs to public events. Ms. Chandler stated that she is on the Pennington Day Committee and they are planning to continue to have the dog show as part of Pennington Day. Mr. Hague asked how it is getting out to residents that dogs are discouraged from attending public events. Ms. Chandler stated that the parks and recreation committee was willing to discourage pets however, they did not want to have to ask residents to leave if they bring their pet on a leash. Mr. Hague stated that is a good first step and discouraging is better than what we have, but ultimately he would like to see pets prohibited from public events. Mayor Persichilli stated that Council has heard one side of this issue, what about the residents who disagree? Ms. Chandler stated that aside from Pennington Day, where about 50 dogs are present for the dog show, there are not that many dogs that attend events at Kunkel Park. Ms. Chandler stated that residents need to be responsible for their pets and also their children at these public events. Ms. Chandler stated that parks and recreation felt that by discouraging pets, people would think twice before bringing a pet to a public event. After further discussion, Council agreed that discouraging pets at public events and having police officers enforce the leash law would be one step short of an act of prohibition. Mr. Bliss stated that people are liable for their own dogs, even if a dog has never had a problem before and even if it is on a leash.

Mr. Tucker requested a closed session for discussion of personnel matters.

Mayor Persichilli read the following resolution to convene in closed session. Council Member Tucker made a motion to convene in closed session, second by Council Member Heinzl.

**AT, 10:30 PM, BE IT RESOLVED,** that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Personnel

AT, 11:05 PM, Mayor and Council returned to open session.

At 11:05 PM, 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