

BOROUGH OF PENNINGTON

ORDINANCE NO. 2013- 8

AN ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS FROM THE BOROUGH'S OPEN SPACE FUND FOR CONSTRUCTION OF THE PENNINGTON EXTENSION OF THE LAWRENCE HOPEWELL TRAIL

WHEREAS, the Lawrence Hopewell Trail is a recreational trail for bicycles and pedestrians crossing through public and private lands in Lawrence Township and Hopewell Township in Mercer County, New Jersey;

WHEREAS, a portion of the Trail has been constructed on property owned by Bristol Myers Squibb Company along Pennington-Rocky Hill Road (County Route 624) to a point where the trail intersects wetlands near the Stony Brook Regional Sewerage Authority's Pennington Plant;

WHEREAS, the Borough of Pennington is engaged in completing an extension of the Trail ("the Pennington Extension") which would provide direct access from the Trail to Pennington Borough;

WHEREAS, completion of the Pennington Extension requires construction of an 8-foot wide path of porous asphalt along the northwest side of County Route 624 from the walkway over the Stony Brook bridge to the driveway of the Stony Brook Regional Sewerage Authority treatment plant, a distance in excess of 600 feet;

WHEREAS, the project includes construction of a concrete retaining wall 5 to 10 feet high with a steel railing on top for a distance of approximately 420 feet of the pathway, to provide sufficient space and support for the pathway on account of a downward slope near the edge of the existing roadway;

WHEREAS, financing for the Pennington Extension includes (a) a Federal highway Administration grant (Federal Project No. TCP-09NJ604) in the amount of \$266,760 (hereafter "Federal Grant"), (b) a New Jersey Department of Environmental Protection Recreational Trails Grant in the amount of \$24,700 (hereafter "State Grant"), and (c) a contribution from the Pennington Borough Open Space Trust Fund in the amount of \$195,000 less amounts already expended for the project to date (hereafter "Open Space Contribution");

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

1. Appropriation of \$486,460 from the Open Space Trust Fund of the Borough of Pennington to provide for construction of the Pennington Extension of the Lawrence Hopewell Trail, subject to reimbursement by funds received from the Federal Grant and the State Grant, is hereby authorized.
2. Funds are currently available in the Open Space Trust Fund to finance this appropriation.
3. The Open Space Contribution in the amount of \$195,000 less amounts expended on the project to date shall be transferred immediately from the Open Space Trust Fund to the Borough's Capital Improvement Fund as approved funding for the project. All funds received from the Federal Grant and the State Grant shall be deposited in the Capital Improvement Fund when received.
4. All amounts due on the project shall be paid from the Capital Improvement Fund. To the extent the combined amount of the Open Space Contribution, Federal Grant and State Grant in the Capital Improvement Fund is not sufficient to pay the costs of the project when due, additional funds shall be transferred for this purpose as one or more inter-fund loans from the Open Space Trust Fund to the Capital Improvement Fund, in a cumulative amount not to exceed the total appropriation

authorized herein. All such inter-fund loans shall be repaid to the Open Space Trust Fund as funds from the Federal Grant and the State Grant are received.

5. The Open Space Trust Fund shall be replenished to the full extent of Federal and State funds received for the project.

6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

7. This Ordinance shall take effect as provided by law.

Introduced: August 5, 2013

Advertised: August 15, 2013

Public Hearing: September 9, 2013

Adopted: September 9, 2013

Published: September 19, 2013

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor