

**Pennington Borough Council  
Regular Meeting – May 4, 2009**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:01 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Heinzl, Lawver, Ogren, and Tucker in attendance. Mr. Griffiths arrived at 7:18 pm.

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

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 Website according to the regulations of the Open Public Meetings Act.

**Flag Salute**

Mayor Persichilli asked everyone to stand for the Flag Salute.

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the March 9, 2009, Regular Meeting, second by Council Member Tucker. Upon a roll call vote all members present voted in favor of approving the minutes.

**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 5 minutes.**

Ms. Julie Aberger of 9 West Franklin Avenue and representing the Pennington First Aid Squad came forward to encourage support of Resolution 2009-5.6, urging the Governor not to cut funding for EMT Training. Ms. Aberger asked that this resolution be considered and approved by Council and then forwarded to the Governor and Legislators of the State of New Jersey. Ms. Aberger stressed the importance of these funds for training not just for Pennington First Aid Squad but for the other remaining volunteer First Aid Squads throughout New Jersey. Ms. Aberger stated that the State Mandates that EMT's complete training and recertification every three years and it would be a huge burden to volunteers who are already giving so much in time and talent.

**Mayor's Business**

Mayor Persichilli invited Sarah Vanderschaaff to come forward. Ms. Vanderschaaff stated that she came before Council in 2004 when they purchased their home at 400 Reading Street. Ms. Vanderschaaff stated she is here tonight to ask that their agreement to keep a fence/gate on the Borough Easement based on an agreement that was done at the time they purchased the home, be extended to the new owners. Ms. Vanderschaaff explained that their agreement states that the agreement to keep the fence on the drainage easement states that the agreement is not transferrable to the new owner. Ms. Vanderschaaff stated that they are currently in the process of selling their home and they would like to facilitate this process for the new owners so that they don't have to remove the fence prior to the sale. Council briefly discussed the request and agreed that the new owners can come in and ask for a continuation of the agreement and the fence need not come down prior the sale.

Mayor Persichilli invited Emily Schwab to come forward to comment on Resolution 2009-5.14 asking for an adjustment to the FHA limits. Ms. Schwab of 38 South Main Street introduced Frank Mancino of 8 Rosewood Terrace in Hamilton. Ms. Schwab stated that she is speaking not as a neighbor, but as a licensed real estate broker in the State of New Jersey, selling real estate in Mercer County and surrounding counties since 1992. Ms. Schwab stated that she and Frank are part of a grass roots effort to help rectify the unintentional consequences of the recent changes in the FHA mortgage limits. Mr. Mancino explained the FHA program and the impact of these recent changes on Pennington Borough. Mr. Mancino and Ms. Schwab answered questions from Council Members and encouraged support of the Resolution.

Mayor Persichilli read a summary of the following Proclamation:

**A Proclamation Proclaiming May 2009 as Older Americans Month**

**WHEREAS**, Pennington Borough is a community in which many older citizens age 55 and over make their home; and

**WHEREAS**, older adults in Pennington Borough and throughout the nation are an increasing population with evolving needs; and

**WHEREAS**, older Americans are valuable members of our society who enhance our communities and personal lives; and

**WHEREAS**, the increasing number of baby boomers reaching traditional retirement age highlights the need for increased support of older adults; and

**WHEREAS**, our older citizens of today and tomorrow promise to be among the most active and involved older adult populations in our nation's history; and

**WHEREAS**, it is the responsibility of this and all U.S. communities to work collaboratively to address older adults' unique health and long-term care challenges; and

**WHEREAS**, it is crucial that communities modernize systems of care to help empower older Americans and give them more control over their own lives; and

**WHEREAS**, communities can improve older citizens' overall quality of life by helping them:

Make behavioral changes in their lifestyles that can reduce the risk of disease, disability, and injury;

Obtain the tools they need to make informed decisions about, and gain better access to, existing health and long-term care options in their communities;

Have more options to avoid placement in nursing homes and remain at home as long as possible.

**NOW THEREFORE**, I, Anthony Persichilli, Mayor of Pennington Borough do hereby proclaim May 2009 to be Older Americans Month. I urge everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for them. Our efforts can improve the lives of our older citizens and help pave the way for future generations.

### **Presentations**

Mr. Tom Adelman of 12 East Delaware and Ms. Cynthia Beloff of 394 Reading Street spoke briefly on the Pennington Farmers Market which will be held this year in the parking lot of the Pennington Quality Market beginning on June 6<sup>th</sup>. Mayor Persichilli thanked Tom and Cynthia for their work in putting the Farmers Market together.

Mayor Persichilli stated that a representative from Pennington Day was scheduled to speak, however no one was in attendance. Ms. Beloff announced that her husband is involved in Pennington Day which will be held May 16<sup>th</sup>, 2009. Ms. Beloff stated that plans are moving along for a great day. Ms. Beloff stated that the Pennington Post insert is completed and ready for distribution. Ms. Beloff stated that the insert has a lot of great information and maps for Pennington Day.

Mayor Persichilli invited Bob Krager, Vice President and Chairman of Fundraising for the Hopewell Valley Veteran's Association to come forward. Mr. Krager made a presentation on the Veteran's Memorial Park on Pennington Washington Road. Mr. Krager explained some of the upcoming events that are planned and asked Council to consider a contribution in the 2009 budget to assist with the remaining construction. Mr. Krager also invited Mayor and Council to attend a ceremony on May 23<sup>rd</sup> which will include a fly-over and will be attended by the Governor and several other dignitaries. Mr. Krager stated that the next event would be June 28<sup>th</sup> which will feature a band concert performed by the 63<sup>rd</sup> Army Band followed by fireworks at nine o'clock. Mr. Krager thanked Mayor and Council for their time and asked for consideration of a donation for this year.

### **Ordinances for Introduction**

Mayor Persichilli read Ordinance 2009-6 by title.

#### **BOROUGH OF PENNINGTON ORDINANCE 2009-6**

#### **ORDINANCE EXCLUDING POSITION OF MUNICIPAL COURT ADMINISTRATOR FROM DCRP MEMBERSHIP, RECOGNIZING IT AS A PERS POSITION AND AMENDING CHAPTER 49 OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the State Legislature has adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1, et seq.) to create the Defined Contribution Retirement Program ("DCRP") to provide retirement benefits to various county and municipal officials; and

**WHEREAS**, N.J.S. 43:15C-2 requires the governing body of each municipality to adopt an ordinance to identify the positions in that municipality which shall be eligible for participation and shall be required to participate in the DCRP pursuant to the criteria set forth in that statute and related guidelines issued by the Local Finance Board in the Department of Community Affairs;

**WHEREAS**, N.J.S. 43:15C-2 requires to participate in the DCRP any person who commences service on or after the effective date of the statute (July 1, 2007) in any employment, office or position or in any agency, board, commission, authority or instrumentality of the municipality pursuant to an appointment by an elected official or elected governing body that requires the specific consent or approval

of the elected governing body of the municipality that is substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State;

**WHEREAS**, explicitly excluded from the coverage of the statute, among others, are persons otherwise eligible for membership in the Police and Firemen's Retirement System, persons employed or appointed in the normal course pursuant to routine employment and appointment procedures, persons who hold a professional license or certificate to perform and are performing as a certified health officer, tax assessor, tax collector, municipal planner, chief financial officer, registered municipal clerk, construction code official, licensed uniform subcode inspector, qualified purchasing agent, or certified public works manager, persons with a base salary of less than \$1,500. per year, and persons receiving a benefit as a retiree from any other State or locally-administered pension fund or retirement system established in New Jersey;

**WHEREAS**, in December 2008 Borough Council adopted an ordinance specifying the positions deemed to be eligible for and required to participate in the Defined Contribution Retirement Program;

**WHEREAS**, that ordinance, now having been codified as Article I of Chapter 49 of the Code of the Borough of Pennington, specifies that the position of Municipal Court Administrator is required to participate in DCRP;

**WHEREAS**, the Division of Local Government Services of the New Jersey Department of Community Affairs has determined that, contrary to its guidance heretofore, the position of Municipal Court Administrator should not be required to participate in DCRP and should be recognized as a PERS position;

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

1. Section 49-1 of Article I of Chapter 49 of the Code of the Borough of Pennington, specifying Eligible Positions, is hereby amended as follows:<sup>1</sup>

“Pursuant to the criteria prescribed by law, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Borough Administrator;
- b. Municipal Prosecutor;
- c. Municipal Court Judge[;]
- d. [Municipal Court Administrator].

2. Section 49-2 of Article I of Chapter 49 of the Code, specifying Exempt Positions, is hereby amended as follows:

“Pursuant to the prescribed criteria, individuals serving in the following Borough positions are exempt from membership in the Defined Contribution Retirement Program:

- a. Tax Collector;
- b. Chief Financial Officer;
- c. Construction Code Official;
- d. Tax Assessor;
- e. Municipal Clerk;
- f. Uniform Subcode Inspectors;
- g. Superintendent of Public Works[.];
- h. Municipal Court Administrator.”

3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1, et seq.) as may be amended from time to time, and any regulations or guidelines issued by the Local Finance Board in the Department of Community Affairs or the Division of Pensions and Benefits in the Department of Treasury.

4. Should any part of this ordinance be held to be invalid by any court of competent jurisdiction, such invalidity shall only affect the part or parts of the ordinance held to be invalid and all other parts shall remain in effect.

5. A copy of this ordinance shall be filed with the Director of the Division of Pensions and Benefits of the New Jersey Department of Treasury.

6. This ordinance shall take effect upon its passage and publication as required by law.

Council Member Tucker made a motion to introduce Ordinance 2009-6, second by Council Member Lawver with all members present voting in favor.

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<sup>1</sup>As used herein, brackets [ ] denoted language or punctuation to be deleted; underlining \_\_\_\_\_ denotes new language or punctuation.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2009-4 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009- 4**

**AN ORDINANCE CLARIFYING ENFORCEMENT OF MANDATORY SNOW REMOVAL BY  
PROPERTY OWNERS AND AMENDING ARTICLE I OF CHAPTER 177  
OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Article I of Chapter 177 of the Code of the Borough of Pennington requires property owners and tenants to remove snow and ice from the sidewalks in front of or bordering on their lands within 12 hours of daylight after same has fallen or formed ;

**WHEREAS**, the said Article I presently provides overlapping means of enforcement, one involving notice by Borough Police to the delinquent property owner or tenant directing removal of the snow and ice forthwith and upon failure of the owner or tenant to do so, clearance of the snow or ice by the Department of Public Works with a bill to the property owner for the cost, same to become a lien against the property; the other involving issuance of a summons to the owner or tenant and imposition of a fine or fines with each day the snow or ice remains to be considered a separate offense;

**WHEREAS**, Borough Council seeks to amend existing enforcement provisions to ensure that clearance of snow and ice by the Department of Public Works, albeit at the expense of the property owner, is optional on the Borough's part and does not relieve property owners and tenants from their obligations under the ordinance;

**WHEREAS**, Borough Council further amends existing enforcement provisions to relieve the Police Department of having to notify property owners and tenants before Public Works may remove snow or ice or Police may issue a summons to the owner or tenant for failing to remove snow and ice;

**WHEREAS**, Borough Council also intends to clarify the basis for reimbursement in the event the Department of Public Works must remove snow and ice that the owner or tenant is required to remove;

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

1. Section 177-2 of Article I of Chapter 177 of the Code of the Borough of Pennington is hereby amended as follows:<sup>2</sup>

In case such owner or owners, tenant or tenants of any land abutting or bordering upon any public street, avenue or highway in said borough shall neglect or refuse to remove such snow and ice within 12 hours of daylight after the same shall have fallen, or formed, or to spread the same with salt, ashes or sand as hereinbefore provided, [it shall be the duty of the Pennington Borough Police Department to notify, where possible, such owner or owners, tenant or tenants to forthwith remove said snow and ice from the sidewalk in front of or bordering on such land; and where impossible, to notify such owner or owners, tenant or tenants by reason of their non-residence or absence from said borough, or where, having given such notices such owner or owners, tenant or tenants, shall fail to forthwith comply with said notice,] the Department of Public Works [shall] may remove or cause to be removed such snow or ice from the sidewalk in front of or bordering on such land or to [be] spread or cause same to be spread with salt, ashes or sand as hereinbefore provided.

2. Section 177-3 of Article I of Chapter 177 is hereby amended as follows:

The cost paid and incurred by the borough for removing such snow and ice from any sidewalk or for spreading same with salt, ashes or sand, as the case may be, shall be certified to the Mayor and Council of the borough, which shall examine the certificate and, if found to be [current] reasonable, shall cause such costs to be charged against the abutting lands. The amounts so charged shall thereupon become a lien and tax upon such real estate and be added to and become a part of the taxes next to be levied and assessed thereon. Computation of charges shall be based on the following rates:

A. Equipment hourly rates, including the time required to mobilize and demobilize from the site, shall be as follows:

- (1) Snow blower: \$25.00
- (2) Service truck: \$60.80
- (3) Dump truck: \$60.80
- (4) Deicer: cost.

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<sup>2</sup>Deletions are indicated by brackets [ ]; new language is underlined.

B. Labor hourly rates, including the time required to mobilize and demobilize from the site, shall be as follows:

- (1) Foreman: \$81.15
- (2) Operator: \$59.30
- (3) Laborer: \$59.30.

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: 2.0
- (5) Work on Borough-recognized holidays: 2.0
- (6) Continuous work in excess of 12 hours.

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2009-4, second by Council Member Heinzl. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2009-4, second by Council Member Tucker with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2009-4, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli read Ordinance 2009-5 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009-5**

**AN ORDINANCE PROVIDING FOR THE POSITIONS CHIEF  
FINANCIAL OFFICER/TAX COLLECTOR AND DEPUTY TAX COLLECTOR AND FURTHER  
AMENDING THE SALARY ORDINANCE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, on August 4, 2008, Borough Council of the Borough of Pennington adopted Ordinance 2008-7, entitled "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 2008," effective August 14, 2008 (hereafter "Salary Ordinance");

**WHEREAS**, the Salary Ordinance confirms the titles of officers and employees of the Borough and establishes their respective compensation, and the Ordinance remains in effect until amended or superceded;

**WHEREAS**, Borough Council now seeks to amend the Salary Ordinance effective on or after June 1, 2009 to consolidate the two existing positions of Municipal CFO(p/t) and Tax Collector into the position Municipal CFO/Tax Collector (p/t) but no change in hourly compensation is intended at this time;

**WHEREAS**, Borough Council further seeks to amend the Salary Ordinance effective on or after June 1, 2009 to create the new position of Deputy Tax Collector and to establish therefor the annual salary of \$16,000.;

**WHEREAS**, Borough Council also seeks to amend the Salary Ordinance effective on or after June 1, 2009 for the position of Utility Collector to change the salary for the position of Utility Collector to \$16,000;

**WHEREAS**, Borough Council further amends the Salary Ordinance effective on or after June 1, 2009 to make the existing position Technical Assistant to Construction a salaried position at the annual salary of \$10,000.;

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

1. The aforesaid Salary Ordinance is hereby amended and supplemented effective June 1, 2009 as follows:

A. The table of salaried positions in Section a. is amended to delete the position of "Tax Collector" and the related maximum annual salary of "18,386.36" and to substitute therefor the position of "Deputy Tax Collector" and the related maximum annual salary of "16,000.00."

B. The table of salaried positions in Section a. is amended to change the maximum annual salary for the position "Utility Collector" from "\$25,465.80" to "16,000.00."

C. The table of salaried positions in Section a. is further amended to change the compensation of "Technical Assistant to Construction" from "\$15.60/hour" to the maximum annual salary of "\$10,000.00."

D. The table of hourly employees in Section d. of the Salary Ordinance, under the caption "Finance," is amended to change the title "Municipal CFO(p/t)" to "Municipal CFO/Tax Collector(p/t)."

2. All other provisions of the aforesaid Salary Ordinance shall remain in full force and effect.
3. This ordinance shall take effect on June 1, 2009, after adoption and publication as provided by law.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2009-5, second by Council Member Heinzel. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2009-5, second by Council Member Tucker with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2009-5, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli stated that Mr. Meytrott sent an e-mail this afternoon stating that he would be unable to attend tonight's meeting as he had to attend a funeral.

### **Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Ms. Heinzel reported that the Library Board of Trustees met on April 23<sup>rd</sup> to discuss upcoming events, plans for a booth at Pennington Day and plans for the Summer Reading Program. Ms. Heinzel reported that the Library has received generous donations in memory of Nora Ducharme and will be using these donations to replace computers in the Library and to redesign of the Library website.

Ms. Heinzel stated that the Planning Board did not meet in April and will also not be meeting in May.

Ms. Heinzel reported that the Environmental Commission met and were joined by a resident of Burd Street who is concerned about what fertilizers are being used on residents' lawns and flushing of prescriptions which both ultimately affect the water system. Ms. Heinzel stated that the Environmental Commission also discussed plans for Pennington Day with the focus being water preservation and conservation. Ms. Heinzel stated that also discussed was the Hopewell Green Market which took place a couple of weekends ago and was very successful. Ms. Heinzel stated that the Green Market will again take place in the fall in Pennington Borough.

**Public Works / Economic Development** – Mr. Lawver stated that on Monday, May 11<sup>th</sup>, 2009, Borough Council will hold an open forum discussion to get a community discussion of thoughts and concerns with regard to the issuance of a liquor license in Pennington Borough. Mr. Lawver gave a brief overview of Pennington Borough's history on this issue and invited anyone who could to attend on May 11<sup>th</sup>, 2009.

Mr. Lawver reported that the Economic Development Commission met last week and discussed ongoing activities such as the quarterly newsletter. Mr. Lawver reported that the Economic Development Commission was very proud to hear the Pennington Quality Market was honored as the Small Business of the Year in Mercer County. Mr. Lawver stated that the Economic Development Commission is cooperating with the Farmers Market team and looking at what they can put together for a community table that will draw people downtown.

Mr. Lawver stated that there are two issues that the Public Works Committee is working on; Well 8 and future road projects. Mr. Lawver gave an update on the current road projects. Mr. Lawver stated that the Borough is still trying to close out Brookside Avenue as there are many punch list items that need to be completed by the contractor. Mr. Lawver stated that the Borough has bid and will be awarding a contract for Burd Street. Mr. Lawver stated that hopefully work on Burd Street will be completed over the summer while the schools are closed.

Mr. Lawver stated that the Borough has just filed its Annual Stormwater Report. Mr. Lawver stated that the Borough had to note in the report that we don't have all of our outfalls mapped. Mr. Lawver stated that the Public Works committee is hoping to find funds for this project soon.

Mr. Lawver stated that with the return of warm weather we are starting to see an increase in residents applying for sidewalk permits.

**Personnel** – Mr. Ogren stated that the Personnel Committee did not meet. Mr. Ogren updated Council on the Pennington Extension of the Lawrence Hopewell trail. Mr. Ogren stated that he arranged to have two signs made and installed for the Pennington Loop Trail and they are now up; one at Kunkel Park and one on Main Street by the tracks. Mr. Ogren stated that improvements are made to the trail include a bridge and boardwalk built by a local Girl Scout Troop in town which was completed a couple of weeks ago.

**Community Services** – Ms. Chandler reported that Parks and Recreation met in April. Ms. Chandler reported that a very wet, soggy Easter Egg Hunt was held. Ms. Chandler stated that the Parks and Recreation Committee has been spending most of its time in maintaining parks, upgrading mulch, replacing sand and doing tree work. Ms. Chandler stated that plans are underway for the Memorial Day Parade. Ms. Chandler stated that flags on Main Street and Delaware Avenue will be going up over the next week or so. Ms. Chandler reminded everyone that the Adopt-a-Flag program is on going, forms are available at Borough Hall or on the Borough web-site. Ms. Chandler reported that there will be no July

4<sup>th</sup> concert this year, there will be concerts on Memorial Day and Labor Day. Ms. Chandler stated that the movie series at Kunkel Park has been cancelled.

Ms. Chandler reported that Eric Holterman has formed a group to work on the Historic Preservation Element; they have met a couple of times to work on how to proceed. Ms. Chandler stated that they are collecting information from surrounding municipalities. Ms. Chandler stated that funding for Preservation New Jersey is no longer available; however the Historical Society has monies earmarked for Pennington Borough which can be used when the time comes.

**Public Safety** – Mr. Tucker reported that Director Meytrott has been working with organizers of Pennington Day and plans are being finalized for the event on May 16<sup>th</sup>. Mr. Tucker stated that Director Meytrott has represented Pennington Borough at various other meetings and events.

Mr. Tucker stated that Probationary Officer Joseph Maccaquano continues to serve on patrol under the supervision of Acting Sergeant Friedman and Probationary Officer Daryl Burroughs is now patrolling by himself on a regular schedule.

Mr. Tucker stated that Director Meytrott and Hopewell Township Chief Meyers continue to meet and discuss the analysis of a merge of the two police departments. Mr. Tucker stated that the Borough's newly appointed Court Judge Eric Perkins held his first Court Session; all went well.

Mr. Tucker reported that Director Meytrott met with a resident of Crawley Avenue to discuss concerns regarding parking in the neighborhood and as a result a No Parking Sign has been posted.

Mr. Tucker reported the following statistics for the month of April, 2009:

192	Motor Vehicle Stops
101	Warnings Issued
21	Parking Summonses Issued
114	Motor Vehicle Summonses Issued
4	Adult Male Arrests
1	Adult Female Arrests

**Finance** – Mr. Griffiths reported that the Finance Committee met in April to finalize the Public Works and Public Safety Budgets. Mr. Griffiths reported that the last major issue to be resolved is the Public Works Teamsters Negotiations. Mr. Griffiths stated that the Water Sewer budget still needs work; he is working on an analysis of billings to see if a rate increase is needed. Mr. Griffiths stated that he will be sitting with Borough Treasurer, Betty Sterling to finalize some changes.

**New Business**

**Borough of Pennington  
Resolution #2009-5.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Countrywide Tax Services Corporation, PO Box 10211, MS: SVW-24, Van Nuys, CA 91410-0211 for an overpayment of second quarter taxes in the amount of \$3,092.90 for Jay & Alison Greenberg, Block 802, Lot 10.

**BE IT RESOLVED**, that a refund be issued to Wen-Hamilton LLC, 179 Matthew Circle, Richboro, PA 18954 in the amount of \$918.74 including any additional interest for the balance of Planning Board escrow account.

**Record of Council Vote on Passage**

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

Council Member Ogren made a motion to approve Resolution 2009-5.1, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington  
Resolution #2009 – 5.2**

**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 \$1,731,135.40 from the following accounts:

Current	\$ 1,686,133.09
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W/S Operating	\$ 37,382.65
Grant Fund	\$ 625.80
Trust Fund	\$ 200.00
Developers' Escrow	\$ 5,100.12
COAH Trust Fund	\$ 1,601.72
Unemployment Trust	\$ 92.02
<b>TOTAL</b>	<b>\$ 1,731,135.40</b>

**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	S			
Heinzel	M				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2009-5.2, second by Council member Ogren. Council Members raised questions on specific bills on the bill list. Upon a roll call vote, all members present voted in favor of the Resolution.

**Borough of Pennington  
Resolution #2009-5.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE  
2009 TEMPORARY BUDGET**

**WHEREAS**, the 2009 Budget for the Borough of Pennington has not been adopted; and

**WHEREAS**, additional funds are necessary to meet various obligations of the Borough of Pennington;

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made in the 2009 Temporary Budget for the Current Account.

Administration	Other Expense	\$ 1,000.00
Insurance – Liab & Other	Other Expense	\$( 7,845.89)
Insurance – Worker's Comp.	Other Expense	\$( 10,769.19)
Police	Salaries	\$ 25,000.00
Borough Property	Salaries	\$ 5,000.00
Recreation	Other Expense	\$ 2,500.00
Electricity	Other Expense	\$ 5,000.00
I/L – Janitorial	Other Expense	\$ 1,500.00
I/L – Recycling	Other Expense	\$ 6,000.00
<b>Total</b>		<b>\$ 27,384.92</b>

**BE IT FURTHER RESOLVED**, that the following additional funds be appropriated for the 2009 Temporary Budget for the Water and Sewer Fund:

Water	Other Expense	\$ 20,000.00
Social Security	Other Expense	\$ 7,500.00
<b>TOTAL</b>		<b>\$ 27,500.00</b>

**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	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2009-5.3, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2009-5.4**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PARS  
ENVIRONMENTAL INCORPORATED FOR THE COMPLETION OF THE  
2008 RIGHT TO KNOW SURVEY**

**WHEREAS**, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2008 Right To Know Survey, which must be filed with required State and local agencies by July 15, 2009; and

**WHEREAS**, the contemplated services include inventory of areas that contain hazardous chemicals and completion of the 2008 Right to Know Survey for each area as follows:

1. Borough Hall/Library/Police Dept.
2. Senior Citizen Center
3. Public Works Garage
4. Well House 4 & 5
5. Well House 6
6. Well House 7
7. Well House 8 & 9

**WHEREAS**, PARS Environmental, Inc. will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

**WHEREAS**, PARS Environmental, Inc. has agreed to perform these functions at a lump sum amount of \$1,800.00;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to enter into an agreement on behalf of the Borough for services as stated above, subject to approval of the form of agreement by the Borough Attorney.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2009-5.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.5**

**RESOLUTION AWARDING CONTRACT FOR BURD STREET RECONSTRUCTION TO  
MECO, INC.**

**WHEREAS**, the Borough Council of the Borough of Pennington has authorized advertisement for bids for the project known as Burd Street Reconstruction (VNHA # 38594-220-52);

**WHEREAS**, on April 8, 2009 the Borough received nine bids for the project, including bids for the base project and bids for a possible addition to the base project depending on the availability of funds;

**WHEREAS**, the bid of Meco, Inc., 37 Prodelin Way, Millstone, NJ 08535, in the amount of \$168,087.90, is the lowest responsible bid for the base project;

**WHEREAS**, after considering the bids for the additional work it was determined that the budget for the project is not sufficient to cover the costs of the additional work;

**WHEREAS**, the Borough Engineer has reviewed the bid of Meco, Inc. and its conformance with bid specifications as well as the bidder's experience and ability to perform the work;

**WHEREAS**, the Borough Engineer has recommended that the Borough award the contract to Meco, Inc., subject to concurrence by the New Jersey Department of Transportation;

**WHEREAS**, a summary of the bids is available in the office of the Borough Clerk;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the project in Account # G-02-44-939-000-250;

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

1. The contract entitled "Burd Avenue Reconstruction" is hereby awarded to Meco, Inc. for the total bid amount of \$168,087.90, subject to approval by the State Department of Transportation.
2. The Mayor, with the attestation of the Borough Clerk, is authorized to execute and enter into the said contract on behalf of the Borough upon approval of same by the Department of Transportation.

**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	S			
Heinzel	X				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2009-5.5, second by Council Member Ogren. Mr. Lawver stated that this contract is being awarded for work on Burd Street from Delaware Avenue to Academy Street. Mr. Lawver explained that there was an alternate section that would have extended the work from Academy to Laning depending on the cost. Mr. Lawver stated that the Borough does not have sufficient funds to extend the work so the award does not include the additional work. Mr. Lawver stated that the structure of the contract allows for unit pricing for additional work and there is a possibility that through a change order the work can be extended to O'Hanlon. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.6**

**RESOLUTION TO URGE THE GOVERNOR NOT TO CUT FUNDING  
FOR EMT TRAINING**

**WHEREAS**, the Pennington First Aid Squad is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community.

**WHEREAS**, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

**WHEREAS**, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$ 1,000,000 deficit per year; and

**WHEREAS**, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

**WHEREAS**, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community.

**FURTHER RESOLVED**, that the Borough of Pennington opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which, would shift the cost of Volunteer EMT Training to Pennington First Aid Squad, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

**FURTHER RESOLVED**, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143.

**Record of Council Vote on Passage**

Councilman	Aye	Nay	N.V.	A.B.	Councilman	Aye	Nay	N.V.	A.B.
Chandler	M				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Chandler made a motion to approve Resolution 2009-5.6, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution #2009- 5.7**

**RESOLUTION AUTHORIZING RESUBMISSION OF APPLICATION FOR STATE AID FOR  
STREETSCAPE IMPROVEMENTS IN THE TOWN CENTER**

**WHEREAS**, the New Jersey Department of Transportation has announced it is now accepting applications for the Transportation Enhancement ARRA (Economic Recovery) Program;

**WHEREAS**, the NJDOT is seeking construction-ready projects that enhance the cultural, aesthetic, historic, and environmental aspects of the States transportation system;

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

1. that the mayor is hereby authorized to submit to the New Jersey Department of Transportation for consideration under the aforesaid Program, the project for Streetscape Improvements in Pennington’s Historic Downtown at main Street and Delaware Avenue;
2. the project to be submitted is that described in the attached Borough Council Resolution 2008-3.6.

**Record of Council Vote on Passage**

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

Council Member Ogren made a motion to approve Resolution 2009-5.7, second by Council Member Chandler. Mr. Ogren explained that this is an attempt to get funding for the Streetscape Improvements through a new funding source. Mr. Ogren explained that this grant requires that plans and specifications be prepared prior to January 4<sup>th</sup>, 2010. Mr. Ogren stated that he was concerned about spending money on plans and specs prior to an award of funding. Mr. Ogren contacted DOT and was told that municipalities should find out in July if the Borough will be getting funding towards this project; which would allow enough time to meet the deadline of January 4<sup>th</sup>. Mr. Lawver stated that engineering costs could be \$25,000 and that is not currently budgeted. Mr. Lawver stated that he is not saying the Borough should not apply; just that Council should be award of the budget predicament. Mr. Dunworth reminded Council of a Bond Ordinance which has funds allocated for Streetscape Improvements. Mr. Lawver stated that in his time on Council it has not been the practice to bond for engineering costs. Mr. Ogren stated that he added a paragraph to the previously submitted proposal stating that the Borough would be willing to accept less money and would proceed with doing the project in phases. Upon a roll vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2009- 5.8**

**RESOLUTION AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS FOR STATE  
AID FOR ROAD RECONSTRUCTION, TO THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION**

**WHEREAS**, the State of NJ, Department of Transportation has announced that applications will now be accepted for the NJ DOT Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit Programs;

**WHEREAS**, the State of New Jersey has further announced that applications for projects under these programs must be completed and submitted on or before June 12, 2009 on-line;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington hereby authorizes the Borough Engineer, in accordance with the recommendations of Borough Council, to prepare and submit applications to the NJ Department of Transportation for State Aid for projects under the above programs. The Borough Council further authorizes the Mayor of Pennington to sign all appropriate documents in support of such applications.

**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	S				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2009-5.8, second by Council Member Griffiths. Mr. Lawver stated that the Public Works Committee is finally in agreement on what road projects to recommend for improvement. Mr. Lawver stated that the recommendation is to apply for a grant to improve Green Street from Railroad Place to Delaware Avenue. Mr. Lawver stated that the primary concern is the area from Broemel Place to Brookside Avenue which has serious drainage issues that have caused the road to erode. Mr. Lawver stated that if there is any additional funding from the

stimulus plan, the Borough is also recommending applying for a grant for the continuation of Burd Street, from O'Hanlon to Welling or Voorhees. Mr. Lawver stated that there are costs involved in applying for the funds, but he felt that the funding could be found within the current budget. Mr. Ogren stated that he was not originally in favor of the recommendation of Green Street; however with the addition of Burd he supports the recommendation. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli asked for a consent agenda on Resolutions 2009-5.9, 5.10 and 5.11.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.9**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY'S CAFE TO  
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY  
IN 2009**

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

**WHEREAS**, Ms. Matticoli and Emily's Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables (with umbrellas) and 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

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

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

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

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

- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.
- E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.
- F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.
- G. Emily Matticoli and Emily's Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

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

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and
- (3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer's liability coverage in the amount of \$500,000. per person/per occurrence.

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

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

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

2. This conditional authorization shall in any event expire on December 31, 2009.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.10**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO'S PIZZA TO  
MAINTAIN A TEMPORARY OUTDOOR  
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2009**

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

**WHEREAS**, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 5 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 5 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

**WHEREAS**, in 2008 Borough Council granted conditional authorization for 4 tables and 11 chairs on the Main Street side and 2 tables and 4 chairs on the Delaware Avenue side of the restaurant, the current proposal increasing slightly the intensity of use;

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

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

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

1. Vito's Pizza is hereby granted permission to locate up to 7 tables and 21 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 5 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 5 chairs on the Delaware side of the restaurant.

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

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

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

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

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

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

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

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

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

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

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

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

2. This conditional authorization shall in any event expire on December 31, 2009.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.11**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR CUP OF JOE TO  
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC  
RIGHT- OF- WAY IN 2009**

**WHEREAS**, Dayna Unfried and Diane O'Donnell are the principal owners of the restaurant doing business as Cup of Joe, located at 20 N. Main Street in the Borough of Pennington;

**WHEREAS**, Ms. Unfried and Ms. O'Donnell have applied to Borough Council for permission to place movable tables and chairs on the sidewalk adjacent to the restaurant, in particular, 2 tables and 4 chairs immediately adjacent to the front of the restaurant and 2 tables and 4 chairs at the curb on Main Street, as shown in the attached sketch;

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

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

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

1. Dayna Unfried and Diane O'Donnell are hereby granted permission to locate up to 2 tables and 4 chairs on the sidewalk immediately adjacent to the front of the restaurant and 2 tables and 4 chairs at the curb on Main Street, provided the following conditions are met;

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

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

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

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

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

F. The outdoor dining area shall not obstruct access to apartments in the building.

G. Dayna Unfried and Diane O'Donnell, trading as Cup of Joe, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until Dayna Unfried and Diane O'Donnell have filed with the Borough Clerk a current Certificate of Insurance which certifies that:

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

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

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

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

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

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Dayna Unfried or Diane O'Donnell. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2009.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolutions 2009-5.9, 2009-5.10 and 2009-5.11, second by Council Member Tucker. Ms. Heinzel asked if all the insurance requirements have been met. Mr. Bliss explained that each of the three has submitted insurance information that needs to be modified, but they are minor details that can be easily corrected. Mr. Ogren stated that he had concerns last year and has the same concerns this year with regard to tables and chairs on the Delaware Avenue side of Vito's. Mr. Ogren stated that the sidewalk is not that big. Mr. Bliss stated that Vito's has added tables and chairs to what they had out last year as referenced in the Resolution. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.12**

**RESOLUTION AWARDDING CONTRACT FOR WELL 8 WATER TREATMENT SYSTEM TO  
LIBERTY CONSTRUCTION & DEVELOPING, INC.**

**WHEREAS**, the Borough Council of the Borough of Pennington has authorized advertisement for bids for the project known as Well 8 Water Treatment System (VNHA # 39203-500-52);

**WHEREAS**, on April 28, 2009 the Borough received three bids for the project;

**WHEREAS**, the bid of Liberty Construction & Developing, Inc. of Belle Mead, New Jersey, in the amount of \$198,700., is the lowest responsible bid for the project;

**WHEREAS**, the Borough Engineer has reviewed the bid of Liberty Construction & Developing, Inc. and its conformance with bid specifications as well as the bidder's experience and ability to perform the work;

**WHEREAS**, the Borough Engineer has recommended that the Borough award the contract to Liberty Construction & Developing, Inc., for the total lump sum cost of \$198,700., with the understanding that the Borough reserves the right to deduct the cost of the well pump reduced voltage starter (Deduct Alternate 1) in the amount of \$3,500.;

**WHEREAS**, a summary of the bids is available in the office of the Borough Clerk;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the project in the Water/Sewer Capital budget;

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

2. The contract entitled "Well 8 Water Treatment System" is hereby awarded to Liberty Construction & Developing, Inc. for the total bid amount of \$198,700., subject to the Borough's aforesaid right to deduct the aforesaid Deduct Alternate 1.
2. The Mayor, with the attestation of the Borough Clerk, is authorized to execute and enter into the said contract on behalf of the Borough upon approval of the Borough Attorney.

**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 2009-5.12, second by Council Member Tucker. Mr. Lawver stated at the last meeting he reported that the estimate for this work was about \$100,000, but the actual estimate is just under \$200,000. Mr. Lawver stated that the Borough Engineer felt that this was a good set of bids given how close the numbers were. Mr. Lawver stated that the expense and time of rebidding the job does not seem worth it. Mr. Lawver stated that this is actually the cheapest and shortest way to get more water into the system. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION # 2009-5.13**

**A RESOLUTION AUTHORIZING FILING FOR A  
TAX REIMBURSEMENT CERTIFICATION FOR RECYCLING FOR 2008**

**WHEREAS**, The Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that the Borough of Pennington hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2008 in the amount of \$ 2,336.82. Documentation supporting this submission is available at 30 North Main Street, Pennington, NJ 08534 and shall be maintained for no less than five years from this date.

**Record of Council Vote on Passage**

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

Ms. Chandler made a motion to approve Resolution 2009-5.13, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.14**

**A RESOLUTION CALLING ON THE US DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT TO ADJUST THE FHA LIMITS SET FOR  
MERCER COUNTY, NEW JERSEY**

**WHEREAS**, FHA limits are established for each County as a whole; and

**WHEREAS**, counties are arbitrary political subdivisions and have been arbitrarily demarcated as housing markets; and

**WHEREAS**, Mercer County is home to Trenton, its capital city, and it is also home to Princeton Township, Princeton Borough, Hopewell Township, and West Windsor; and,

**WHEREAS**, the home values in each of these locations, as well as some of the more moderate priced municipalities in Mercer County, are extremely different (See attached Chart), and;

**WHEREAS**, the number of sales in the lower priced municipalities are much higher than the number of sales in the higher priced areas (See attached Chart), and;

**WHEREAS**, municipalities in Mercer County with higher home values are being adversely affected by the relatively large number of lower priced homes in the other Mercer County municipalities; and,

**WHEREAS**, due to the current mortgage market, buyers in the price ranges in excess of \$500,000 are choosing to buy in surrounding counties with higher FHA limits; and,

**WHEREAS**, Middlesex, Hunterdon, Somerset and Monmouth counties all have limits set at the maximum, while Mercer County limits are \$440,000; and,

**WHEREAS**, the recent unequal increases in FHA limits across counties are unfairly hurting the housing market in Mercer County municipalities; and

**WHEREAS**, according to the Jeff Otteau Valuation Group, as a result of the lower mortgage lending limit in Mercer County and the corresponding scarcity of financing, there is presently a 49-month supply of homes on the market in Mercer County priced between \$1Million - \$2.5 Million compared to 33 months for New Jersey as a whole; and,

**WHEREAS**, the intent of the Department of Housing is to help the ailing mortgage and housing market across counties, not cause competition between counties; and,

**WHEREAS**, the result of the Department's action has hurt counties that have urban centers with lower house values, as well as markets with higher house values.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the Pennington Borough Council calls upon the US Department of Housing and Urban Development to set the FHA limits at a level that will re-establish the parity that previously existed among New Jersey counties, and specifically among the counties bordering Mercer County, so as not to penalize those towns that have higher housing values than those in urban centers and which border on counties with higher limits; and,

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall forward a copy of this Resolution to Jarrod Grasso, EVP New Jersey Association of Realtors; Teresa Tilton, Director of Political Affairs and Member Services, New Jersey Association of Realtors; Douglass Tomson, Director of Legislative Affairs, New Jersey Association of Realtors; U.S. Department of Housing and Urban Development, Santa Ana Homeownership Center, Santa Ana Federal Building, 34 Civic Center Plaza, Room 7015, Santa Ana, CA 92701-4003; Megan H. Booth, Senior Policy Representative, National Association of REALTORS®; and,

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall forward a copy of this Resolution to Hopewell Borough, Hopewell Township, Lawrence Township, Princeton Township, Princeton Borough, West Windsor Township, Hamilton Township, Ewing Township and City of Trenton.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2009-5.14, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member Lawver who voted no and Council Member Tucker who abstained.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.15**

**RESOLUTION SUPPORTING PARTICIPATION IN THE SUSTAINABLE  
JERSEY MUNICIPAL CERTIFICATION PROGRAM**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Pennington Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, Pennington Borough hereby acknowledges that the residents of the Borough desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, Pennington Borough wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path Pennington Borough is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of Pennington Borough, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

**NOW THEREFORE BE IT RESOLVED**, that to focus attention and effort within Pennington Borough on matters of sustainability, the Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification;

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Pennington that we do hereby authorize Borough Administrator Eugene Dunworth to serve as Pennington Borough's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf 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	M				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2009-5.15, second by Council Member Tucker. Council Member Heinzel stated that this resolution comes from a recommendation by the Environmental Commission. Ms. Heinzel reported that if this resolution is approved it qualifies the Borough to apply for and receive grant funding. Ms. Heinzel stated that there are requirements which need to be met and this is the first step. Ms. Heinzel stated that the Environmental Commission will be working on meeting the requirements, some of which have already been met. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.16**

**RESOLUTION CONSENTING TO PROPOSED AMENDMENT  
TO MERCER COUNTY WATER QUALITY MANAGEMENT PLAN**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (SBRSA) has proposed an amendment to the Mercer County Water Quality Management Plan as set forth in the copy of Public Notice attached to this resolution;

**WHEREAS**, the New Jersey Administrative Code provides pursuant to N.J.A.C. 7:15 that all governmental entities, among others, who may be affected by or otherwise have a substantial interest in such amendment be requested to issue a written statement of consent;

**WHEREAS**, Borough Council has considered in connection with this request the Borough of Pennington Wastewater Management Plan and the Environmental Constraints Analysis supplied by SBRSA;

**WHEREAS**, Borough Council has sixty (60) days to respond to this request, measured from its receipt of the SBRSA request for consent in the letter of Omni Environmental, LLC, dated April 3, 2009;

**WHEREAS**, if the requested consent is not given, the New Jersey Department of Environmental Protection reserves the option of considering approval of the proposed amendment;

**WHEREAS**, it is in the interest of the Borough to define its position in this matter for consideration by NJDEP in its decision-making on the proposed amendment;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that it hereby consents to the aforesaid amendment to the Mercer County Water Quality Management Plan;

**BE IT FURTHER RESOLVED**, that copies of this Resolution shall be sent by the Borough Clerk to Omni Environmental, LLC, representing SBRSA, and to the Department of Environmental Protection, Division of Watershed Management.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-5.16, second by Council Member Chandler. Mr. Bliss stated that this resolution was prepared as a draft for discussion. Mr. Bliss stated that

whoever is informed about the amendment and its implications would be able to define the Borough's position on this. Mr. Dunworth stated that the deadline for this is June 1<sup>st</sup> so it could be deferred to the next meeting. Mr. Lawver stated that the Borough is being asked to support their application or get out of the way. Mr. Lawver stated that Stonybrook does all of the Borough's wastewater management so there should be no reason for the Borough to question the amendment being requested. Mr. Lawver stated that he is taking it on faith that John Kantorik has looked out for Pennington's interest when it comes to waste water management. Mr. Dunworth stated that he has a copy of the amendment in his office and Mr. Ogren has a copy. Mr. Ogren stated that he did look through the amendment. Mr. Dunworth stated that there is a public hearing on the amendment scheduled for May 13<sup>th</sup> at 9:00 am at the Mercer County Planning Board for anyone who is interested. Mr. Ogren stated that this is necessary in connection with the application to the DEP for the Sewage Treatment Plant Expansion. Mr. Ogren stated that at some point the Borough must have supported the expansion and so this is really a follow-up paperwork item for that proposal. Mr. Bliss stated that if the Borough is willing to consent, the resolution is ready to go with a few modifications. Upon a roll call vote, all members present voted in favor.

### **Council Discussion**

**Borough e-mail Accounts-** Mayor Persichilli stated that the Borough e-mail accounts are very vulnerable to inappropriate spam notices. Mayor Persichilli stated that the present e-mail system does not have the capability to filter out spam notices. Mayor Persichilli stated that our web master stated that he can move the present accounts to a better server that can filter out these messages for a cost of just under \$500. Mr. Lawver stated that another problem is the large number of staff using Yahoo or other e-mail accounts. Mr. Lawver stated that with the Open Public Records legislation that could cause a big problem as getting access to these accounts can be difficult. Mr. Griffiths stated that another problem is that Morris who handles the current website has advised him that the revisions to the web site that have been submitted can not be done with in the original quote. Mr. Griffiths stated that he would like to solicit quotes for web site hosting including the e-mail accounts before doing anything more at this time.

### **Administrator's Report**

**1<sup>st</sup> Responder Open House** – Mr. Dunworth stated that the Pennington First Aid Squad will be hosting an open house on May 31<sup>st</sup> from 3 to 5. Mr. Dunworth stated that invitations are being sent to people with special needs so that the First Aid Squad can meet and interact with residents with special needs.

### **Professional Reports**

Mr. Ogren stated that he distributed to Council a list of projects for Federal Stimulus funds. Mr. Ogren stated that recently in the newspaper there was a list of projects that the County has come up with for Federal Stimulus funds. Mr. Ogren stated that the County has a ton of money and because of deadlines they are not taking any projects that require design and engineering work. Mr. Ogren stated that the funds are restricted to Federal Aid Highway System Roads and Main Street and Delaware Avenue are both part of that system. Mr. Ogren stated that the County may be locked into what they want to do, however he felt that it can't hurt to put in our requests. Mr. Ogren stated that we will prepare a letter to Aaron Watson.

Ms. Sterling updated Borough Council on the progress of the Paris Grant program. Ms. Sterling stated that for the past couple of years, Borough Council has agreed to leverage Paris Grant funding that the Borough might be eligible for to Mercer County. Ms. Sterling reported that Tory King from Mercer County and a representative from Large Docs came to meet with the Borough and view the records currently housed at the storage facility. Ms. Sterling stated that this is the first step and providing that Mercer County awards a contract to Large Docs, they will be out sometime in the summer to catalog and inventory all of the records at the storage facility. Ms. Sterling stated that Large Docs will provide the Borough with an inventory of what records are permanent and what records we can file with the Division of Archives and Records Management for destruction. Ms. Sterling stated that another service they will be offering is a shredding truck that will be provided once the Borough has decided what records to destroy.

### **Public Comment Period**

There were no comments from the public.

### **Closed Session**

**AT, 8:52 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Contract Negotiations – Emergency Maintenance and Repair Contract

AT, 9:09 PM, Mayor and Council returned to open session.

Council Member Tucker made a motion to approve the minutes of the March 9, 2009 Closed session for content, but not for release, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-5.17**

**RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR TO  
NEGOTIATE CONTRACT FOR EMERGENCY MAINTENANCE AND  
REPAIR CONTRACT**

**WHEREAS**, the Department of Public Works of the Borough of Pennington has a need for assistance in maintaining and performing routine and emergency repairs to the water distribution and sewage collection systems in the Borough as the need arises from time to time;

**WHEREAS**, the Borough seeks to retain a contractor to perform such projects and repairs on an as needed basis;

**WHEREAS**, Borough Council, by Resolution 2009-1.16, has authorized the Borough Administrator to solicit quotations for a contract containing the following characteristics:

1. the work in question must be performed in compliance with Borough specifications and be subject to review and approval by the Borough Engineer;
2. the contract shall specify rates of compensation for labor, equipment and materials and other charges required to perform work which complies with all laws applicable to the work and with the Detailed Specifications for Maintenance and Emergency Services Quotation, Public Works, Year 2009, on file with the Borough Clerk;
3. the term of the proposed contract shall not exceed one year;
4. the aggregate amount payable to the contractor for maintenance and emergency repair work under the contract or otherwise during the contract year shall not exceed the dollar limit for a contract not subject to public bidding, provided, however, that if the contractor is not in compliance with Prevailing Wage laws, as set forth in N.J.S.A. 34:11-56.25, et seq. and related regulations, the aggregate amount payable under the contract shall not exceed \$11,892;
5. the contract shall provide that if the cost of work in connection with any maintenance or emergency repair project is expected to cause the aggregate amount payable under the contract to exceed the applicable limit, the project must be severed from the contract and contracted for separately in compliance with the Local Public Contracts Law and other applicable laws;
6. the form of the contract shall conform with applicable law and be approved by the Borough Attorney;
7. award of the contract shall be subject to the availability of required funding;
8. award of the contract shall comply with the Local Public Contracts Law;

**WHEREAS**, as set forth in N.J.S.A. 40A:11-6.1, the Local Public Contracts Law requires for all contracts that in the aggregate are less than the bid threshold but equal 15% or more of that amount, the Borough shall award the contract after soliciting at least two competitive quotations, if practicable, and the award shall be made to the contractor whose response is most advantageous, price and other factors considered;

**WHEREAS**, the Borough Administrator has solicited quotations based on general requirements and the above terms and limitations of the proposed contract and has received quotations from two contractors;

**WHEREAS**, the quotation most advantageous to the Borough, price and other factors considered, cannot be clearly determined without clarifications from the contractors on the quotations they have supplied, and the need for further discussion with the contractors is indicated;

**WHEREAS**, the urgency of work requiring attention in the next two to three weeks dictates that the Borough move expeditiously to come to an agreement with a contractor;

**WHEREAS**, the funds required for the above contract, which may not exceed in the aggregate \$21,000, are presently available;

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

1. The Borough Administrator is hereby authorized to conduct discussions with contractors who have submitted quotations for the above described contract and to clarify the terms of the quotations to ensure that the relative advantages can be compared and evaluated.
2. The Borough Administrator is further authorized to determine the contractor whose quotation is most advantageous to the Borough, price and other factors considered.

3. The Borough Administrator once having identified the quotation most advantageous to the Borough, may enter into a contract on behalf of the Borough which complies with the terms and limitations set forth in Resolution 2009-1.16 as summarized above.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-5.17, second by Council Member Chandler with all members present voting in favor.

Mr. Lawver stated that he was remiss in getting a schedule of fees pulled together for work done by Public Works on private property and could the public hearing on Ordinance 2009-4 be carried. Ms. Sterling stated that the Public Hearing and Adoption of the Ordinance was held earlier in the meeting. Mr. Bliss explained that the ordinance can be amended once the chart is developed.

At 9:15 pm, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk