

**Pennington Borough Council
Regular Meeting – April 2, 2012**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Dunn, Griffiths, Heinzl, McClurg-Doldy, Ogren, and Tucker in attendance.

Also present were Borough Attorney, Walter Bliss, Public Works Superintendent, Jeff Wittkop and Public Safety Director, Bill Meytrott.

Mayor Persichilli invited everyone to stand for the Flag Salute.

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 and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

Meeting 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 3 minutes.**

There were no comments from the public.

Approval of Minutes

Council Member McClurg-Doldy made a motion to approve the minutes of the February 6, 2012, Regular Meeting, second by Council Member Dunn. Mr. Ogren requested a minor correction on page 15 of the minutes. Upon a roll call vote, all members present voted in favor of the minutes as corrected.

Council Member Ogren made a motion to approve the minutes of the February 23, 2012, Special Meeting, second by Council Member Heinzl with all members present voting in favor.

Council Member Dunn made a motion to approve the minutes of the March 5, 2012, Regular Meeting, second by Council Member Heinzl. Mr. Ogren requested a change on page 12 of the minutes. Upon a roll call vote, all members present voted in favor of the minutes as corrected with the exception of Mr. Griffiths and Mrs. McClurg-Doldy who abstained.

Council Member McClurg-Doldy made a motion to approve the minutes of the March 12, 2012, Special Meeting, second by Council Member Dunn with all members present voting in favor.

Mayor's Business

Mayor Persichilli invited Megan Ptaszewski, of the American Cancer Society to come forward. Ms. Ptaszewski stated that she is here to talk about the Relay for Life event scheduled for May 11, 2012 at the Pennington School. Ms. Ptaszewski stated that this is the second annual Relay for Life event and she is hoping to have more community involvement this year. Ms. Ptaszewski stated that she would like to extend an invitation to attend an information session on April 15, 2012 at 1:00 pm at the YMCA. Ms. Ptaszewski stated that she left some handouts with the Borough Clerk containing information about the event and also including her contact information.

Mayor Persichilli asked Mr. Ogren to comment on the NJDOT- Municipal Aid 2012 award. Mr. Ogren stated that the Borough has received notification from the NJDOT that a grant that we applied for last year for Downtown Streetscape Improvements has been approved in the amount of \$220,000. Mr. Ogren stated that the amount is less than what we applied for, but seems to be the maximum award by the DOT.

Appointments (with Council Approval)

Mayor Persichilli recommended the appointment of Robert Bolten as Alternate #1 to the Historic Preservation Commission for a term ending December 31, 2013. Council Member Tucker made a motion to approve the appointment, second by Council Member Dunn with all members present voting in favor.

Presentation

Mayor Persichilli stated that the Hopewell Valley Regional School District is scheduled to make a budget presentation tonight but seeing as they are not here yet he would move on to Committee Reports.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzl reported that the new library director has arrived and she is doing a great job. Mrs. Heinzl stated that Ms. Ha attended the most recent Library Board meeting where the board approved the Strategic Plan and set up sub-committees to implement the plan. Mrs. Heinzl stated that Ms. Ha has several ideas for the library that she would like to discuss with the board such as changing the hours of the library and making the library more accessible to the community. Mrs. Heinzl stated that the Library will be hosting a couple of events in the near future. Mrs. Heinzl stated that the first event is the Busy Town Community Event which will take place on May 3rd and will feature many of the people in the room. Mrs. Heinzl stated that the Library is working with the Tollgate School on this event to give students an idea of how the town works. Mrs. Heinzl stated that a film titled Poet of Poverty, a film about Camden, presented by the NJ Council of the Humanities will be shown at 3:00 pm on April 15th. Mrs. Heinzl stated that the library continues to have tutoring for elementary and middle school students, story times are going very well and the Pennington Library Book Discussion is being held monthly.

Mrs. Heinzl stated that the Planning Board did not meet.

Mrs. Heinzl stated that Environmental Commission continues to discuss Pennington Day.

Public Works – Mr. Ogren stated that the bid opening for Sked Street has been postponed until Thursday April 5th. Mr. Ogren stated that the Public Works Committee did meet in March and they continue to discuss construction of storage bins at the public works site. Mr. Ogren stated that Bond Counsel has authorized that funds left in the ordinance for construction of the public works building can be used for this project. Mr. Ogren stated that Mr. Wittkop has prepared a preliminary sketch and the next step is to have the Borough Engineer provide a cost estimate for the project.

Personnel/Shade Tree – Mr. Ogren stated that the Personnel Committee met and discussed a personnel matter regarding a public works employee and also a draft advertisement for the Borough Administrator position.

Mr. Ogren stated that the Shade Tree Commission met and they are working on plans for Arbor Day which will be held April 27th, 2012.

Public Safety – Mr. Tucker stated that the 2012 budget for the Police Department has been finalized and includes one new officer and one new police vehicle. Mr. Tucker stated that there are currently four applicants being considered for the position, background checks are being done and all applicants are trained and will not require further training. Mr. Tucker stated that it is anticipated that the position will be filled by the end of the month.

Mr. Tucker reported that Director Meytrott has attended various events on behalf of the Borough.

Mr. Tucker reported that following statistics for the month of March 2012:

1	Simple Assault
2	Bad Checks
1	Controlled Substance
3	Criminal Mischief Complaints
199	Motor Vehicle Stops
88	Warnings Issued
6	Parking Summonses
10	Motor Vehicle Reports
3	Adult Male Arrests
1	Adult Female Arrest

Finance – Mr. Griffiths stated that the budget and water/sewer rate increase have been finalized and will be discussed later in the meeting.

Parks & Recreation/Economic Development – Mrs. McClurg-Doldy stated that the mulch at Kunkel Park has been rototilled and the picnic tables have been repaired and the park looks revitalized. Mrs. McClurg-Doldy stated that they are working on putting up signboards to post events. Mrs. McClurg-Doldy reported that on Saturday, April 7th at 10:00 am the annual Easter Egg Hunt will be held at Kunkel Park. Mrs. McClurg-Doldy stated that the Adopt-A-Flag program is ongoing and she would encourage residents to purchase a flag. Mrs. McClurg-Doldy stated that the concert series has been scheduled and the first concert will be held at 65 South Main Street on May 28th, 2012 from 5 to 7pm featuring The Dadz. Mrs. McClurg-Doldy stated that Clearing Out The Cobwebs will perform on September 3rd from 5 to 7pm and finally, a movie and concert featuring Box O Rocks will be held on October 7th at Kunkel Park. Mrs. McClurg-Doldy stated that they have recruited a few new members but they are still looking for new members.

Mrs. McClurg-Doldy stated that the Economic Development Commission met and Mr. Ogren attended to present an update on the Streetscape Project, the Open Space Committee and the Landfill Redevelopment. Mrs. McClurg-Doldy stated that the Economic Development Commission is on board with a lot of the ideas that Mr. Ogren presented.

Mrs. McClurg-Doldy stated that the Commission discussed the need to make Pennington more business friendly. Mrs. McClurg-Doldy stated that an issue came up recently regarding outdoor dining. Mayor Persichilli stated that each restaurant along Main Street was notified regarding the process for outdoor dining. Mayor Persichilli stated that only one of the three restaurants submitted a request for the last meeting. Mayor Persichilli stated that every year this comes up and the process is the same each year. Mayor Persichilli stated that it is an easy process. Mrs. Sterling stated that letters are sent out in February with a copy of the Borough Ordinance and a request to submit their requests for the March meeting so that when the weather warms up they are able to place tables outside. Mrs. Sterling stated that Dos Gringos submitted his request; Vito's Pizza stated that they would submit their request for the April meeting and Emily simply put her tables outside. Mrs. Sterling stated that we very nicely reminded her that she could not put tables out until she had received approval from the Borough. Mrs. Sterling stated that the main reason for this procedure is to ensure that these restaurants have the proper insurance requirements as the tables are in the public right of way. Mrs. McClurg-Doldy stated that one of the things that the Economic Development Commission discussed was streamlining the process so that business owners do not have to go through the process each year. Mrs. Sterling stated that the Borough makes the process as easy as possible each year. Mayor Persichilli stated that he personally has walked over and reminded the business owners of what is needed. Mr. Bliss stated that even if Council were to change the ordinance to try and make the process easier, first of all it would be difficult to draft such an ordinance and second the business owners would still have to present an insurance certificate each year otherwise, in essence we would just be hoping that they are in compliance.

Mrs. McClurg-Doldy stated that another issue that the Economic Development Commission discussed was the number of parking tickets that are issued on Main Street. Mrs. McClurg-Doldy stated that business owners are concerned that people who are coming to Pennington and spending money are having a difficult time finding parking or are receiving parking tickets. Mayor Persichilli stated that every year the issue of parking comes up and there is no way to please everyone. Mayor Persichilli stated that a parking committee was formed and this seems to be the best solution other than putting in parking meters which he doesn't think people are interested in. Mayor Persichilli stated that he would be happy to attend one of the Economic Development meetings to discuss parking.

Historic Preservation – Mrs. Dunn reported that the Historic Preservation Commission met on March 20th and reviewed the first application of the New Year. Mrs. Dunn stated that the application came from the Presbyterian Church for the house on the corner of Main and Delaware. Mrs. Dunn stated that they reviewed the project which mainly involves work on the interior of the building; however there are some exterior repairs and changes. Mrs. Dunn stated that the exterior changes include a new roof, gutters, window replacement, siding and rebuilding of the front porch with trim work. Mrs. Dunn stated that the overall plans were certified as appropriate though the commission did have a few recommendations and comments. Mrs. Dunn stated that the commission recommended use of Andersen 200 series windows as opposed to vinyl windows and seeing as the cost is pretty much the same as the Andersen 400 windows. Mrs. Dunn stated that the commission shared photos of the original house with the original porch and detail work with the architect for the project and they agreed that they would like to preserve the detail on the porch. Mrs. Dunn stated that the other recommendation involved researching the cost of cement siding versus vinyl siding and it was noted that the church has a very limited budget and that the cost of the cement siding is more expensive, however it looks better and there are more options for colors as the cement siding can be painted any color and vinyl siding is only available in certain colors. Mrs. Dunn stated that the commission is waiting to hear back on the recommendations.

Mrs. Dunn stated that Robert Bolten has agreed to serve as an alternate on the commission. Mrs. Dunn stated that another item that was discussed was a mailing to property owners in the historic district detailing the items in the historic district ordinance.

Mrs. Dunn stated that the commission also discusses the possibility of district signs to mark the historic district.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2012-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2012 - 6**

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 2012

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	\$ 30,000.00
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Borough Clerk	\$ 37,802.57
Treasurer	\$ 59,967.96
Tax Collector	\$ 17,227.39
Utility Collector	\$ 17,227.39
Technical Assistant to Construction	\$ 10,560.06
Tax Assessor	\$ 14,037.95
Zoning Officer	\$ 7,805.37
Land Use Admin/Admin Asst.	\$ 45,492.53
Deputy Registrar	\$ 1,965.73
Supt. of Public Works	\$ 53,430.10
Supt. of Water Dept.	\$ 22,736.02
Supt. of Sewer Dept.	\$ 22,736.02
Judge of Municipal Court	\$ 10,966.07
Prosecutor	\$ 3,717.98
Court Administrator	\$ 15,325.90
Public Safety Director	\$ 54,737.11
Construction Official	\$ 24,216.51
Plumbing Sub-Code	\$ 35.82 / hour
Fire Sub-Code	\$ 36.36 / hour
Electric Sub-Code	\$ 9,692.96
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

- 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	\$ 73.01
Police Department:		
Crossing Guards	\$ 15.00	\$ 23.30
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 20.95
Part Time/Temporary/Licensed	up to a maximum of	\$ 35.65

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, 2011.

Council Member Griffiths made a motion to introduce Ordinance 2012-6, second by Council Member McClurg-Doldy with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2012-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2012-4**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

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 next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2012 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,

NOW THEREFORE BE IT ORDAINED, by the Mayor and 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 2012 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$21,645.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2012 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines 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.

BE IT FURTHER ORDAINED, that any 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 Tucker made a motion to open the Public Hearing on Ordinance 2012-4, second by Council Member Griffiths. There were no comments from the public. Council Member Heinzl made a motion to close the Public Hearing on Ordinance 2012-4, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2012-4, second by Council Member Heinzl with all members present voting in favor.

Mayor Persichilli read Ordinance 2012-5 by title.

**BOROUGH OF PENNINGTON
County of Mercer**

Ordinance No. 2012-5

AN ORDINANCE INCREASING RATES 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 as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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 (with deletions bracketed and new language underlined):

§ 206-1. Base and usage charges.

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

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-200,000 Gallons (per 1,000 gallons)	More than 200,000 Gallons (per 1,000 gallons)
Less than 1	\$[27.13] <u>27.27</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</u>
1	\$[41.42] <u>41.63</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</u>
2	\$[117.71] <u>118.30</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</u>
3	\$[264.05] <u>265.37</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</u>
4	\$[388.04] <u>389.98</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</u>
6	\$[725.08] <u>728.71</u>	\$[6.34] <u>6.40</u>	\$[6.55] <u>6.68</u>	\$[6.78] <u>7.08</u>	\$[7.55] <u>8.03</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:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-200,000 Gallons (per 1,000 gallons)	More than 200,000 Gallons (per 1,000 gallons)
All sizes	\$[29.83] <u>30.10</u> per 1,000 gallons	\$[6.75] <u>6.82</u> per 1,000 gallons	\$[6.87] <u>7.10</u> per 1,000 gallons	\$[6.99] <u>7.37</u> per 1,000 gallons	\$[7.19] <u>7.72</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 feeds the units.

D. 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.

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

F. 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 in conformance with the Borough Code.

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

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2012-5, second by Council Member Dunn. Mrs. Sterling stated that this ordinance has been amended and is substantially

changed from the introduced ordinance. Mr. Bliss stated that the public hearing on this ordinance should be carried to the next meeting, May 7, 2012. Council Member Griffiths stated that the total increase mainly affects the few institutional/commercial users that use over 200,000 gallons per quarter. Mr. Griffiths stated that these users would end up paying a weighted average of .95% on an annualized basis. Mr. Griffiths stated that the average homeowner will pay about ½ of 1 percent more which will cost the average homeowner about fifty cents per month compared to the last rate increase. Mr. Griffiths stated that as before this ordinance does proportionally raise the rates for commercial users higher than residential users mainly because it costs more to maintain the volume that they require. Mayor Persichilli stated that the Public Hearing on this ordinance will be carried to the May 7th Council Meeting.

Mayor Persichilli recognized the arrival of School Board Representatives. Mayor Persichilli stated that at this time he would allow the School Board to make their presentation and then continue on with the meeting after the presentation.

Mr. Tom Smith and Mr. Bob Colavita distributed handouts of a power point presentation. Mr. Smith thanked Mayor and Council for allowing them to come tonight and make this presentation. Mr. Smith stated that this is the third budget that he has been involved in and they have tried to develop a plan and stick to that plan. Mr. Smith stated that the plan is both reflective of the needs of the district and is respectful to the community in terms of the impact of taxes. Mr. Smith stated that there are some issues that the district is facing. Mr. Smith stated that there is a decrease in enrollment. Mr. Smith stated that they have been in contact with the Township with regard to potential development however, at this time the school district is experiencing an enrollment decrease of about fifty students per year. Mr. Smith stated that currently there are about 3,850 students down from 4,500 students. Mr. Smith stated that at present the impact will be to staffing rather than facilities.

Mr. Smith stated that over that last few years they have tried to bring a budget in line that deals with facilities. Mr. Smith stated that three of the buildings in the district are over ninety years old. Mr. Smith stated that making sure that academics and programs are reviewed and adjusted to reflect the changing environment and the needs of the students and community is also important. Mr. Smith stated that this budget accomplishes those issues, prepares for capital projects and focuses on bringing Tollgate Elementary up to speed in terms of its facilities. Mr. Smith stated that the Tollgate school will undergo some major improvements this summer. Mr. Smith stated that as part of a long range plan, Tollgate was the first school to undergo a major HVAC upgrade which was just completed a few weeks ago. Mr. Smith stated that the budget for next year calls for the same system going into Bear Tavern School and in the following year the Hopewell Elementary School. Mr. Smith stated that at the end of three years all of the elementary schools will have a comfortable environment for students.

Mr. Smith stated that the school district is committed to long range planning as opposed to holding a referendum. Mr. Smith stated that portions of the HVAC work have been funded by grants and the energy cost savings will be beneficial to taxpayers. Mr. Smith stated that they heard loud and clear from the community after the last budget was cut that taxpayers do not want to see programs cut. Mr. Smiths stated that this budget has been crafted so that all current programs remain in place and staffing levels remain in place. Mr. Smith stated that the tax levy impact for this year is the lowest in over twenty five years at 1.3%.

Mr. Smith stated that what they do is educate students and they strive to improve the educational experience for students. Mr. Smith stated that their focus going forward is to preserve the good things that are happening at the high school and the middle school and improving upon the experience at the elementary schools. Mr. Smith stated that they have four elementary schools and the long term goal is to unify the four schools to ensure consistency among the schools.

Mr. Smith stated that they believe that this budget meets the long term plan and goals that the school district has set. Mr. Smith stated that he spared Mayor and Council the twenty-eight page power point presentation and he would be happy to answer questions with regard to the budget. Mr. Smith answered questions raised by Council Members with regard to why the budget continues to increase, decreasing enrollment and state aid reinstatement. Mr. Colavita spoke on working towards getting the four elementary schools more consistent with regard to curriculum. Mr. Smith stated that this is a budget discussion and he would encourage anyone with concerns or questions regarding things like curriculum to come into his office.

New Business

Borough of Pennington Resolution #2012 – 4.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Donna L. Doran, 4 Fitzcharles Drive, Pennington, NJ 08534, Block 401 Lot 2, for Planning Board escrow balance, Application No. P11-010, in the amount of \$865.67 and interest.

BE IT RESOLVED, that a refund be issued to Joseph D. & Carol L. Olivieri, 1 E. Franklin Avenue, Pennington, NJ 08534, Block 104, Lot 1, for Planning Board escrow balance, Application No. P11-008, in the amount of \$567.84 and interest.

BE IT RESOLVED, that a refund be issued to Sun National Bank, Attn.: Francisco J. Cotilla, Senior Vice President, 226 Landis Avenue, Vineland, NJ 08360, for Planning Board escrow balance for application P10-003 for property at 1 North Main Street, Block 301, Lots 1, 2 & 52), in the amount of \$1,068.30 and interest.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy	X			
Griffiths	X				Ogren	M			
Heinzel	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2012-4.1, second by Council Member Dunn with all members present voting in favor.

**Borough of Pennington
Resolution #2012 – 4.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 902,952.02 from the following accounts:

Current	\$ 801,818.50
W/S Operating	\$ 91,506.02
Grant Fund	\$ 7,703.00
Developers' Escrow	\$ 1,924.50
TOTAL	\$ 902,952.02

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	X			

Council Member McClurg-Doldy made a motion to approve Resolution 2012-4.2, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2012 – 4.3**

**RESOLUTION AUTHORIZING THE FILING OF A
RECYCLING TONNAGE GRANT FOR 2011**

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

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

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

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

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2011 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Council of Pennington Borough to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

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

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	S			
Griffiths	X				Ogren	M			
Heinzel	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2012-4.3, second by Council Member McClurg-Doldy with all members present in favor.

**Borough of Pennington
Resolution #2012 – 4.4**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 13, 2011, a lien was sold on Block 503.05, Lot 3.01, also known as 16 South Main Street, Unit 2E, Pennington, NJ, for 2010 delinquent tax charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #11-00003, was sold to US Bank CUST for Crestar Capital, for 0%, redemption fee and a \$7,000.00 premium; and,

WHEREAS, Pennington Court Co. Inc, owner, has effected redemption of Certificate #11-00003 in the amount of \$14,533.00.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$14,533.00, payable to US Bank CUST for Crestar Capital, LLC, U.S. Bank Corporate Trust Services, Tax Lien Service Group, 2 Liberty Place, 50 South 16th Street – Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #11-00003.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$7,000.00 (Premium) to the aforementioned lienholder.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Dunn made a motion to approve Resolution 2012-4.4, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2012 – 4.5**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 13, 2011, a lien was sold on Block 503.06, Lot 3.02, also known as 12 South Main Street, Unit 1F, Pennington, NJ, for 2010 delinquent tax charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #11-00007, was sold to US Bank CUST for Crestar Capital, for 0%, redemption fee and a \$3,400.00 premium; and,

WHEREAS, Pennington Court Co. Inc, owner, has effected redemption of Certificate #11-00007 in the amount of \$7,805.47.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$7,805.47, payable to US Bank CUST for Crestar Capital, LLC, U.S. Bank Corporate Trust Services, Tax Lien Service Group, 2 Liberty Place, 50 South 16th Street – Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #11-00007.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$3,400.00 (Premium) to the aforementioned lienholder.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	X				Ogren	M			
Heinzel	X				Tucker	S			

Council Member Ogren made a motion to approve Resolution 2012-4.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2012 – 4.6**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 13, 2011, a lien was sold on Block 503.05, Lot 2.01, also known as 16 South Main Street, Unit 2C, Pennington, NJ, for 2010 delinquent tax charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #11-00002, was sold to MTAG Services/ATCF II, for 0%, redemption fee and a \$5,000.00 premium; and,

WHEREAS, Pennington Court Co. Inc, owner, has effected redemption of Certificate #11-00002 in the amount of \$14,525.29.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$14,525.29, payable to MTAG Services as Custodian for ATCF II NEW JERSEY LLC, P.O. Box 54292, New Orleans, LA 70154-4292 for the redemption of Tax Sale Certificate #11-00002.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$5,000.00 (Premium) to the aforementioned lienholder.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	M			
Griffiths	S				Ogren	X			
Heinzel	X				Tucker	X			

Council Member McClurg-Doldy made a motion to approve Resolution 2012-4.6, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2012 – 4.7**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2:12 FOR
TRENTON CYRUS LODGE NO. 5**

WHEREAS, Trenton Cyrus Lodge No. 5 submitted raffle application RA: 2.12 on February 28th, 2012 for a raffle to take place on May 19th, 2012 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on March 6th, 2012; and

WHEREAS, Trenton Cyrus Lodge No. 5 meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Trenton Cyrus Lodge No. 5 in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.12 for Trenton Cyrus Lodge No. 5 be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Findings and Determinations for RA: 3.11 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2012-4.7, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2012 – 4.8**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 3:12 FOR
PRINCETON PLEATERS**

WHEREAS, Princeton Pleaters submitted raffle application RA: 3.12 on March 19, 2012 for a raffle to take place on May 19th, 2012 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period is satisfied on March 26th, 2012; and

WHEREAS, Princeton Pleaters meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Princeton Pleaters in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 3.12 for Princeton Pleaters be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Findings and Determinations for RA: 3.11 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	M				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2012-4.8, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2012 - 4.9**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2012**

WHEREAS, Egnazio (Nat) Casano is the owner of Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 5 tables and 20 chairs on the Main Street side of the restaurant and 3 tables and 12 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito's Pizza is hereby granted permission to locate up to 8 tables and 32 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 5 tables and 20 chairs on the Main Street side of the restaurant and no more than 3 tables and 12 chairs on the Delaware side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Egnazio Casano and Vito's Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

G. The outdoor dining area approved by this resolution shall not operate until Mr. Casano and Vito's Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer's liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days' written notice of any cancellation of this insurance.

H. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

1. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Mr. Casano or Vito's Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

2. This conditional authorization shall in any event expire on December 31, 2012.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Dunn made a motion to approve Resolution 2012-4.9, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2012 – 4.10**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY'S CAFE TO
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC
RIGHT- OF- WAY IN 2012**

WHEREAS, Emily Matticoli is the principal owner of Emily's Café and Catering, LLC, a restaurant known as Emily's Café located at 9 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Matticoli and Emily's Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 2 tables (with umbrellas) and 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Café, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate up to 3 tables (with umbrellas) and 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.

G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until Emily Matticoli and Emily’s Café and Catering, LLC, have filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

1. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

2. This conditional authorization shall in any event expire on December 31, 2012.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Dunn made a motion to approve Resolution 2012-4.10, second by Council Member Tucker with all members present voting in favor.

Public Hearing of 2012 Budget

Council Member Griffiths made a motion to open the Public Hearing on the 2012 Budget, second by Council Member McClurg-Doldy. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Dunn with all members present voting in favor.

Introduction of 2012 Budget Amendment

**Borough of Pennington
Resolution #2012 – 4.11**

RESOLUTION AMENDING THE 2012 BUDGET

WHEREAS, the local municipal budget for the year 2012 was approved on the 5th day of March 2012; and

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

WHEREAS, it is desired to amend said approved budget on April 2, 2012; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer that the following amendments to the approved budget of 2012 be made:

	Current Fund	<u>From</u>	<u>To</u>
Current Fund – Anticipated Revenues:			
General Revenues			
1. Surplus Anticipated		\$129,801.73	\$100,000.00
Total Surplus Anticipated		\$129,801.73	\$100,000.00
3. Miscellaneous Revenues			
Section G. Special Items of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Other Special Items:			
Grant Fund Interfund		<u>\$41,099.49</u>	<u>\$126,582.59</u>
Total Miscellaneous Revenues – Section G		<u>\$79,839.04</u>	<u>\$165,322.14</u>
Total Miscellaneous Revenues			
5. Subtotal General Revenues		<u>\$922,416.90</u>	<u>\$978,098.27</u>
6. Amount to be Raised by Taxes:			
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes		<u>\$2,069,913.92</u>	<u>\$2,005,564.32</u>
Total Amount to be Raised by Taxes for Support of Municipal Budget		<u>\$2,233,754.81</u>	<u>\$2,170,005.21</u>
7. TOTAL GENERAL REVENUES		\$3,156,171.71	\$3,148,103.48
Current Fund – Appropriations			
8. General Appropriations			
(A) Operations within “CAPS”			
Office of the Borough Administrator			
Salaries and Wages			\$15,000.00
Financial Administration			
Other Expenses		\$18,350.00	\$17,000.00
Assessment of Taxes			
Other Expenses		\$10,000.00	\$ 5,000.00
Collection of Taxes			
Other Expenses		\$ 8,125.00	\$ 6,500.00
Office of Borough Clerk			
Other Expenses		\$12,580.00	\$12,500.00
Municipal Court			
Other Expenses		\$ 4,640.00	\$ 4,250.00
Engineering			
Other Expenses		\$50,000.00	\$66,850.00

Planning & Zoning		
Other Expenses	\$10,250.00	\$10,000.00
Police		
Salaries & Wages	\$493,000.00	\$465,000.00
Streets		
Other Expenses	\$78,300.00	\$80,000.00
Board of Health		
Other Expenses	\$ 650.00	\$ 500.00
Recreation		
Other Expenses	\$ 7,450.00	\$ 6,673.31
Historic Preservation		
Other Expenses	\$ 500.00	
Economic Development		
Other Expenses	\$ 750.00	\$ 500.00
Uniform Construction Code		
Other Expenses	<u>\$ 2,000.00</u>	<u>\$ 1,253.46</u>
Total Operations (Item 8A) within "CAPS"	<u>\$1,875,024.00</u>	<u>\$1,869,455.77</u>
Total Operations Including Contingent within "CAPS"	<u>\$1,875,024.00</u>	<u>\$1,869,455.77</u>
Detail:		
Salaries and Wages	\$1,008,900.00	\$ 995,900.00
Other Expenses	\$ 866,124.00	\$ 873,555.77
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	<u>\$2,167,756.08</u>	<u>\$2,162,187.85</u>
8. General Appropriations		
(A) Operations Excluded from "CAPS"		
LOSAP Contribution:		
First Aid Organization	\$ 11,500.00	\$ 9,000.00
Total Other Operations – Excluded from "CAPS"	<u>\$ 175,940.89</u>	<u>\$173,440.89</u>
Total Operations – Excluded from "CAPS"	<u>\$379,740.63</u>	<u>\$377,240.63</u>
Detail:		
Other Expenses	\$379,740.63	\$377,240.63
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>\$753,415.63</u>	<u>\$750,915.63</u>
(O) Total General Appropriations – Excluded from "CAPS"	<u>\$753,415.63</u>	<u>\$750,915.63</u>
(L) Subtotal General Appropriations (Items H-1) and (O)	<u>\$2,921,171.71</u>	<u>\$2,913,103.48</u>
9. TOTAL GENERAL APPROPRIATIONS	\$3,156,171.71	\$3,148,103.48

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 certification of the 2012 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment in accordance with the provisions of N.J.S.A. 40A: 4-9, be published in The Hopewell Valley News, in the issue of April 12, 2012, and that said publication contain notice of public hearing on said amendment to be held at the Borough Hall on April 16, 2012 at 7:00 o'clock p.m.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Griffiths made a motion to introduce Resolution 2012-4.11, amending the 2012 Budget, second by Council Member Dunn. Mr. Ogren stated that it appears that all of the changes that were discussed at the budget workshop have been included in the amendment. Mr. Ogren stated that the total appropriations appear to have decreased by about \$8,000. Mr. Ogren stated that he brings this up because he has some concern about the engineering line item. Mr. Ogren stated that of the \$66,000 that is budgeted about one-half of that is for non-engineering expenses. Mr. Ogren stated that would make the actual engineering budget \$37,000 which is down from last years budgeted amount of \$100,000. Mr. Ogren stated that his concern is that the drastic cut does not allow for proceeding with a design work for the Downtown

Streetscape project. Mr. Ogren stated that we would like to see the \$8,000 added into the engineering budget. Mr. Griffiths stated that he objects to the request because the amount that is budgeted for engineering was agreed to at the March 12th meeting. Mr. Griffiths stated that the engineering budget includes \$25,000, which gives flexibility to either relocate the pole for the Safe Routes to Schools project or to be used for Downtown Streetscape Improvements. Mr. Griffiths stated that Mr. Ogren has adamantly stated that relocation of the pole would not be a taxpayer expense so that would leave an additional \$25,000 for streetscape design work. Mr. Ogren stated that he may not find out until later in the year whether that money will be needed for pole relocation so the \$8,000 would help to expedite the design of the downtown streetscape project. Mr. Griffiths stated that a very thorough discussion took place regarding the engineering budget and the figure that was budgeted was satisfactory.

Mrs. Dunn stated that she would like to see the Streetscape Project go forward, however she does believe that it was agreed that the \$25,000 was to move the pole and if the situation could be remedied quickly then that money could be used for the Streetscape Project and that is why she was comfortable with the amount that was budgeted. Mrs. Dunn stated that in order to get reimbursement for funds that have been expended, we really have to push to remedy the situation with the pole as soon as possible. Mrs. Dunn stated that pushing that back to the end of the year could prevent the Borough from moving forward with the Streetscape Project. Mr. Ogren stated that he has sent letters and e-mails to the Federal Government, but he can't push them to make a decision on this and that is his concern. Mr. Ogren stated that he has enlisted the help of Congressman Rush Holt and he has done everything he can possibly do to try to expedite this, but it may take months for a decision to be made. Mr. Griffiths stated that there may also be some flexibility with the \$17,000 that was budgeted for Sked Street depending on where the bids for that project come in.

Mr. Griffiths asked how this process will proceed from here. Mrs. Sterling stated that the Budget Amendment has to be advertised and that will take place on April 12th, 2012 and then within three days Council will have to meet to adopt the budget amendment and the budget. Mrs. Sterling stated that a Special Meeting will be scheduled for April 16th, 2012.

Mayor Persichilli asked Mr. Ogren what the extra \$8,000 would do for the engineering budget. Mr. Ogren stated that the original proposal for Streetscape Design was \$45,000, it has been dropped to \$30,000 and with roughly \$15,000 of that amount the Borough Engineer could proceed with survey and design work on the project. Mr. Ogren stated that the additional \$8,000 and another \$7,000 from the Sked Street allocation and/or the pole relocation amount would cover the other \$15,000. Mr. Ogren stated that the numbers that he quoted for the pole relocation are high so somewhere in the existing budget he should be able to fund the design work for the Streetscape project.

Mayor Persichilli asked how the additional \$8,000 would affect the overall budget. Mrs. Sterling cautioned Council that changing a line item appropriation would affect other pieces of the budget and that would affect how we proceed tonight with the amendment. Mr. Griffiths stated that presently we are holding the line on revenues, but if we go up another \$8,000 we actually start to increase revenues as compared to 2008 which he finds to be highly undesirable. Mr. Griffiths stated that he does not see the need to continue to add funding to engineering when there is about \$42,000 in flexibility already built into the budget. Mr. Griffiths stated that we need to learn to live with the budget and tighten up when necessary. Mr. Griffiths stated that we can't always do everything at one time. Mr. Ogren stated that he could agree to the budget as proposed with the understanding that we not lock up \$25,000 for the pole relocation. Mr. Griffiths stated that we never did lock that up, that was Mr. Ogrens request. Mr. Ogren stated that instead of setting aside \$25,000 we set aside \$10,000 and use the other \$15,000 for the Downtown Streetscape project. Mr. Griffiths stated that Mr. Ogren is playing with line items that are not defined and do not exist. Mr. Griffiths stated that the money is within the engineering budget and is within the purview of the Public Works Committee on how that money is expensed. Mr. Ogren asked then if when the budget is approved could he have a purchase order drawn up for \$15,000 for engineering on the Downtown Streetscape project. Mrs. Heinzl stated that we think that \$25,000 is the worst case scenario for relocation of the poles; however she thinks that until we know what that actual cost is going to be, this conversation does not make any sense. Mr. Griffiths stated that requesting a purchase order is imprudent from a managerial standpoint because this work could be authorized as late as November of this year. Mr. Griffiths stated that the flexibility is there, but he supports Mrs. Heinzl's comment that we are not sure what the pole relocation is going to cost and secondly, we are not even sure that we will have to bear any portion of that cost. Mrs. Heinzl stated that the \$25,000 was put in for the pole relocation and it should not be used until we know whether it is needed or not. Mrs. Heinzl stated that the bottom line is that the pole situation needs to be resolved as soon as possible so that we know where we stand.

Mrs. Dunn stated that she just noticed that the budget for Historic Preservation was reduced from \$500 to \$0 and she knows that the commission is working on signs to denote the Historic District. Mrs. Dunn asked if those funds could be reinstated or if there could be a commitment of funds for next year. Mr. Griffiths stated if there is no urgency for putting up the signs then he would defer that cost to next year. Mr. Griffiths stated that he recalls when the Historic Preservation Ordinance was adopted, there were assurances that this commission would not cost the taxpayers any money and even though this is small change, he was under the impression that it would have zero impact on the budget. Some discussion took place with regard to seeking donations for the signs.

Upon a roll call vote, all members present voted in favor of introduction of the budget amendment.

Council Discussion

Open Space Funds – Mr. Ogren stated that there was a question at the last meeting as to whether the Open Space Commission was on board with spending Open Space Funds and if so what amount. Mr. Ogren stated that a letter from the Open Space Commission was included in the agenda packages. Mrs. Heinzl stated that the letter recommends that the Borough authorize expending up to \$195,000 for the Pennington Connector Trail. Mrs. Heinzl asked how the Borough would move forward with this and if a resolution would be required to authorize expending the funds. Mr. Bliss stated that a resolution would be required. Mr. Ogren stated that the Borough has not been notified as to whether or not the DOT Grant is approved so we don't really know the amount that will be needed. Mr. Griffiths stated that he saw a letter regarding maintenance of the trail and he would need that issue to be cleared up before any spending is authorized. Mr. Griffiths stated that there are no funds available for maintenance and this project is not supposed to have any affect on taxpayers. Mr. Griffiths stated that there are still a lot of balls in the air on this project. Mr. Ogren stated that at the last meeting there was a discussion regarding a bond ordinance to fund the project. Mr. Ogren stated that another alternative that he thought of was using Open Space Trust Funds to front end the project. Mr. Griffiths stated that he would have to defer to the auditor on that. Mr. Griffiths stated that there are too many variables and he would like to see everything in writing before any decisions are made. Mr. Griffiths stated that he would like to see a strategic plan, schedule of disbursements and reimbursements, who will be the applicant and who will have long term maintenance responsibility and expense. Mr. Griffiths stated that all of this has to be documented and he will strongly object to this process unless the variables are resolved. Mayor Persichilli stated that Council has discussed this project over and over and he is getting to the point where he would like to scrap the project. Mayor Persichilli stated that if Council is going to go forward with the project it is important that Mr. Ogren put all the pieces together so that Council Members can understand the project. Mr. Ogren stated that there are some expenses that will be coming up with regard to revising the plans and a resolution will be needed in order to expend funds from the Open Space Trust Fund. Mrs. Heinzl suggested a motion to authorize expenditure of Open Space Funds for engineering costs related to planning the Pennington Connector Trail. Mr. Tucker asked if there would be a cap on the expenditure. Mrs. Heinzl stated that the memo authorized up to \$195,000. After some discussion, Mrs. Heinzl withdrew her motion until more information could be gathered. Mrs. Sterling requested that a resolution be done at the next meeting so that she would have authority to issue a purchase order. Mr. Bliss stated that if there is no time urgency, then he would suggest drafting a resolution for the next meeting. Mr. Griffiths stated that \$856 per foot for a walkway to nowhere is unconscionable and it will be difficult for him to support this project. Mr. Ogren stated that the bike path will cost under \$40,000, the majority of the expense is for the retaining wall. Mr. Bliss asked if there would be a professional services agreement for the engineering. Mr. Ogren stated that he felt a purchase order is all that is needed. Mrs. Sterling stated that a resolution would stipulate that Council authorizes the use of Open Space Funds for the expenditure. Mrs. Sterling stated that Van Note Harvey has not submitted a quote for the work. Mrs. Dunn asked if there were a reason why Roberts Engineering was not doing this work. Mr. Ogren stated that Van Note Harvey did the initial work and Roberts Engineering is unable to revise the plans. Mrs. Sterling stated that given that Van Note Harvey is not the Borough Engineer, they are the Water Sewer Engineer; it would be a good idea to have a resolution in place authorizing Van Note Harvey to do this work, which is out of the scope of their contract. Mr. Griffiths stated that it does not make sense to him to spend any money on this project until the variables are resolved.

Mayor Persichilli stated that he has learned a lot over the past year regarding grants. Mayor Persichilli stated that he questions why we even got involved in a project that is on Township property for something that is not a high priority in his mind. Mayor Persichilli stated that Council should be able to ask for plans and time frames so that they understand where the money is being spent and where the money is coming from. Mayor Persichilli stated that if a decision has to be made as to whether or not to stop this project he wants to be informed. Mayor Persichilli stated that a lot of time has been spent on this and the Borough will be spending Open Space funds which he thinks we can use, but he is not sure. Mayor Persichilli stated that there are too many unanswered questions. Mrs. Heinzl stated that she would be happy to work with Mr. Ogren to come up with something that will cover all of the things that have been discussed and will answer questions that have been raised. Mayor Persichilli stated that maintenance of the wall and the walkway are two issues that need to be resolved before any further decisions can be made.

Request from Joseph Long (402 Reading Street) – Mayor Persichilli stated that a letter has been received from Mr. Long of 402 Reading Street requesting to construct a fence on a portion of a Borough Easement that borders his property. Mayor Persichilli asked Mr. Wittkop if he had any concerns about the request. Mr. Wittkop stated that if it were a water or sewer easement he would but since it is a drainage easement he did not have any concerns. Mr. Bliss stated that if Council wants to grant the request he would prepare a resolution stating that the agreement is personal to the property owner and it cannot be transferred if the property is sold. Mr. Bliss stated that the agreement is not recordable so it is not part of the title of the property and it is revocable by the Borough whereby if the Borough has to remove the fence to gain access to the easement there would be no costs to the Borough. Mrs. Heinzl asked if the request could be approved tonight and a formal resolution be done at the next meeting. Mr. Bliss stated that he would prefer that the resolution and agreement be done prior to approval. Mrs. Sterling asked Mr. Bliss if he would prepare the resolution and agreement for the Special Meeting on April 16th.

Comcast Renewal – Mr. Bliss stated that under the Cable Communications Policy Act of 1984, the Borough has to do certain things within the three years prior to the expiration of the cable agreement. Mr. Bliss stated that one is the right of the cable company to request renewal and to put the Borough on notice that it wishes to renew thus requiring the Borough to put them on notice that we require a formal application and it also triggers the prospect of having a formal hearing. Mr. Bliss stated that the Borough has to establish a date by which they have to submit their renewal proposal and upon renewal we have establish a hearing. Mr. Bliss stated that any decision that is made on the renewal has to be memorialized and based on the testimony of the

hearing. Mr. Bliss stated that we went through this process the first time with the issuance of the franchise. Mr. Bliss stated that this is an optional proceeding in that we can always negotiate changes to the cable agreement. Mr. Bliss stated that if there is not agreement that way, then there is a formal proceeding that must take place. Mr. Bliss stated that this letter serves as formal notice just in case there is no agreement down the road. Mr. Bliss stated that last time Council formed a sub-committee that would address this. Mr. Bliss stated that the items to be addressed would be the quality of cable service, what are the needs of the community, is Comcast serving those needs and what are the parameters for renewal. Mr. Bliss stated that it takes some attention to the procedural details and also digestion of the proposal when it comes in. Mr. Bliss stated that he would recommend the same process be used for the renewal. Mr. Bliss stated that the question is where do we go from here, somebody should contact Comcast to discuss the basic outline of a procedure going forward and the receipt of a formal proposal for renewal or whatever else Comcast may have in mind. Mr. Bliss stated that he would be happy to do it, unless someone else would like to. Mr. Griffiths volunteered to contact Comcast.

Update on NJASK Test Scores – Mayor Persichilli stated that he, Dina Dunn and Dr. Adam Finkle met with Dr. Smith to discuss an analysis of test scores that was prepared by Dina Dunn and Dr. Adam Finkle. Mayor Persichilli asked Mrs. Dunn to comment on the analysis. Mayor Persichilli stated that there may be residents with questions as this information will be in the newspaper. Mrs. Dunn stated that NJASK is a state standardized test that is used throughout all of the grade schools to monitor progress. Mrs. Dunn explained State ranking of schools with regard to State Funding, taxes and other funds that make up the DFGI ranking. Mrs. Dunn stated that students are tested and ranked as either proficient, advance proficient and not proficient. Mrs. Dunn stated that a trend has occurred over the past six years in Pennington where there are two schools that outperform the other two schools. Mrs. Dunn stated that the two high scoring schools are Stonybrook and Hopewell Elementary and the schools that under perform consistently are Bear Tavern and Toll Gate. Mrs. Dunn stated that even though a standardized test is not the be all end all of what represents a student; it is an alarming trend that continues. Mrs. Dunn stated that it looks like there are two different districts. Mrs. Dunn stated that the two schools that are doing better are doing better consistently and the two that are doing poorly are decreasing over the past couple years. Mrs. Dunn stated that this is an issue for parents and the question becomes why students in the same district are not performing at the same level. Mrs. Dunn stated that the graphs she provided show that grade after grade, subject after subject you see the same trend. Mrs. Dunn stated that all of the raw data is available on line from the school district. Mrs. Dunn stated that they encouraged the School Board to look at the Middle School and they determined that Toll Gate and Bear Tavern students do catch up by the eighth grade according to data provided by School Board Member Adam Slowicky. Mrs. Dunn stated that as a community it is important to see that there are two schools that are under performing as compared to the other schools.

Professional Reports

There were no comments from the professionals. Mr. Bliss requested a closed session.

Public Comment

Mayor Persichilli read the following statement for anyone interested in speaking before Council:

Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of three (3) minutes.

There were no comments from the public.

Closed Session

AT, 9:43 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:

Litigation – Castoro & Company

AT, 9:56 PM, Mayor and Council returned to open session.

At 9:56 PM, Council Member Heinzl made a motion to adjourn the meeting, second by Council Member McClurg-Doldy.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk