

**Pennington Borough Council  
Regular Meeting – March 12, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:02 pm. Borough Clerk Betty Sterling called the roll with Council Members DiFalco, Heinzl, Lawver and Tucker in attendance. Mr. Garber was absent and Ms. Zompa arrived at 8:25 pm.

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**

There were no minutes for approval.

**Open to the Public – Agenda Items Only**

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

**Mayors Business**

Mayor Persichilli introduced Chris Fossel and Richelle Lieboff representing the Pennington Day Committee. Mr. Fossel announced that Pennington Day would be held May 19<sup>th</sup>. Mr. Fossel asked for the same services that have been provided in prior years from the Police and Public Works Departments.

Mayor Persichilli announced that Eugene Lorenzetti and Jay Keogh have both resigned from the Economic Development Commission.

Mayor Persichilli appointed Phyllis Frakt to the Environmental Commission for a term ending December 31, 2009 and Beverly Tucker to the Economic Development Commission for a term ending December 31, 2009.

Mayor Persichilli appointed Eileen Heinzl as the Mayor's Representative to the Library Board of Trustees for a term ending December 31, 2007.

Mayor Persichilli recommended the appointment of Lee Dickstein to Pennington Parks and Recreation for a term ending December 31, 2009. Council Member Heinzl made a motion to approve the appointment, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli recommended the re-appointment of Debbie Gorczycki to the Board of Health for a term ending December 31, 2009. Council Member Tucker made a motion to approve the appointment, second by Council Member Heinzl with all members present voting in favor.

Mayor Persichilli recommended appointing Daniel Mason of Jersey Professional Management to assist Pennington Borough and Hopewell Township in the preparation and writing of an application for a Shared Services Grant being offered by the NJ Department of Community Affairs. Mayor Persichilli stated that the grant funds are being sought for a feasibility study to explore the possibility of shared services in the area of police services between the Borough of Pennington and Hopewell Township. Mayor Persichilli stated that if the study shows that shared police services would be feasible, there would be a referendum on the ballot in November 2007. Mr. Lawver stated that the study will involve much more than the financial impact, which is just one component in the decision making process.

Council Member Tucker made a motion to hire Jersey Professional Management to apply for a grant to conduct a feasibility study of sharing of services with Hopewell Township for police services, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli stated that Council had tentatively planned a discussion about busing issues in the Hopewell Valley. Mayor Persichilli stated that the Board of Education came to the Borough with a proposal regarding busing and several meetings have taken place. Mayor Persichilli stated that Council had planned to talk at length about this issue, however since this a critical issue and with two Council Members absent, the discussion would be postponed. Mayor Persichilli stated that the discussion would take place at the Special Meeting scheduled for March 19<sup>th</sup> at 7:00pm.

Mayor Persichilli stated that if anyone in attendance had come strictly for the busing discussion they could come forward and comment. Mr. Persichilli asked that comments be brief. Terri Foster of 5 Vannoy Avenue expressed concern with the elimination of busing and the lack of a crossing guard at Route 31 and Delaware Avenue. Ms. Foster also asked that Council take a hard look at the broad figures supplied by the school board and see where tax dollars are being spent.

Carol Hunt of Burd Street asked Council what has been proposed with regard to busing. Mr. Lawver stated that the proposal on the table is that the school board would reorganize the busing routes in Pennington and a shuttle would pick up High School and Middle School students at four stops throughout the Borough.

Ms. Hunt asked how that would be funded. Mr. Lawver stated that the Borough would pay one-third of the cost this year, two-thirds next year and the full cost in the third year and thereafter.

Anthony Kopkash of 217 Hale Street expressed concern with assuming the cost of busing and asked where will it end. Mr. Kopkash asked that Council look out for Pennington residents in whatever agreement that is made.

Mayor Persichilli stated that Werner Graf of the school board has drafted a letter that will appear in the Hopewell Valley News this week.

**Ordinances for Introduction**

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2007 - 4**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 215, AZONING@,  
OF THE CODE OF THE BOROUGH OF PENNINGTON  
COUNTY OF MERCER, STATE OF NEW JERSEY**

**WHEREAS** the Borough Council of the Borough of Pennington in the County of Mercer and the State of New Jersey seeks to amend Chapter 215 of the Code of the Borough of Pennington to clarify current inconsistencies in the Code; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Pennington, in the County of Mercer and the State of New Jersey, that Chapter 215, entitled "Zoning", of the Code of the Borough of Pennington is hereby amended and supplemented as follows:

**SECTION 1.** Amend Section 215-64, entitled "Zoning Map", of Chapter 215 of the Code of the Borough of Pennington to read in its entirety as follows:

**"§215-64. Zoning Map.**

The boundaries of all zone districts shall be shown on a map attached to and made a part of this chapter and titled "Zoning Map", dated February 2007. Said map and all notations and references thereon are hereby incorporated into and declared to be a part of this chapter."

**SECTION 2.** Amend Subsection 215-72A.(1) under "Permitted Primary Uses" in the "B-H Highway Business Zone" of Chapter 215 of the Code of the Borough of Pennington to read in its entirety as follows:

- "(1) Retail business and personal service establishments which are clearly of a community service character, such as, but not limited to, the following:
- (a) Stores selling groceries, meats, baked goods, and other such food items.
  - (b) Drug and pharmaceutical stores.
  - (c) Stationery, tobacco, and newspaper stores.
  - (d) Luncheonettes and confectionery stores.
  - (e) Department and general merchandise stores.
  - (f) Hardware, appliance, furniture, and radio and television stores.
  - (g) Clothing, accessory and jewelry stores.
  - (h) Restaurants.
  - (i) Barber and beauty shops.
  - (j) Shoe repair shops.
  - (k) Tailor shops, dry-cleaning pickup shops, and self-service laundries.
  - (l) Business and professional offices, banks, and financial institutions.
  - (m) Commercial schools conducted for profit.
  - (n) Residential professional offices.
  - (o) Theaters and other similar places of public assembly."

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to

that subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect immediately upon final adoption, publication and the filing of a copy of said Ordinance with the Mercer County Planning Board, all in accordance with the law.

Council Member Lawver made a motion to introduce Ordinance 2007-4, second by Council Member Tucker. Mr. Lawver commended Cindy Coppola on the background memorandum that was provided on this ordinance. Upon a roll call vote all members present voted in favor.

### **Ordinances for Public Hearing and Adoption**

#### **BOROUGH OF PENNINGTON ORDINANCE NO. 2007 - 1**

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

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

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

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

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

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

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

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

#### **"ARTICLE VIII MUNICIPAL HOUSING LIAISON**

##### **39-28. Purpose.**

The purpose of this article is to create the administrative mechanisms needed to discharge the responsibility of the Borough of Pennington to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

##### **39-29. Definitions.**

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

##### **39-30. Establishment of Municipal Housing Liaison Position.**

- A. There is hereby established the position of Municipal Housing Liaison of the Borough of Pennington.

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

**39-31. Compensation.**

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

**39-32. Administrative Powers and Duties.**

- A. The Municipal Housing Liaison shall be responsible for the oversight and administration of the affordable housing program of the Borough of Pennington, including the following responsibilities which may not be contracted out:
- (1) serving as Pennington Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (2) monitoring the status of all restricted units in the Borough of Pennington's Fair Share Plan;
  - (3) compiling, verifying, and submitting annual reports as required by COAH;
  - (4) coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (5) attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered and/or approved by COAH; and
  - (6) if applicable, serving as the Administrative Agent for some or all of the restricted units in Pennington Borough, as described in §39-32.C. of this article hereinbelow.
- B. Subject to approval by COAH, the Borough of Pennington may contract with or authorize a consultant, authority, government or any agency charged by the governing body to administer the affordable housing program of Pennington Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- C. The following administrative powers and duties shall be specifically delegated to an approved Administrative Agent as set forth by contract, or shall be performed by the Municipal Housing Liaison when not specifically delegated to an approved Administrative Agent:
- (1) Affirmative Marketing.
    - (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Pennington Borough and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental/ lease requirements, and landlord/tenant law.
  - (2) Household Certification.
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
    - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;
    - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
    - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of either the ownership or rental certificates set forth in Appendices "J" and "K" of N.J.A.C. 5:80-26.1 et. seq., as applicable;

- (e) Creating and maintaining a referral list of eligible applicant households with members living or working in the housing region where the units are located; and
  - (f) Referring households for certification to affordable units employing the random selection process as provided in the Affirmative Marketing Plan of the Borough.
- (3) Affordability Controls.
- (a) Furnishing to attorneys or closing agents the forms of deed restrictions and mortgages for recording, at the time of conveyance of title to each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring removal of deed restrictions and cancellation of mortgage note through proper filing with the county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of "Continuing Certificates of Occupancy" or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and Rental.
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing Requests from Unit Owners.
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement.
- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (c) Annually posting in all rental properties, including two-family homes, a notice of the maximum permitted rent together with the telephone number of the Administrative Agent or Municipal Housing Liaison, as appropriate, where complaints of excess rent can be made;

- (d) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (f) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund or other appropriate municipal fund approved by the New Jersey Department of Community Affairs (DCA);
  - (g) Establishing a rent-to-equity program;
  - (h) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering affordability controls; and
  - (i) Providing annual reports to COAH as required.
- (7) The Administrative Agent or the Municipal Housing Liaison as appropriate shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

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

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

Mayor Persichilli read Ordinance 2007-1 by title. Council Member Tucker made a motion to open the public hearing on Ordinance 2007-1, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the public hearing, second by Council Member Lawver with all members present voting in favor. Council Member Heinzl made a motion to adopt Ordinance 2007-1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Ordinance 2007-2**

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

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

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

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

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

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

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

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

Mayor Persichilli read Ordinance 2007-2 by title. Council Member Tucker made a motion to open the public hearing on Ordinance 2007-2, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the public hearing on Ordinance 2007-2, second by Council Member Heinzl with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2007-2, second by Council Member Heinzl with all members present voting in favor. Ms. Heinzl asked when signs would be going up. Mr. Meytrott answered that since this is a County road, the ordinance will be forward to Mercer County for approval. Mayor Persichilli stated as a side comment that the Borough would be having discussions with the County regarding County roads and whether it makes sense to revisit ownership and maintenance of roads.

**BOROUGH OF PENNINGTON  
ORDINANCE 2007-3**

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

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

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

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

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

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

1. Prohibition of Awarding Public Contracts to Certain Contributors

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

(b) No professional business entity which enters into negotiations for or agrees to any contract or agreement with the Borough or any of its departments or agencies or independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting services, including contracts and agreements awarded pursuant to a process permitted as a "fair and open" process under the New Jersey Local Pay-to-Play Law, shall solicit or make any contribution of money, or pledge of a contribution, including an in-kind contribution, to any Borough municipal candidate for or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Borough or Mercer County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties, between the time of first communications between that business entity and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

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

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

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

## 2. Contributions Made Prior to the Effective Date

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

## 3. Contribution Statement by Professional Business Entity

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

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

## 4. Return of Excess Contributions

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

## 5. Other Prohibited Conduct; Penalty

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

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

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

## 6. Severability

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

## 7. Effective Date

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

Mayor Persichilli read Ordinance 2007-3 by title. Council Member Tucker made a motion to open the public hearing on Ordinance 2007-3, second by Council Member Lawver. There were no comments from the public. Council Member Tucker made a motion to close the public hearing, second by Council Member DiFalco with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2007-3, second by Council Member DiFalco with all members present voting in favor.

**Committee Reports**

**Planning & Zoning** – Mr. Persichilli gave a brief report of the February 14<sup>th</sup> Planning Board meeting.

**Public Works** – No report.

**Personnel** – No report.

**Community Services/Library** – Ms. Heinzl reported that a birthday celebration for Dr. Seuss was held in the Library on March 2<sup>nd</sup>. Ms. Heinzl stated that the children’s committee will begin planning for spring and summer events including the summer reading program. Ms. Heinzl stated that the Board of Trustees now has a full membership and at the last meeting officers were elected.

Ms. Heinzl reported that Pennington Parks and Recreation will meet on March 13<sup>th</sup> to discuss and finalize specifications for the half court basketball court at Kunkel Park and a presentation will be made to the Planning Board at their April meeting.

Ms. Heinzl reported that Hopewell Valley Recreation would be meeting on Thursday, March 15<sup>th</sup> to discuss goals and objectives for 2007. Ms. Heinzl reported that on March 14<sup>th</sup> the Lawrence-Hopewell Trail Task Force would be meeting at the Bristol Myers Squibb facility in Lawrenceville to discuss the trail.

Ms. Heinzl stated that she received an e-mail from Joe Powell at the NJ Department of Transportation, Office of Pedestrian and Bicycle Safety and they are proceeding with their study of the Route 31 crossing, .25 mile radius. Ms. Heinzl stated that the first phase is to do pedestrian and vehicle counts at the intersection. Ms. Heinzl stated that the DOT expects to finish the project with reports for review by the end of May.

**Public Safety** – Mr. Tucker reported that contract negotiations are ongoing and should be finalized soon. Mr. Tucker reported that the Police Department budget has been submitted and includes a request for a new police vehicle. Mr. Tucker reported that parking and snow removal summonses were issued during the recent snowstorm. Mr. Tucker reminded residents that sidewalks must be cleared or residents risk getting a summons. Mr. Tucker reported the following statistics:

110	Motor Vehicle Stops
42	Motor Vehicle Summonses Issued
26	Parking Summonses
50	Warnings
2	Adult males arrested

**Finance** – Mr. Lawver reported that the finance committee has been meeting quite regularly with various department heads and the budget is progressing. Mr. Lawver stated that this is a challenging budget cycle due to stagnated or falling non-tax revenues and shrinking available surplus. Mr. Lawver stated that this leaves tax revenues as the available revenue source to make up for any increases in expense growth. Mr. Lawver stated that after a final meeting next week with the Borough Auditor, the budget is scheduled for introduction at the April 9<sup>th</sup> meeting and adoption at the May meeting. Mr. Lawver stated that a workshop meeting would be held sometime in April. Mr. Lawver reported as a preview for next year that the new 4 percent levy cap that the State has put into place would restrict expense growth to 2 ½ percent. Mr. Lawver stated that in an environment where most of our employees are under contract with a guaranteed 4 percent increase, by necessity the Borough is looking at cuts next year to live within the cap. Mr. Lawver stated that this would include cuts to non-personnel expenses and potentially if not in 2008, then in 2009 looking at the possibility of personnel cuts. Mr. Lawver stressed that the Borough is working under a very difficult scenario now and for the future.

Mayor Persichilli inquired as to the sale of Borough Property was still under consideration. Mr. Lawver stated that the Borough has a couple of opportunities, but the revenues would not be used as one-time revenues and any funds generated would be used strictly to pay down debt or reduce capital expenditures.

Mr. Lawver reported that the Economic Development Commission despite membership changes is picking up a great deal of momentum. Mr. Lawver stated that the Rider University consumer survey and market analysis would begin soon. Mr. Lawver reported that Will Dickey would be attending a County Conference on March 22<sup>nd</sup> to get Pennington’s name out and have it be known that Pennington is interested in attracting new businesses. Mr. Lawver reported that the Economic Development Commission has reached out to the Pennington School, the Pennington Business and Professional Association, the Pennington Day Committee and the Hopewell Valley Historical Society about different ways to raise the level of awareness about Pennington and the business opportunities within Pennington.

**New Business**

**Borough of Pennington  
Resolution #2007-3.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to American Home Mortgage, PO Box 13916, Durham, NC 27709 in the amount of \$3,253.21 for an overpayment of 2007 taxes for Peacock Inn, Block 205 Lot 15.

**BE IT RESOLVED**, that a refund be issued to Kenneth Orben, 5 Weidel Drive, Pennington, NJ 08534 for an overcharge on a Building Permit in the amount of \$110.00.

**BE IT RESOLVED**, that a refund be issued to Pennington Water Conditioning, PO Box 129, Pennington, NJ 08534 for an overcharge on a Building Permit in the amount of \$49.00.

**Record of Council Vote on Passage**

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

Council Member Heinzel made a motion to approve Resolution 2007-3.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2007 – 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 \$ 1,427,228.74 from the following accounts:

Current	\$ 1,076,600.33
W/S Operating	\$ 152,816.92
Developers Escrow	\$ 13,405.50
Water/Sewer Capital	\$ 73,437.87
Grant Fund	\$ 96,488.12
Animal Control Fund	\$ 130.00
Recreation	\$ 50.00
COAH Trust Fund	\$ 14,300.00
<b>TOTAL</b>	<b>\$ 1,427,228.74</b>

**Record of Council Vote on Passage**

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

Council Member Heinzel made a motion to approve Resolution 2007-3.2, second by Council Member Tucker. Council Members had questions on various bills on the bill list. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli recognized Mr. Jim Lytle's arrival and took a moment to read the following Proclamation and present Mr. Lytle with a Borough jacket in thanks for his years of service on Council.

**PROCLAMATION OF MAYOR AND COUNCIL  
RECOGNIZING AND HONORING JAMES LYTLE**

**WHEREAS;** Mr. James Lytle has served as a Member of the Common Council , Borough of Pennington from January 1, 2000 through January 29, 2007; and

**WHEREAS,** Mr. Lytle has given countless hours of valuable service as Council Liaison to the Planning Board, as well as a member of the Personnel Committee and other Council committees; and

**WHEREAS,** throughout his tenure on Council, Mr. Lytle has been responsive to the citizens of Pennington, their concerns and their interests; and

**WHEREAS,** Mr. Lytle has worked tirelessly for the betterment of the Pennington community at large; and

**WHEREAS,** the Borough of Pennington highly respects those who never cease in their efforts to make their community a better place to live.

**NOW, THEREFORE, BE IT PROCLAIMED THAT,** the Mayor and Council of the Borough of Pennington hereby express gratitude and appreciation to Mr. Lytle on this 12th day of March 2007.

**Borough of Pennington  
Resolution #2007-3.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE  
2007 TEMPORARY BUDGET**

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

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

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

Tax Collector	Other Expense	\$1,000.00
Planning Board	Salaries	\$10,000.00
Group Insurance	Other Expense	\$20,000.00
Prosecutor	Salaries	\$1,000.00
Streets	Salaries	\$30,000.00
Streets	Other Expense	\$15,000.00
Borough Property	Salaries	\$10,000.00
Borough Property	Other Expense	\$12,000.00
Trash	Salaries	\$10,000.00
Trash	Other Expense	\$10,000.00
Insurance – Surety Bonds	Other Expense	(\$427.00)
Electricity	Other Expense	\$5,000.00
Gas (Natural/Propane)	Other Expense	\$3,000.00
Gas, Fuel, Lubricants	Other Expense	\$5,000.00
Social Security	Other Expense	\$10,000.00
I/L Recycling Services	Other Expense	\$7,000.00
<b>Total</b>		<b>\$148,573.00</b>

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

Water Operating	Other Expense	\$20,000.00
Water Operating	Salaries	\$20,000.00
Sewer Operating	Salaries	\$20,000.00
Group Insurance	Other Expense	\$20,000.00
Social Security	Other Expense	\$5,000.00
<b>TOTAL</b>		<b>\$85,000.00</b>

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2007-3.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2007-3.4**

**APPOINTING A MUNICIPAL HOUSING LIAISON**

**WHEREAS** the Borough of Pennington Planning Board adopted a "Housing Element", dated February 1994 and revised through March 1995, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., and petitioned New Jersey Council On Affordable Housing (COAH) for "Substantive Certification" on August 27, 1996; and

**WHEREAS** the Borough of Pennington was granted final "Substantive Certification" of its second round Housing Element and Fair Share Plan by COAH on June 5, 2002; and

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

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., the Borough of Pennington is required to appoint a "Municipal Housing Liaison" for the administration of Pennington Borough's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Borough of Pennington will be amending Chapter 39, entitled "Officers and Employees", of its Code by creating a new Article VIII, entitled "Municipal Housing Liaison", which provides for the appointment of a "Municipal Housing Liaison" to administer the Borough of Pennington's affordable housing program.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Pennington, in the County of Mercer and the State of New Jersey, that Eugene Dunworth, Borough Administrator, is hereby appointed by the Borough Council of the Borough of Pennington as the "Municipal Housing Liaison" for the administration of the affordable housing program, pursuant to and in accordance with Chapter 39, Article VIII, entitled "Municipal Housing Liaison", and Chapter 58, entitled "Affordable Housing Ordinance Provisions", of the Code of the Borough of Pennington.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2007-3.4, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution #2007 - 3.5**

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

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

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

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

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

<u>Appropriations:</u>	<u>From:</u>	<u>To:</u>
Legal Services – Other Expense	\$ 10,500.00	
Police – Salaries		\$ 2,000.00
Police – Other Expense		\$ 1,000.00
Streets – Other Expense		\$ 2,000.00
Trash – Other Expense		\$ 4,000.00
Recreation – Other Expense		\$ 1,000.00
Tax Assessment – Other Expense		\$ 500.00
<b>Total Current Fund</b>	<b>\$ 10,500.00</b>	<b>\$ 10,500.00</b>

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2007-3.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2007 – 3.6**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 9  
TO VALLEY CONTRACTORS, INC., FOR WORK COMPLETED  
ON THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

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

**WHEREAS**, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the contractor's Request for Payment No. 9 in the amount of \$11,046.;and

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

**WHEREAS**, funds are available in account # W-06-00-554-000-255;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Valley Contractors, Inc. in the amount of \$11,046. is hereby authorized pursuant to Payment Request No. 9.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2007-3.6, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution 2007-3.7**

**RESOLUTION ENDORSING  
THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT**

**WHEREAS**, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

**WHEREAS**, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

**WHEREAS**, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

**WHEREAS**, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

**WHEREAS**, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

**WHEREAS**, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

**WHEREAS**, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

**WHEREAS**, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

**WHEREAS**, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

**WHEREAS**, many cities throughout the nation, including Pennington Borough, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

**WHEREAS**, Pennington Borough's, Environmental Commission has endorsed this resolution;

**WHEREAS**, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

**The U.S. Mayors Climate Protection Agreement**

A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and

C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

1. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
2. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
3. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, and supporting the use of waste to energy technology;
4. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
5. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
6. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
7. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
8. Maintain healthy forests; promote tree planting to increase shading and to absorb CO<sub>2</sub>; and
9. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Pennington, Mercer County, endorses the U.S. Mayors Climate Protection Agreement and urges mayors from around the nation to join this effort.

**BE IT FURTHER RESOLVED**, that the Borough of Pennington, Mercer County, will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be mailed to Seattle Mayor Greg Nickels who is coordinating this initiative.

**Record of Council Vote on Passage**

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

Council Member Heinzel made a motion to approve Resolution 2007-3.7, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington  
Resolution 2007-3.8**

**RESOLUTION SUPPORTING RENEWAL OF THE  
GARDEN STATE PRESERVATION TRUST**

**WHEREAS**, continued investment in open space and farmland preservation is vitally important to the state, as it enhances New Jersey’s economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

**WHEREAS**, New Jersey continues to face incredible pressure from development, losing nearly 50 acres of open space daily to new development projects; and

**WHEREAS**, the Garden State Preservation Trust provides a match for open space taxes collected by all 21 counties and more than 225 municipalities; and

**WHEREAS**, protecting open spaces and improving urban natural areas stabilizes local property taxes and revitalizes communities; and

**WHEREAS**, since its creation in 1998, the Garden State Preservation Trust has enabled the State of New Jersey, its local governments, and nonprofits to acquire over 432,000 acres of parks, open space and farmland; and

**WHEREAS**, the Garden State Preservation Trust is essential not only to the State’s conservation programs, but also to the work of counties, municipalities and nonprofit organizations by providing grants and low interest loans to help preserve land while protecting natural resources and farmland for future generations; and

**WHEREAS**, even many of the places already protected – our state and local parks – are threatened by inadequate levels of funding for operation, maintenance, and stewardship; and

**WHEREAS**, the Garden State Preservation Trust is virtually depleted, with funds to be completely exhausted in 2007 despite the continued need for the programs it makes possible;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Pennington in the county of Mercer and State of New Jersey as follows:

1. The municipality supports the renewal and strengthening of the Garden State Preservation Trust by the State of New Jersey, to provide \$325 million annually for New Jersey to continue its programs to acquire open space and farmland and improve historic sites and preserved lands. This amount includes \$225 million a year for acquisition and \$100 million a year for capital projects, which could be provided by bonding an annual dedicated stream of approximately \$150 million.
2. The municipality supports the dedication of \$56 million in State Funds annually to establish a stable source of funding for operation, maintenance, and stewardship for parks, recreation and natural areas.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

Duly authenticated copies of this Resolution shall be transmitted to:

The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625  
 State Senators  
 State Assemblypersons  
 Morris Land Conservancy, 19 Boonton Ave, Boonton, NJ 07005  
 New Jersey Conservation Foundation, Bamboo Brook, 170 Longview Road, Far Hills, NJ 07931  
 The Outdoor Recreation Alliance c/o N.J. Audubon Society, 142 W. State Street, Trenton, NJ 08608  
 Daily and Weekly Newspapers

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco	X				Lawver	M			

Garber				absent	Tucker	X			
Heinzel	S				Zompa				absent

Council Member Lawver made motion to approve Resolution 2007-3.8, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution #2007 – 3.9**

**A RESOLUTION CALLING ON THE STATE OF NEW JERSEY  
TO INCREASE HEAVY TRUCK INSPECTIONS AND PROVIDE MUNICIPAL NOTIFICATION  
OF CHANGES TO BLUE ROUTE CLASSIFICATIONS**

**WHEREAS** Route 31 between Route 202 in Hunterdon County and the Pennington Circle is a two lane, narrow, curving, hilly road with residential and commercial driveways; and

**WHEREAS** the New Jersey Department of Transportation has proposed new truck regulations demarcating Rte 31 north of I 95 as a “blue route”, permitting 102” wide trailers and double trailer combination trucks; and

**WHEREAS** a State of California truck safety study documented that increased inspections of heavy trucks resulted in a 10% reduction in truck-at-fault collisions and a 26% reduction in truck-at-fault collisions related to defective brakes; and

**WHEREAS** the State of Maryland experienced more than a 50% reduction in truck-at-fault accidents within seven years following the introduction of a weight and inspection program; and

**WHEREAS** the State of Pennsylvania study of trucks on routes leading out of New Jersey placed 53% of trucks out-of-service and 14% of drivers out-of-service; and

**WHEREAS** a NJ State Police inspection on Rt. 202/31 resulted in 14% of the trucks and/or drivers being placed out-of-service; and

**WHEREAS** the NJ State Police are alone permitted to inspect heavy trucks, and while the quality of inspections by the NJ State Police is excellent, the State Police resources available for inspections of heavy trucks have substantially decreased since 9/11, thereby indirectly endangering the motoring public, the residents living along Rte. 31, the hundreds of school children based on Rte. 31 and crossing Rte. 31 from the Borough of Pennington to/from secondary schools; and

**WHEREAS** a substantial increase in State Police dedicated to the inspection of heavy trucks is encouraged, it is not likely that the State of New Jersey will increase the resources required to increase NJ State police enforcement of the new NJ DOT trucking regulations.

**NOW THEREFORE BE IT RESOLVED** on this 12<sup>th</sup> day of March, 2007, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the State of New Jersey permit the municipal police in municipalities in New Jersey to inspect heavy trucks for safety and weight; and

**BE IT FURTHER RESOLVED** that the State provide for the necessary training of municipal police to properly inspect heavy trucks, at a reasonable cost; and

**BE IT FURTHER RESOLVED** that the NJ DOT enact the new truck regulations as drafted, with the provision that these regulations be reviewed within a year of enactment to assess their impact on Pennington Borough and surrounding municipalities; and

**BE IT FURTHER RESOLVED** that a specific procedure be developed by which blue routes are added and/or changed and that this procedure be reviewed with Pennington Borough and surrounding municipalities a minimum of 60 days prior to enactment so that changes to local blue routes including Routes 31, 202, 206, 130 and other regional blue routes be treated equally among all affected communities; and

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a copy of this Resolution to the Governor of New Jersey, the New Jersey Department of Transportation Commissioner, the President of the New Jersey Senate, Senator Shirley K. Turner, Assemblyman Reed Gusciora, Assemblyman Bonnie Watson-Coleman, the Speaker of the New Jersey General Assembly, Legislators representing surrounding municipalities, New Jersey Freeholder Boards representing surrounding municipalities and Mayors representing surrounding municipalities.

**Record of Council Vote on Passage**

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

Council Member Heinzel made a motion to approve Resolution 2007-3.9, second by Council Member Lawver. Mr. DiFalco asked that Assemblyman Reed Gusciora and Assemblywoman Bonnie Watson-Coleman be added to the list of recipients. Upon a roll call vote all members present voted in favor.

**Borough of Pennington  
Resolution #2007-3.10**

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

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

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

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

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

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

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2007-3.10, second by Council Member DiFalco. Council briefly discussed the percentage increase and the need to make an effort to renegotiate all of the interlocal agreements with Hopewell Township to multiyear agreements. Mr. Lawver stressed that it is important that any escalator clauses take into account the 4 percent tax levy cap. Upon a roll call vote all members present voted in favor.

**Administrator Report**

**Borough Auction** – Mr. Dunworth stated that the time has come where the Borough has accumulated a lot of stuff that needs to be sold at a Borough auction. Mr. Dunworth asked for Council approval to proceed with putting together a list and scheduling a Borough auction.

Mr. Dunworth stated that the sponsor sign for the Gateway sign on Delaware Avenue was missing and he was going to ask Council how to proceed with replacement, but he got a call from Z Signs, they have the sign and will be making necessary repairs for replacement.

**Professional Reports**

There were no professional reports.

**Public Comment**

Mayor Persichilli opened the meeting up to the public for comments.

Officer Steve Friedman of the Pennington Borough Police Department stated that he was representing the Fraternal Order of Police Lodge #140. Mr. Friedman had questions regarding the grant and the feasibility study. Mr. Friedman stated with all due respect that the rank and file are very anxious not knowing what is going on. Mayor Persichilli stated that all residents and employees will be informed of all that is going on in an open forum and anyone with concerns is welcome to come forward. Mayor Persichilli stated that hiring Dan Mason is the first step in an open process and if it is deemed to be feasible to consider shared services, then the question will be put to the voters in November.

Mayor Persichilli announced for residents that came in during the meeting that the discussion of school busing has been postponed to the March 19<sup>th</sup>, Special Meeting, however if anyone would like to comment on busing they could come forward.

Mr. Tom Griffin of 131 Voorhees Avenue stated that he hopes that Council is looking for a fair allocation of costs and to make sure that there are safe routes to school independent of what Hopewell Township does. Mr. Griffin stated that hazardous busing is hazardous for certain reasons associated with traffic, sidewalks, crossings and that is not only the responsibility of the school but also the State, the County, the Borough and the Township and that a fair allocation would include all of these. Mr. Griffin stated that the school board alone couldn't be held responsible for something that they don't control; the reason kids are being bused is because they cannot walk to school safely. Mayor Persichilli stated that the Borough is at the

same time looking at sidewalks and crossings with the Department of Transportation. Ms. Heinzel stated that the school has stated that they are not going to provide this service and if the Borough does not then the cost will be passed on to the parents. Mr. Griffin stated that from his perspective that is an unacceptable answer. Mr. Griffin stated that the municipality would be shirking some responsibility there because there is not a safe route to school and some agreement should be reached to share the costs. Mr. Griffin stated that his understanding is that if the parents have to pay it could be costly and so parents opted not to pay and to drive their kids instead which makes it even more dangerous to get to school.

Mr. Anthony Kopkash stated that he felt it would be a shame to lose the police force. Mr. Kopkash asked why he sees Pennington Police vehicles in Ewing picking up dry cleaning when there are dry cleaners here in Pennington. Mr. Meytrott stated that the answer is cost. Mr. Meytrott stated that he has checked and Kenny Cleaners in Ewing is considerably cheaper than the local dry cleaners. Mr. Kopkash stated that there are many things that go on in the Police Department that Council is not aware of and he attributes that to poor management.

At 8:50pm, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Tucker with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk