

**Pennington Borough Council
Regular Meeting – July 2, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:01 pm. Borough Clerk Betty Sterling called the roll with Council Members DiFalco, Heinzel, Lawver, Tucker and Zompa in attendance. Council Member Garber was absent. Mayor Persichilli stated that Mr. Garber was home recuperating from a broken leg.

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 Lawver made a motion to approve the minutes of the June 4, 2007, Regular Meeting, second by Council Member Tucker with all members present voting in favor with the exception of Ms. Heinzel who abstained.

Open to the Public – Agenda Items Only

Mayor Persichilli made the following announcement:

Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public.

Mayors Business

Mayor Persichilli stated that this week the Borough received approval from the Department of Environmental Protection to move into the new Public Works Facility. Mayor Persichilli thanked all those who worked on getting this approval from the DEP. Mayor Persichilli asked Mr. Wittkop to explain what else needs to be done before the move can take place. Mr. Wittkop stated that sewer lines need to be hooked up, fuel tanks need to be installed and paving needs to be done. Mr. Wittkop stated that it would be another couple of months before the move occurs.

Mayor Persichilli stated that he has asked Tom Ogren to assist with getting things moving with regard to the Streetscape project. Mr. Persichilli stated that Mr. Ogren has reviewed the Streetscape report and will be putting together a proposal for a grant to begin work in downtown Pennington. Mayor Persichilli thanked Tom Ogren for agreeing to work on this project. Mayor Persichilli stated that Mr. Ogren has prepared a proposal with estimates, all of which has been reviewed by the Borough Engineer. Mayor Persichilli stated that at the next meeting, a resolution would be presented to go forward with application for grant funds. Mayor Persichilli asked Mr. Ogren to give Council a brief overview of the proposed plans for Phase I of the Streetscape project. Mr. Ogren explained that there are three basic elements to the proposal, which focuses on the area from the intersection of Main and Delaware to the first driveway entrance to Borough Hall and on the opposite side of the road to the Blackwell Funeral Home. Mr. Ogren explained that the proposed improvements include sidewalks, curbing, decorative street lights with hanging flower baskets, a clock tower at the intersection and pavers within the crosswalks at Main and Delaware.

Mayor Persichilli invited Mr. Severino DiCocco to come forward. Mr. DiCocco spoke on behalf of the Hopewell Valley Veteran's Association. Mr. DiCocco thanked Council for allowing him to come and update Council on the status of the Veteran's Memorial. Mr. DiCocco gave an overview of the events leading up to this point. Mr. DiCocco explained that last Memorial Day; the Association broke ground on the Veteran's Memorial that will be shared by all three municipalities. Mr. DiCocco explained that this year, Phase I of construction, which consists of the concrete work, is substantially complete. Mr. DiCocco explained that next year, Phase II would begin which involves the parking area and walkways and major landscaping. Mr. DiCocco stated that hopefully the work would be completed by Veteran's Day of 2008. Mr. DiCocco stated that Phase III, scheduled for 2009, would be the main monument itself. Mr. DiCocco explained the total cost for the project is between \$500,000 and \$550,000. Mr. DiCocco explained that some of the work that has already been completed has been donated and the goal is to stay within the budget. Mr. DiCocco explained that their fundraising chairman has received pledges from a number of companies and corporations. Mr. DiCocco explained that even if the Association had all of the pledges in hand they would still be short of their goal, meaning that the project will take several years instead of being completed in a year or so. Mr. DiCocco stated that there is a possibility that some State Funding may be available, but at this time the Association does not know for sure. Mr. DiCocco stated that Hopewell Township donated the land and \$5,000 towards this project. Mr. DiCocco stated that the Township Engineer has been doing the engineering work, pro bono, on his own time. Mr. DiCocco stated that Hopewell Borough has donated about \$400.00. Mr. DiCocco stated that at the Association's last meeting it was reported that Pennington Borough was unable to provide any funding at this time. Mr. DiCocco stated

that the committee would like to request a token donation towards this project to show that Pennington Borough is still in support of the project.

Mayor Persichilli responded that Borough Council supports this project and has supported the project from the beginning. Mayor Persichilli stated that he has been out to the site and the project has come a long way. Mayor Persichilli stated the problem lies with the Borough budget, which is extremely tight. Mayor Persichilli asked if Council had any input on how to proceed with this request. Mr. Lawver stated that very early in the budget process a line item was inserted for \$5,000. Mr. Lawver stated that this surprised him because a formal request was not made for this amount of money. Mr. Lawver stated that the item was removed in the last weeks of the budget process when \$50,000 was required to be cut to come in under budget caps. Mr. Lawver stated that the finance committee could find \$500.00 within the budget as a token contribution. Mr. Lawver stated that when the \$5,000 was removed from the budget, a discussion took place with regard to what type of in-kind services the Borough could provide and Council was very open to this possibility, however more specifics were needed.

Mr. DiCocco thanked Council for their time and stated that he is happy to hear that Pennington Borough is still in support of the project.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2007-7 by title.

BOROUGH OF PENNINGTON ORDINANCE #2007-7

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2007

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON AS FOLLOWS:

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

Borough Administrator – Part Time	\$ 15,000.00
Borough Clerk	\$33,745.92
Treasurer	\$53,532.73
Tax Collector	\$17,679.19
Deputy Clerk	\$16,069.55
Deputy Registrar	\$1,754.79
Utility Collector	\$24,486.35
Tax Assessor	\$12,531.52
Zoning Officer	\$6,967.76
Land Use Admin/Admin Asst.	\$40,610.66
Supt. of Public Works	\$47,696.44
Supt. of Water Dept.	\$20,296.20
Supt. of Sewer Dept.	\$20,296.20
Judge of Municipal Court	\$9,985.07
Prosecutor	\$3,319.01
Court Administrator	\$13,681.25
Public Safety Director	\$48,863.21
Construction Official	\$21,617.82
Plumbing Sub-Code	\$32.45/hour
Fire Sub-Code	\$32.45/hour
Electric Sub-Code	\$8,652.80
Technical Assistant to Construction	\$15.00/hour

- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.
- d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$25.00	\$65.17
Police Department:		
Crossing Guards	\$15.00	\$20.80
Special Police	\$16.27 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$8.00	\$18.72
Part Time/Temporary/Licensed	up to a maximum of	\$32.45

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2007.

Council Member Zompa made a motion to open the Public Hearing on Ordinance 2007-7, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2007-7, second by Council Member Lawver with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2007-7, second by Council Member Lawver. Mr. Lawver explained that this Ordinance reflects a 4 percent increase as determined by past practice whereby the professionals and office staff receive the same increase as that set by bargaining agreements.

Committee Reports

Planning & Zoning/Library – Ms. Heinzl reported that the Library Board met on May 24th. Ms. Heinzl stated that the Library Board recognized the garden that the Girl Scouts planted. Ms. Heinzl stated that the sidewalk and apron have been reinstalled and the Library will be purchasing patio furniture. Ms. Heinzl asked Mr. Dunworth for a time frame as to when the bench and the bike rack will be reinstalled. Mr. Dunworth responded within a week. Ms. Heinzl stated that the Library Board hosted a party for its volunteers on the evening of June 1st. Ms. Heinzl reported that the summer reading program is underway. Ms. Heinzl stated that the Library Board would not be meeting for the rest of the summer.

Ms. Heinzl reported that the Planning Board did not meet in June, as there were no applications. Ms. Heinzl reported that the next meeting is scheduled for July 11th.

Ms. Heinzl reported that the Stony Brook Millstone Watershed Association survey should be in draft form and available for Council to review shortly.

Ms. Heinzl reported that the Water Committee that was established to look at work issues in the Borough would be meeting this Thursday at 8:00 pm to discuss a conservation ordinance and to compare Borough water rates with other municipalities.

Ms. Heinzl reported that the Traffic Calming Initiative Committee met for the first time on June 20th. Ms. Heinzl stated that there were representatives from King George Road, Abey Drive, Burd Street and Franklin Avenue. Ms. Heinzl stated that each representative has agreed to take on a specific task. Ms. Heinzl stated that the committee would be meeting again in July to further define the objectives for this initiative and to outline a plan of action for recommendations to Borough Council.

Ms. Heinzl stated that both she and Mr. Meytrott have been speaking with DOT representatives on the study to investigate ways to make the crossing at Route 31 safer.

Ms. Heinzl stated that Mr. Meytrott has forwarded a request for a police override of the traffic signal at Route 31 and Delaware Avenue for this coming school year. Mr. Meytrott stated that the DOT is still investigating whether the signal has that capability or whether it would need to be overhauled to allow the override.

Mayor Persichilli stated that someone mentioned to him that Council has agreed to look into connecting the Borough Water system to an outside source. Mayor Persichilli stated that Council has not encouraged the Water Committee to pursue this option. Ms. Heinzl stated that minutes of the last meeting of the Water Committee did reflect an interest in exploring a possible tie in to an outside source. Mayor Persichilli stated for the record that Council did not express interest in that possibility.

Personnel – Ms. Zompa reported that the Personnel Committee did meet to deliberate on a recommended personnel action, which will be discussed further in closed session.

Community Services- Mr. DiFalco reported that the Hopewell Valley Recreation Commission has been meeting to discuss the recent resignation of Mr. Michael Hritz and his replacement. Mr. DiFalco stated that the commission has been discussing the goals of recreation both now and for the future and also what the position of Recreation Director would entail.

Public Safety – Mr. Tucker reported that he submitted a letter to Mr. Aaron Watson requesting a survey for safety considerations for the traffic light at Main and Delaware Avenue. Mr. Tucker stated that the County contacted Mr. Meytrott in response to the letter and subsequent to that conversation a letter was received from Mr. Watson stating that a survey would be conducted in the fall when schools are back in session.

Mr. Tucker reported that a meeting was held at Tollgate School to discuss ways to improve the traffic and safety flow on the loop in front of the school. Mr. Tucker stated that more discussions would take place in the fall.

Mr. Tucker reported that the Pennington School held its graduation ceremonies on June 9th with one officer assigned for traffic control through the paid detail program. Mr. Tucker reported that on June 20th the Hopewell Valley Regional High School held its graduation with Pennington Borough Police assisting with traffic at Route 31 and Delaware Avenue.

Mr. Tucker reported that the first scheduled mediation session was held, there was no resolution to the contract and the Borough is waiting to hear back from the mediator.

Mr. Tucker gave the following statistics for the month of June 2007.

116	Motor Vehicle Stops
56	Motor Vehicle Summonses Issued
24	Parking Summonses Issued
3	DUI Summonses Issued
52	Warnings
1	Enforcement Arrest

Finance – Mr. Lawver had no report.

New Business

**Borough of Pennington
Resolution #2007-7.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Glen Waldron, 231 South Main Street, Block 801, Lot 25 in the amount of \$1,213.50 due to an overpayment of COAH Fees.

BE IT RESOLVED, that a refund be issued to Custom Construction, 9 Holly Jill Lane, Stockton, NJ 08559, in the amount of 647.00 for an overpayment of COAH Fees on Block 801, Lot 25, 9 Burd Street.

Record of Council Vote on Passage

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

Council Member DiFalco made a motion to approve Resolution 2007-7.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.2**

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 \$ 1,372,112.14 from the following accounts:

Current	\$ 974,886.91
W/S Operating	\$ 139,129.06
Developers Escrow	\$ 13,333.11
General Capital	\$ 122,244.18
Water/Sewer Capital	\$ 121,987.50
Grant Fund	\$ 504.38
Animal Control	\$ 27.00
TOTAL	\$ 1,372,112.14

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-7.2, second by Council Member Heinzel. After discussion on specific bills on the bill list all members present voted in favor.

**Borough of Pennington
Resolution #2007 – 7.3**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4
UNDER CONTRACT WITH GRES PAVING, INC. FOR
HALE STREET RECONSTRUCTION**

WHEREAS, the Borough Engineer has recommended that a change order be effected under the Contract between the Borough of Pennington and Gres Paving Company, Inc. for the project known as Hale Street Reconstruction (VNHA #36354-500-52) in order to increase and decrease contract quantities as appropriate to match as-built quantities;

WHEREAS, the proposed change order, after adjusting for increases and decreases, would result in a net decrease in contract price of \$2,063.36;

WHEREAS, a copy of the proposed change order, designated Change Order No. 4, including itemization of the subject increases and decreases based on as-built quantities, is attached;

WHEREAS, the proposed change order, payable from the State Department of Transportation funds awarded for the project, has been reviewed and approved by the State Department of Transportation;

WHEREAS, funds are available in account # G-02-44-925-000-255;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 4 is hereby approved.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-7.3, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.4**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3
TO GRES PAVING COMPANY, INC., FOR WORK COMPLETED
ON THE HALE STREET RECONSTRUCTION PROJECT**

WHEREAS, Gres Paving Company, Inc. has completed certain work pursuant to its contract with the Borough for the project known as the Hale Street Reconstruction Project; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for the same pursuant to the contractor’s Request for Payment No. 3, in the gross amount of \$31, 841.20 less two percent retainage in the amount of \$636.83, yielding a net due of \$31,204.37;

WHEREAS, the said Request for Payment and supporting documentation are attached hereto;

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account # G-02-44-925-000-255 (NJ DOT 2004-Hale St.);

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Gres Paving Company, Inc. in the amount of \$31,302.37 pursuant to Payment Request No. 3 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.4, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.5**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3
UNDER PUBLIC WORKS MAINTENANCE AND
EMERGENCY SERVICES CONTRACT**

WHEREAS, the Borough Engineer has recommended that a change order be effected under the Contract between the Borough of Pennington and C.M. DiCocco, Inc. known as the Public Works Maintenance and Emergency Services Contract, in order to adjust original contract quantities to the as-built quantities;

WHEREAS, the proposed change order would effect a net decrease in the contract price in the amount of \$119,633., from a total contract price of \$226,500. to a final contract price of \$106,867.;

WHEREAS, a copy of the proposed change order, designated Change Order No. 3, including itemization of the subject decreases based on as-built quantities, is attached;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 3 is hereby approved.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-7.5, second by Council Member Tucker. Council Member Zompa asked for an explanation of the Resolution. Mr. Lawver stated that this change order is to close out the 2006 Maintenance and Repair contract. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007 – 7.6**

A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 7 TO C.M. DICOCO, INC., FOR WORK COMPLETED ON THE PUBLIC WORKS MAINTENANCE AND EMERGENCY SERVICES CONTRACT

WHEREAS, work has been completed under Maintenance Services of the Public Works Maintenance and Emergency Services Contract; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed, has determined that the contract has been satisfactorily completed, and recommends that the amount of \$2,137.34 be paid to the contractor;

WHEREAS, this is the final payment under the contract representing the amount the Borough has retained pending completion of the contract;

WHEREAS, funds are available in account # W-06-00-553-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to the contractor C.M. DiCocco, Inc. in the amount of \$2,137.34 is hereby authorized pursuant to Payment Request No. 7.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-7.6, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.7**

A RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF PENNINGTON AND THE COUNTY OF MERCER FOR THE PROVISION OF AN ARCHIVES AND RECORDS MANAGEMENT NEEDS ASSESSMENT

WHEREAS, the County of Mercer has received funding from the State of New Jersey Archives and Records Infrastructure Support (PARIS) Grant Program to conduct a needs assessment and inventory and to prepare a strategic plan for records management for all municipalities in the County;

WHEREAS, the County has contracted with a consulting firm and has requested the participation of the municipalities to complete these projects;

WHEREAS, the assessment and report to be prepared by the County's consulting firm will identify areas in which each municipality can improve its existing records management program, and will be the first step in securing first-year and additional PARIS grant funds for the municipality;

WHEREAS, the assessment and report to be prepared by the consulting firm also will identify opportunities for shared services among municipalities;

WHEREAS, in order to participate in this program, which shall be at no direct cost to the Borough, the Borough must enter into the attached Interlocal Services Agreement with Mercer County which, among other things, requires the appointment of a Project Manager and Records Committee by the Borough to work with the County in performing the various tasks related to the project;

WHEREAS, Borough Council determines that the interests of residents will be served by Borough participation in the PARIS program and by the establishment of Borough eligibility for future grant funding for the making of such improvements in records management as may be recommended by the program;

NOW, THEREFORE BE IT RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached Interlocal Services Agreement with the County of Mercer and to take such steps as may be required to implement the 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				absent	Tucker	S			
Heinzel	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-7.7, second by Council Member Tucker. Council Member Tucker asked for an explanation. Ms. Sterling gave a brief overview of the process. After a brief discussion, all members present voted in favor.

**Borough of Pennington
Resolution #2007 – 7.8**

RESOLUTION ADOPTING A CASH MANAGEMENT PLAN

WHEREAS, the State of New Jersey amended the State laws concerning investment of local government funds with the adoption of Chapter 148, P.L. 1997, and

WHEREAS, these new laws expand the responsibility of the Governing Body and the role of the Chief Financial Officer in cash management, and

WHEREAS, these new laws require the adoption of a Cash Management Plan, and

WHEREAS, the Chief Financial Officer has reviewed the new laws and drafted a Cash Management Plan to conform to those laws and to the current banking and investment practices of the Borough,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the attached Cash Management Plan is hereby adopted, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to present this resolution and adopted Cash Management Plan to the State of New Jersey and to all designated depositories and asset managers in accordance with the requirements of the applicable State laws.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-7.8, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.9**

**A RESOLUTION AUTHORIZING CHANGE ORDERS NOS. 7 AND 8
FOR THE PUBLIC WORKS MAINTENANCE FACILITY**

WHEREAS, the contract between the Borough of Pennington and Valley Contractors, Inc. for the Public Works Maintenance Facility – Phase II requires additional change orders recommended by the Borough Engineer as follows:

Change Order No. 7 - to adjust the contract price for modifications to the sanitary sewer system beyond the specifications of the original contract, the adjustments resulting in decreases totaling \$6,358 for elimination of certain gravity sanitary sewer pipe, elimination of sanitary sewer manhole, and elimination of responsibility for final sewer hook-up, the latter to be done by another contractor to be retained by the Borough after receipt of awaited NJDEP approval; these decreases to be offset by increases in contract price totaling \$3,520 to compensate the contractor for the installation of additional force main not included in the original contract; the net change in contract price pursuant to this change order therefore amounting to a decrease of \$2,838;

Change Order No. 8 – to compensate the contractor for work not included in the original contract relating to repair of trenches dug for force main across North Main Street using bituminous concrete in accordance with Mercer County requirements, producing an increase in contract price in the amount of \$9,320 for this work; and to compensate the contractor further for overhead and profit on the net increase in contract price resulting from the net decrease in change order 7 and the increase in work in change order 8, i.e., 15 percent of the net \$6,482 or \$972.30; the total increase in contract price resulting from change order no. 8 therefore amounting to \$10,292.30;

WHEREAS, the two change orders together produce an increase of contract price in the aggregate amount of \$7,454.30, for which funds are available in Account No. C-04-04-011-000-250 pursuant to Ordinance 2004-11, as certified by the Chief Financial Officer of the Borough; and

WHEREAS, further details on this change order are available for public inspection in the office of the Borough Clerk;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid change orders 7 and 8 to Valley Contractors, Inc. are hereby approved.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.9, second by Council Member Zompa. Mr. Fetzer gave a brief overview of the change orders. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007 – 7.10**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 10
TO VALLEY CONTRACTORS, INC., FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

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

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has reported that 100 percent of the work under the contract has been completed; and

WHEREAS, Van Note Harvey Associates has further recommended payment to Valley Contractors, Inc. pursuant to the contractor’s Request for Payment No. 10, representing payment for the completed work covered by this payment request in the amount of \$17,705, plus release of retainage from previous payments in the amount of \$27,534, producing a total final payment of \$45,239;

WHEREAS, the amount for retainage, totaling \$27,534, shall be held by the Borough Engineer until it determines that the contractor has completed all work;

WHEREAS, this is the final payment under the contract;

WHEREAS, funds are available in accounts #C-04-04-011-000-250, pursuant to Ordinance 2004-11 and W-06-03-008-000-250, pursuant to Ordinance 2003-8 in the amount of \$16,189.58;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Valley Contractors, Inc. in the amount of \$45,239 pursuant to Payment Request No. 10 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Zompa made a motion to approve Resolution 2007-7.10, second by Council Member Tucker. Mr. Fetzer requested that two checks be authorized, one in the amount of \$17,705 for work that has been completed and one in the amount of \$27,534 for the retainage amount, to be released once the Borough Engineer as advised that all work as been completed. Upon a roll call vote all members present voted in favor of the Resolution as amended.

**Borough of Pennington
Resolution #2007 – 7.11**

**A RESOLUTION AUTHORIZING ISSUANCE OF
REQUEST FOR PROPOSALS FOR SHARED
SERVICES FEASIBILITY STUDY**

WHEREAS, the Borough of Pennington wishes to investigate the feasibility of providing local police and emergency services to its residents in conjunction with Hopewell Township;

WHEREAS, the Borough seeks to have examined in particular the opportunities as may exist for savings and increased service levels through combining resources and achieving economies of scale through shared police and dispatch services; consolidation of day-to-day police services; or complete merger of both police departments;

WHEREAS, the Borough intends to retain a consultant with the expertise to conduct such a study and to report on the feasibility of available options, and for that purpose, must issue a Request For Proposals seeking consultant proposals for services pursuant to the parameters set forth therein;

WHEREAS, a copy of the intended Request for Proposals is attached hereto;

WHEREAS, the said Request For Proposals provides that award of a contract shall be contingent upon award of grant funds by the State of New Jersey;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue the attached Request For Proposals and to collect and analyze the responses and to report back to Borough Council concerning them.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.11, second by Council Member Heinzel. Mr. Dunworth requested some minor changes to the Resolution and gave a brief overview of the Resolution. Upon a roll call vote, all members present voted in favor of the Resolution as amended.

**Borough of Pennington
Resolution #2007-7.12**

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO DETERMINE
AN EXTENSION OF THE GRACE PERIOD FOR 3RD QUARTER 2007
TAX PAYMENTS**

BE IT RESOLVED, that the Pennington Borough Council hereby authorizes an extension of the grace period for third quarter 2007 tax payments; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to determine the extension period upon receipt of the 2007 Final Tax Bills, said period not to exceed 30 days beyond the mailing date of the bills.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.12, second by Council Member DiFalco with all members present voting in favor.

**Borough of Pennington
Resolution #2007-7.13**

**RESOLUTION AUTHORIZING AWARD OF 2007 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 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, by Resolution of Borough Council adopted on May 7, 2007 (Resolution 2007-5.12) the Borough Engineer was authorized to prepare all specifications and other documents required for the aforesaid contract, including two possible one-year extensions, and the Borough Administrator in coordination with the Borough Engineer was authorized to advertise publicly for bids for the proposed contract, in compliance with the Local Public Contracts Law;

WHEREAS, on June 26, 2007, the Borough received bids from three contractors for ten (10) identified projects plus maintenance (M1-M8) and emergency (E1-E8) services, as set forth in the itemized Bid Summary annexed to this Resolution;

WHEREAS, the request for bids specified that the award of contract would be made to the lowest responsible bidder on the basis of the total amount bid for all projects, maintenance and emergency services and bonds selected by the Borough and that the Borough reserves the right to eliminate projects and/or increase or decrease individual item estimated quantities to be provided under this contract;

WHEREAS, the Borough has determined that based on the bids provided it elects to proceed with an award of contract limited to Projects 1, 2 and 3, Maintenance Services M1-M8, and Emergency Services E1-E8, as set forth on the annexed Bid Summary;

WHEREAS, the Borough Engineer has reviewed the bids and determined that Penn-Bower, Inc. of High Bridge, New Jersey 08829, is the lowest responsible bidder on the projects and services so selected, with an adjusted price for these projects and services totaling \$231,289.20;

WHEREAS, a condition for the award of this contract shall be certification by the Chief Financial Officer of the Borough that necessary funds for the work are 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;

WHEREAS, the work to be performed under the contract shall be limited to work requested and authorized by the Borough Administrator, in consultation with the Borough Engineer and Superintendent of Public Works;

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

- (1) subject to certification of the availability of funds by the Chief Financial Officer of the Borough, the contract entitled "Year 2007 Public Works and Emergency Services Contract" is hereby awarded to Penn-Bower, Inc. for the total bid amount of \$231,289.20;
- (2) the Borough Administrator, the Borough Engineer and the Superintendent of Public Works are hereby authorized to determine the work to be performed under the contract and to authorize that work.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.13, second by Council Member Zompa. Mr. Fetzer stated that some discussion had come up with regard to certification of funds for award of this contract. Mr. Fetzer stated that in a letter that he wrote to Mayor and Council he suggested that certain projects be deferred to next year or the year after. Mr. Fetzer stated that one of the desires of the Council was to keep down engineering fees, the Borough asked that this contract be proposed as a multi year contract so that engineering fees are not incurred each year to rebid the contract. Mr. Fetzer reviewed specific projects that were bid as part of the contract. Mr. Bliss stated that the bid specification that was published reserved that right to the Borough to award for fewer than all of the advertised projects. Mr. Bliss stated that after looking at the individual costs, the Borough could then decide what it can afford in a given year. Mr. Bliss stated that his concern is that the projects not awarded probably would not be subject to an extension in a subsequent year. Mr. Bliss stated that if the Borough were to award the entire amount, all the projects would not have to be done in year one, the Borough could have extensions from year to year. Mr. Bliss explained that the downside is that the full amount would have to be encumbered in year one. Mr. Bliss stated that if the Borough awards at a lower figure, the Borough could encumber less money, but the contract would be smaller in scope for years two and three. Mr. Bliss stated that his logic tells him that if the contract is awarded based on certain projects, the Borough cannot extend and add in new projects that were not part of the bid that was originally accepted. Mr. Bliss stated that this is the one

potential downside for awarding less than the entire project. Mr. Lawver stated that defeats the purpose of doing this as a multi-year agreement. Mr. Bliss stated that if all the projects are awarded in year one, but are not done in year one, the projects not completed could be extended as per the contract. Mr. Bliss stated that he questions whether the contract could be extended to add projects not included in the original award. Mr. Fetzer stated that from an engineer's viewpoint, the Local Public Contracts Law basically states that in future years when a contract is extended, it is subject to the certification of the chief financial officer that there are sufficient funds to encumber. Mr. Bliss stated that the problem is incorporating projects in future years that have not been the subject of the initial contract award. Mr. Bliss stated that the Borough could award fewer than all of the projects tonight and that is consistent with the RFP and contract law. Mr. Bliss stated that the only issue is whether the Borough will have the same options to renew a year from now. Mr. Bliss stated he and Mr. Fetzer would work that out before next year. Mr. Fetzer stated that the award of contract in each scenario reflects a 2.5 percent bond amount. Mr. Lawver stated that as he understands, this Resolution will be passed, pending CFO certification of available funds in the amount of \$231,289. Mr. Bliss amended the Resolution. Council Member Lawver changed his motion to include the amended language, second by Council Member Zompa with all members present voting in favor of the amended Resolution.

**Borough of Pennington
Resolution #2007-7.14**

**RESOLUTION AUTHORIZING JOINT GRANT APPLICATION
WITH HOPEWELL TOWNSHIP AND HOPEWELL BOROUGH FOR MUNICIPAL ALLIANCE
FUNDING**

WHEREAS, Hopewell Township, Hopewell Borough and Pennington Borough intend to file a joint application with the County of Mercer for funding of the Hopewell Valley Municipal Alliance for 2008;

WHEREAS, all three municipalities have annually executed agreements to participate in the Municipal Alliance Program and each year have jointly signed and submitted the grant renewal application; and

WHEREAS, each of the municipalities has agreed to provide a proportionate share of the required local contribution based on respective student enrollment in the Hopewell Valley school system;

WHEREAS, Pennington's proportionate share for 2008 is \$1,300.00; and

WHEREAS, funds for this purpose will be available in Borough account #8-01-42-104-000-267, Interlocal Agreements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to execute the aforesaid application for funding and to take such additional steps as may be required to further the application, and all such actions taken by the Mayor and Clerk to date are hereby accepted and ratified.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-7.14, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 7.15**

**RESOLUTION REQUESTING EXTENSION OF AWARD
DATE FROM THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR IMPROVEMENTS TO
BROOKSIDE AVENUE**

WHEREAS, the New Jersey Department of Transportation (NJDOT) awarded funding for the 2006 fiscal year to the Borough of Pennington for a project consisting of improvements to the Brookside Avenue in the amount of \$177,000; and

WHEREAS, the NJDOT has advised that the approved period to award a construction contract has expired; and

WHEREAS, the Mayor and Council believe this extension of time to be necessary to complete the design and bid process;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough Council requests from the New Jersey Department of Transportation an extension of the award date to October 12, 2007.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-7.15, second by Council Member Heinzel with all members present voting in favor.

Administrator’s Report

Mr. Dunworth stated that several months ago, the Public Works Committee discussed the concept of soliciting prices for sidewalk improvements and trying to get a Borough rate to encourage residents to repair or replace their sidewalks. Mr. Dunworth stated that he worked with Nick Sciarrotta of Van Note Harvey to come up with a proposal to be mailed to persons in the sidewalk business and advertised in the local papers. Mr. Dunworth stated that unfortunately the Borough received a very limited response to the request. Mr. Dunworth stated that at this point the Borough is back to square one. Mr. Dunworth stated that there are other avenues available for consideration. Mr. Dunworth asked Mr. Bliss to comment on how Princeton Township dealt with their sidewalks. Mr. Bliss stated that in Princeton Township, sidewalks were redone as part of road reconstructions and then the homeowners were billed as a special assessment. Mr. Bliss was not sure whether homeowners were assessed a full 100 percent of the cost, but felt that it would be worth investigating. Some discussion took place with regard to the lack of response. Ms. Heinzel speculated that maybe the response was poor because the request was rather vague. Ms. Heinzel suggested turning the process around and asking people in town, “would you be interested in fixing your sidewalks this coming year?” Ms. Heinzel stated that then the Borough could present to possible contractors that the Borough has the following residents interested in fixing their sidewalks. Mr. Lawver stated that he spoke with a few contractors who initially felt that it would be a good idea but then realized that there wasn’t any firm sense of how much work would be done. Mr. Lawver stated that this effort was undertaken because of the new sidewalk ordinance, which does call for a much stricter enforcement than in the past. Mr. Lawver stated that the Borough was hoping that by providing prices to homeowners for a period of six months to a year, the Borough would be in a better position to proceed to the enforcement stage. Mr. Lawver stated that he did not think the Borough should move to the enforcement stage without making another attempt to encourage residents to repair sidewalks. Mr. Lawver suggested that someone from the Borough go out and identify the twenty-five or fifty worst sidewalks in the Borough and invite the homeowners to a meeting and let them know what options they have. Mr. Lawver stated that the options would be to leave it up to the homeowner to make repairs, explore a special assessment for repairs of sidewalks, recognizing that in the next 12 months, something needs to be done to make the necessary repairs. Mr. Lawver stated that with the many complaints that have been presented to Council, the Borough has to find a way to work with residents. Mr. DiFalco stated that homeowners should be given an idea of the costs associated with sidewalk repairs, because it can be quite costly. Mr. Lawver suggested that the sidewalk specifications be reviewed, as they may be too rigid for what is needed. Mr. Lawver stated that the list of homeowners should be done soon so that a meeting could be scheduled for September. Ms. Heinzel stated that homeowners who are identified and sent letters to attend a meeting should know whether they are being invited because maybe you might be interested or is the invitation going to be a warning that if the sidewalks are not repaired the ordinance will be enforced. Mr. Lawver stated that from his perspective the letter would begin “your sidewalk is not in compliance”. Further discussion took place as to how the survey of sidewalks should be done and how the homeowners should be notified.

Mr. Dunworth reminded Council that Municipal Aid Grants for both Streetscape and Road Projects are due on August 24th. Mr. Lawver asked if there has been any word about the Safe Routes to School Grant and asked if that application should be resubmitted. Mr. Dunworth stated he would check on the status of the grant.

Mr. Dunworth stated that he received a request for a Block Party on September 15th, rain date September 16th. Mr. Dunworth stated that the request is to block the western half of East Welling Avenue from Main Street to Baldwin starting at 2:30 pm. Mr. Lawver stated that there is also a Block Party on July 4th, which would require blocking the road. Council Member Tucker made a motion to approve both requests, second by Council Member Zompa with all members present voting in favor. Mr. DiFalco and Mr. Lawver both abstained.

Mr. Dunworth referred Council to a letter in their packets from the Department of Environmental Protection regarding a grant program to assist with removal of underground storage tanks from properties. Mr. Dunworth stated that this program should be made available to the public. Mr. Dunworth stated that he would post the letter on the bulletin board. Ms. Heinzel stated that it should be put on the Borough web site as well. Mr. Lawver suggested getting copies to the Hopewell Valley News and to the Pennington Post.

Mr. Dunworth announced the Pete Castiglione has resigned from his position as Laborer in the Public Works Department; his last day will be Wednesday, July 11th. Mr. Dunworth stated that he along with Mr.

Wittkop and Mayor Persichilli would be interviewing a candidate from a prior advertisement who may still be interested in the position.

Mr. Dunworth stated that Mr. Gene Lorenzetti has announced a Grand Opening for the Shoppes of Pennington to be held on Friday, July 27th for a ribbon cutting ceremony and a Community Day for July 28th. Mr. Dunworth stated that more information will follow, however he would like to have Mayor and Council at the ribbon cutting ceremony.

Mr. Dunworth stated that he got a phone call from Judge Billmeier asking that the Borough investigate the possibility of credit card payments. Mr. Dunworth stated that Nancy MacLean, Court Administrator stated that it would make things a lot easier on court nights, as many people request to pay by credit card. Council Members inquired as to the costs associated with allowing credit card payments. Mr. Dunworth stated that he believed it was a lower rate for municipalities. Council felt that it would be a good idea and asked that Mr. Dunworth look into the particulars. Mr. Lawver asked that Mr. Dunworth look into this option for the entire Borough and not just for Court.

Public Comment

Mayor Persichilli asked that anyone wishing to speak, please come forward and state their name and address for the record and to please limit comments to the Governing Body to a maximum of 5 minutes.

Mr. Charles Marchiante of Voorhees Avenue stated that his office just installed a credit card/check checking system for \$800.00. Mr. Marchiante stated that for the cost the system is worth it and he encouraged the Borough to go forward.

Mr. Erwin Harbat of Woosamonsa Road in Hopewell Township stated that he thought that the credit card idea is a great one, however the Borough should be reimbursed for any costs associated with the use of credit cards. Mr. Harbat stated that it is not fair to residents who pay with a check to have to absorb fees associated with credit cards. Mr. Harbat stated that he is very gratified to hear that Tom Ogren is going to proceed with application for a Streetscape grant.

Ms. Kate Fuger of 6 Baldwin Court stated that someone did come in the last few weeks to check out the drainage problem in her back yard. Ms. Fuger thanked Mayor and Council for that and asked if the Resolution awarding the Maintenance and Repair Contract will cover the problem in her backyard. Mr. Lawver stated, yes and that the Maintenance and Repair contract does have her project in it, however it is not a 2007 project.

At 8:52 pm, Mayor Persichilli called a brief recess prior to Council convening in Closed Session.

AT, 8:57 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:

- Presbyterian Homes – Tax Appeal
- Personnel

AT, 10:12 pm, Mayor and Council returned to open session.

Council Member Lawver made a motion to approve the minutes of the May 7, 2007, Closed Session, second by Council Member Heinzl with all members present voting in favor.

At 10:13 pm, Council Member Zompa made a motion to adjourn the meeting, second by Council Member DiFalco.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk