

**Pennington Borough Council
Regular Meeting – May 7, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:03 pm. Borough Clerk Betty Sterling called the roll with Council Members DiFalco, Garber, Heinzl, Lawver, Tucker and Zompa in attendance.

Also present were Superintendent of Public Works, Jeff Wittkop, Public Safety Director, Bill Meytrott, Borough Administrator, Eugene Dunworth, Borough Attorney, Walter Bliss, Gregg Katz from Hodulik and Morrison and Borough Clerk, Betty Sterling. Borough Engineer, Don Fetzer arrived at 8:23 pm.

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

Approval of Minutes

Council Member Tucker made a motion to approve the minutes of the March 19, 2007, special meeting, second by Council Member Heinzl with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the April 9, 2007, regular meeting, second by Council Member Heinzl with all members present voting in favor.

Open to the Public – Agenda Items Only

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

Mayor Persichilli announced that since there was a large group of residents in attendance Council would also hear comments on items that are not on the agenda.

Ms. Nancy Mollis of 120 King George Road stated that she has put together a traffic-calming petition for King George Road, Abey Drive, and Burd Street. (A copy was given to the Borough Clerk.) Ms. Mollis stated that everyone she has spoken to is very concerned about public safety on these roads as traffic is moving way to fast and cars are passing stopped school buses and not stopping at stop signs. Ms. Mollis stated that she is very concerned that something tragic is going to happen. Ms. Mollis stated that the residents that she has spoken to are in agreement that some sort of permanent measure is needed. Ms. Mollis stated that these problems occur all day long except for when there is a police presence. Ms. Mollis stated that the traffic on King George stems from cars trying to avoid the light at Main Street and Delaware Avenue, but the same problems occur on Abey Drive and Burd Street. Ms. Mollis stated that she has done some research on traffic calming solutions. Ms. Mollis suggested speed bumps; either permanent or portable, speed humps with a gradual incline or perhaps more signage on these roads. Ms. Mollis stated that there is a big problem with cars that are not stopping at the stop sign at King George Road and Eglantine. Ms. Mollis stated that the concerned residents would like to encourage Borough Council to work with them to come up with a permanent solution to this problem. Ms. Mollis gave some statistics regarding speed bumps. Ms. Mollis stated that this issue has been ongoing for a long time and in talking to residents she has found out that residents have attempted to have this problem addressed as far back as 1985 and as recently as 2003. Ms. Mollis stated that petitions are currently being circulated at this time, as many residents in support of this issue could not attend the meeting. Ms. Mollis stated that they do not seek to impact emergency response routes or hinder public works in clearing the roads. Ms. Mollis offered many suggestions as to how the traffic could be calmed and stated that the residents would like to get something started to resolve the issue. Ms. Mollis stated that she speaks mainly about King George Road, however there might be residents from Abey Drive and Burd Street that would like to speak as well. Ms. Mollis stated that petitions are going around on all three streets.

Mr. Garber thanked Ms. Mollis for coming forward. Mr. Garber stated that as a former resident of lower King George Road, he started looking into the traffic problem six years ago and he felt it was good to bring this issue back around again. Mr. Garber stated that the Borough has looked into this issue previously and cautioned Ms. Mollis that there will be cost issues, regulatory issues and issues where other residents are not in favor of speed bumps. Ms. Mollis stated that she is aware of these issues and through the research that she has done has tried to address issues that may come up. Ms. Mollis stated that she does not expect Borough Council to install speed bumps based on her request, however she asked that Council take a serious look at the problem.

Mayor Persichilli stated that this issue has been raised in the past, and Borough Council has talked about it off and on and maybe it is time to take another look. Mayor Persichilli stated that with regard to funding, there may be some funds available based on a traffic study done by Bristol Myers Squibb. Mayor Persichilli stated that there appears to be enough interest to take another look at this issue. Mayor Persichilli stated that it is important to allow those in opposition the opportunity to speak on the issue also.

Mr. Garber asked Mr. Meytrott if the Borough, of its own accord would be able to install speed bumps on Borough roads. Mr. Meytrott stated that the Borough Engineer would need to develop specifications and roads that intersect with County roads, might require County approval. Mr. Meytrott stated that the County

has been very controversial with regard to speed bumps. Mr. Meytrott stated that when he received word that residents might be coming to the meeting tonight regarding this issue, the Police Department sent a car out to Burd Street to monitor traffic in the morning and afternoon, and nobody was picked up for speeding. Mr. Meytrott stated that it is true that a police presence slows traffic for the period of time they are out there and traffic slows for maybe a couple of days, but then it picks back up again. Mr. Meytrott stated that a more permanent solution is needed. Mr. Meytrott stated that studies that he has read indicate that there is a systematic approach to installation of speed bumps on a road or section of a road. Mr. Meytrott stated that installing one speed bump does not work, multiple speed bumps at suggested intervals is the recommendation. Discussion took place regarding some problems that might be encountered.

Mayor Persichilli stated that Ms. Mollis mentioned early in the discussion that there might be some citizens interested in working on this issue with Borough Council. Mayor Persichilli stated that it is important to have a group come to a consensus and again it is important to listen to residents that are opposed. Mr. Lawver stated that if the Borough talks to the County about this it is important to include Main Street in the discussion. Mayor Persichilli stated that there are also issues with maintenance of County roads that also need to be addressed in any discussions with the County. Mr. Meytrott suggested that he would be willing to work with a group to map out positives and negatives and then come back to Council in the next few weeks to make a presentation to Council.

Mr. Jerry Lax of 35 Abey Drive stated the he was thrilled to get an e-mail from Ms. Mollis about this issue. Mr. Lax stated that he has lived in Pennington two and a half years and Abey Drive is a logical cut through for a lot of people going in both directions. Mr. Lax stated that they get traffic early in the morning, starting with school buses that are moving from the depot out to Hopewell. Mr. Lax stated that there is also a lot of truck traffic, due to the traffic light at Main and Delaware and the fact that it is tight to make a right turn at that intersection. Mr. Lax stated that traffic has increased due to the change at Presidential Estates. Mr. Lax stated that the traffic goes sometimes until two or three at night. Mr. Lax stated that many residents, including himself have used King George Road, Burd Street and Abey Drive as ways to avoid Main Street and the light, but generally, people who live in town tend to go slower. Mr. Lax stated that it is the pass through traffic that is a big problem. Mr. Lax stated that he is thrilled that the Borough is going to consider this issue and he would be willing to be a part of a committee to look into this.

Mr. Gus Rossi of 427 Burd Street stated that he would also be willing to serve on a committee. Mr. Rossi stated that he has three small children and he has thrown garbage cans in the street to try and slow cars down. Mr. Rossi suggested installing stop signs at each intersection of Burd Street and other side streets in Pennington. Mr. Meytrott stated that years ago a study of Burd Street was done by the Department of Transportation at the request of the Borough. Mr. Meytrott stated that the idea was to install 4-way stops along Burd Street and the DOT turned that idea down. Mr. Meytrott stated that the same occurred with the intersection of East Franklin and Eglantine where the Borough had installed stop signs. Mr. Meytrott stated that the DOT stated that the Borough did not have approval and requesting removal of the signs. Mr. Meytrott stated that the DOT thinking is that speed is not controlled by stop signs. Mayor Persichilli stated that things have changed since then and it would be worthwhile to bring this up again.

Ms. Lee Herman of Main Street stated that she shares all of the concerns voiced regarding the roads mentioned, however she would like to talk about Route 31. Ms. Herman read a statement regarding the budget being presented this evening and whether there would be funding for a crossing guard at Route 31 and Delaware Avenue. Ms. Herman urged Council to discuss pedestrian safety at Route 31 proactively, with members of the public. Ms. Herman stated that she understands and appreciates the efforts of Council put into this issue thus far. Ms. Herman spoke further on the placement of a police officer at the intersection of Route 31 and Delaware Avenue and the importance of public information and input on the subject.

Mayor Persichilli stated that he wrote down some of the items that Ms. Herman mentioned, public safety, liability, shuttle bus and budget for crossing guards. Mayor Persichilli thanked Ms. Herman for her comments and stated that Borough Council has not been hiding anything from the public. Mayor Persichilli stated that Borough Council has discussed this issue many times with Ms. Herman and in an open forum. Mayor Persichilli reviewed the discussions that took place regarding busing and the intersection at Route 31 and Delaware including the traffic study and placement of a crossing guard. Mayor Persichilli stated that all of the discussions have been covered in an open forum, the bottom line being that we can't control what the school board does. Mayor Persichilli stated that the Borough has a good relationship with the school board and discussions will continue to take place.

Ms. Herman expressed concern with Borough Council approving a budget that does not include funding for a crossing guard at Route 31. Ms. Heinzel stated that the Borough is not planning to put a crossing guard at Route 31, but if it comes down to it, the Borough will place a police officer to make sure that children can get safely across Route 31, but that is a another discussion. Mr. Meytrott stated that the Borough has been investigating a more permanent solution, but given the fact that the busing situation is going to be what it is, in September, there will be a police officer at the intersection.

Ms. Heinzel stated that the subscription busing plan is a one-year experiment and it is important to realize that this elimination of busing will show how many children will be walking. Ms. Heinzel stated that school board would most likely hear from unhappy parents who don't want to pay for busing. Ms. Heinzel stated that she feels that come September when the Borough has an officer at Route 31 and the school board is getting calls from unhappy parents, things will change. Ms. Heinzel stated that is very important to continue a dialogue with the school and with Hopewell Township. Ms. Heinzel stated that it is important to recognize that DOT is doing a study of the intersection of Route 31 and Delaware Avenue, as they are an important player in all of this.

Mayor Persichilli stated that at the last meeting, Borough Council asked Mr. Meytrott to speak with Hopewell Township about sharing crossing duties as Hopewell residents would also be crossing at the intersection. Mr. Meytrott stated that what is needed is an agreement between Hopewell Township, the School Board and Pennington Borough.

Ms. Hillary Burke of 16 Abey Drive stated that she would like to comment on the traffic on Abey Drive as well as share an experience that she had this weekend. Ms. Burke stated that twice this weekend, she and her son rode their bikes to the Hopewell Township Library, across Route 31. Ms. Burke stated that her son almost got hit because the light at Delaware was green and as they started to cross, two cars proceeded to the light and made a right hand turn. Ms. Burke stated that there is no light indicating pedestrian crossing and her suggestion would be, not just a crossing guard, but maybe a pedestrian crossing light.

Mr. Meytrott stated that the Department of Transportation has looked at the intersection as recently as last year, based upon a request by the Borough, and the Borough was told that until that actual intersection is redesigned, they don't want to put in what they call a quick fix at this time.

Ms. Burke stated that she agrees with the concerns raised regarding traffic on Abey Drive. Ms. Burke also mentioned that she moved to Pennington so that she could walk and ride her bike to the downtown and she is very sad to see the closing of another store on Main Street.

Mr. DiFalco stated that several years ago, when he was on Council he was in favor of pedestrian crossing signs along Main Street and he is 100 percent in favor of speed bumps, pedestrian crossing signs and anything that would bring the Borough back to having pedestrians more taken care of. Mr. DiFalco stated that this Council is very much in favor of restoring Pennington to a walking town.

Ms. Kate Fuger of 6 Baldwin Court stated that she would like to discuss the storm drain on her property. Ms. Fuger stated that many of the members of Borough Council have viewed their property over the past year. Ms. Fuger stated that there is a Borough easement on her property with a storm drain that is not maintained and is not working. Ms. Fuger stated that the neighbors were working together to get this problem fixed, but one of the neighbors was concerned with having their landscape disrupted. Ms. Fuger stated that she really needs some help with the situation, as she is concerned about the pooling water and mosquitoes. Mr. Garber commented that the issue was that the Borough tried to bring all of the neighbors together to have a common solution to address the Fugers specific issue and to find a place for the water to go. Mr. Garber stated that there is a design issue that was flawed from the beginning and the bottom line is that the water does not drain out of the Fugers yard. Mr. Garber stated that the Borough was looking to drain the water out to Baldwin, but the Borough was unable to get all of the neighbors on board. Mr. Garber stated that Mr. Wittkop may have a solution to the problem which would involve lowering the outfall and installation of a perforated pipe that would drain into a seepage pit. Ms. Fuger stated that she would like to see something done because it is the Borough easement and it is not being maintained. Mr. Garber stated that the Borough does not have the wherewithal themselves to fix the problem, but we do have a resolution on the agenda for this evening to advertise for bids for a maintenance and emergency services contract. Mr. Garber explained that once the contract is in place, the Borough would try to look into obtaining estimates for the type of fix Mr. Wittkop suggested. Ms. Fuger asked Council how she should proceed from here. Mr. Garber stated that once the contract has been bid, he would look at the feasibility of the Borough doing something to resolve the drainage problem. Mr. Garber stated that are logistical issues as well as funding issues that need to be worked out. Ms. Fuger thanked Borough Council for their time.

Mayors Business

Mayor Persichilli made the following appointments:

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| • Tom Ogren | Planning Board – Alternate #2 | Term 5/7/07 to 12/31/08 |
| • Bill Alexander | Environmental Commission | Term 1/1/07 to 12/31/09 |
| • Joann Held | Environmental Commission – Alternate #1 | Term 1/1/07 to 12/31/09 |
| • Liz Semple | Environmental Commission | Term 1/1/07 to 12/31/09 |

Mayor Persichilli announced the following resignations:

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| • Paul Qvale | Shade Tree Commission |
| • Linda Cangiano | Coordinator of Children's Programs (Library) |

Mayor Persichilli announced that Cindy Persichilli has been hired as Coordinator of Children's Programs for the Library effective April 30, 2007. Mayor Persichilli stated for the record that he was not involved with this appointment.

Ms. Heinzl stated that Ms. Persichilli was hired by the Library Director and had many recommendations from citizens.

Ordinances for Public Hearing and Adoption

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 open the public hearing on Ordinance 2007-5, second by Council Member Tucker. There were no comments from the public. Council Member Garber made a motion to close the public hearing on Ordinance 2007-5, second by Council Member Tucker with all members present voting in favor. Council Member Garber made a motion to adopt Ordinance 2007-5, second by Council Member Tucker. Mr. Lawver gave a brief explanation as to why this ordinance is required. 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 curblin. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[2,009] 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 curblin. 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 curblin. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service - half width): \$[1,607] 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 curblin. 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 Lawver made a motion to open the public hearing on Ordinance 2007-6, second by Council Member Tucker. There were no comments from the public. Council Member Tucker made a motion to close the public hearing on Ordinance 2007-6, second by Council Member Garber with all members present voting in favor. Council Member Lawver made a motion to adopt Resolution 2007-6, second by Council Member Tucker. Mr. Lawver stated that the primary reason for this increase is increased costs for debt service on the new public works building. Mr. Lawver stated that there are also minor increases in the costs from Stonybrook and in some one time operating expenses. Council Member Lawver made a motion to adopt Ordinance 2007-6, second by Council Member Tucker with all members present voting in favor.

Public Hearing on 2007 Budget

Mayor Persichilli made a statement that Council would be holding the public hearing on the budget, however the budget will not be adopted tonight. Mayor Persichilli stated that following the public hearing on the budget, an amendment to the budget will be introduced. Mayor Persichilli announced the public hearing on the amendment and adoption of the budget will be held at the June 4th Council Meeting.

Council Member Tucker made a motion to open the public hearing on the 2007 budget, second by Council Member Heinzl. There were no comments from the public. Mr. Lawver stated that the numbers reflected in the budget scheduled for adoption at the June 4th meeting are the same numbers that Council reviewed at the budget workshop meeting held two weeks ago. Mr. Lawver reviewed the changes that are being made to the introduced budget; interest for bond anticipation notes which was not included and subsequent negotiations with Hopewell Township on three interlocal agreements, which resulted in increases or additions to the budget. Mr. Lawver explained that to offset some of these additions that Capital Improvement line was decreased. Council Member Tucker made a motion to close the public hearing on the budget, second by Council Member Garber with all members present voting in favor.

Mayor Persichilli read Resolution 2007-5.4 by title.

BOROUGH OF PENNINGTON
MERCER COUNTY, NEW JERSEY

Resolution #2007-5.4

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2007 was approved on the 9th day of April, 2007 and;

WHEREAS, the public hearing on said budget has been held as advertised, and;

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Pennington, County of Mercer, that the following amendments to the approved budget of 2007 be made:

	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>
(Insert last names)	(DiFalco)	((
Recorded Vote	(Garber)	((
	(Heinzel)	((
	(Lawver)		<u>Absent</u>
	(Tucker)		(
	(Zompa)		(
			(
		<u>From</u>	<u>To</u>
Current Fund - Anticipated Revenues:			
General Revenues			
6. Amount to be Raised by Taxes:			
(a) Local Tax for Municipal Purposes			
Including Reserve for			
Uncollected Taxes		<u>2,028,869.50</u>	<u>2,063,701.75</u>
7. Total General Revenues		<u><u>3,084,759.52</u></u>	<u><u>3,119,591.77</u></u>
Current Fund - Appropriations:			
8. General Appropriations			
(A) Operations Excluded from "CAPS"			
Interlocal Service Agreements			
Emergency 911 & Dispatch		45,500.00	47,657.00
Senior Services Coordinator		0.00	3,325.00
Recreation		<u>0.00</u>	<u>3,000.00</u>
Total Interlocal Agreements - Excluded from "CAPS"		<u>121,030.00</u>	<u>129,512.00</u>
Total Operations Excluded from "CAPS"		<u>361,819.27</u>	<u>370,301.27</u>
(C) Capital Improvements -			
Excluded from "CAPS"			
Capital Improvement Fund		<u>21,850.00</u>	<u>15,000.00</u>
Total Capital Improvements -			
Excluded from "CAPS"		<u>21,850.00</u>	<u>15,000.00</u>
(D) Municipal Debt Service-			
Excluded from CAPS			
Payment of Bond Anticipation Notes		56,500.00	50,000.00
Interest on Notes		<u>0.00</u>	<u>39,700.25</u>

Total Municipal Debt Service		
Excluded from "CAPS"	369,056.25	402,256.50
(O) Total General Appropriations -		
Excluded from "CAPS"	875,725.52	910,557.77
(L) Subtotal General Appropriations	833,008.75	867,841.00
Total General Appropriations	3,084,759.52	3,119,591.77

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for her certification of the 2007 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S. 40A: 4-9, be published in The Pennington Post in the issue of May 17, 2007, and that said publication contain notice of public hearing on said amendment to be held at Borough Hall on June 4, 2007, at 7:00 o'clock p.m.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 7th day of May, 2007.

Certified by me

May 7, 2007

Betty Sterling
Borough Clerk

It is hereby certified that the preceding approved Budget Amendment is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

May 7, 2007

Robert S. Morrison
Registered Municipal Accountant

Council Member Lawver made a motion to adopt Resolution 2007-5.4, second by Council Member Tucker with all members present voting in favor.

Committee Reports

Planning & Zoning/Library – Ms. Heinzl reported that that Planning Board had their regular meeting on April 11, 2007, the Straube Center application will be carried to the May 9th meeting and a variance application for 49 Eglantine Avenue was approved. Ms. Heinzl reported that Cindy Coppola made a presentation to the Planning Board, which she then brought to Council at the April 23rd meeting. Ms. Heinzl stated that Ms. Coppola outlined the third round housing obligations that the Borough is required to submit for approval to the NJ Council on Affordable Housing by May 15th, 2007. Ms. Heinzl stated that Ms. Coppola has since completed the Borough’s Housing Plan Element and Fair Share Plan amendment to the Borough Master Plan. Ms. Heinzl reported that the plan will be considered by both the Planning Board and Borough Council for approval and submission to the Council on Affordable Housing.

Ms. Heinzl reported that the Environmental Commission met on April 19th. Ms. Heinzl stated that the commission will be distributing brochures on Stormwater Management rules at Pennington Day along with materials from the newly formed working group on global climate change issues.

Ms. Heinzl reported that the Library Board of Trustees met last Thursday. Ms. Heinzl reported that Cindy Persichilli was introduced to the Board. Ms. Heinzl reported that the Library Board held its first movie night last Friday and it was very well attended. Ms. Heinzl reported that the Library is putting together their plan for the summer reading program. Ms. Heinzl stated that the Library will be holding a fundraiser next week at Amalfi’s, Brian Hague will be speaking on his bestselling book, Man in the Middle.

Public Works – Mr. Garber reported that the Public Works Committee met several weeks ago with the focus of the meeting being water issues within the Borough including, discussion of Borough wells,

rehabilitation and treatment of wells, new water meter system and a new water tower. Mr. Garber stated that the Public Works Committee would be meeting again in a few weeks for presentations from three vendors who offer different forms of remote read metering devices. Mr. Garber stated that the Public Works Committee would then be bringing a recommendation to Council concerning water meters.

Mr. Garber reported on a letter from Brian Hopkins of the NJ State Department of Environmental Protection, Bureau of Safe Drinking Water. Mr. Garber stated that Mr. Hopkins was here in February to conduct profile sampling of Borough water, which is done for every public/community water system in the State. Mr. Garber stated that he is pleased to report that the Borough's water quality is in compliance with NJ State Drinking Water Quality standards.

Mr. Garber gave the water and trash report for April 2007.

PENNINGTON BOROUGH PUBLIC WORKS

TO: David Garber, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: May 3, 2007

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

WATER

Water pumped for the month of April 2007- 7,506,000
Daily- 250,200

Water pumped for the month of April 2006 – 8,260,000
Daily- 275,300

For the month of April 2007 we averaged 25,000 gallons less per day than 2006.

TRASH

93.19 tons of household trash for the month of April 2007 vs.
98.80 tons in April 2006

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

Personnel – Ms. Zompa reported that the Personnel Committee met on April 27th for the purpose of discussing a personnel recommendation in Public Works. Ms. Zompa requested a closed session to further discuss this issue.

Community Services – Mr. DiFalco reported that he attended a meeting of the Hopewell Township Recreation Commission with discussion centered around the cost sharing arrangement with the Borough's of Pennington and Hopewell.

Public Safety – Mr. Tucker reported that on the weekend of April 14th and 15th, a storm hit, dumping approximately three inches of rain on the Borough, no significant problems occurred, however the fire department was busy pumping out 31 flooded basements throughout the Hopewell Valley. Mr. Tucker reported that on April 17th, Gene Dunworth and Bill Meytrott attended a meeting at the Ewing Township Municipal Building to explore the possibility of regionalized communication system involving, Lawrence Township, Ewing Township, Hopewell Township and Pennington Borough. Mr. Tucker reported that Mr. Meytrott along with other Borough officials attended shared services seminar sponsored by Mercer County, more information to follow. Mr. Meytrott met with the Pennington Day Committee on April 19th to discuss police coverage for Pennington Day. Mr. Tucker reported that on April 24th Mr. Don Ruprecht of Commerce Risk Management for the Mercer County Joint Insurance Fund, toured Borough facilities with respect to insurance issues and a report has been submitted. Mr. Tucker stated that the Borough has been advised that a State Mediator has been assigned to mediate an impasse between Pennington Borough and the Pennington Borough Fraternal Order of Police; a date for the meeting will be forthcoming.

Mr. Tucker reported the following statistics for the month of April 2007.

1	Theft
108	Motor Vehicle Stops
48	Summonses Issued
21	Parking Summonses
2	Dui Summonses
49	Warnings
2	Adult Males Arrested
1	Adult Females Arrested

Finance – Mr. Lawver reported that the Economic Development Commission met recently on two occasions. Mr. Lawver stated that the Rider University Small Business Institute study team completed their market analysis and shared the report with the commission last Friday. Mr. Lawver stated that the report would be presented to Borough Council at the June 4th meeting.

New Business

**Borough of Pennington
Resolution #2007-5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Michael D. Breihler, 6 Weidel Drive, Block 304, Lot 20 in the amount of \$67.49 for an escrow balance related to Planning Board application number P05-015.

BE IT RESOLVED that a refund be issued to Washington Mutual, c/o First American Real Estate Tax Service, PO Box 961250, Fort Worth, TX 76161-9887, for an overpayment on 1st and 2nd quarter 2007 taxes in the amount of \$1,659.80 due to a County Appeal for Mark O’Dea, 124 S. Main Street, Pennington, NJ 08534.

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	M				Tucker	X			
Heinzel	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-5.1, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 5.2**

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 \$ 1,206,445.00 from the following accounts:

Current	\$ 1,149,577.11
W/S Operating	\$ 39,414.99
Developers Escrow	\$ 5,955.61
General Capital	\$ 1,996.61
Grant Fund	\$ 9,402.19
Unemployment Trust	\$ 17.00
Animal Control	\$ 6.49
Other Trust Fund	\$ 75.00
TOTAL	\$1,206,445.00

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	X			
Heinzel	X				Zompa	S			

Council Member Lawver made a motion to approve Resolution 2007-5.2, second by Council Member Zompa. Council Members had questions on specific bills on the bill list. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2007-5.3**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL
INCORPORATED FOR THE COMPLETION OF THE
2006 RIGHT TO KNOW SURVEY**

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2006 Right To Know Survey; and

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals and completion of the 2006 Right to Know Survey for each area as follows:

1. Borough Hall/Library/Police Dept.
2. Senior Citizen Center
3. Public Works Garage
4. Well House 4 & 5
5. Well House 6
6. Well House 7
7. Well House 8 & 9

WHEREAS, PARS Environmental, Inc. will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

WHEREAS, PARS Environmental, Inc. has agreed to perform these functions at a lump sum amount of \$1,500.00;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to enter into an agreement on behalf of the Borough for services as stated 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	M				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-5.3, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007-5.5**

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

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

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

WHEREAS, the municipalities have agreed to provide proportionate shares based on the enrollment of students in the Hopewell Valley school system, and Pennington's proportionate share for 2007 is \$1,250.00; and

WHEREAS, funds are available in account #7-01-42-104-000-267, Interlocal Agreements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Clerk are hereby authorized to execute the agreement with Hopewell Township for Municipal Alliance for 2007.

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 2007-5.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 5.6**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1
TO PATTERSON CHEVROLET FOR DELIVERY OF
PUBLIC WORKS VEHICLE**

WHEREAS, Patterson Chevrolet has delivered to the Borough of Pennington a 2007 Chevrolet Silverado – 4WD Pickup for the Public Works Department; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed the paperwork submitted and has approved payment for same pursuant to the contractor's Request for Payment No. 1 in the amount of \$29,573.;and

WHEREAS, this is a partial payment as the truck was delivered without the required fiberglass cap, which is on order; and

WHEREAS, funds are available in account # W-06-00-551-000-255;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Patterson Chevrolet in the amount of \$29,573. is hereby authorized pursuant to Payment Request No.1.

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	M				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-5.6, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution # 2007-5.7**

**A RESOLUTION AUTHORIZING AND APPROVING AN INTERLOCAL AGREEMENT
BETWEEN THE BOROUGH OF PENNINGTON AND THE MERCER COUNTY
IMPROVEMENT AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE
TERM OF AUGUST 1, 2007 THROUGH JULY 31, 2008**

WHEREAS, there exists a need in the Borough of Pennington to provide recycling services to its residents; and

WHEREAS, the Mercer County Improvement Authority (“MCIA”) has been designated by the County of Mercer as the implementing agency for the Solid Waste Management Plan within Mercer County under the Solid Waste Management Act N.J.S.A. 13:1E-1 et.seq. for the curbside collection of recyclables; and

WHEREAS, the Borough of Pennington wishes to continue its participation in the Mercer County Solid Waste Management Plan by having MCIA provide for the Curbside Recycling Program throughout the Borough during the term of the agreement; and

WHEREAS, N.J.S.A. 40:8A-1 et. seq., the New Jersey Interlocal Services Act, permits the Borough of Pennington to enter into an Agreement with MCIA to provide for said Curbside Recycling Services during the Term of the Agreement; and

WHEREAS, the Agreement between the MCIA and the Borough of Pennington for Curbside Recycling Collection Program is for a period of one year commencing on August 1, 2007 through July 31, 2008; and

WHEREAS, the Borough shall pay the MCIA \$2,377.92 per month (\$28,535.00 annually) based on estimated net costs of the program, subject to adjustment based on actual costs;

WHEREAS, the Borough must abide by the terms of any agreement entered into between the MCIA and the recycling vendor and shall not take any action in violation of any such agreement;

WHEREAS, the Agreement between the Borough of Pennington and the MCIA supersedes all prior Interlocal Agreements for Curbside Recycling;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, in the County of Mercer and State of New Jersey, that the Mayor, with the attestation of the clerk, is hereby authorized to enter into and execute the aforesaid Interlocal Services Agreement on behalf of the Borough;

BE IT FURTHER RESOLVED, that the Agreement shall take effect upon the adoption of an appropriate resolution by the MCIA and the execution of the Agreement by and between the Borough of Pennington and the MCIA in accordance with N.J.S.A. 40:8A-1 et seq.

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	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-5.7, second by Council Member Tucker. A brief discussion of recycling took place followed by a roll call vote with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-5.8**

RESOLUTION AUTHORIZING A THREE-YEAR INTERLOCAL SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR POLICE DISPATCHING SERVICES FOR THE YEARS 2007, 2008 AND 2009

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of emergency and police dispatch 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 term of the proposed contract, entitled "Interlocal Services Agreement For Police Dispatching And Emergency Communication Services Between The Township Of Hopewell And Borough Of Pennington", shall be for three years beginning January 1, 2007 and continue through December 31, 2009; and

WHEREAS, the Borough shall pay Hopewell Township as follows:

2007	\$47,657.00
2008	\$49,563.28
2009	\$51,545.81

WHEREAS, the increased amounts for 2008 and 2009 shall be subject to adjustment if actual costs exceed the increased amounts, as determined by joint review of the municipalities;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Interlocal Services Agreement with Hopewell Township for the provision of emergency dispatching services during the period January 1, 2007 through December 31, 2009; and

BE IT FURTHER RESOLVED, that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney.

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	X				Zompa	S			

Council Member Tucker made a motion to approve Resolution 2007-5.8, second by Council Member Zompa. Mayor Persichilli commented that a lot of discussion took place regarding this contract and further discussion will continue. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007-5.9**

RESOLUTION TO APPLY FOR A 9-1-1 CONSOLIDATION STUDY GRANT

WHEREAS, the Township of Hopewell Police Department maintains a 9-11 public safety answering point (PSAP) that services all of Hopewell Township, Hopewell Borough and Pennington Borough; and

WHEREAS, Hopewell Township has been approached by Ewing Township to explore the possibility of creating a regional PSAP/9-1-1 center; and

WHEREAS, the New Jersey State 9-1-1 office is making available grant funding for the consolidation of PSAP's throughout the state; and

WHEREAS, Hopewell Township desires to explore the possibility of regionalizing its PSAP with Ewing Township and Lawrence Township, as well as the Boroughs of Hopewell and Pennington (already serviced by Hopewell Township PSAP);

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the Borough supports the application of the Hopewell Township Police Department for a grant from the State of New Jersey, 9-1-1 office, to study all aspects of consolidating the PSAP's for Ewing Township, Hopewell Borough, Hopewell Township, Lawrence Township and Pennington Borough.

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	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-5.9, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-5.10**

**RESOLUTION ACCEPTING IN PRINCIPLE THE
OFFERED PAYMENT OF \$100,000 BY BRISTOL-MYERS
SQUIBB COMPANY TO OFFSET TRAFFIC IMPACTS
ON BOROUGH STREETS ANTICIPATED BY THE
PROJECTED GROWTH OF THE BRISTOL-MYERS SQUIBB SITE**

WHEREAS, Bristol-Myers Squibb Company ("BMS") owns land known as Lot 8.01 in Block 46 in the Township of Hopewell and has obtained a General Development Plan ("GDP") approval from the Hopewell Township Planning Board, effective December 15, 2005, which vests zoning rights in the property for twenty (20) years;

WHEREAS, the BMS land is located on the border of the Borough, has approximately 1,000,000 square feet of existing office and laboratory space, and, under the GDP, is to be further developed with office and laboratory space and other construction up to a total buildout of 2,819,469 square feet;

WHEREAS, a condition of the GDP approval is that BMS make suitable arrangements with the Borough to contribute to the costs of remediating anticipated traffic impacts on Borough streets and roads caused by the projected growth of the BMS site;

WHEREAS, BMS and the Borough have worked cooperatively to determine a fair contribution by BMS toward these costs, assisted in this effort by data produced by the Hopewell Valley Transportation Management Coalition and a study by Orth-Rodgers & Associates, Inc. commissioned by the Borough;

WHEREAS, as set forth in the attached letter dated March 8, 2007 from James K. Harbaugh, BMS' Director of Corporate Real Estate, to Mayor Anthony Persichilli, BMS offers a total payment to the Borough in the amount of \$100,000., subject to the conditions and limitations contained in the letter;

WHEREAS, the Mayor and Borough Council accept the offer in principle subject to execution of a formal agreement;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the aforesaid offer of BMS to pay \$100,00 to the Borough is hereby accepted subject to execution of a formal agreement.

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- 5-10, second by Council Member Zompa with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-5.11**

**RESOLUTION AUTHORIZING THE BOROUGH OF PENNINGTON
TO ENTER INTO AN AMENDED RECREATION INTERLOCAL
SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP,
HOPEWELL BOROUGH AND THE HOPEWELL
VALLEY REGIONAL SCHOOL DISTRICT**

WHEREAS, the parties have agreed to provide and/or support recreation programs within their jurisdictions; and

WHEREAS, the parties have entered into a recreation Interlocal Services Agreement to effectuate that purpose; and

WHEREAS, the Township of Hopewell has served as the lead agency under the terms of the agreement, appointing a recreation director to plan, direct, coordinate and supervise the provision of recreation services, programs and facilities to the residents of Hopewell Valley; and

WHEREAS, all of the parties have benefited from this agreement; and

WHEREAS, Hopewell Township now seeks monetary compensation from Hopewell Borough and Pennington Borough for the services that it provides to those Boroughs under the agreement; and

WHEREAS, the parties have agreed that a \$3,000 contribution from Pennington Borough and a \$3,000 contribution from Hopewell Borough are appropriate for the 2007 Budget year, but they will continue discussing a fair and equitable funding formula for ensuing years.

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an amendment to the 2003 Recreation Interlocal Services Agreement providing for a \$3,000 contribution by Pennington Borough for the 2007 budget year. This said amendment to be approved as to form by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-5.11, second by Council Member Heinzel. Ms. Heinzel pointed out that this resolution amends the existing Interlocal for Recreation, which is set to expire December 2007. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2007-5.12**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR
PUBLIC BIDS FOR THE PUBLIC WORKS MAINTENANCE
AND EMERGENCY SERVICES CONTRACT**

WHEREAS, the Borough of Pennington has a need to complete various maintenance projects and to make other repairs to the existing water distribution and sewage collection systems in the Borough;

WHEREAS, maintenance and repair projects presently identified include in various locations in the Borough replacement of water main and residential water services, repairs and replacements to the storm sewers, and replacement of sanitary sewer manhole castings;

WHEREAS, the Borough also has a need to be able to perform presently unspecified general and emergency utility repair work as the need arises from time to time;

WHEREAS, the Borough seeks to retain a contractor to perform such projects and repairs on an as needed basis, reserving to the Borough the right to delete one or more maintenance projects and to increase or decrease item quantities with respect to any particular project;

WHEREAS, the work in question shall be performed pursuant to specifications and subject to review and approval by the Borough Engineer;

WHEREAS, the Borough also has determined that it is in the public interest from the standpoint of both cost and continuity that the contract for this work be for an initial term of one year with the possibility of extensions for up to two additional one-year terms;

WHEREAS, any such extensions of the contract shall require agreement of the parties as well as compliance with the limitations on such extensions under the Local Public Contracts Law, including the requirement that Borough Council first determine that the work is being performed in an effective and efficient manner;

WHEREAS, necessary funding for the year 2007 is presently available, and any future extensions of the contract shall be subject to the availability and appropriation of required funds for the extended obligation at that time;

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

(1) the Borough Engineer is hereby authorized to prepare all specifications and other documents for the aforesaid contract, including the two possible one-year extensions;

(2) the Borough Administrator, in coordination with the Borough Engineer, is hereby authorized to advertise publicly for bids for the proposed contract, in compliance with the Local Public Contracts Law.

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	M				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-5.12, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution 2007-5.13**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO E. O. HABHEGGER COMPANY, INC. FOR ABOVE GROUND
FUEL TANKS, ASSOCIATED EQUIPMENT AND INSTALLATION**

WHEREAS, the Borough of Pennington requires acquisition and installation of aboveground fuel tanks at the Borough's new Public Works Facility;

WHEREAS, the Borough has identified through the State of New Jersey, Bureau of Purchase, a suitable contractor available for municipal use under State contract, in particular, Solicitation Number 35621, Contract Number 63625;

WHEREAS, the contractor, E. O Habegger Company, Inc. of 327 North Washington Street, Hammonton, New Jersey 08037, has provided the attached quotation for provision of two 1000-gallon tanks (a tank for gasoline and a split tank for diesel/kerosene), pumps for the tanks, tank accessories, and tank installation subject to the supervision and approval of the Borough Engineer;

WHEREAS, the quoted price for the work, including obtaining all necessary permits, is \$60,060.59 as further set forth and itemized in the attached documentation;

WHEREAS, the proposed contract is not subject to public bidding because it is entered into pursuant to State contract;

WHEREAS, funds for this contract are available in C-04-03-009-000-000 – Ordinance 2003-9;

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

(1) the aforesaid quotation for the work by E. O. Habegger Company, Inc. is hereby accepted;

(2) the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a contract for the work with E. O. Habegger Company, Inc. for a price not to exceed \$60,060.59;

(3) the aforesaid contract shall be approved as to form by the Borough Attorney and Borough Engineer, ensuring appropriate insurance protection and warranties, location sketch, power source, and compliance with applicable laws and regulations.

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	M				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-5.13, second by Council Member Tucker. Discussion took place with regard to specifications and labor costs and upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2007-5.14**

**RESOLUTION AUTHORIZING CONTRACT WITH SINCLAIR
MATERIAL HANDLING, INC. FOR MATERIALS/HANDLING
ITEMS NEEDED FOR PUBLIC WORKS FACILITY**

WHEREAS, the Borough of Pennington has constructed a new Public Works Facility which requires acquisition and installation of various materials/handling items to prepare it for operation;

WHEREAS, the items needed include pallet racks, cantilever racks, wire decks, facilities for sign post storage, and various warehouse equipment as further described in the attached quotation of Sinclair Material Handling, Inc.;

WHEREAS, the Department of Public Works has obtained quotations from three vendors for the needed items and the attached quotation of Sinclair Material Handling, Inc., at \$20,883.60, represents the lowest price quotation, and acceptance of this quotation is otherwise in the best interests of the Borough;

WHEREAS, the quotation by Sinclair Material Handling, Inc., as well as the other two quotations, are based on payment of prevailing wages for the labor component of the project;

WHEREAS, the quotation by Sinclair Material Handling is also below the threshold for public bidding under the Local Public Contracts Law and can therefore be awarded without advertisement for public bids;

WHEREAS, acceptance of this quotation and the contract hereby authorized is conditioned on the vendor's agreement that under no circumstances may the vendor's performance of the contract require any payment in excess of the quoted price;

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

1. The attached quotation by Sinclair Material Handling, Inc. is hereby accepted.
2. The Mayor is hereby authorized to enter into a contract on behalf of the Borough with Sinclair Material Handling, Inc. in conformance with the attached quotation and in a form approved by the Borough Attorney.
3. The payments to Sinclair Material Handling, Inc. and the costs of this project shall not exceed \$20,883.60.

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	M				Tucker	X			
Heinzel	X				Zompa	S			

Council Member Garber made a motion to approve Resolution 2007-5.14, second by Council Member Zompa. Mr. Wittkop explained that this is for shelving and fit out for the new public works facility. Mr. Wittkop explained that some of the items are required to meet PEOSHA regulations. Upon a roll call vote, all members present voted in favor with the exception of Council Member DiFalco who abstained.

**Borough of Pennington
Resolution #2007-5.15**

**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.

Municipal Clerk	Salaries and Wages	\$5,000.00
Tax Collection	Salaries and Wages	\$5,000.00
Finance	Salaries and Wages	\$5,000.00
Legal Services	Other Expense	\$10,000.00
Planning Board	Other Expense	\$5,000.00
Police	Salaries and Wages	\$25,000.00
Police	Other Expense	\$10,000.00
Streets	Salaries and Wages	\$10,000.00
Streets	Other Expense	\$10,000.00

Trash	Other Expense	\$5,000.00
Borough Property	Other Expense	\$5,000.00
Recreation	Salaries	\$2,500.00
Recreation	Other Expense	\$2,500.00
Library	Salaries and Wages	\$5,000.00
Library	Other Expense	\$5,000.00
Telephone	Other Expense	\$5,000.00
Gas (Natural/Propane)	Other Expense	\$2,500.00
Gasoline	Other Expense	\$3,000.00
Social Security	Other Expense	\$5,000.00
	Total	\$125,500.00

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

Sewer	Other Expense	\$5,000.00
	TOTAL	\$5,000.00

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	X			
Heinzel	S				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-5.15, second by Council Member Heinzel with all members present voting in favor.

Administrator Report

Mr. Dunworth asked for Council approval on a request from Edmunds and Associates in support of a program to contribute to the Crohn’s and Colitis Foundation of America. Mr. Dunworth explained that Edmunds is requesting a \$250.00 contribution with the agreement that the same amount will be deducted from next years support invoice. Council Member Tucker made a motion to approve the request, second by Council Member Heinzel with all members present voting in favor.

Mr. Dunworth stated that he received a request from St. Matthews Episcopal Church regarding closing of Curlis Avenue for an event on Sunday, June 10th. Council Member Tucker made a motion to approve the request, second by Council Member Garber with all members present voting in favor.

Professional Reports

Mr. Wittkop reported on a problem regarding drainage on Borough Property at the Senior Center. Mr. Wittkop stated that he received complaints from two residents. Mr. Wittkop explained that since the sidewalks and curbing were put in on Reading Street, a ponding effect has developed at the Senior Center. Mr. Wittkop stated that the two residents, one next to the Senior Center and one across the street have called and asked what the Borough plans to do about this problem. Mr. Wittkop stated the he and Mr. Dunworth went over to the Senior Center today and looked at the problem. Mr. Wittkop stated that one of the residents approached them and asked what the Borough plans to do about the overall problem of drainage at the Senior Center. Mr. Wittkop stated that he could dump dirt in one spot, but he would like Council’s direction on how to address the overall problem so that he can respond to the residents. Discussion took place with Council asking questions with regard to the drainage problems. Mr. Wittkop explained that there are several areas where water does not drain for two to three days, creating a ponding effect in several places. Ms. Heinzel asked how dumping dirt would solve the problem. Mr. Wittkop explained that dumping dirt in a specific area would push the water away in a different direction, which would solve the one problem, but would not solve the overall issue. Mr. Persichilli inquired as to costs for fixing the ponding. Mr. Wittkop stated that the Borough would supply the labor, but would have to purchase the dirt. Mr. Wittkop suggested that he could core drill the curb and put in a drain through the curb to empty the water onto the street. Mr. Wittkop stated that this work could be done under the maintenance and repair contract. Following some discussion regarding the two options and funding sources, Council decided that installing a drainage pipe would be a more permanent fix than filling the area with dirt. Council agreed that the problem should be fixed using part of the balance of grant funds available for the Senior Center if that is an allowable expense and if not funding would be found elsewhere.

Public Comment

Ms. Lee Herman of Main Street stated that the pedestrian light at Main and Delaware has been out for about three weeks. Ms. Herman inquired as to the status of signs indicating no parking on the Boulevard. Mr. Dunworth stated that the Ordinance was forwarded to the County and they have not responded yet. Mr. Dunworth stated that he would follow up with the County to check on the Ordinance.

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

AT, 9:50 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:

Issues Surrounding Enforcement of Grease Interceptor Ordinance
Personnel

At 11:00 pm, Council returned to open session.

Council Member Zompa made a motion to approve for content, but not release, the Closed Session minutes from February 26th, 2007 and April 9, 2007, second by Council Member Garber. Upon a roll call vote all members present voted in favor with the exception of Mr. DiFalco who abstained.

At 11:04 pm, Council Member Zompa made a motion to adjourn the meeting, second by Council Member Garber with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk