

**Pennington Borough Council
Regular Meeting – April 9, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:05 pm. Borough Clerk Betty Sterling called the roll with Council Members Garber, Heinzl, Lawver, Tucker and Zompa in attendance. Mr. DiFalco arrived after the roll call.

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

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

Approval of Minutes

Council Member Zompa made a motion to approve the minutes of the February 5, 2007 regular meeting, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Garber who abstained.

Council Member Heinzl made a motion to approve the minutes of the February 26, 2007 special meeting, second by Council Member Tucker with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the March 12, 2007 regular meeting, second by Council Member Heinzl. Ms. Heinzl pointed out that her name was not listed as being in attendance and should be. Upon a roll call vote, all members present voted in favor with the exception of Ms. Zompa and Mr. Garber who abstained.

The minutes for the March 19, 2007, special meeting were listed on the agenda for approval, but were not included in the packages. Ms. Sterling stated that she would distribute the minutes for the next meeting.

Open to the Public – Agenda Items Only

Mayor Persichilli asked if there were any comments on agenda items only. Ms. Pam Lafferty asked if she could take a moment to thank Borough Council for all of their assistance with getting approval to install a fence on her property.

Mayor Persichilli recognized a group of residents in the back and asked if they had comments on agenda items to which the response was that they would be commenting on the proposed basketball court at Kunkel Park. Mr. John VanSelous of 134 King George Road stated that he is opposed to the proposed basketball court and is also disgruntled about the backstop that has been removed from the baseball field. Mr. VanSelous stated that rather than install a new basketball court, why not upgrade the existing court and replace the backstop.

Ms. Heinzl stated that she spoke with Ned Fletcher of the Recreation Commission, which will be meeting tomorrow night and discussions are ongoing as to how the grant funds should be used. Ms. Heinzl explained some of the history behind this Mercer at Play grant and stated that since the Borough was awarded the grant without actually applying for it, the Recreation Commission is still considering how to utilize the funds. Ms. Heinzl stated that anyone interested could attend the Recreation meeting tomorrow night at the Senior Center to voice their concerns or offer suggestions.

Ms. Heinzl pointed out that the backstop was removed because it was a hazard, it was rusting and falling apart and was a concern with the Borough insurance carrier. Ms. Heinzl stated that there are some regulations with regard to installing a backstop and a ball field that the Borough cannot meet with the space available at the park.

Ms. Heinzl explained that the Mercer at Play grant funds are intended to be used for active recreation and so park upgrades would not be an approved use of the funds.

Mr. Vince Stolowski of 131 King George Road voiced his opposition with both the proposed basketball court and the removal of the backstop. Mr. Stolowski submitted a letter written by his wife expressing their concerns with the proposed basketball court to Ms. Sterling and asked that copies be distributed to Council.

Mayor Persichilli encouraged those in attendance to go to the Recreation meeting tomorrow night at the Senior Center at 7:30pm.

Mayors Business

Mayor Persichilli read the following Proclamation regarding Arbor Day.

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington do hereby proclaim Friday, April 27th, 2007 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Mayor Persichilli gave a brief update on negotiations with the Hopewell Valley Regional School Board with regard to school busing.

Appointments to Shade Tree Commission

Mayor Persichilli recommended the appointment of Mr. Kurt Pedersen to the Shade Tree Commission. Mayor Persichilli stated that Mr. Pedersen would be replacing Mr. Paul Qvale who resigned. Council Member Heinzl made a motion to approve the appointment, second by Council Member Tucker with all members present voting in favor.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2007-5 by title.

BOROUGH OF PENNINGTON COUNTY OF MERCER

ORDINANCE NO. 2007-5

CALENDAR YEAR 2007 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and

WHEREAS, the Mayor and Borough Council of the Borough of Pennington in the County of Mercer finds it advisable and necessary to increase its CY 2007 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$18,932.57 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary, and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pennington, in the County of Mercer a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$66,264.00 and that the CY 2007 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Council Member Lawver made a motion to approve Ordinance 2007-5, second by Council Member Tucker. Mr. Lawver stated that this ordinance is procedural in nature to give the Borough more flexibility in future years for managing expenditures. Upon a roll call vote all members present voted in favor.

Mayor Persichilli read Ordinance 2007-6 by title.

BOROUGH OF PENNINGTON
County of Mercer

Ordinance No. 2007- 6

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

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

WHEREAS, Borough Council of the Borough of Pennington has determined that the rates and fees charged by the Utility must therefore be increased and that an increase of thirteen percent (13%) is necessary;

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

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

§ 206.1. Base and usage charges.

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

Base Charge Meter Size (inches)	Less Than 4,000 Gallons	First Usage	Second Usage
		Block Charge 4,001 - 100,000 Gallons (per 1,000 gallons)	Block Charge More Than 100,000 Gallons (per 1,000 gallons)
Less than 1	\$[22.80] <u>25.80</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>
1	\$[34.85] <u>39.40</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>
2	\$[99.15] <u>112.05</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>
3	\$[222.35] <u>251.30</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>
4	\$[326.80] <u>369.30</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>
6	\$[610.70] <u>690.10</u>	\$[5.35] <u>6.05</u>	\$[6.00] <u>6.80</u>

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

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

Base Charge Meter Size	First Usage Less Than 4,000 gallons	Block Charge More Than 4,000 gallons
All sizes	\$[25.10] <u>28.40</u>	\$[5.65] <u>6.40</u> per 1,000 gallons

NOTE:

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

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

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

E. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

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

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

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

§ 206-2. Standby fees.

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

Size of Private Lines (inches)	Fee (per connection)
2	\$[102.10] <u>115.40</u>
4	\$[367.95] <u>426.00</u>
6	\$[779.10] <u>880.40</u>
8	\$[1,326.85] <u>1,499.35</u>

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

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

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

§ 206-3. Connection Fees.

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

- (1) Standard water connection is \$[1,152] 1,302.
- (2) Standard sewer connection fee is \$[1,990] 2,249.

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

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

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

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

§ 206-4. Tapping fees.

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

B. Water tapping fees.

- (1) Water Type 1 (full service - full width) (30 feet or more): \$[2,411] 2,725 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblines. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[2,009] 2,271 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblines. Service connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in service): \$[670] 758 . Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant's plumber provides for the remainder of the service connection. Road opening and inspection fees apply.

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

C. Sewer tapping fees.

- (1) Water Type 1 (full service - full width) (30 feet or more): \$[2,009] 2,271 . Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblines. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[1,607] 1,816 . Full service includes all inspection, excavation, bedding, backfill, pavement, connection restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblines. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in service): \$[670] 758 . Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant's plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply.

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

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

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

§ 206-5. Meter fees.

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

Cost	Meter Size (inches)
\$[93.75] <u>105.95</u>	5/8 and 3/4
\$[180.80] <u>204.35</u>	1

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

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

§ 206-6. Inspection and field service fees.

A. Inspection fees shall be as follows:

- (1) Service connections: \$[134] 152 .

- (2) Lateral connections: \$[134] 152 .
- (3) Certified construction cost, off-site improvements (escrow): [6.7] 7.6 %.

B. Equipment hourly rates shall be as follows:

- (1) Backhoe: \$[87.05] 98.40 .
- (2) Service truck: \$[52.25] 59.05 .
- (3) Dump truck: \$[52.25] 59.05 .
- (4) Parts: [147] 167 %.

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

C. Labor hourly rates.

(1) Hourly rates shall be as follows:

- (a) Foreman: \$[69.70] 78.80 .
- (b) Operator: \$[50.90] 57.55 .
- (c) Laborer: \$[50.90] 57.55 .

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

(2) For overtime (OT), the following multipliers will be applied to the labor rates:

- (a) Work before 7:30 a.m.: 1.5.
- (b) Work after 3:30 p.m.: 1.5.
- (c) Work on Saturday and Sunday: 1.5.
- (d) Work on borough-recognized holidays: 2.0.
- (e) Continuous work in excess of 12 hours: 2.0.

D. Line stopping fees shall be as follows:

- (1) Nondisruptive or minor disruptive: \$[201] 228 .
- (2) Major disruptive: \$[1,004] 1,135 .

E. Temporary meter charges shall be as follows:

- (1) Meter installations: \$[60.25] 68.10 .
- (2) Rental (two week maximum): \$[33.50] 37.90 .
- (3) Removal and recording: \$[60.25] 68.10 .
- (4) Special billing: \$[20.10] 22.75 .

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

§ 206-7. Administrative fees.

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

- A. Returned checks: \$20.00.
- B. Account closeout (shutoff): \$[45.00] 55.00 .
- C. Account setup (turn-on): \$[20.00] 25.00 .
- D. Nonquarterly or additional meter readings: \$[40.00] 50.00 . (On nonquarterly billings, if the reading is requested due to an actual error by the borough, the fee will be waived.)

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

§ 206-8. Application and review fees.

Application and review fees shall be as follows:

- A. Per EDU for first EDU: \$[13.40] 15.15 .
- B. Per EDU for subsequent EDU: \$[67.00] 75.75 .
- C. Request for availability of service: \$[53.60] 60.60 .
- D. Certified construction cost, off-site improvements (escrow): [2.7] 3.1 %.

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

Council Member Garber made a motion to introduce Ordinance 2007-6, second by Council Member Tucker. Mr. Lawver explained that the operating costs for the Water Sewer Utility have increased by 6.5 percent this year driven mainly by debt service. Mr. Lawver stated that on the revenue side, connection fees were up last year because of the Shoppes of Pennington, which results in a decrease for this year of \$38,000. Mr. Lawver stated that in addition the available surplus is less this year. Mr. Lawver stated that the day-to-day operations increased by only 2.5 percent. Ms. Heinzl asked if Mr. Lawver had a projection for increases in upcoming years? Mr. Lawver stated that in 2006, one-half of the debt service for the new building was absorbed and in 2007 the full amount is being absorbed, however looming over the Water/Sewer Utility is two to four million dollars in capital improvements that are required for the water system. Mr. Lawver stated that there was a five-year period where the Water/Sewer rates did not increase and in that five-year period surplus was eroded to cover increases in expenditures. Upon a roll call vote, all members present voted in favor with the exception of Mr. DiFalco who abstained.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2007-4 by title.

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 215, ZONING,
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 Garber made a motion to open the public hearing on Ordinance 2007-4, second by Council Member Tucker. Mayor Persichilli asked if there were any comments from the public and there were none. Council Member Tucker made a motion to close the public hearing on Ordinance 2007-4, second by Council Member DiFalco with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2007-4, second by Council Member Heinzl with all members present voting in favor.

Introduction of 2007 Budget

Borough of Pennington Resolution #2007-4.4

RESOLUTION TO INTRODUCE BUDGET FOR 2007

Section 1.

Municipal Budget of the Borough of Pennington, County of Mercer for the Fiscal Year 2007.

Be It Resolved, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2007;

Be It Further Resolved, that said Budget be published in The Pennington Post in the issue of April 26th, 2007.

The Governing Body of the Borough of Pennington does hereby approve the following as the Budget for the year 2007: (copy in budget file)

Council Member Lawver made a motion to approve Resolution 2007-4.4, introducing the budget for 2007, second by Council Member Tucker. Mr. Lawver gave some highlights of the 2007 budget and stated that details will be discussed at a budget workshop meeting on April 16th, 2007. Mr. Garber commended Joe on his leadership and the work he has done on this budget. Upon a roll call vote all members present voted in favor.

Committee Reports

Planning & Zoning – Ms. Heinzl had no report as she was recently appointed as liaison to the Planning Board. Ms. Heinzl stated that she would be attending the Planning Board meeting on April 11th.

Ms. Heinzl reported that the Library Board is very close to hiring a replacement Children's Program Coordinator for Linda Cangiano who is moving out of the area.

Public Works – Mr. Garber reported that the Public Works Committee will be meeting this Wednesday, April 11th to discuss water and all related issues and he will have a report for the next Council meeting.

Mr. Garber gave the following water/trash report.

PENNINGTON BOROUGH PUBLIC WORKS

TO: David Garber, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: April 3, 2007

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

WATER

Water pumped for the month of March 2007-	8,178,000
Daily-	263,800
Water pumped for the month of March 2006 –	8,277,000
Daily-	267,000

For the month of March 2007 we averaged 3,200 gallons less per day than 2006.

TRASH

84.85 tons of household trash for the month of March 2007 vs.
80.75 tons in March 2006

Mulch is available at the Senior Center in the parking lot for Pennington residents only.

Personnel – Ms. Zompa had no report

Community Services/Library – Mr. DiFalco stated that the Hopewell Valley Recreation meeting was postponed from the 5th to the 19th. Mr. DiFalco stated that he attended a meeting of the Hopewell Valley Municipal Alliance concerning underage drinking. Mr. DiFalco gave a brief overview of the meeting.

Public Safety – Mr. Tucker commended Officer Tatur and Officer Friedman for their assistance in apprehending a robbery subject from Flemington, which involved a high-speed chase and a stolen car.

Mr. Tucker reported that a safety drill held at Tollgate School was considered to be a very successful experience for both faculty and students. Mr. Tucker stated that depending on the availability of school personnel additional safety drills may be held before the end of the school year.

Mr. Tucker reported that Mr. Meytrott attended a planning session of the Hopewell Municipal Alliance dealing with underage drinking. Mr. Tucker stated that a public session was held on March 27th at the High School with approximately 50 people in attendance. Mr. Tucker stated that the Municipal Alliance will be following up with this issue in the future and the proposed ordinance is still on hold.

Mr. Tucker reported on the recent ice and sleet storm on the weekend of March 16th and approximately 10 summonses were issued to illegally parked vehicles during the storm. Mr. Tucker stated that on Tuesday, March 20th the police department issued approximately 36 summonses to residents who did not clear their sidewalks. Mr. Tucker stated that summonses were not issued until after a moratorium issued by Mayor Persichilli because of the extra effort needed to clear the ice from sidewalks.

Mayor Persichilli stated that Council would be reviewing the process for payment of snow removal tickets, which presently calls for a court appearance as several residents who received tickets wanted to pay the fine and without appearing in court. Mr. Meytrott stated that he spoke with Judge Billmeier who indicated that he is waiting for a response from the assignment judge approving setting a preset fine of \$25.00 for snow removal tickets. Mr. Meytrott stated that Judge Billmeier had expressed concern with the ordinance and suggested that Borough Council take a look at the ordinance and clean it up as he finds it misleading. Mr. Meytrott stated that Judge Billmeier had some recommendations that he would be relaying to Mr. Bliss and hoped that the ordinance could be changed prior to the next snowstorm.

Mr. Tucker gave the following statistics for the month of March, 2007.

131	Motor Vehicle Stops
96	Motor Vehicle Summonses
24	Parking Summonses
1	DUI Summons
42	Warnings
7	Adult males arrested

Finance – Mr. Lawver had no further report for finance.

New Business

**Borough of Pennington
Resolution #2007 – 4.2**

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 \$ 438,976.91 from the following accounts:

Current	\$ 195,715.63
W/S Operating	\$ 148,645.28
Developers Escrow	\$ 1,606.50
General Capital	\$ 86,089.71
Grant Fund	\$ 6,378.99
Animal Control Fund	\$ 340.80
Other Trust Fund	\$ 200.00
TOTAL	\$ 438,976.91

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	S				Tucker	X			
Heinzel	X				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-4.2, second by Council Member Garber. Council Members raised questions with regard to specific bills on the bill list and upon roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007-4.3**

**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.

Library	Other Expense	\$10,000.00
Recreation	Salaries	\$2,000.00
Recreation	Other Expense	\$5,000.00
Group Insurance	Other Expense	\$25,000.00
Police	Salaries	\$20,000.00
Celebration of Public Events	Other Expense	\$1,400.00
Electricity	Other Expense	\$5,000.00
Gas (Natural/Propane)	Other Expense	\$2,000.00
Gas/Fuel/Lubricants	Other Expense	\$4,000.00
Municipal Court	Salaries	\$5,000.00
Total		\$79,400.00

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
SBRSA Treatment Cost	Other Expense	\$76,322.00
Group Insurance	Other Expense	\$25,000.00
TOTAL		\$ 121,322.00

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	X				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-4.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
MERCER COUNTY, NEW JERSEY**

RESOLUTION #2007-4.5

**RESOLUTION REQUESTING REVIEW AND APPROVAL
OF DEVELOPMENT FEE ORDINANCE**

WHEREAS, the Borough of Pennington, County of Mercer, was granted substantive certification by the Council on Affordable Housing (COAH) on June 5, 2002, which is valid until June 4, 2008; and

WHEREAS, N.J.A.C. 5:94-6.1 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees consistent with N.J.A.C. 5:94-6.8; and
2. A description of the amount and nature of the fees imposed, not to exceed the limits established in N.J.A.C. 5:94-6.6 and 6.7; and

WHEREAS, the Borough of Pennington has prepared a development fee ordinance that is consistent with N.J.A.C. 5:94-6.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Pennington, County of Mercer, requests that COAH review and approve the Borough of Pennington's development fee ordinance.

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	X				Tucker	S			
Heinzel	M				Zompa	X			

Council Member Heinzel made a motion to approve Resolution 2007-4.5, second by Council Member Tucker. Following a brief discussion and upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2007-4.6**

**A RESOLUTION AUTHORIZING THE FILING OF A
RECYCLING TONNAGE GRANT
FOR 2006**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2006 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Council of Pennington Borough to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of Pennington Borough that Pennington Borough, hereby, endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates W. Jeffrey Wittkop to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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	X				Tucker	M			
Heinzel	S				Zompa	X			

Council Member Tucker made a motion to approve Resolution 2007-4.6, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
MERCER COUNTY, NEW JERSEY**

RESOLUTION #2007-4.7

RESOLUTION FOR THE ADJUSTMENT OF REAL ESTATE TAX

WHEREAS, application for an assessment debit for a totally disabled veteran has been received and approved by the Borough Tax Assessor for the property known as Block 102.13, Lot 1;

WHEREAS, the proposed assessment debit will exempt the said property from real estate taxation beginning with tax year 2006 and thereby remove from the tax rolls the assessed value of \$269,200 presently indicated for that property;

WHEREAS, this exemption of the property will produce refunds to the taxpayer for taxes paid in the amount of \$4,811.31 for the year 2006 and \$1,160.43 for the year 2007, totaling \$5,971.74;

NOW, THEREFORE, BE IT RESOLVED on this 9th day of April 2007, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, that real estate taxes for the property known as Block 102.13, Lot 1, shall be adjusted and refunds paid as set forth above.

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	X				Tucker	X			
Heinzel	M				Zompa	S			

Council Member Heinzel made a motion to approve Resolution 2007-4.7, second by Council Member Zompa. Mr. Bliss gave a brief overview of the circumstances surrounding this resolution and upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007-4.8**

**A RESOLUTION AUTHORIZING A SELF-EXAMINATION OF THE
2007 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PENNINGTON**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7-2 through 7-5, the Borough of Pennington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2007 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Pennington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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	X				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-4.8, second by Council Member Tucker with all members present voting in favor.

Council Discussion

Newsrack Ordinance – Mayor Persichilli stated that this issue comes up every couple of months. Ms. Heinzel stated that she had volunteered to go back and review this issue and she has not done that yet. Ms. Heinzel stated that she would like to have the opportunity to look into the newrack issue before Council proceeds.

Administrator Report

Interlocal Agreement – Dispatch – Mr. Dunworth reported that last week he received a call from Hopewell Township asking what amount had been budgeted by the Borough for dispatch services. Mr. Dunworth stated that he looked back through the records and found that in 2006 a resolution was passed for a three-year agreement in January. Mr. Dunworth stated that subsequently, Hopewell Township did not agree to a three-year agreement and only agreed to a one-year agreement. Mr. Dunworth stated that Borough Council then rescinded the resolution that was passed in January and a new resolution approving a one-year agreement was adopted in March of 2006. Mr. Dunworth stated that Mr. Lawver has been meeting with John Murphy to discuss interlocal agreements with Hopewell Township, however in the meantime the figure of \$43,430 from the January resolution was put into the budget for 2007. Mr. Dunworth then got a call from Hopewell Township indicating that the Township has taken the report done by Dan Mason to analyze police services and extracted the dispatch portion of \$45,066 for 2006, added five percent and determined that the amount due for 2007 is \$47,320. Mr. Dunworth stated that there is a discrepancy between the \$43,430 and the \$47,320. Mr. Dunworth stated that he has provided a blank agreement to Council for review, which is basically the same agreement that the Borough has now without a number filled in because of the confusion at this time. Mr. Dunworth stated that the essence of this discussion is that the Borough currently does not have an agreement for dispatch services with the Township, though they are still providing the services.

Mr. Lawver stated that the budgeted amount for 2007 is \$45,550 leaving a gap of \$2,300. Mr. Lawver stated that the gist of this is that Hopewell Township is asking that the Borough agree to \$47,320 for a one-year agreement for dispatch services for 2007. Mr. Lawver stated that he is uncomfortable with one year agreements and he has stated to John Murphy that any agreements that are done should be for three to five years with any escalators at the new four percent cap that we all have to live under. Mr. Lawver stated that at the time Mr. Murphy was amenable to this, however he does not know where that stands now. Mr. Lawver suggested that he and Mr. Tucker discuss this issue with John Murphy and other Hopewell Township representatives to try to get it resolved within the next two weeks.

Mr. Lawver stated that Hopewell Township has the \$47,320 in their budget. Mr. Lawver stated that Hopewell Township has other items in their budget that are not in the Borough's budget. Mr. Lawver stated that he has told Mr. Murphy that if the Borough is going to address payments to the Township they should be reflected as contracts and it is not good practice to renegotiate contracts at times other than when they expire.

Mr. Lawver stated that Mr. Meytrott and others have pointed out that providing dispatch services to Pennington Borough does not require additional staffing, infrastructure or office costs. Mr. Lawver stated that if Pennington Borough were to contract with someone other than Hopewell Township for dispatch services, the township budget for dispatch would not decrease. Mr. Lawver stated that if the Borough were to shop around for another provider for dispatch services it would be for 2008 as we are already into April of this year so at this point we really have to execute an agreement with Hopewell Township.

Housing Element – Mr. Dunworth reviewed a schedule with regard to adoption of the Housing Element and Fair Share Plan, which involves both the Planning Board and Borough Council. Mr. Dunworth stated that the plan is due to COAH by May 15th. After some discussion it was decided that the Borough Council would attend the Planning Board meeting on May 9th and hold a brief meeting to adopt a resolution to submit the plan, once approved by the Planning Board to COAH. Both Mr. Garber and Mr. Lawver had conflicts on May 9th, but all other Council Members were available.

Mr. Dunworth stated that one other item came up after the agenda had been put together for tonight. Mr. Dunworth stated that Mercer County has generously agreed to provide the labor for paving at the new Public Works site, however the Borough has to purchase the asphalt. Mr. Dunworth stated that this cost would be between \$40,000 and \$50,000, just to buy the asphalt. Mr. Dunworth stated that Mercer County, who will be doing the work, has a cooperative pricing program that the Borough could join to possibly get a lower price than if we tried to price this on our own. Mr. Dunworth stated that he provided to Council copies of the agreement and a sample resolution that need to be done ASAP as the County is getting ready to go out to bid. Mr. Dunworth asked Council to review the agreement and resolution and asked for approval to put this on the agenda for the special meeting on April 16th as this is a time sensitive issue.

Professional Reports

There were no professional reports.

Public Comment

Ms. Lee Herman of North Main Street expressed some of her thoughts and concerns regarding school busing, safety and crossing guards.

Mr. Bliss read the following Resolution to convene in Closed Session.

AT, 9:05 pm, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Contract Negotiations – BMS / Traffic Study

Council Member Garber made a motion to approve the minutes of the closed session meeting of December 4, 2006 for content but not release, second by Council Member Heinzl with all members present voting in favor with the exception of Council Member DiFalco who abstained.

Council Member Lawver made a motion to approve the minutes of the closed session meeting of January 2, 2007 for content but not release, second by Council Member Heinzl with all members present voting in favor with the exception of Council Member DiFalco who abstained.

At 9:40pm, 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