Pennington Borough Council
Regular Meeting – August 6, 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, Ogren, and Tucker in attendance. Council Members Heinzel and McClurg-Doldy were absent.

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

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.

Mayor Persichilli invited everyone to stand for the Flag Salute.

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 Tucker made a motion to approve the minutes of the July 10th, 2012 Regular Meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member Dunn who abstained.

Mayor's Business

Mayor Persichilli welcomed Borough Administrator, Timothy Matheny. Mayor Persichilli stated that Council is looking forward to working with Mr. Matheny. Mayor Persichilli stated that he has had some discussions with Mr. Matheny regarding some of the issues that most concern Council. Mayor Persichilli asked Mr. Matheny to comment on his Qualified Purchasing Agent certification and what that certification means for the Borough. Mr. Matheny stated that there have been some changes within the State regarding this certification. Mr. Matheny stated that in order to become a Qualified Purchasing Agent you must now take required classes and sit for a State exam. Mr. Matheny stated that once QPA certification is received there are continuing education credits that are required to maintain the certification. Mr. Matheny stated that the advantage of having a QPA is that the quote threshold and bid threshold are higher. Mr. Matheny stated that without a QPA the quote threshold is $2,625 and the bid threshold is $17,500. Mr. Matheny stated if a municipality has a QPA the quote threshold becomes $5,400 and the bid threshold is $36,000. Mr. Matheny stated that for the Borough to take advantage of his QPA qualifications, the position would have to be created by ordinance, an appointment would have to be made by resolution and then Council would have to pass a resolution to raise the quote and bid threshold.

Committee Reports

Planning & Zoning / Environmental Commission / Library – No report due to Mrs. Heinzel's absence.

Public Works – Mr. Ogren stated that the Public Works Committee did not meet in July. Mr. Ogren stated that the Sked Street Reconstruction Project is moving along, trees were cut down, water services were replaced and now they have begun work on the curbing. Mr. Ogren stated that Council Members have copies of the Water/Trash report.

PENNINGTON BOROUGH PUBLIC WORKS

TO: Tom Ogren, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: August 2, 2012

RE: **COUNCIL REPORT FOR THE MONTH OF JULY 2012**

WATER

Water pumped for the month of July 2012:	8,061,000
Daily-	260,000
Water pumped for the month of July 2011:	8,331,000
Daily-	268,700

For the month of July 2012 we averaged 8,700 gallons less per day than July 2011.

July 17 and 20 we flushed hydrants, using approximately 180,000 gallons.

TRASH

69.31 tons of household trash for the month of July 2012 vs. 69.08 tons in July 2011.
52 tons less in 2012 than 2011 to date.

Leaves should now be bagged and placed at the curb. The bags should be left open and free of any debris such as sticks, branches or other debris.

Mulch is still available at the Senior Center.

Repaving has started on Sked Street.

Personnel/Shade Tree – Mr. Ogren stated that the Personnel Committee and the Shade Tree Committee did not meet in July.

Public Safety – Mr. Tucker reported that the selection process for the vacancy in the Police Department continues. Mr. Tucker reported that the 2012 Chevrolet Impala has arrived and awaiting decals, lighting and installation of other equipment. Mr. Tucker reported that the base cost of the vehicle was $21,584.69. Mr. Tucker stated that the vehicle will be fully marked and used as a regular patrol car.

Mr. Tucker reported that Mr. Thomas Wilson, Compliance Officer for PEOSHA completed his inspection of the Police Department and found no further violations. Mr. Tucker reported that several issues were corrected over the past couple months including the replacement of loose floor tiles, documentation of training programs and removal of extension cords and power strips.

Mr. Tucker stated that the NJ Division of Criminal Justice Body Armor Grant application has been completed and accepted for 2012. Mr. Tucker stated that the Department participates in this program each year and receives funding for the purchase of body armor.

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

1	Simple Assault
1	Criminal Mischief
159	Motor Vehicle Stops
68	Warnings
135	Summonses Issued
2	Police Reports
2	Male Arrests
21	First Aid Calls

Mr. Tucker reported that although it was not in Pennington Borough, there was a break in at the Bear Tavern School. Mr. Tucker reported that four teenage youths were involved causing over $100,000 worth of damage and charges have been filed. Mr. Meytrott stated that one of the reasons that the damage amount is so high is that fire extinguishers were shot off inside the building, which then got into the HVAC system and circulated throughout the system which may result in some major repairs.

Finance – Mr. Griffiths stated that the Finance Committee did not meet in July.

Parks & Recreation/Economic Development – No report due to Mrs. McClurg-Doldy's absence.

Historic Preservation – Mrs. Dunn reported that the Historic Preservation Commission did not meet. Mrs. Dunn stated that the house on the corner of East Delaware and Main Street owned by the Presbyterian Church is coming along. Mrs. Dunn stated that work has stopped on the siding because they are now able to use cement siding which was the recommendation of the Historic Preservation Committee. Mrs. Dunn stated that half of the funding for the siding is coming from a Pennington Day Grant and the remainder is being paid for by some members of the community who will be forming a committee to do some fundraising to recoup some of the money.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2012-8 by title.

BOROUGH OF PENNINGTON
ORDINANCE #2012-8

AN ORDINANCE AMENDING "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."

WHEREAS, Borough Council by Resolution adopted Ordinance 2012-6 on May 7, 2012;

WHEREAS, a calculation error was made on the salaries for Tax Collector and Utility Collector;

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

1. Section Ia of Borough of Pennington Ordinance No. 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") is hereby amended to provide for the following salary for the positions of Tax Collector and Utility Collector:

a.

Tax Collector	$17,558.68
Utility Collector	$17,558.68

2. Section V of the aforesaid Ordinance is further amended by the addition of the following sentence:

"This Ordinance shall remain in effect until superceded."

3. This amendatory ordinance shall be effective upon passage and publication as provided by law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2012-8, second by Council Member Dunn. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2012-8, second by Council Member Ogren with all members present voting in favor.

Mayor Persichilli read Ordinance 2012-9 by title.

BOROUGH OF PENNINGTON
ORDINANCE NO. 2012 - 9

ORDINANCE AMENDING CHAPTER 98 OF THE CODE OF THE BOROUGH OF PENNINGTON CONCERNING FEES

WHEREAS, Borough Council seeks to amend certain of the fees set forth in Chapter 98 of the Code of the Borough of Pennington;

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

1. Subsections A, B, C, E and F of Section 98-31, concerning retail food establishments, are amended as follows:[1]

98-31. <u>Retail food establishments</u>.

License fees and related charges for retail food establishments as provided in Section 112-1 of this Code shall be:

A. Retail food establishments at a permanent location that prepare food: $[120] <u>200</u> per year or any part thereof <u>for establishments with fewer than 25 seats; $250 per year or any part thereof for establishments with 25 or more seats</u>.

[1]As used in this Ordinance, underlining denotes new language; brackets [ ] indicate language to be deleted. Asterisks (* * * *) indicate the omission of one or more subsections of the quoted section from the text of the Ordinance because these subsections are intended to remain unchanged.

B. Retail food establishments at a permanent location that sell only prepackaged food items: $[60]75 per year or any part thereof.

C. Mobile food vendors: $[60]75 per year or any part thereof.

* * * *

E. Establishments for temporary events and not licensed as permanent establishments: $[30]50 per event or any part thereof.

F. Plan review fee required for all retail food establishments except those owned by charitable and/or nonprofit organizations: $[120]150.

2. Section 98-33, concerning use of parks, is amended as follows:

98-33. Use of parks.

Fees for use of Borough parks as provided in Section 143-4 of this Code shall be:

A. Permit for use of park by documented nonprofit or Pennington resident: $[25]50.

B. All others: $[50]100.

3. Section 98-34, concerning trash pickup, is amended by adding the following new subsection C:

98-34. Trash pickup.

* * * *

C. Truck rental, if Borough truck is parked at the property overnight or for a weekend: $200.

4. Subsection A of Section 98-35, concerning trash pickup for adjacent properties, is amended as follows:

98-35. Adjacent properties.

Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to Section 172-13 of this Code shall be:

A. Per year for two thirty-gallon containers twice/week:$[340]350. No container may exceed 40 pounds.

* * * *

5. Subsections A and B of Section 98-36, concerning snow and ice removal by the Borough, are amended as follows:

98-36. Snow and ice removal by Borough.

Computation of charges for the costs incurred by the Borough for removal and remediation of snow and ice on sidewalks pursuant to Section 177-3 of this Code shall be based on the following rates:

A. Equipment hourly rates, including the time required to mobilize and demobilize from the site, subject to a one-hour minimum, shall be as follows:

(1) Snowblower: $25.

(2) Service truck: $75.

(3) Dump truck: $100.

(4) Deicer: cost plus 15%.

B. Labor hourly rates, including the time required to mobilize and demobilize from the site, subject to a one-hour minimum, shall be as follows:

(1) Foreman: $85.

(2) Operator: $75.

(3) Laborer: $65.

* * * *

6. Subsection A of Section 98-42, concerning standby fees for fire protection systems, is amended

as follows:

98-42. Standby fees.

Quarterly standby fees for private fire-protection systems pursuant to Section 206-2 of this Code are as follows:

A. Quarterly standby fees for private fire-protection systems regardless of the rate or quantity of that service:

Size of Private Lines (inches)	**Fee (per connection)**
2	$[119]125
3	$[262]300
4	$[439]450
6	$[907]925
8	$[1,545]1,600

* * * *

7. Subsections A and B of Section 98-44, concerning water and sewer tapping fees, are amended as follows:

98-44. Tapping fees.

Tapping fees pursuant to Section 206-4 of the Code are the following:

A. Water tapping fees.

(1) Water Type 1 (full service - full width) (30 feet or more): $[2,807]3,000. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.

(2) Water Type 2 (full service - half width): $[2,400]2,500. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): $[800]1,000. Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant's plumber provides for the remainder of the service connection. Road opening and inspection fees apply.

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

B. Sewer tapping fees.

(1) Water Type 1 (full service - full width) (30 feet or more): $[2,400]3,000. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.

(2) Water Type 2 (full service - half width): $[1,900]2,500. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): $[800]1,000. Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant's plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply.

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

* * * *

8. Section 98-47, concerning certain administrative fees, is amended by the following amendment of subsection F and the addition of the following new subsections G and H:

98-47. Administrative fees.

Administrative fees pursuant to Section 206-7 of the Code shall be charged as follows:

* * * *

F. House inspections: Regular fee -$60; fee if less than 2 weeks notice - $120.

G. Tanker of water: $200 plus per-gallon charge for water in accordance with water rates.

H. Shutting off and turning on water at curb: $100.

9. Subsection C of Section 98-51, concerning charges for costs incurred by Borough for grass cutting and lawn work pursuant Sections 136-7 and 136-8 of Borough Code, is amended as follows:

98-51. Charges for costs incurred by Borough for grass cutting and lawn work pursuant Sections 136-7 and 136-8 of Borough Code.

* * * *

C. For overtime (OT), a multiplier will be applied to labor rates equal to the highest applicable multiplier from the following:

(1) Work before 7:30 a.m.: 1.5.

(2) Work after 3:30 p.m.: 1.5.

(3) Work on Saturday: 1.5.

(4) Work on Sunday: 1.5.

(5) Work on Borough-recognized holidays: 2.0.

(6) Continuous work in excess of 12 hours: 2.0.

10. This Ordinance shall be effective upon its passage and publication as provided by law.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2012-9, second by Council Member Dunn. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing on Ordinance 2012-9, second by Council Member Ogren with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2012-9, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2012-10 by title.

Borough of Pennington
Ordinance No. 2012- 10

AN ORDINANCE AMENDING CHAPTER 83 OF THE CODE OF THE BOROUGH OF PENNINGTON CONCERNING CONSTRUCTION CODE FEES

WHEREAS, Borough Council seeks to amend Chapter 83 of the Code of the Borough of Pennington ("Code"), concerning Construction Codes, Uniform, to relocate construction code fees to Chapter 98, concerning Fees;

WHEREAS, the purpose of relocating construction code fees to Chapter 98 is to place ordinance fees in one place in the Code;

WHEREAS, Borough Council also seeks to amend certain of the construction code fees relocated to Chapter 98;

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

1. Chapter 83 of the Code is amended by substituting for Subsection B of Section 83-2 and for Sections 83-3, 83-4, 83-5, 83-6, 83-7, 83-8, 83-9, 83-10, 83-11 and 83-12, the following:

83-2.B. The fee to be charged for a construction permit will be the sum of all the subcode fees and basic construction fees plus any applicable special fees, such as elevator or sign fees, pursuant to Chapter 98.

83-3. Plan review fees as percentage of construction permit fees.

Plan review fees and fees for projects that do not require plan review for all subcodes are set forth in Chapter 98.

83-4. Certificate of occupancy fees.

Fees to be charged for a certificate of occupancy shall be computed and paid pursuant to Chapter 98.

83-5. Code variation fees.

The fee for variations from the code are set forth in Chapter 98.

83-6. Fee for training and certification of inspectors.

The fee for training and certification of inspectors shall be determined in accordance with Chapter 98.

83-7. Building subcode fees.

Building subcode fees for permitting shall be determined pursuant to Chapter 98.

83-8. Mechanical subcode fees.

There shall be no fees for mechanical inspections because the Borough does not issue mechanical permits.

83-9. Elevator fees.

Elevator fees for inspections and tests are set forth in Chapter 98.

83-10. Fire subcode fees.

Fire subcode fees for permitting shall be determined pursuant to Chapter 98.

83-11. Plumbing subcode fees.

Plumbing subcode fees for permitting shall be determined pursuant to Chapter 98.

83-12. Electrical subcode fees.

Electrical subcode fees for permitting shall be determined pursuant to Chapter 98.

2. All other sections, subsections and provisions of Chapter 83 shall remain unchanged. Section 83-14, concerning Additional Fees, and Section 83-15, concerning Construction to promote accessibility for handicapped, shall appear in both Chapter 98 and Chapter 83.

3. Chapter 98 of the Code is hereby amended and supplemented by the addition of a new Article XV, concerning Construction Code, Uniform, which shall read as follows:

Article XV. Construction Code, Uniform.

98-52. Plan review fees as percentage of construction permit fees.

A. Plan review fees shall be computed at 10% of the fee to be charged for the construction permit. For projects which do not require plan review for all subcodes, the fee shall be the appropriate percentage of the subcode fee that is applicable. The minimum plan review fee is $75.

B. In accordance with N.J.A.C. 5:23-2.26, a fee of 20% for plan review fees for the Department of Community Affairs will be deducted.

98-53. Certificate of occupancy fees.

A. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. The fee will be in addition to the construction permit fee. See N.J.A.C. 5:23-4.18(a)3.

B. The fee for a certificate of occupancy for new construction for a residential property shall be 10% of the fee charged for the construction permit.

C. The fee for a certificate of occupancy for a commercial or industrial building for new construction shall be 10% of the fee charged for the construction permit.

D. The for a certificate of continued uniform construction codes occupancy in accordance with N.J.A.C. 5:23-4.18(f)2 shall be $125.

E. The fee for a certificate of occupancy for any change of use in any use group shall be $150.

98-54. Code variation fees.

The fee for variations from the code shall be as defined in the uniform construction codes (N.J.A.C. 5:23-4.20(c)3.viii) and shall be as follows:

A. Class 1 structures: $594, plus $200 for each resubmission.

B. Class 2 and 3 structures: $120, plus $50 for each resubmission.

C. Residential dwellings: $50.

98-55. Fee for training and certifications of inspectors.

A fee will be charged for training and certifications of inspectors as required in accordance with N.J.A.C. 5:23-4.19(b). The fee shall be $0.00265 per cubic foot volume of new buildings and additions and $0.00135 per $1,000 of the value of construction for alterations.

98-56. Building subcode fees.

Building subcode fees for permitting shall be as follows:

A. The fees for any new construction or for any addition to an existing building or structure shall be based on $0.03 per cubic foot or additional cubic foot of building or structure volume in use group AFS, $0.007 per cubic foot or additional cubic foot of building or structure volume for farms, $0.055 per cubic foot or additional cubic foot of building or structure volume for all other use groups, or a minimum of $75.

B. Fees for renovations, wood decks, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction and the external utility connection for premanufactured construction shall be based upon the estimated cost of the work. The fee shall be in the amount of $25 per $1,000 up to $50,000 of the estimated cost of the work. From $50,001 to and including $100,000, the fee shall be in the amount of $20 per $1,000 of estimated cost above $50,000. Above $100,000, the fee shall be in the amount of $15 per $1,000 of estimated cost above $100,000. The minimum fee shall be $75. For the purpose of determining estimated cost, the applicant shall submit to the enforcing agency such cost data as may be available, produced by the architect or engineer of record or by a recognized estimating firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The enforcing agency shall make the final decision regarding estimated cost.

C. The flat fee for swimming pools shall be $75 for aboveground pools, $200 for in-ground pools and $500 for public pools.

D. The fees for demolition of a building or structure shall be $100 for a residential building or structure and $150 for a nonresidential building or structure, except the fee for a structure of less than 1,000 square feet shall be $50.

E. The fees for relocating a building or structure shall be $24 for each $1,000 of total estimated cost of the move.

F. The fee for a sign shall be $50.

G. The fee for a swimming pool barrier or fence shall be a flat fee of $75.

H. The fee for a temporary structure (tents) shall be a flat fee of $75.

I. The fee for removal of abandoned underground storage tanks shall be $65 for each tank of up to 1,000 gallons and $120 for each tank over 1,000 gallons.

J. The fee for a trailer shall be $75.

K. The fee for asbestos abatement shall be $84, and the fee for issuance of an asbestos abatement certificate shall be an additional $17.

L. The fee for lead abatement shall be $84, and the fee for issuance of a lead abatement certificate shall be an additional $17.

M. The fee for roofing and siding shall be $25 per $1,000 of estimated costs for all use groups.

N. The fee for a raised patio shall be $125.

98-57. Elevator fees.

Elevator fees for inspections and tests shall be determined pursuant to N.J.A.C. 5:23-12.

98-58. Fire subcode fees.

Fire subcode fees for permitting shall be as follows:
A. The fee for fuel storage tanks and similar equipment shall be $25 per 1,000 gallons or a minimum of $75.

B. Sprinkler heads.

(1) The fee for 20 or fewer sprinkler heads or alarms shall be $70 for alarm systems and $85 for sprinkler systems.

(2) For 21 to and including 100 heads or alarms, the fee shall be $125 for alarm systems and $150 for sprinkler systems.

(3) For 101to and including 200 heads or alarms, the fee shall be $229 for alarm systems and $300 for sprinkler systems.

(4) For 201 to and including 400 heads or alarms, the fee shall be $594 for alarm systems and $600 for sprinkler systems.

(5) For 401 to and including 1,000 heads or alarms, the fee shall be $825 for alarm systems and $1,050 for sprinkler systems.

(6) For over 1,000 heads or alarms, the fee shall be $1,050 for alarm systems and $1,100 for sprinkler systems.

C. The fee for each standpipe shall be $230.

D. The fee for each independent pre-engineered system shall be $100.

E. The fee for each gas- or oil-fired appliance shall be a flat fee of $50.,

F. The fee for each commetcial kitchen exhaust system shall be $100.

G. The fee for each fireplace, coal stove or woodburning stove shall be $24 per $1,000 of estimated cost of construction.

H. The fee for each incinerator shall be $350.

I. The fee for each crematorium shall be $350.

J. The fee for each fire pump installation shall be $250.

K. The minimum fire subcode fee shall be $50.

98-59. Plumbing subcode fees.

For plumbing fixtures and equipment, the fees shall be as follows:

A. The fee shall be in the amount of $20 per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system, except as indicated below.

B. The fee shall be $75 per special device for the following: gas piping, fuel oil piping, grease traps, oil separators, refrigeration units, water-cooled air-conditioning units, utility service connections, backflow preventers equipped with test ports (double check valve ports, double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps and interceptors, sewer connection and water service connection. There shall be no inspection fee charged for gas service connections.

C. The minimum plumbing fee shall be $50.

98-60. Electrical subcode fees.

The electrical subcode fee shall be as defined in N.J.A.C. 5:23-4.20(c)iii, except there shall be a minimum fee of $75. The fees are as follows:

A. For from one to 25 receptacles or fixtures, the fee shall be in the amount of $50; for each group of up to 40 receptacles or fixtures in addition to this, the fee will be $25. For the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, fluorescent fixtures, convenience receptacle, smoke and heat detectors or similar fixtures and a motor or device of less than or equal to one horsepower or one kilowatt. Communication and phone outlets shall be

prices as above but in separate groups.

B. For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower and for transformers and generators greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be $25.

C. For each motor or electrical device greater than 10 horsepower and less than or equal to 50 horsepower; for each service panel, service entrance or subpanel less than or equal to 200 amps; and for each utility loan management device, the fee shall be $75.

D. For each transformer and generator greater than 10 kilowatts and less than or equal to 45 kilowatts, the fee shall be $75.

E. For each motor or electrical device greater than 50 horsepower and less than or equal to 100 horsepower; for each service panel, service entrance or subpanel greater that 200 amperes and less than or equal to 1,000 amperes; and for transformers and generators greater than 45 kilowatts and less than or equal to 112.5 kilowatts, the fee shall be $120.

F. For each motor or electrical device greater than 100 horsepower; for each service panel, service entrance or subpanel greater than 1,000 amperes; and for each transformer or generator greater than 112.5 killowatts, the fee shall be $457.

G. For each burglar alarm panel or fire alarm panel, the fee shall be $75.

H. The fee for annual pool bond inspection shall be $75.

I. The minimum electrical fee shall be $75. For the purpose of computing these fees, all motors, except those in plug-in appliances, shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

98-61. Additional fees.
In addition to the fees set forth in this article, the Borough shall collect such other construction fees as are required and set forth in the Uniform Construction Code or in regulations adopted pursuant thereto.

98-62. Construction to promote accessibility for handicapped.

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by people with disabilities to an existing public or private structure or any of the facilities contained therein.

4. This Ordinance shall take effect upon passage and publication as provided by law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2012-10, second by Council Member Tucker with all members present voting in favor. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2012-10, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2012-10, second by Council Member Griffiths with all members present voting in favor.

New Business

Borough of Pennington
Resolution #2012 – 8.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Richard & Kelly Dec, 324 Hale Street, Pennington, NJ 08534, for a refund of the balance of Water/Sewer Disconnect Fees, in the amount of $352.00, Account P90-054.

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2012-8.1, second by Council Member Tucker with all members present voting in favor.

Borough of Pennington
Resolution #2012 – 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 $ 620,164.69 from the following accounts:

Current	$ 283,292.49
W/S Operating	$ 131,533.85
Developers' Escrow	$ 1,304.18
Water/Sewer Capital	$ 7,634.17
COAH Trust Fund	$ 195,965.00
Other Trust Fund	$ 435.00
TOTAL	$ 620,164.69

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2012-8.2, second by Council Member Tucker with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2012 – 8.3

RESOLUTION APPROVING RAFFLE LICENSE RA: 5.12 FOR ST. MATTHEWS CHURCH

WHEREAS, St. Matthews Church submitted raffle application RA: 5.12 on July 23, 2012 a raffle to take place on December 9, 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 was satisfied on July 30, 2012; and

WHEREAS, St. Matthews Church 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, St. Matthews Church 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: 1.12 for St. Matthews Church be approved; and

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward the annexed Findings and Determinations for RA:5.12 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	M				McClurg-Doldy				absent
Griffiths	S				Ogren	X			
Heinzel				absent	Tucker				abstain

Council Member Dunn made a motion to approve Resolution 2012-8.3, second by Council Member Grififths with all members present voting in favor with the exception of Mr. Tucker who abstained.

BOROUGH OF PENNINGTON
RESOLUTION 2012 - 8.4

RESOLUTION ADOPTING THE MERCER COUNTY, NEW JERSEY PRE-DISASTER HAZARD MITIGATION PLAN

WHEREAS, the Borough of Pennington is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship;

WHEREAS, a Multi-Jurisdictional All-Hazards Pre-Disaster Mitigation Plan (the Plan) has been developed through the work of the Mercer County Hazard Mitigation Working Group and interested parties within the Borough of Pennington;

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within the Borough of Pennington, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Borough of Pennington's leadership in emergency preparedness efforts;

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Borough of Pennington to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities;

WHEREAS, public meetings have been held by Mercer County to receive comment on the Plan as required by DMA 2000;

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

1. The Borough of Pennington adopts the Mercer County, New Jersey Pre-Disaster Hazard Mitigation Plan, dated June 27, 2011 as this jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions in the Plan

2. The Borough of Pennington officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Borough of Pennington Office of Emergency Management and the Borough of Pennington.

3. The Borough of Pennington Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Borough Council. This report shall be submitted to the Borough Council by March 31st of each year.

4. The Borough of Pennington Office of Emergency Management will undertake periodic updates of the Plan in concert with the Mercer County Office of Emergency Management as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2012-8.4, second by Council Member Dunn with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2012 – 8.5

RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MERCER FOR FIRE DISPATCHING SERVICES FOR THE YEARS 2012 THROUGH 2016

WHEREAS, the Borough of Pennington desires to contract with Mercer County for the provision of fire dispatch services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, pursuant to the authority N.J.S.A. 40:8A-1.11, the County and Borough have agreed to have the Mercer County Emergency Services Communications Center assist The Municipality in providing telecommunication services for the period of January 2012 thru December 2016 unless the County

or Municipality notifies the other, by certified mail, of its intentions to terminate the Agreement with a notice of time of at least sixty (60) days prior; and,

WHEREAS, it is understood that the parties are entering into this agreement in an effort to receive, without charge, transferred 9-1-1 calls, to assist in the dispatch of fire apparatus and provide operational communications for the fire service community in The Municipality as needed; and,

WHEREAS, in exchange for receiving the within services without charge, The Municipality agrees to indemnify and hold harmless the County for any liabilities which may arise out of using the services provided by the County's Emergency Services Communications Center; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with the County of Mercer for the provision of fire dispatching services during the period January 1, 2012 through December 31, 2016; and

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

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2012-8.5, second by Council Member Dunn. Mr. Griffiths asked what the cost is for this agreement. Mr. Meytrott stated that there is no charge for this agreement. Mr. Meytrott stated that this agreement has to do with the Public Safety Access Point maintained by Hopewell Township. Mr. Meytrott stated that Hopewell Township transfers the fire calls to Mercer County central for dispatch. Upon a roll call vote all members present voted in favor.

Borough of Pennington
Resolution #2012-8.6

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR MUNICIPAL ALLIANCE

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

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

WHEREAS, the municipalities have agreed to provide proportionate shares based on the enrollment of students in the Hopewell Valley school system, and Pennington's proportionate share for 2013 is $1,500.00; and

WHEREAS, this amount represents an increase of $100.00 per municipality over last year's contribution; and

WHEREAS, there has been no increase requested over the past three years; and

WHEREAS, this agreement is contingent on funds being made available in the 2013 budget in account #3-01-42-104-000-267, Shared Services Agreements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to execute the agreement with Hopewell Township for Municipal Alliance for 2013.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2012-8.6, second by Council Member Ogren with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2012- 8.7

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 UNDER CONTRACT WITH PA CONTRACTORS, INC. FOR THE SAFE ROUTES TO SCHOOLS PROJECT

WHEREAS, Hopewell Valley Engineering has recommended that Change Order No. 3 be effected under the contract between the Borough of Pennington and PA Contractors, Inc. for the project known as Pennington Borough Safe Routes to Schools (Federal Project No. STP-BOOS (955)) producing an increase of $ 18,400.00 in total contract price;

WHEREAS, the purpose of the change order is to install additional rapid rate flashing pedestrian crosswalk beacon per FHWA direction as explained in the attached change order documents from Hopewell Valley Engineering, dated June 26, 2012; and

WHEREAS, the work covered by this Change Order No. 3 will be paid for under the NJDOT grant for the project pending approval of the Change Order by the NJDOT;

WHEREAS, funds are available in account #: G-02-44-941-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Change Order No. 3 under the contract between the Borough of Pennington and PA Contractors, Inc. for the Pennington Borough Safe Routes to Schools Project (Federal Project No. STP-BOOS (955), which provides for an increase in the contract price of $ 18,400.00 under the NJDOT grant, is hereby approved subject only to the aforesaid approvals by NJDOT.

Record of Council Vote on Passage

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

Council Member Ogren made a motion to approve Resolution 2012-8.7, second by Council Member Griffiths. Mrs. Dunn asked if this is another payment to PA Contractors. Mr. Ogren stated that there was uncertainty as to whether or not NJ DOT was going to approve the additional work and this resolution is contingent on DOT approval of the additional funds. Mr. Griffiths asked if this is the work that needs to be done so that we can seek final reimbursement from the Federal Government for this project. Mr. Ogren stated that it is. Upon a roll call vote, all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION # 2012 – 8.8

RESOLUTION AUTHORIZING RELEASE OF CERTAIN ENCUMBERED FUNDS OWED TO VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH MUTUAL RELEASE OF CLAIMS EFFECTIVE JUNE 21, 2011 AND RESOLUTION OF DISPUTED RESPONSIBILITY FOR THE COST OF THE POWER UPGRADE AT WELL 8

WHEREAS, Van Note-Harvey Associates ("VNHA"), through its principals, officers and employees served the Borough of Pennington as Borough Engineer for eight years to January 2011, and thereafter as Water and Sewer Engineer to the present;

WHEREAS, over time certain invoices submitted to the Borough by VNHA were disputed by the Borough and payments were withheld pending resolution of issues pertaining to them;

WHEREAS, by Mutual Release of Claims effective June 21, 2011 ("Mutual Release"), the Borough and VNHA resolved most of these issues and VNHA was paid a lump sum and the parties exchanged releases, except issues pertaining to the compatibility of the power supply and the VOC air stripper installed at Well #8 in connection with the Well #8 Water Treatment System Project (VNHA 39203-550-22) ("Well 8 Project") remained unresolved;

WHEREAS, the Well 8 Project was designed and engineered by VNHA and executed by Liberty Construction and Developing, Inc. ("Liberty");

WHEREAS, in the course of the project the Borough was forced to pay an unanticipated cost of $9,423.71 to Public Service Electric and Gas for an upgrade to the power supply at Well 8 to make it compatible with the air stripper installed as part of the project;

WHEREAS, on the effective date of the Mutual Release, Liberty, VNHA and the Borough had not resolved allocation of responsibility among them for the cost of the overrun;

WHEREAS, as part of the Mutual Release, the Borough held back $10,000 otherwise owing to VNHA pending resolution of this allocation of responsibility issue;

WHEREAS, by agreement among the parties and upon the recommendation of the Borough's Superintendent of Public Works, responsibility for the cost of the unanticipated power upgrade for Well 8 has now been resolved, as follows:

cost for which Liberty responsible - $6,000.00;

cost for which VNHA responsible - $1,711.86;

cost for which Borough responsible - $1,711.85.

WHEREAS, the costs for which the Borough is responsible have already been paid by the Borough, in its payment to PSE&G, and no further appropriation is required;

WHEREAS, Liberty has reimbursed the Borough by means of a change order for the project crediting $6,000 to the Borough;

WHEREAS, VNHA will pay its share of $1,711.86 by means of a deduction in that amount from the $10,000 being held by the Borough for this purpose under the Mutual Release;

WHEREAS, the purpose of this Resolution is to authorize that payment of funds to the Borough and release of the net amount of $8,288.14 to VNHA, reflecting the balance of the $10,000 amount after deduction of $1,711.86;

WHEREAS, upon adoption a copy of this Resolution should be transmitted to VNHA and a copy should be appended to the Mutual Release held by the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to (a) disburse to the Borough from the aforesaid funds held by the Borough pursuant to the Mutual Release the sum of $1,711.86; and (b) disburse to VNHA the sum of $8,288.14 as further explained above.

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2012-8.8, second by Council Member Ogren with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2012 - 8.9

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE BOROUGH OF PENNINGTON AND THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

WHEREAS, as permitted by COAH rules and regulations, Section 215-97 of the Code of the Borough of Pennington establishes an Accessory Apartment Program as part of the Borough's Affordable Housing Program that provides for the creation of accessory apartments affordable to low-income households;

WHEREAS, Craig and Antonia Lewis are the owners of real property, a single-family dwelling and a garage with a second-floor space located at 20 East Welling Avenue in Pennington, also known as Lot 23 in Block 1002 on the Borough Tax Map;

WHEREAS, pursuant to Resolution 2012-6.8, adopted on June 6, 2012, Borough Council has authorized an agreement between the Borough and Craig and Antonia Lewis providing for the creation of an accessory unit for low-income households in the second-floor space over the Lewis' garage, to be eligible for subsidization by the Borough' Affordable Housing Trust Fund, as more fully set forth in the Resolution, of which a copy is attached;

WHEREAS, the Lewis' development of the accessory apartment for low-income households and its qualification for subsidy under the Borough's Accessory Apartment Program is conditioned, inter alia, on the Lewis' compliance with all applicable COAH rules and regulations and with the provisions of the Borough's Accessory Apartment ordinance, as the same may be amended from time to time, including the recording of a deed restriction that will ensure that the apartment will be utilized as a rental dwelling for low-income qualified households for a period of ten (10) years from the date of initial occupancy ;

WHEREAS, pursuant to the agreement authorized by Resolution 2012-6.8, the Borough reserves the right to contract with an administrative agent to qualify potential tenants and market the apartment;

WHEREAS, the Borough intends to enter into a contract with the Housing Affordability Service ("HAS") at the New Jersey Housing and Mortgage Finance Agency ("HMFA") for the provision of required administrative services in connection with the proposed accessory apartment;

WHEREAS, the form of the proposed contract with HAS/HMFA, providing for various specified fees payable by the Borough or the property owner, is annexed to this resolution;

WHEREAS, the fees payable by the Borough shall be payable from the Borough's Affordable Housing Trust Fund;

WHEREAS, the final form of the proposed contract with HAS/HMFA shall be reviewed and revised to the satisfaction of the Borough Administrator and the Borough Attorney; and

WHEREAS, the proposed contract is not subject to public bidding requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to execute the aforesaid contract with HAS/HMFA for affordable housing administration and related services.

Council Member Tucker made a motion to approve Resolution 2012-8.9, second by Council Member Ogren. Mr. Bliss stated that this resolution was put on the agenda because it was requested by HAS/HMFA, however as it turns out, the Borough already has a contract with them. Mr. Bliss stated that there was some confusion as to why we were being asked to do a new contract. Mr. Bliss stated that he received an e-mail today at 5:08 pm confirming that the Borough does indeed have a grandfathered agreement and that if anything the marginal additional fee for the accessory apartment is the only item that needs to be ironed out. Mr. Bliss stated that in principal, this resolution should be withdrawn and HAS will be sending a new contract which will be addressed at the September meeting. Council Members Tucker and Ogren withdrew their motion and second.

Borough of Pennington
Resolution #2012 – 8.10

RESOLUTION AMENDING DESIGNATED SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2012

BE IT RESOLVED, that the following individuals are designated as official signatories for the Borough of Pennington, replacing and superceding the signatories designated in Borough Council Resolution 2012 – 1.5:

:

1 Mayor Anthony Persichilli
2 Finance Officer - Sandra Webb
3 Council President – Edwin Tucker
4 Borough Administrator – Timothy Matheny

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2012-8.10, second by Council Member Dunn with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2012-8.11

RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCES

WHEREAS, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

WHEREAS, the Borough's Chief Financial Officer has reviewed the capital ordinances to verify which projects are complete, but have balances remaining; and

WHEREAS, it is the recommendation of the Chief Finance Officer that the following capital ordinances be cancelled;

Ordinance 2005-10 – Acquisition of PW Vehicles $ 2,110.13
Ordinance 2009-1 – Acquisition of New Garbage Truck $ 19,873.53

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington authorize the Borough Administrator to cancel the above ordinances to fund balance.

Record of Council Vote on Passage

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

Council Member Ogren made a motion to approve Resolution 2012-8.11, second by Council Member Griffiths with all members present voting in favor.

Borough of Pennington
Resolution #2012 – 8.12

RESOLUTION AUTHORIZING THE CANCELLATION OF GRANTS RECEIVABLE AND CANCELLATION OF APPROPRIATED GRANTS FOR NJDOT-BROOKSIDE AVENUE AND NJDOT BURD STREET

WHEREAS, it has been recommended by the Chief Financial Officer to the Mayor and Council to cancel old grant receivables for NJDOT-Brookside Avenue and NJDOT-Burd Street that will not be collected; and

WHEREAS, it has been further recommended by the Chief Financial Officer to the Mayor and Council to cancel old appropriated grants for NJDOT-Brookside Avenue and NJDOT-Burd Street that will not be spent; and

WHEREAS, it is the desire of the Mayor and Council to take action on the recommendation of the Chief Financial Officer;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize cancellation of Grants Receivables and Appropriation Grants NJDOT-Brookside Avenue in the amount of $34,545.26 and NJDOT-Burd Street in the amount of $54,710.83 and net the balance to fund balance.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2012-8.12, second by Council Member Ogren with all members present voting in favor.

Council Discussion

Hopewell Valley Engineering – Safe Routes to Schools Project – Mr. Ogren stated that Council Members have copies of a proposal from Hopewell Valley Engineering for engineering work related to the additional work authorized by the change order resolution earlier in the meeting. Mr. Ogren stated that Hopewell Valley Engineering has asked for additional funds to cover the construction management expenses associated with the additional work. Mr. Ogren stated that a letter was sent to DOT requesting additional funds for the work and that request included the request submitted by Hopewell Valley Engineering. Mr. Bliss stated that he notes that this is a fixed fee and the contract is an hourly contract. Mr. Ogren stated that they bill hourly up to a maximum amount. Mr. Bliss asked if Hopewell Valley Engineering can do the work in less time then would they bill less. Mr. Bliss stated that the existing contract would have to be amended and that could be spelled out in the amendment. Mr. Ogren stated that we are still waiting for a response for NJ DOT as to whether the additional work will be covered under the grant.

Update on Lawrence Hopewell Trail Project – Mayor Persichilli stated that he asked that this be on the agenda so that Council can be up do date on how the project is coming along. Mayor Persichilli thanked Mr. Ogren for including Council Members on any e-mails regarding the project. Mr. Ogren stated that Council has received some items since the last meeting including a memorandum from Mr. Bliss regarding use of Open Space Funds and the Gandt Charts that Council requested. Mrs. Dunn stated that she thought that something was supposed to occur on August 1st as per the Gandt Chart, though she did not have the chart with her. Mr. Ogren stated that he had the chart and the start is actually September 1.

Letter – NJ Housing and Mortgage Finance Agency – Mrs. Sterling stated that we received this letter Friday regarding a COAH unit at Pennington Point that has been for sale for quite a while. Mrs. Sterling stated that HAS sent this letter outlining three options that the Borough has regarding this unit. Mrs. Sterling

stated that option one is for the Borough to purchase the unit and either resell it or rent it out as a COAH unit, the Borough could identify an income-eligible household who may be looking for housing in the Borough or the Borough may waive the right to purchase the unit or identify an income-eligible buyer and HAS would grant a Hardship Waiver which would allow the homeowner to sell to a household that is not income-qualified. Council Members discussed the options available. Mrs. Dunn inquired as to who keeps the list of qualified people and could the Borough have access to the list. Mayor Persichilli stated that there may not even be a list and he did not know who maintained the list. Mayor Persichilli stated that he knows that they are having trouble with units on Denow Road in Hopewell. Mrs. Dunn stated that she voted yes to approve the accessory apartment because she thought there was a list and there was someone who maintained the list and that this would be handled appropriately. Mrs. Dunn stated that she does not see why the Borough would put COAH money into a unit if there is no list or there is no one that would qualify to purchase or rent the unit. Mr. Bliss stated that HAS is the keeper of the list and they should be sharing it with the Borough, however there is a good possibility that the down real estate market and the down economy is part of the problem. Mayor Persichilli stated that the Borough has thirty days to respond to this letter and he will work with Mary Mistretta to find out if there is a list and how to proceed with this letter.

Baldwin Street Block Party – Mr. Meytrott stated that Mr. Jackson came in with a letter requesting the closing of a section of Baldwin Street for a block party on September 2nd. There were no objections to the request.

Professional Reports

There were no comments from the professionals.

Mr. Matheny stated that he has a meeting set up with Hopewell Township Administrator, Paul Pogrezelski on August 16th to discuss various items between the Borough and the Township.

Mrs. Sterling stated that included with the finance report for this month is a summary of appropriations and revenues prepared by Chief Financial Officer, Sandy Webb as requested during the budget process.

Mr. Bliss stated that various items that are normally discussed in closed session are moving along, however there was no need for a closed session this evening.

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.

Approval of Closed Session Minutes for Content (but not for release)

Council Member Griffiths made a motion to approve the June 4th, 2012 Closed Session minutes for content but not for release, second by Council Member Dunn with all members present voting in favor.

Council Member Dunn made a motion to approve the June 20th, 2012 Closed Session minutes for content but not for release, second by Council Member Tucker with all members present voting in favor.

Council Member Griffiths made a motion to approve the July 10th, 2012 Closed Session minutes for content but not for release, second by Council Member Tucker with all members present voting in favor with the exception of Council Member Dunn who abstained.

At 7:45 PM, Council Member Dunn made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk