

**Pennington Borough Council
Regular Meeting – August 6, 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, 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 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.

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 5 minutes.**

There were no comments from the public.

Mayors Business

Mayor Persichilli introduced Reverend Myungim Kim who is the new Pastor at the Pennington United Methodist Church. Reverend Kim stated that she wanted to come out and introduce herself and to say that if there is anything that the Methodist Church can do for the community please let them know.

Mayor Persichilli announced the resignation of Martha Maletta from the Shade Tree Commission.

Appointments (With Council Approval)

Mayor Persichilli recommended the appointment of Gabriel Rosko to the Shade Tree Commission for the unexpired term of Ms. Maletta through December 31, 2008. Ms. Heinzl inquired as to Mr. Rosko's qualifications. Mayor Persichilli stated that Mr. Rosko was recommended by Tom Ogren, Chairman of the Shade Tree Commission, and that he had received a letter from Mr. Rosko, but did not have it with him. Ms. Heinzl stated that she would rather wait to vote on the appointment until the letter could be provided to Council. Mayor Persichilli stated that he would get the information to Council and that the appointment would be rescheduled to the September meeting.

Committee Reports

Planning & Zoning/Library – Ms. Heinzl reported that the Library summer reading program concluded on July 25th. Ms. Heinzl thanked Cindy Persichilli who just joined the library in May as the Children's Program Director, for a great job running the program. Ms. Heinzl also thanked Mr. Dan Umpstead, the new Principal at Tollgate, for being a mystery guest at the final program. Ms. Heinzl stated that the Library Board has not met over the summer; the regular meeting schedule will resume in September. Ms. Heinzl stated that the Planning Board has not met over the summer and their meetings will also resume in September. Ms. Heinzl stated that the Environmental Commission has been working closely with the Water Advisory Committee and also the ad hoc Hopewell Valley Climate Change Group. Discussions have centered on the purchase of tools for use by Borough residents. Ms. Heinzl stated that she would have more information at the next meeting. Ms. Heinzl stated that the Traffic Calming Initiative had a small meeting in July; plans for a Community/Public Relations/Public Education Program took place. Ms. Heinzl stated that she would definitely have more information on this at the September meeting. Ms. Heinzl reported that the NJ Department of Transportation has finished its study of Route 31. Ms. Heinzl stated that she has a copy of the study and a copy will be available in the office of the Borough Clerk. Ms. Heinzl summarized the recommendations as follows: replacement of existing pedestrian signal heads with countdown signal heads, restripe existing crosswalks with ladder stripping, replace existing curb ramps, install actuating flashing beacons on existing school warning signs. Ms. Heinzl stated that in addition to the improvements to the intersection, the DOT is also proposing installation of sidewalks on Route 31 North from the Pennington Golf Center all the way to Broemel Place and replacement of deteriorating sidewalks on Delaware Avenue. Ms. Heinzl stated that the estimated time for completion of these repairs is two years. Ms. Heinzl reported that there would be a formal presentation for Council and the public sometime in the near future.

Mayor Persichilli mentioned that the County has installed new signal lights at Delaware Avenue and Main Street. Mayor Persichilli stated that pedestrians do have to push the button to activate the crossing signal. Following some discussion, Council asked Mr. Meytrott to contact the County and ask if the signal could be an automatic signal. Mr. Meytrott stated that he had a complaint from a resident and when he contacted the County DOT, he was told that they will be observing the intersection in September when school resumes.

Mayor Persichilli stated that there has been an increase in activity in downtown Pennington and he would like to thank all those involved with assisting with the opening of the Gelato Store. Mr. Persichilli stated that the new Vito's is also opened, ribbon-cutting ceremonies are scheduled.

Public Works – Mr. Garber reported that the Public Works Committee met on July 26th and a number of issues were discussed including: road projects, a new pump for Well #9 at Pennington Point, ongoing requirements for Stormwater Regulations, water meter replacement and the Public Works Facility.

Personnel – Ms. Zompa reported that the Personnel Committee did not meet.

Community Services- Mr. DiFalco stated that he was on vacation for the last meeting and that he was unable to reach any of the members to find out what was discussed. Mr. DiFalco asked how the Daniella Cotton concert went. Ms. Heinzl reported that the concert was phenomenal.

Public Safety – Mr. Tucker reported that Mr. Meytrott represented the Borough at several meetings during the month of July. Mr. Meytrott reported that there would be a crossing guard at Route 31 and Delaware Avenue and for an additional hour in the morning and in the afternoon at Main Street and Delaware Avenue. Mr. Tucker reported the following statistics for the month of July, 2007:

- 1 Theft
- 115 Motor Vehicle Stops
- 59 Motor Vehicle Summonses Issued
- 11 Parking Summonses Issued
- 54 Warnings
- 1 Adult Male Arrested
- 2 Adult Females Arrested

Mr. Tucker reported that a press release would be going out detailing information reported by Ms. Heinzl and pedestrian safety issues that will be or have been implemented concerning the school busing situation. Mr. Tucker read some of the highlights from the press release.

Finance – Mr. Lawver had no report, but stated that the Finance Committee will be meeting in September.

New Business

**Borough of Pennington
Resolution #2007-8.1**

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 \$167.00 for Planning Board escrow balance (P05-002).

BE IT RESOLVED, that a refund be issued to Alan K.E. Horgan, 1 Rockwell Green Drive, Block 403, Lot 15, in the amount of \$20.00 for Planning Board escrow balance (P06-008).

BE IT RESOLVED, that a refund be issued to Peacock Inn for 32 North Main Street, Block 6, Lot 34, in the amount of \$156.25 for Planning Board escrow balance (P01-012) Check to be mailed c/o Russell U. Schenkman, Esq., Schenkman Jennings & Howard, LLC.

BE IT RESOLVED, that a refund be issued to Susan DiMarcello, Cup of Joe, 20 North Main Street, in the amount of \$34.00 for grease interceptor escrow balance.

BE IT RESOLVED, that a refund be issued to Richard A. Weidel Corporation for 238 West Delaware Avenue, Block 9, Lot 1, in the amount of \$892.50 for Planning Board escrow balance (P02-011) Check to be mailed to the following address: 45 Harbourton-Mt. Airy Road, Lambertville, NJ 08530.

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			
Heinzl	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-8.1, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 8.2**

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 \$ 925,950.14 from the following accounts:

Current	\$ 756,101.45
W/S Operating	\$ 113,294.17
Developers Escrow	\$ 1,928.25
General Capital	\$ 16,662.99
Water/Sewer Capital	\$ 3,606.41
Grant Fund	\$ 33,126.37
Unemployment Trust	\$ 17.00
COAH Trust Fund	\$ 1,213.50
TOTAL	\$ 925,950.14

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	X				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-8.2, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 8.3**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO 9 FOR
THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

WHEREAS, the contract between the Borough of Pennington and Valley Contractors, Inc. for the Public Works Maintenance Facility – Phase II requires an additional change order recommended by the Borough Engineer;

WHEREAS, in the Bidder’s Proposal portion of the original Contract Documents bidders were directed to indicate a lump sum price for “Deduct Alternate Items,” specifically, “[a]ll components of Septic system, including but not limited to septic tank, dosing tank, septic field etc., including sanitary lateral from sewage ejector connection near the building to the Septic system;”

WHEREAS, Valley Contractors, Inc listed \$27,075. as the price for this item;

WHEREAS, this amount was also listed in the Schedule of Values under Division 2, Site Work, and was part of the Total Amount of Bid, \$1,590,000.;

WHEREAS, during subsequent negotiations between the Borough and Valley Contractors this item was not removed from the contract and remained as part of the work to be completed;

WHEREAS, Valley Contractors was subsequently directed to construct a force main connection for sanitary sewer for the project and was not required to construct the Septic system;

WHEREAS, Borough Council has previously approved change orders for work related to the construction of the force main connection;

WHEREAS, the purpose of proposed change order no. 9 is to reduce contract price by \$27,075., the amount originally included in the contract price for construction of the Septic system, as described above;

WHEREAS, change order no. 9 reduces present contract price from \$1,394,439.42 to \$1,367,364.42, 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 order 9 to Valley Contractors, Inc. 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	X				Tucker	M			
Heinzel	X				Zompa	S			

Council Member Tucker made a motion to approve Resolution 2007-8.3, second by Council Member Zompa with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 8.4**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 11
TO VALLEY CONTRACTORS, INC. FOR WORK COMPLETED
ON THE PUBLIC WORKS MAINTENANCE FACILITY – PHASE II**

WHEREAS, Valley Contractors, Inc. has completed all 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 confirmed that 100 percent of the work under the contract has been completed;

WHEREAS, Van Note Harvey Associates has further recommended payment to Valley Contractors, Inc. pursuant to the contractor's Request for Payment No. 11, representing full and final payment for the completed work covered by this payment in the amount of \$459. without retainage, which is no longer required;

WHEREAS, this is the final payment under the contract;

WHEREAS, funds are available in account C-04-04-011-000-250 pursuant to Ordinance 2004-11;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that final payment to Valley Contractors, Inc. in the amount of \$459. pursuant to Payment Request No. 11 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	M				Tucker	S			
Heinzel	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-8.4, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 8.5**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4
TO GRES PAVING COMPANY, INC., FOR WORK COMPLETED
ON THE HALE STREET RECONSTRUCTION PROJECT**

WHEREAS, Gres Paving Company, Inc. has substantially 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 same pursuant to the contractor's Request for Payment No. 4, in the gross amount of \$10,818.69 less two percent retainage in the amount of \$216.37, yielding a net due of \$10,602.32;

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 Street;

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 \$10,602.32 pursuant to Payment Request No. 4 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	X				Tucker	S			
Heinzel	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-8.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007-8.6**

**RESOLUTION AUTHORIZING CHANGE
ORDER NO. 2 FOR VANNOY AVENUE
RECONSTRUCTION**

WHEREAS, the contract between the Borough of Pennington and DeSantis Construction, Inc. for the project known as Vannoy Avenue Reconstruction requires an additional change order recommended by the Borough Engineer;

WHEREAS, this change order no. 2 increases and decreases contract quantities as appropriate to agree with final as-built quantities;

WHEREAS, decreases totaling \$6,485.31 are necessary to adjust final contract quantities to actual as-built quantities, as itemized in sheet 2 of 3 request for change order addressed to the New Jersey Department of Transportation dated January 5, 2007;

WHEREAS, increases totaling \$4,918.38 are necessary to adjust to as-built quantities related to (1) additional excavation where existing sub-base was deemed unsatisfactory by the Borough Engineer, (2) additional bituminous concrete used to achieve proper profile and cross slope after the base course was installed, and (3) removal and replacement of additional sidewalk to transition into handicap ramps, as set forth in sheet 3 of 3 of the aforesaid change order application to DOT;

WHEREAS, the net effect of these adjustments is a reduction of contract price in the amount of \$1,566.93, reducing present price from \$111,953.93 (following change order no. 1) to \$110,387., for which funds are available as certified by the Chief Financial Officer of the Borough;

WHEREAS, the funds for this project having been provided by the New Jersey Department of Transportation and the Department having approved this change order no. 2;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid change order no. 2 to DeSantis Construction, Inc. 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	X				Tucker	S			
Heinzel	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-8.6, second by Council Member Tucke with all members present voting in favor.

**Borough of Pennington
Resolution 2007-8.7**

**RESOLUTION RATIFYING AGREEMENT
BETWEEN BOROUGH OF PENNINGTON AND
FORMOSA OF HOPEWELL, INC.**

WHEREAS, the Borough, through the Borough Administrator, has as of July 11, 2007 entered into an agreement (“Agreement”) with Formosa of Hopewell, Inc. (“Formosa”) to ensure that Formosa enlarges the external grease interceptor system at 12 South Main Street in the Borough to provide sufficient capacity for its two retail food establishments at that location, as required by Chapter 159 of the Borough Code;

WHEREAS, the agreement requires Formosa to deposit \$500 for escrow fees and to post a cash bond in the amount of \$22,300 to guarantee timely completion of the work in sixty (60) days, or by September 10, 2007;

WHEREAS, in exchange for timely enlargement of the existing system and the aforesaid guarantees, the Borough has agreed to defer enforcement action against Formosa and its restaurant Sumo Sushi;

WHEREAS, in exchange for the guaranteed enlargement of the existing system, and because Sumo Sushi and Formosa's second establishment at 12 South Main, Gelato, will use the same system, Gelato shall be permitted to open for business subject to Formosa's timely compliance;

WHEREAS, a copy of the full Agreement is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Agreement between Formosa of Hopewell, Inc. and the Borough of Pennington is hereby ratified and adopted, and the Borough Administrator and Borough Clerk are hereby authorized to take such steps as may be necessary to ensure full and timely compliance with it.

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 2007-8.7, second by Council Member Zompa. Mr. Dunworth indicated a minor typographical error on page two of the agreement. Upon a roll call vote, all members present voted in favor of the Resolution.

**Borough of Pennington
Resolution 2007-8.8**

**RESOLUTION AUTHORIZING REDUCTION
OF PERFORMANCE BOND FOR THE SHOPPES
AT PENNINGTON**

WHEREAS, the developer of The Shoppes at Pennington has requested further reduction in the amount of the Performance Guarantee posted for the project based on the amount of work completed on the project;

WHEREAS, Van Note - Harvey Associates has inspected the site and determined that all of the required site improvements have been completed to its satisfaction with the single exception of certain landscape items;

WHEREAS, the Borough through its Planner is requiring the developer to relocate plantings and to install additional plantings;

WHEREAS, Van Note - Harvey Associates has reviewed a list of the required plantings and related quantities and, based on the original construction cost estimate by Hopewell Valley Engineering, has estimated that the cost of the work will be approximately \$10,000;

WHEREAS, Van Note - Harvey Associates has advised that the performance guarantee needed to ensure that the remaining work will be completed need only be \$12,000 (120% of estimate cost);

WHEREAS, Van Note - Harvey Associates therefore recommends that the current performance amount of \$149,025.06 be reduced by \$137,025.06 to \$12,000.;

WHEREAS, the Borough Engineer further recommends that the revised guarantee be posted in the form of at least ten percent (10%) cash with the remainder as a bond or letter of credit;

WHEREAS, Borough Council finds that the proposed reduction is reasonable and that it leaves an adequate balance for protection of the public interest;

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

1. The aforesaid reduction in the Performance Guarantee for The Shoppes at Pennington is hereby approved.

2, The Adjusted Performance Guarantee in the amount of \$12,000. shall be posted in the form of at least ten percent (10%) cash with the remainder as a bond or letter of credit.

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 2007-8.8, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 8.9**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2
TO PATTERSON CHEVROLET, INC., FOR FURNISHING A FOUR-WHEEL DRIVE PICKUP
TRUCK**

WHEREAS, equipment has been delivered to the Borough related to Furnishing a Four-Wheel Drive Pickup Truck; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the equipment that has been delivered; and

WHEREAS, this is a partial payment under the contract;

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that

1. Payment Request No. 2 in the amount of \$1,765.00 be authorized to Patterson Chevrolet, Inc.

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	S				Tucker	X			
Heinzel	X				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-8.9, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution 2007-8.10**

**RESOLUTION TO AMEND THE 2007 ADOPTED BUDGET (CHAPTER 159) SPECIAL ITEMS
OF REVENUE AND APPROPRIATION FOR
2005 GREEN COMMUNITIES CHALLENGE GRANT**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received \$2,000.00 from the State of New Jersey and wishes to amend its 2007 Budget to include a portion of this amount as revenue;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2007 in the sum of \$ 2,000.00, which is now available as revenue from:

2005 Green Communities Challenge Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

2005 Green Communities Challenge Grant

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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 2007-8.10, second by Council Member Zompa with all members present voting in favor.

**Borough of Pennington
Resolution 2007-8.11**

RESOLUTION TO AMEND THE 2007 ADOPTED BUDGET (CHAPTER 159) SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR ALCOHOL EDUCATION REHABILITATION FUND

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received \$225.52 from the State of New Jersey and wishes to amend its 2007 Budget to include a portion of this amount as revenue;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2007 in the sum of \$ 225.52, which is now available as revenue from:

Alcohol Education Rehabilitation Funds, and

BE IT FURTHER RESOLVED, that a like sum of \$225.52 be and the same is hereby appropriated under the caption of:

Alcohol Education Rehabilitation Funds

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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 2007-8.11, second by Council Member Zompa with all members present voting in favor.

**Borough of Pennington
Resolution 2007-8.12**

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
RESOLUTION, APPLICATION, AND AGREEMENT FOR
STATE AID TO COUNTIES AND MUNICIPALITIES
(Streetscape)**

Council Member Garber made a motion to approve Resolution 2007-8.12, second by Council Member Tucker. Mr. Garber stated that there is an issue as to whether the Borough will be submitting this application and the Burd Street Application simultaneously or whether the two applications should be ranked as to priority. Mr. Dunworth stated that he spoke to Borough Engineer, Don Fetzer today and Mr.

Fetzer had spoken to Mr. Workmeister, Regional Head for DOT. Mr. Dunworth stated that the outcome of the conversation was that due to a lack of federal funding this year, the State does not have funding for projects such as Streetscape and so all the money is in one place. Mr. Dunworth explained that the Streetscape application would be competing with the application for Burd Street. Mr. Dunworth stated that Mr. Fetzer advised that both applications be approved and submitted. Mr. Fetzer stated that by the August 24th deadline, the Borough should then prioritize the projects. Mr. Garber stated that there are mixed opinions as to ranking the projects with the risk being that the DOT would prioritize the projects. Mayor Persichilli asked Mr. Tom Ogren if he would like to comment. Mr. Ogren of 17 East Curlis Avenue commented on the Streetscape application. Mr. Lawver stated that at one time it was mentioned that the DOT had set aside ten percent of their municipal aid funds for Streetscape projects and asked if that is still the case. Mr. Ogren stated that in a letter to the Mayor from the Commissioner of the DOT it was indicated that there would be ten percent set aside for Streetscape, sidewalk and bikeway projects. Mr. Ogren stated that this is nothing new, that municipalities can apply for road projects and for sidewalk and bikeway projects. Mr. Ogren stated that in his experience he has submitted and received approval in both categories in the same year. Mr. Ogren stated that it should not be assumed that the DOT would only fund one project. Mr. Ogren stated that ranking the projects might send a signal to the DOT that the Borough prefers one project over the other. Mayor and Council were in agreement that the projects should both be submitted on their own merit and not prioritized unless the DOT requests that they be prioritized. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution No. 2007-8.13**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH
BRISTOL-MYERS SQUIBB FOR \$100,000 TRAFFIC PAYMENT**

WHEREAS, the Borough of Pennington (“Borough”) and Bristol-Myers Squibb Company (“BMS”) have agreed that BMS shall pay the Borough \$100,000 to provide for such traffic-related projects as the Borough sees fit to offset the anticipated traffic impacts of the development of the BMS Campus in Hopewell Township, on the border of the Borough;

WHEREAS, the \$100,000 shall be paid in a lump sum or in three (3) installments as provided in the agreement, no later than the issuance of building permits for the development of new floor area on the BMS Campus equal to or exceeding 300,000 square feet in the aggregate;

WHEREAS, a copy of the full text of the proposed agreement, entitled “Traffic Improvement Payment Agreement,” is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the annexed Traffic Improvement Payment Agreement is hereby approved, and the Mayor, with the attestation of the Clerk, is hereby authorized to execute and enter into the Agreement on behalf of the 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	M				Zompa	X			

Council Member Heinzel made a motion to approve Resolution 2007-8.13, second by Council Member Tucker. Mr. Bliss reviewed some minor substantive changes to the draft agreement that was provided to Council for review. Mr. Bliss stated that the changes have been reviewed and approved by Mr. Chris Tarr, Attorney for Bristol Myers Squibb. Upon a roll call vote all members present voted in favor.

RESOLUTION #2007 – 8.14

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
RESOLUTION, APPLICATION, AND AGREEMENT FOR
STATE AID TO COUNTIES AND MUNICIPALITIES
(Burd Street)**

Council Member Garber made a motion to approve Resolution 2007-8.14, second by Council Member DiFalco with all members present voting in favor.

Administrator’s Report

Mr. Dunworth stated that at the last meeting a discussion took place with regard to finding some funds in the budget for the Veteran’s Memorial. Mr. Dunworth stated that \$500.00 has been identified in the Administration budget. Mr. Dunworth asked Council for their approval on this expenditure. Council approved.

Mr. Dunworth stated that he provided Council with some literature regarding an invitation to join a regional planning effort as part of the Delaware River Basin Commission along with DEP and the NJ Office of Emergency Management for flood mitigation. Mr. Dunworth explained that Pennington Borough is in the Delaware River Basin Commissions Flood Plan and the Borough has been asked to be involved with this

planning effort. Mr. Dunworth stated that he has accepted the request and that by doing so, the Borough will be eligible for FEMA grants if they were ever needed. Mr. Dunworth stated that step two of this would be to go to an all hazards mitigation plan. Mr. Dunworth explained that there are some requirements that the Borough must meet, among them to have a public hearing and to appoint a Flood Mitigation Committee. Mr. Dunworth stated that he wanted Council to be aware that the Borough is delving into this and that he has spoken to Mr. Fetzer, who advised that the Borough should do this.

Public Comment

Mayor Persichilli asked anyone wishing to address Council to 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.

Jim and Kay Fuger of 6 Baldwin Court asked Council for an update on the drainage problem in their backyard. Mr. Fuger stated that the repair was to be included in the Maintenance and Repair contract. Mr. Garber stated that the Maintenance and Repair contract is a global contract with a number of items listed with. Mr. Garber stated that not all of the items will be completed, it would depend on funding. Ms. Fuger asked if their project would fall under this contract. Ms. Fuger stated that they will continue to come to meetings to make sure that the project stays on the list so that they can get some resolution to the problem.

At 8:10 pm, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Heinzl.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk