

**Pennington Borough Council
Regular Meeting – January 7, 2008**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:32 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzl, Lawver, Ogren and Tucker in attendance.

Also present were Superintendent of Public Works, Jeff Wittkop, Public Safety Director, Bill Meytrott, Borough Administrator, Eugene Dunworth, Borough Attorney, Walter Bliss and Borough Clerk, Betty Sterling.

Mayor Persichilli announced that notice of this meeting has been given to the Pennington Post, Hopewell Valley News, The Times of Trenton and The Trentonian and was posted on the bulletin board in Borough Hall according to the regulations of the Open Public Meetings Act.

Open to the Public – Agenda Items Only

Mayor Persichilli opened the meeting to the public and stated that he would take comments on agenda items and items not on the agenda as there are several people in attendance wanting to address Borough Council.

Mayor Persichilli asked that anyone wishing to speak step forward and state their name and address for the record.

Mr. Andy Carver of 300 North Main Street stated that he lives across the street from the new Maintenance Facility and he has no problem with that, however he does have a problem with the garbage trucks being parked visible to Main Street and visible from his house. Mr. Carver presented pictures for Council to look at. Mr. Carver stated that both garbage trucks are parked visible from the street. Mr. Carver stated that a bunch of trees were recently cut down and he feels strongly that a complete visual barrier should be constructed to obscure the view of the garbage trucks. Mr. Carver stated that anyone who cares about the town should see that garbage trucks on Main Street are two things that are incompatible with what we want the town to look like. Mr. Carver stated that he understands that the landscaping plan is ongoing, however he does not feel that planting trees is going to fix the problem because trees take years to grow. Mr. Carver suggested constructing a fence that is taller than the garbage trucks. Mr. Wittkop commented that originally the garbage trucks were to be inside the building, however budgetary constraints prevented the Borough from building the facility big enough to put the garbage trucks inside. Mr. Wittkop explained that when the building was reduced the garbage trucks were always going to be placed on the side of the building. Mr. Lawver stated that he along with Mr. Garber and Mr. Wittkop discussed this situation and there is already money in the budget for plantings at the building and there was also talk of exploring a berm to be put in front of that portion so that the plantings would be lifted higher. Mr. Lawver stated that currently this issue is under discussion. Mr. Carver stated that he appreciates Borough Council putting thought into what can be done, however he has concerns about whether planting of trees would be a solution to the problem. Mr. Carver encouraged Borough Council members to include him in discussions on how to best solve this problem.

Mayor Persichilli took a moment to introduce Congressman Rush Holt who spoke a few words to welcome new Council Members and thank them for their willingness to serve.

Mayor Persichilli introduced County Freeholder Elizabeth Muoio and County Freeholder Brian Hughes. Mr. Hughes spoke a few words commending Pennington Borough for being “democracy at it’s very finest”.

Mr. William Reuter of 14 Park Avenue congratulated Mayor Persichilli and the new members of Council. Mr. Reuter stated that he would like to speak in particular about 124 South Main Street. Mr. Reuter stated that 124 South Main Street was the original home of The Pennington Academy. Mr. Reuter gave a brief history of the building. Mr. Reuter stated that this is a very historical building for the Borough of Pennington because it initiated the movement towards both an educational center and a religious center for this particular Borough. Mr. Reuter stated that this has been very important in terms of the character of the Borough and it’s progress over the years. Mr. Reuter stated that 124 South Main Street currently has no windows in it’s second story and this is the second winter without windows so the building has been open to the elements with it’s interior exposed. Mr. Reuter stated that the exterior of the building has had the stucco removed and as a consequence the brick is exposed to dangerous weathering. Mr. Reuter stated that there is a real possibility that the building could be lost, which would be a great loss to Pennington Borough. Mr. Reuter pointed out that the Borough Council, the Planning Board and other bodies really have no recourse other than friendly persuasion to try and correct the problem. Mr. Reuter stated that from past experience, in instances where developers have been asked to preserve historic buildings, those buildings were torn down with the excuse that they had been so severely deteriorated that they could not be preserved. Mr. Reuter stated that every issue of the Pennington Master Plan since 1965 has included a section specifically about historic preservation and the establishment of a historic district. Mr. Reuter stated that in 1987, a historic sites committee was appointed which did a detailed evaluation of all of the buildings in what was considered to be a logical historic district. Mr. Reuter stated that among other things the committee produced a draft ordinance for historic preservation. Mr. Reuter stated that the work of the committee was put on the shelf and he feels that is time for this Council to specifically address the historic heritage of Pennington. Mr. Reuter stated that the Borough is in danger of losing its history. Mr. Reuter asked the Borough Council as one of its charges for the year to pay particular attention to the preservation of the historic buildings in Pennington and to adopt an historic preservation ordinance. Mr. Reuter stated that Pennington is the only community in the valley that has not adopted an historic preservation ordinance.

Mayor Persichilli stated that in response to Mr. Reuter's concerns with the house at 124 South Main Street, there is currently a suit pending in civil court. Mr. Persichilli stated that it would worth it for this Council to take another look at a historic preservation ordinance. Mr. Persichilli stated that he would have to review the history to see why it was put on hold.

Council Member Ogren stated that this issue of 124 South Main Street has been on his agenda as well and he would suggest looking into an ordinance requiring the blocking of all external openings on buildings.

Kevin McCormick of 18 West Delaware Avenue stated that he is probably the only house in Pennington without a driveway or same side of the street parking and in the last two years he has begun working from home and currently there is no legal parking within 100 yards that is not 15 minute to 2 hour parking. Mr. McCormick stated that many times in the middle of his workday he has to stop what he is doing to move his car around on the street. Mr. McCormick stated that when he bought the house they had two parking permits for the street and now his house is on the market and the number one concern is that there is no parking. Mr. McCormick stated that this afternoon they received a verbal offer on their home, which is contingent on an explanation as to where these people can legally park. Mr. McCormick stated that he understands that there are businesses along West Delaware, however there is usually more parking near Potter's Alley and west of there than there is in the middle of the day in the municipal lot. Mayor Persichilli address Mr. McCormick's concerns and apologized that nothing was done a year ago when Mr. McCormick first approached Borough Council. Mr. Lawver stated that he was not on the Parking Committee, however he has heard the vehement outcry against the parking permit. Mr. Lawver stated that the number one issue was that people with permits parked in front of the hardware store and Potter's Alley for days on end taking up spots. Mr. Lawver stated that he did not think it would be viable to give a permit to park anywhere in any of the timed spots and so the question becomes what would be satisfactory. Mr. McCormick suggested west of Potter's Alley, as there are six to eight spots there. Mr. Lawver stated that the he did not feel that the Borough could go back to the days of issuing parking permits. Mr. Lawver stated that he did not feel that the permits were good for the downtown business community, which we are working diligently to rebuild. Mr. Lawver suggested a meeting with the other property owners in town who do not have driveways. Mr. McCormick stated that he felt his situation was different in that he does not have same side of the street parking as the others do. Mayor Persichilli stated that he did not think this issue could be resolved tonight and what he would suggest be done is that that the Parking Committee take another look at this issue and speak with the other homeowners without driveways and try to come up with a solution. Mr. McCormick asked that he be included in the discussions with the Parking Committee.

Kate Fuger of 6 Baldwin Court thanked Borough Council and Jeff Wittkop for all their work in getting her drain fixed, the work was completed on Friday.

Mr. Robert Hage of 413 Burd Street stated that on October 1st of 2007, he presented his concerns to Borough Council about Pennington allowing dogs to attend and sometimes participate in public events. Mr. Hage stated that Council asked questions about dog attacks in general and how local towns and schools address dog safety issues. Mr. Hage presented some statistics along with handouts to Borough Council. Mr. Hage stressed that Pennington should be proactive and not wait until a tragedy to act.

Mayor's Business

Mayor Persichilli read the following:

PROCLAMATION

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and

WHEREAS, cardiovascular diseases (CVD) claim the lives of more the 460,000 American females (about one death per minute) each year; and

WHEREAS, each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and about 29,500 more females than males die from a stroke; and

WHEREAS, in 2008 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U.S. is estimated at \$431.8 billion; and

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers; and

WHEREAS, only 13 percent of women consider cardiovascular disease their greatest health risk; and

WHEREAS, February is designated as American Hearth Month; and

WHEREAS, Go Red For Women is the American Heart Association's national movement and call to increase awareness about heart disease – the leading cause of death for women – and to inspire women to love their hearts and take charge of the heart health; and

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart CheckUp and by talking to their healthcare provider;

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 1, 2008 to be

“National Wear Red Day for Women”

in the Borough of Pennington and urge all citizens to “go red” for the day and wear red on February 1, 2008 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

Mayor Persichilli invited Mr. Jack Koeppel of the Hopewell Valley Historical Society to come forward. Mr. Koeppel of 428 Sked Street thanked Borough Council for allowing him this time. Mr. Koeppel read a brief statement outlining the history of how Pennington was formed in the middle of a wilderness. Mr. Koeppel stated that Pennington residents have traditionally valued its churches and schools as the settlement of original buildings attests. Mr. Koeppel reminded Council of Mr. Reuter’s earlier comments on 124 South Main Street and its history. Mr. Koeppel stated that through the years as transportation evolved and Pennington developed into a more suburban complexion, Pennington has always managed to retain its small town charm and beauty characterized by its tree lined streets, its range of architecturally distinguished homes and its historic downtown center. Mr. Koeppel stated that all of these things foster a special sense of pride and community spirit that makes Pennington unique. Mr. Koeppel stated that today, we are the inheritors of this legacy of this town and as we look back at 300 years of Pennington history, we should ask how will we protect and care for this town as we move forward making new history. Mr. Koeppel stated that part of the mission of the Hopewell Valley Historical Society is to promote Pennington’s heritage and to encourage preservation. Mr. Koeppel stated that the Historical Society has a house tour scheduled for April 19th, 2008. Mr. Koeppel introduced Rachel Donington-Torpey and Gretchen Oberhauser who are co-chairing the event. Mr. Koeppel stated that the Historical Society is very excited about the event and currently has twelve houses lined up for the house tour. Ms. Oberhauser gave an overview of the events planned for the house tour and Ms. Torpey introduced the other members of their committee and some of the homeowners who have graciously opened their homes for the tour. Mr. Koeppel thanked Borough Council for their time and asked for consideration of how other organizations throughout town could work together to commemorate these last 300 years in some way.

Ordinances for Introduction

Mayor Persichilli announced that this Ordinance 2008-1 scheduled for introduction would be considered at a later date. Mr. Lawver spoke briefly on why this ordinance is necessary and what the Borough is hoping to accomplish with this ordinance. Mr. Lawver explained that the Borough infrastructure has been ignored for several years, there is a need to explore additional water sources and for the past 8 years the Borough has not been in compliance with DEP regulations concerning unaccounted for water. Mr. Lawver explained that it is taking a little longer for this rate structure to be completed because the Borough is considering a tiered rate structure to better encourage conservation. Mr. Lawver stated that the tiered rate structure would bill users for water used, so that if you use more water, you will pay more. Mr. Lawver stated that once the ordinance is ready it will either be introduced at a meeting later this month or at the February Council Meeting.

**BOROUGH OF PENNINGTON
County of Mercer**

Ordinance No. 2008 - 1

AN ORDINANCE INCREASING RATES AND FEES CHARGED BY THE
PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING
THE CODE OF THE BOROUGH OF PENNINGTON

Committee Reports

Planning/Zoning & Library – Ms. Heinzel reported that the library would hold its reorganization meeting on January 31st. Ms. Heinzel stated that the Planning Board did not meet in December they would meet January 9th.

Ms. Heinzel reported that the Environmental Commission would meet on January 21st.

Ms. Heinzel reported that the Traffic Calming Initiative plan to make a presentation to Borough Council by March.

Ms. Heinzel reported that she attended the Hopewell Valley Traffic Management Coalition Meeting today where a discussion of the proposed passenger rail service on the West Trenton Line was expected. Ms. Heinzel stated that unfortunately NJ Transit Officials did not make the meeting.

Public Works – Mr. Lawver gave the following water & trash report for December 2007.

PENNINGTON BOROUGH PUBLIC WORKS

TO: David Garber, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: January 7, 2008

RE: **COUNCIL REPORT FOR THE MONTH OF DECEMBER 2007**

WATER

Water pumped for the month of December 2007-	8,665,000
Daily-	279,500
Water pumped for the month of December 2006 –	7,531,000
Daily-	242,900

For the month of December 2007 we averaged
36,600 gallons more/less per day than 2006.

TRASH

89.34 tons of household trash for the month of December 2007 vs.
83.44 tons in December 2006

Curb side pickup for leaves ended the last week in December. Leaves should be placed in open bags without sticks or any debris for pickup. Christmas trees may be placed out by the curb for pickup.

The calendar for trash and recycling pickup is at the printers and will be delivered by the end of the month and in the meantime, recycling pickup is tomorrow, January 8th and again on January 22nd. Trash pickup will remain the same with the exception of Martin Luther King Day on Monday the 21st, trash will be picked up on Tuesday the 22nd.

Personnel – Mr. Ogren had no report.

Community Services – Ms. Chandler stated that Parks and Recreation would be meeting tomorrow, January 8th.

Public Safety – Mr. Tucker reported that the contract between the Fraternal order of Police and Pennington Borough is now finalized and signed by both parties. Mr. Tucker reported that the Christmas and New Year's Holidays came and went without any increase in request for police services and there were no DUI summonses issued. Mr. Tucker reported that a high windstorm occurred in the Borough on December 16th resulting in a tree causing serious damage to a home on Burd Street and a power outage in the area. Mr. Tucker reported that George Fallon of Mercer County DOT is awaiting a NJ DOT approval for use of portable pedestrian signs on Main Street and on Delaware Avenue.

Mr. Tucker reported the following statistics for the month of December.

89	Motor Vehicle Stops
33	Summonses Issued
29	Parking Summonses
0	DUI
34	Warnings
5	MV Accidents
2	Juvenile Arrests

Finance – Mr. Griffiths reported that the finance committee did not meet, however they are working on a water rate increase and a banking request for proposals. Mr. Griffiths reported that the budget is underway with requests out to the department heads. Mr. Griffiths stated that the finance committee would be meeting sometime in January.

Mr. Lawver stated that the Borough has received a \$250,000 grant from NJ DOT for the Burd Street reconstruction project and we have 18 months to undertake the project.

Mr. Ogren reported that the Borough did not receive any funds for the Streetscape application that was submitted to NJ DOT under the same program, but we will be trying again. Mr. Ogren stated that no one in Mercer County received Streetscape funding. Mr. Ogren has prepared a letter to be sent to the Commissioner of DOT inquiring about what was thought to be a set aside of funds to be used for Streetscape projects and asking why no funds were awarded.

New Business

**Borough of Pennington
Resolution #2008-1.10**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2008 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, 26.25% of the total appropriations of the 2007 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 709,363.01 for the current fund budget and \$ 242,064.38 for the water and sewer utility fund;

NOW, THEREFORE, BE IT RESOLVED, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	S			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2008-1.10, second by Council Member Lawver with all members present voting in favor.

**Borough of Pennington
Resolution #2008 – 1.11**

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 \$ 486,160.32 from the following accounts:

Current	\$ 155,733.89
W/S Operating	\$ 100,415.01
Developers Escrow	\$ 540.00
General Capital	\$ 39,736.14
Water/Sewer Capital	\$ 82,991.71
Grant Fund	\$ 105,933.07
Animal Control Fund	\$ 810.50
TOTAL	\$ 486,160.32

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2008-1.11, second by Council Member Tucker. Following a discussion of the bills, all members present voted in favor.

**Borough of Pennington
Resolution #2008-1.12**

A RESOLUTION AUTHORIZING A RISK CONTROL AGREEMENT WITH COMMERCE NATIONAL RISK CONTROL SERVICES TO COORDINATE ALCOHOL AND DRUG TESTING SERVICES FOR THE BOROUGH FOR 2008

WHEREAS, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial drivers license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

WHEREAS, Commerce National Risk Control Services is experienced in and capable of providing such services; and

WHEREAS, this contract shall be for specific services set forth in Exhibit "A" which shall expire on December 31, 2008;

WHEREAS, the Borough agrees to a fee of \$64.41 per participant (Exhibit "B");

WHEREAS, the services authorized by the contract are professional services and the amount of expense to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

WHEREAS, Commerce National Risk Control Services has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the contract;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Mayor of the Borough, with the attestation of the Clerk, and subject to such changes in form as may be required by the Borough Attorney, is hereby authorized to execute the attached contract between the Borough and Commerce National Risk Control Services for the provision of Alcohol and Drug Testing Services for 2008.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2008-1.12, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2008 -1.13**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
UNDER THE BALDWIN STREET RECONSTRUCTION
CONTRACT WITH GRES PAVING COMPANY, INC.**

WHEREAS, the Borough of Pennington has entered into a contract with Gres Paving Company, Inc. known as the Baldwin Street Reconstruction Contract (VNHA #36710-500-52); and

WHEREAS, the Borough Engineer, Van Note Harvey Associates, P.C. has recommended a change order under this contract; and

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

WHEREAS, the proposed change order would increase the contract price by \$3,263.40 to adjust the quantity of existing items to match the as-built quantities; to decrease the contract price by \$3,807.40 to adjust for as-built quantities that are less than the original Engineers estimate and to increase the contract price by \$10,098.24 for necessary work not part of the original contract, the net change in contract price being an increase of \$9,554.24; and

WHEREAS, further detail on this change order is available for inspection in the Office of the Borough Clerk;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid change order increasing the contract price by a net amount of \$9,554.24 under the Baldwin Street Reconstruction Contract is hereby approved.

Council Member Lawver made a motion to approve Resolution 2008-1.13, second by Council Member Tucker. Mr. Lawver asked Mr. Wittkop to review the process whereby these changes are made. Mr. Wittkop stated that he has no involvement. Mr. Lawver stated that on this change order is a repair to a

residential storm water drain pipe and was this a pipe that the Borough was aware of and should the Borough be responsible for a drain pipe that should not have been there in the first place. Mr. Wittkop stated that the engineer oversees the project once it is awarded. Mr. Wittkop stated that in the past if a resident has a drain that comes out to the edge of the roadway, it would be left there, now it is a violation of the ordinance. Mr. Wittkop stated that if the drain is discharging into the roadway, it is in violation of the ordinance. Mr. Ogren inquired if the full amount of the change order were covered by the DOT Grant funds. Mr. Lawver stated that is was covered by the grant funds, however change orders take away from funds that are available for construction phase engineering. After some discussion, the motion and second were withdrawn and the Resolution was tabled to be revisited at the February Meeting.

**Borough of Pennington
Resolution 2008-1.14**

**RESOLUTION APPOINTING EUGENE DUNWORTH AS
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2008**

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, it is the desire of the Mayor and Council to appoint Eugene Dunworth to that position, for the period of one year from January 1 through December 31, 2008;

NOW, THEREFORE, BE IT RESOLVED, that Eugene Dunworth is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2008 and ending December 31, 2008; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington, that Mr. Dunworth shall serve in this capacity without additional compensation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-1.14, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution # 2008-1.15**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2007 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Police – Other Expense	\$ 400.00	
Police – Salaries and Wages	\$ 2,800.00	
Clerk – Other Expense		\$ 2,000.00
Social Security – Other Expense		\$ 1,200.00
Total Current Fund	\$ 3,200.00	\$ 3,200.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2007 budget appropriations effective December 31, 2007, Nunc Pro Tunc.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-1.15, second by Council Member Heinzel. Mr. Lawver briefly explained the reason for budget transfers. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2008 –1.16**

**RESOLUTION APPOINTING ALTERNATE
PROSECUTORS FOR THE YEAR 2008**

WHEREAS, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

WHEREAS, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor be designated and appointed by the municipality;

WHEREAS, Borough Council has appointed Craig Hubert as the Chief Municipal Prosecutor;
and

WHEREAS, the Borough seeks to appoint first, second and third alternate prosecutors to substitute in that order for the Chief Municipal Prosecutor when the Chief Municipal Prosecutor is not able to cover a court session; and

WHEREAS, it is understood that the municipal prosecutor and alternate prosecutors designated and appointed herein have not represented criminal defendants in any municipal court or superior court in Mercer County as of January 1, 2008;

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

1. Reed Gusciora is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Arun Lavine is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Robert Yostembski is hereby appointed Third Alternate Prosecutor of Pennington Borough.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2008-1.16, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2008 – 1.17**

**A RESOLUTION AUTHORIZING FINAL PAYMENT REQUEST
TO GRES PAVING COMPANY, INC., FOR WORK COMPLETED
ON THE HALE STREET RECONSTRUCTION CONTRACT**

WHEREAS, Gres Paving Company, Inc. has completed all work pursuant to the Hale Street Reconstruction Contract (VNHA #36354-500-52) relating to storm sewers, concrete curbs, sidewalks and aprons and bituminous concrete paving on Hale Street; and

WHEREAS, Van Note Harvey Associates, P.C. has previously approved payments for same pursuant to the Contractor's Requests for Payments No. 1 through 4 (\$204,910.58) less two percent (2%) retainage (\$4,098.22), the net paid therefore amounting to \$200,812.36; and

WHEREAS, Van Note Harvey Associates, P.C. has inspected and approved the improvements that have been constructed and has determined that work is 100% complete and herein recommends that the retainage (\$4,098.22) be released at this time; and

WHEREAS, this is the final payment under the contract;

WHEREAS, funds are available in account #: G-02-44-925-000-255 (NJDOT 2004)

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that final payment to Gres Paving Company, Inc. in the amount of \$4,098.22 pursuant to payment request No. 5 is hereby authorized.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2008-1.17, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2008-1.18**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENT WITH NEW JERSEY ANALYTICAL
LABORATORIES FOR CALENDAR YEAR 2008**

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough's potable water system;

WHEREAS, New Jersey Analytical Laboratories, having its office at 1590 Reed Road, Suite 102A, Pennington, NJ 08534, is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, New Jersey Analytical Laboratories has submitted a proposal for the work dated December 21, 2007, for a contract price of \$16,500, to be invoiced at \$1,375 per month each month of the calendar year 2008;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, the Borough Administrator has determined and has certified in writing that the anticipated value of this contract for professional services, having a term of one (1) year, may exceed \$17,500;

WHEREAS, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which, except in prescribed circumstances, prohibits the award of professional services contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council awards this contract without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of this contract.

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with New Jersey Analytical Laboratories for a contract price not to exceed \$16,500.00 for the calendar year 2008, for the services described in the annexed proposal dated December 21, 2007, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

BE IT FURTHER RESOLVED, that the form of the professional services agreement shall be approved by the Borough Attorney;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2008-1.18, second by Council Member Heinzel with all members present voting in favor.

Administrator’s Report

Sidewalks - Mr. Dunworth stated that given that we are in a new year, maybe we could make some headway with the repair of sidewalks in town. Mr. Dunworth stated that he has done some research and talked to other towns regarding issues and responsibilities for sidewalks. Mr. Dunworth stated that one of the things that has been discussed is who is going fix the sidewalks and how do we start the process. Mr. Dunworth stated that there has been talk of sending out Sergeant Delorenzo to assess the sidewalks in town and pick out the worst 20 or 25. Mr. Dunworth stated that Sergeant Delorenzo is willing to do the assessment, however a criteria needs to be determined so that he knows what to look for. Mr. Dunworth asked Council for some guidance on how to direct Sergeant Delorenzo to proceed. After some discussion, Council felt that rather than try to determine the worst sidewalks, all sidewalks should be evaluated and then the criteria for the worst sidewalks should be determined. Some discussion took place with regard to whether the Borough should fix the sidewalks and then bill the homeowners through a special assessment. Council agreed that Mr. Dunworth should authorize Sergeant Delorenzo to do the sidewalk assessment. Mr. Wittkop expressed concern regarding the Borough’s liability if a sidewalk is in disrepair due to a Borough owned tree. After further discussion Council agreed that the first step is to have Sergeant Delorenzo do an assessment of all sidewalks.

First Aid Squad Statistics - Mr. Dunworth stated that at a previous meeting a discussion took place with regard to Hopewell Fire District’s request for a payment for Basic Life Support for the coming year. Mr. Dunworth stated that at that meeting Borough Council requested the Mr. Dunworth obtain statistics on calls from the First Aid Squad. Mr. Dunworth stated that after that meeting, he and Mr. Meytrott were summoned to a meeting at the First Aid Squad where they provided the following statistics for 2007:

- 248 Ambulance Runs in Pennington Borough
- 949 Total Calls in all towns serviced
- 13 of the 248 calls – Pennington First Aid Squad had no crew
- the 13 calls were between 6:00 am and 6:00 pm – Monday to Friday
- 1 / 4 of the 248 calls were to Stonybrook Assisted Living and many of the others were to Pennington Point.

Mr. Dunworth explained that Hopewell Township Fire District provides a backup ambulance service, which they have been providing for many years at a cost of \$1.00. Mr. Meytrott outlined some history of how this service came about and cautioned Council not to confuse this service with the many other paid ambulance services. Mr. Dunworth stated that at a meeting with Hopewell Township Fire District, Matt Martin mentioned a figure of \$5,000 for these services. Mr. Dunworth stated that at the meeting with Pennington First Aid, he asked if the Borough contributed \$3,000 which would amount to about \$230 for 13 calls would that be in the ballpark for the cost of one run, and they said yes. Mr. Dunworth stated that \$3,000 is a number that could be worked with. Discussion took place regarding what Hopewell Borough pays and their arrangement with the Fire District. Mr. Lawver asked if the Pennington First Aid Squad had a view on how the Borough should proceed with the request from Hopewell Fire District. Mr. Meytrott stated that it would be beneficial to invite Julie Aberger of the Pennington First Aid Squad to the March Council Meeting.

COAH – New Rules – Mr. Dunworth stated that the new COAH regulations for round three have been released on a 67 page report on the website. Mr. Dunworth stated that the Borough has an obligation to provide affordable housing in our town and the new numbers based on growth between the years of 2004

and 2018 for residential obligation is 19 units and for the same time period for commercial obligation is 22 units. Mr. Dunworth stated that Borough Planner, Cindy Coppola was in Borough Hall today and she said that the numbers have already changed and they might be higher.

Professional Reports

Mr. Bliss stated that he is proud to have been asked to remain, as Borough Attorney for another year and it is a great pleasure to serve Pennington Borough. Mr. Bliss stated that he looks forward to working with Borough Council in the coming year.

Public Comment Period

There were no comments from the public.

At 9:30 p.m., Council Member Lawver made a motion to adjourn the reorganization meeting, second by Council Member Tucker with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk