

**Pennington Borough Council
Regular Meeting – February 1, 2010**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Heinzl, Lawver, Ogren, and Tucker in attendance. Mr. Griffiths was in attendance, but was out of the room during the roll call.

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 according to the regulations of the Open Public Meetings Act.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

Meeting open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 5 minutes.**

There were no comments from the public.

Flag Salute

Mayor Persichilli announced that the Council Discussion item Capital Health Systems Tax Settlement will be discussed in Closed Session and not Open Session for anyone in attendance for that discussion.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the December 7, 2009, Regular Meeting, second by Council Member Tucker. Mr. Tucker indicated a couple of typographical errors. Upon a roll call vote, all members present voted in favor of the minutes as corrected with the exception of Ms. Heinzl who was out of the room for the vote.

Council Member Tucker made a motion to approve the minutes of the December 30, 2009, Regular Meeting, second by Council Member Ogren with all members present voting in favor with the exception of Ms. Chandler who abstained and Ms. Heinzl who was out of the room for the vote.

Council Member Chandler made a motion to approve the minutes of the January 4, 2010, Reorganization Meeting, second by Council Member Tucker with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 4, 2010, Regular Meeting, second by Council Member Chandler with all members present voting in favor.

Mayor's Business

Mayor Persichilli stated that he met with a representative from the Census Bureau about a week ago. Mayor Persichilli stated that he would like to stress the importance of everyone participating in the Census. Mayor Persichilli urged all residents to be welcoming to census takers when they come to the door. Mayor Persichilli stated that the Census Bureau will be available at Borough Hall in the near future to assist residents with completion of the Census. Mayor Persichilli stated that the dates will be announced once they are set.

Mayor Persichilli announced the following Proclamations:

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 2010 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U.S. is estimated at \$475 billion; and

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

WHEREAS, one in 2.7 women die from cardiovascular disease and 64 percent of women who die suddenly from coronary heart disease have no previous symptoms; and

WHEREAS, February is designated as American Heart Month; and

WHEREAS, Go Red For Women is the American Heart Association's national movement to make women aware of their risk for heart disease – the leading cause of death for women – and to empower women to take action to reduce that risk;

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, Go Red BetterU 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 5, 2010 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 5, 2010 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.

PROCLAMATION

WHEREAS; the citizens of the Borough of Pennington stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Borough of Pennington has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, **NEA's Read Across America**, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT PROCLAIMED THAT, the Mayor and Council of the Borough of Pennington call on the citizens of the Borough of Pennington to assure that every child is in a safe place reading together with a caring adult on March 2, 2010;

AND, BE IT FURTHER PROCLAIMED THAT, this body enthusiastically endorses **NEA's Read Across America and Read Across America-NJ**, and recommitts our community to engage in programs and activities to make America's children the best readers in the world.

Mayor Persichilli read the following Proclamation presenting the Economic Development Commission Business Person of the Year Award Pennington Quality Market and the Rothwell Family.

THE PENNINGTON ECONOMIC DEVELOPMENT COMMISSION PROUDLY PRESENTS THE 2010 BUSINESS OF THE YEAR AWARD TO PENNINGTON QUALITY MARKET and THE ROTHWELL FAMILY.

WHEREAS, the Pennington Economic Development Commission is very honored to present the 2010 Annual Business Award to Pennington Quality Market and the Rothwell Family, and

WHEREAS, Pennington Quality Market and the Rothwell Family exemplify the meaning of this recognition, and

WHEREAS, the Pennington Economic Development Commission created this prestigious award to recognize, promote and reward the achievements and accomplishments of Pennington Borough businesses who have had an important impact and have made special contributions to the economic vitality of our business district and enhance the quality of life for all residents of Pennington, and

WHEREAS, Pennington Quality Market and the entire Rothwell Family are proudly honored, in the spirit and intent of this award, for their community service, professional leadership and financial support

they so generously make to Pennington, its business community and other civic and charitable organizations, and

WHEREAS, the Pennington Economic Development Commission cites Pennington Quality Market and the Rothwell Family for being a true examples of businesses giving back to their communities as decisive factors for their strong and positive expression and genuine appreciation for presenting this prestigious award to them.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Pennington hereby endorse the award of the Business of the Year Award to Pennington Quality Market and the Rothwell Family and commend them on their contribution to the community.

Mayor Persichilli presented the Proclamation to Mike Rothwell who spoke a few words of thanks on behalf of his family and the 160 plus employees who work at the Pennington Quality Market and are part of the Pennington Quality Market family. Mr. Rothwell stated that in 2010 the Pennington Market on Route 31 will celebrate its 50th Anniversary having opened in April of 1960. Mr. Rothwell stated that his family has owned the market for the last 29 years. Mr. Rothwell stated that the market has been an integral part of not only Hopewell Township, but also Pennington Borough. Mr. Rothwell stated that this award will be very meaningful to the staff of the market and he looks forward to sharing it with them.

Mayor Persichilli announced the resignation of Elizabeth Haines from the Parks and Recreation Commission. Mayor Persichilli thanked Elizabeth for her service to the community.

Mayor's Appointments

Mayor Persichilli announced the following appointments:

Planning Board

- Mark Blackwell for a term beginning 1/1/2010 and ending 12/31/2013

Economic Development

- Emily Matticoli to fill an unexpired term ending 12/31/2010

Appointments with Council Approval

Senior Advisory Board

- Tom DiMuzio to fill an unexpired term ending 12/31/2010

Council Member Tucker made a motion to approve the appointment of Tom DiMuzio to the Senior Advisory Board, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli took a moment to recognize Michael Markulec, Mayor of Hopewell Township and Kimberly Johnson and James Burd, Township Committee Members.

Presentation

Mayor Michael Markulec and Ms. Kim Bruno came forward to make a presentation to Borough Council on a proposed teen center on the Capital Health property in Pennington Borough.

Mayor Markulec gave a brief overview of the need for a teen center and how the Hopewell Township Youth Advisory Board came about. Mayor Markulec stated that a task force was appointed last year by Hopewell Township to work with the Youth Advisory Board to look at potential locations, needs, programming, corporate sponsorship and fundraising. Mayor Markulec stated that the Youth Advisory Board wanted to come back and inform Council as to where they are in the process and to discuss two possible options for a location for a temporary teen center in the Valley. Several members of the Youth Advisory Board came forward to speak on why a teen center is needed, what has been done to plan for a teen center, what the proposed teen center would look like and what hours and days the center would be open. The teens outlined what staffing requirements would be, some of the programs that would be offered, traffic and parking and outdoor activities. The teens reported on the proposed expenses which included \$45,000 for staffing, \$5,000 for utilities, \$3,000 for cable and internet, \$2,000 for miscellaneous supplies for a total of \$55,000. The teens reported that start up costs would be \$50,000. The teens explained that these funds are being raised through fundraising, grants and municipal funding and so far they are about one-third of the way towards their goal of \$150,000. The teens stated that they are working together with the Senior Citizens towards a shared teen/senior center. The teens explained that moving forward they need to obtain approval from Pennington Borough, continue fundraising which includes seeking help with renovations to the building.

Mayor Markulec and Kim Bruno answered questions from Council Members. Mayor Persichilli stated that he had not heard that there would be outdoor activities and that might be something that the Planning Board would be interested in. Mayor Markulec stated that they have looked at several options for where a teen center would make sense. Mayor Markulec stated that the main thing is that it be within walking distance to the schools. Mayor Markulec stated that eventually the operation of the teen center will be turned over to the YMCA and long term will be run by the YMCA. Mayor Markulec stated that there is a gap between today and when the YMCA gets constructed. Mayor Persichilli stated that when he looked at the plans, the building that the teens are looking at will be demolished. Ms. Bruno stated that they realize that there will be a time period where the teens will be without a home and that again a temporary location will need to be found. Mayor Persichilli stated that about one month ago, he met with Mayor Markulec to discuss this and it

was made clear at that time that this should be presented to both the Council and the Planning Board first. Mayor Persichilli expressed concern as to who would be paying the taxes on the building which are currently being paid by Capital Health. Mayor Persichilli stressed that Pennington Borough can not afford to lose taxes.

Mr. Lawver stated that looking at the budget over the next couple of years, the Borough needs to have a high confidence that the ratables will not go away or if they go away that there will be a replacement. Mr. Lawver asked if the National Stats on "at risk" youth were compared to the same stats in Hopewell Valley. Ms. Bruno stated that no comparisons were made. Mayor Persichilli stated that it could be done if it were deemed necessary. Mr. Lawver asked who would be the "backstop" if fundraising does not go well. Ms. Bruno stated that if operating funds were not raised through fundraising they would have to look at a reduction of hours of operation and staffing costs. Ms. Bruno stated that they are hopeful that the YMCA will commit to picking up costs for the teen center, though there has been no commitment from the YMCA to this point.

Mayor Persichilli inquired about conversations that have taken place with the YMCA and about conversations with the Senior Advisory Group who have also expressed interest in the building. Mayor Persichilli stated that he would like to find out what plans are being made because the Borough has received requests from the seniors to make improvements to the current Senior Center in the Borough. Mayor Persichilli stated that the Borough would not want to proceed with improvements if the seniors are going to be moving on to another building. Ms. Bruno stated that conversations with the YMCA have been mainly to hire them as a subcontractor so that they could do the staffing for the Teen Center. Ms. Bruno stated that conversations with the seniors have been geared towards use of the building as a supplement to the current situation. Ms. Bruno stated that the building is not large enough to handle the lunch program nor does it have the kitchen facility needed.

Mr. Lawver stated that the criticism that he hears about this is that residents already dedicate more than half of their tax dollars to educating children. Mr. Lawver stated that there are many clubs and sports programs offered at the school and most kids have homework and he would have a hard time justifying an expenditure for a teen center. Ms. Bruno stated that technically the schools are only responsible for kids until three o'clock and then after that it is up to the students if they want to participate in activities. Ms. Bruno stated that there are a number of tremendous clubs at the school, but it is up to the students to take advantage of what is offered. Ms. Bruno stated that the teen center would provide an opportunity to fill the gap between kids that are involved in activities after school and kids that don't want to participate. Ms. Bruno stated that the teen center would supplement what is offered after school.

Mr. Ogren asked if it would be possible to operate on a trial basis before putting money into the building to see if a teen center would be successful. Mayor Markulec stated that the building is in surprisingly good shape given that it has not been used for some time. Mayor Markulec stated that the building is going to require some internal clean up and some minor repairs some of which are unknown until an inspection is done. Mayor Markulec stated that part of the fundraising process has been to reach out to contractors for donations of time and labor and materials.

Mayor Persichilli asked who will be coming before the Planning Board to present this proposal. Mayor Markulec stated that Hopewell Township will be the going before the Planning Board and then the YMCA will be running the programming. Mayor Markulec stated that there has been discussion but no action on forming a non-profit to continue fundraising beyond the initial effort.

Ms. Chandler asked what the driving impetus is for this proposal. Ms. Chandler stated that she has a teenage daughter who has not spoken a word about this. Ms. Chandler stated that she is not feeling a pressure to move forward with this project. Ms. Bruno stated that this came out of the Youth Advisory Board beginning in 2006 with the first meeting. Ms. Bruno explained that the Youth Advisory Board came out of the Municipal Alliance as a way to engage youth and to give them a voice. Ms. Bruno explained that a survey was done in 2001 and the results showed that Hopewell Valley scored low in empowering youth by having them make decisions and by giving them a voice and based on that the Youth Advisory Board was created. Ms. Bruno stated that the Municipal Alliance went to Hopewell Township, an ordinance was created and in 2005, the Youth Advisory Board was created. Ms. Bruno explained that process for selection of members to serve on the Youth Advisory Board and some of the programs that are being planned for the teen center.

Ms. Chandler stated that it looked like this proposal is being marketed towards grades six through 12 which would mean eleven year olds mixing with seventeen year olds and she has concerns about mixing these age groups together. Ms. Bruno stated that there were conversations about having younger kids use the teen center on different days, but the teens were in favor of having everyone together. Ms. Chandler stated that she still has serious concerns about mixing age groups. Mayor Markulec stated that the surveys have shown that there would be roughly twenty to thirty kids that would be attending the teen center.

Ms. Heinzl commended the Youth Advisory Board on putting this presentation together. Ms. Heinzl stated that this is the second presentation that Council has heard and at the first presentation the Capital Health Building was mentioned as a possible temporary location. Ms. Heinzl stated that one of the concerns raised at the first presentation that is also a concern that she has is pedestrian safety. Ms. Heinzl stated that anyone wishing to go to the teen center would have to walk from the campus across Route 31 to the teen center. Ms. Heinzl asked if there were anything in the works to address the issue of pedestrian safety. Ms. Bruno stated that the Youth Advisory Board had discussions about pedestrian safety based on concerns raised at the last presentation. Ms. Bruno stated that there are plans for Grand Opening Events including a scavenger hunt where participants would have to follow a specific route to the teen center which would require crossing at Route 31 and utilization of sidewalks.

Ms. Heinzl stated that she is impressed with the amount of fund raising that has been done, but as a municipality the Borough needs to know if we are going to be asked to contribute to the project and what those contributions would be. Ms. Bruno stated that this is comparable to starting a new business and they have done the research, looked at comparable locations but it will be a test for the first few months after which a reexamination will be done to determine what is working and what is not working. Ms. Bruno explained that the goal of the fundraising was to collect enough to operate for the first two years and then to reexamine while at the same time continuing to fund raise.

Mayor Persichilli stated that there is a lot that needs to be looked at and this presentation has been good because Borough Council has questions that need to be addressed, such as who will be paying the taxes and what is meant by municipal funding. Mayor Persichilli stated that the bottom line is that municipal budgets are very tight right now. Mayor Persichilli encouraged continued fundraising. Mayor Persichilli stated that the next step in the process is to make a presentation to the Planning Board and to respond as to who will be paying the taxes. Mayor Markulec stated that the township will be responding on the tax question at a later date.

Mr. Ogren thanked the Youth Advisory Board for a wonderful presentation. Mr. Tucker invited Mr. Bill Farmer to come forward on behalf of the Senior Advisory Board. Mr. Farmer stated that the Senior Advisory Board has had discussions with the teens about sharing the proposed temporary teen center. Mr. Farmer stated that they have also partnered with the YMCA to hopefully have a facility on the Capital Health site. Mr. Farmer stated that they are presently using the facility on Reading Street, but the building is one room and does not allow for multiple functions. Mr. Farmer stated that the seniors are interested in using the teen center up to around three o'clock at which time the teens would be able to use the building. Mr. Farmer stated that question is whether to spend money on a building that will only be there for the next few years. Mayor Persichilli stated that all involved seem to agree that the Capital Health site would be great for all that is being discussed as long as the money is available and required elements such as affordable housing are addressed. Mayor Persichilli stated that he does not know where the YMCA is in the discussions with Capital Health, but he hopes that everyone involved is working together. Mayor Persichilli stated that in the meantime Pennington Borough is working to make small improvements to the present senior center.

Mayor Markulec thanked Borough Council and said that he would get back to Council with some answers to questions that were raised.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2010-5 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2010-5

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

WHEREAS, Borough Council of the Borough of Pennington seeks to revise the fees charged for Borough services while also incorporating as many fees as practicable into Chapter 98 of the Borough Code, pertaining to fees;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the Code of the Borough of Pennington ("Code") is hereby amended (with language to be deleted bracketed [] and new language underlined) as follows:

1. With respect to miscellaneous land use fees, Subsection D of Section 98-19 of the Code, is hereby amended to read:

"D. Certified list of property owners: .25 cents per name or \$10 whichever is greater."

2. Section 34-28 of the Code is amended to read:

"Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Borough's designated representative shall within seven days after receipt of a request therefor, and upon receipt of payment of [**a fee of \$10**] the fee required by Chapter 98 of this Code, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article III, sec. 34-27B, of this article."

3. Chapter 98 of the Borough Code is hereby amended to add a new Article V pertaining to Dog and Cat Control fees, as follows:

98-26. Annual fees related to the licensing of a dog as provided in Section 67-2 of this Code are the following:

- A. License fee: \$15. per dog.
- B. Registration tag: \$1. per dog.
- C. Surcharge for Pilot Clinic Fund: \$.20 per dog.
- D. Fee for not neutering dog: \$3. per dog.

E. Fee for late registration: \$3 per month or part thereof per dog.

98-27. The fee for a replacement tag as required by Section 67-4 of this Code is \$5.

98-28. Annual license fees for kennels and pet shops as provided in Section 67-11 of this Code are the following:

- A. Kennel providing accommodations for 10 or fewer dogs: \$50.
- B. Kennel providing accommodations for more than 10 dogs: \$100.
- C. Pet shop: \$50.
- D. Shelter or pound: \$0.

98-29. Annual fees related to the licensing of a cat and for lost license tag or sleeve as required by Section 67-21 of this Code are the following:

- A. License fee: \$10. per neutered cat; \$13 per non-neutered cat.
- B. Fee for late registration: \$3 per month or part thereof per cat.
- C. Fee for a replacement license tag or sleeve: \$5.

4. Section 67-2 of the Code is amended to read:

“A. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for license and registration tag for such dog within 10 business days after such acquisition of [f]r age attainment. Dog licenses shall be issued by the Borough Clerk upon payment of a license fee [tax of \$5.50] for each dog, plus a charge [of \$1] for each registration tag, plus a surcharge [of \$0.20] for a Pilot Clinic Fund as required by the State of New Jersey Department of Health to provide funding for a pilot low-cost spay/neuter clinic for dogs and cats. In addition to the above license fees, there shall be a payment [of \$3] required for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization for an Animal Population Control Fund as required by the State of New Jersey Department of Health. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose, his/her name, address and telephone number and the name, breed, color and sex of each dog owned or kept by him/her and shall present proof of compliance with all other ordinances and regulations relating to dogs. Dogs whose owners are nonresidents (temporarily within the Borough), dogs brought into the Borough for the purpose of participating in any dog show, dogs used as guides for blind persons and commonly known as “Seeing-eye” dogs, dogs used to assist handicapped persons and commonly known as “service dogs” or dogs used to assist deaf persons and commonly known as “hearing ear” dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

B. Licenses shall expire on December 31 and shall be renewed annually, subject to the same fees, charges and surcharges as for initial licensure.

[B] C. In addition to the license charge set forth in Subsection A above, the owner of any dog shall pay a late registration fee [of \$1 per month] for each month, or any portion thereof, for all licenses issued after February 1 of each year.”

D. The dollar amounts of all fees, charges and surcharges required by this section are set forth in Section 98-26 of this Code.

5. Chapter 98 of the Borough Code is hereby amended to add a new Article VI pertaining to Miscellaneous Non-Land Use Fees, as follows:

98-30. The following miscellaneous fees shall be collected as required by the applicable sections of this code:

A. Annual license fee for body art establishments, as required by Section 76-1 of this Code: \$500.

B. Peddler’s permit, as required by Section 147-6 of this Code: \$100.

6. Subsection B of Section 76-1 of this Code is hereby amended to read:

“B. Body art establishment licenses shall be issued on an annual basis upon payment of an annual license fee as set forth in Chapter 98 of this Code [of \$250] and upon satisfactory compliance with the New Jersey State Sanitary Code.”

7. Section 147-6 of this Code is hereby amended to read:

“The amount of the required license fee is [hereby fixed at \$10] set forth in Article VI of Chapter 98 of this Code.

8. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article VII providing for Fees Pertaining to Environmental Health Programs, as follows:

“98-31. License fees and related charges for retail food establishments as provided in Section 112-1 of this Code shall be:

A. Retail food establishments at a permanent location that prepare food: \$120 per year or any part thereof.

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

C. Retail food establishments owned by charitable and/or non-profit organizations: \$30 per year or any part thereof.

D. Establishments for temporary events and not licensed as permanent establishment: \$30 per event or any part thereof.

E. Plan review fee required for all retail food establishments except those owned by charitable and/or non-profit organizations: \$120.”

“98-32. License fees and related charges for food and beverage vending machines as provided in Section 112-2 of the Code shall be:

A. Vending machine permit fee, per machine: \$15.

9. Subsection A(4)(a) of Section 112-1 of the Code is hereby amended to read:

[1] For those establishments that prepare food: fee [\$100] per year or any part thereof provided in Chapter 98 of this Code.

[2] For those establishments which sell only prepackaged food items: fee [\$50] per year or any part thereof provided in Chapter 98 of this Code.

[3] For charitable and/or non-profit organizations: fee [\$25] per year or any part thereof provided in Chapter 98 of this Code.

[4] For those establishments that participate in temporary events and are not licensed as permanent establishments in Pennington Borough: fee [\$25] per event or any part thereof provided in Chapter 98 of this Code.

10. Subsection D of Section 112-1 of the Code is hereby amended to read:

“Menus and Floor and Equipment Plans shall be submitted and reviewed by the Health Department in conjunction with any new facilities, renovations, repair or alteration of all existing facilities and the issuance of any permits by the municipal construction office for said construction, renovation, repair or alteration. A plan review fee in the amount set forth in Chapter 98 of this Code [of \$100] is required for all retail food establishments. The plan review fee for charitable and/or non-profit organizations is waived.”

11. Subsection B of Section 112-2 of the Code is hereby amended to read:

“Permit fee per machine[.]: t[T]he fee per machine is [\$10] provided in Chapter 98 of this Code.”

12. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article VIII providing for Fees Pertaining to Use of Borough Parks, as follows:

“98-33. Fees for use of Borough parks as provided in Section 143-4 of this Code shall be:

A. Permit for use of park \$50.

13. Subsection B of Section 143-4 of the Code is amended to read as follows:

“Permits shall be issued upon the payment of [a] the fee [of \$50] provided in Chapter 98 of this Code.”

14. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article IX providing for Fees Pertaining to Solid Waste Disposal, as follows:

“98-34. Fees for bulk household trash and additional non-bulk trash as required by Section 172-11 of this Code shall be:

A. Bulk trash stickers: 1 sticker per 40 pounds @ \$3 each.

B. Non-bulk trash pick-up in excess of two 30 gallon trash containers on any one collection day: 1 sticker per container @ \$3 each. No container may exceed 40 pounds.

98-35. Fees for trash pick-up for non-taxpayers who are adjacent property owners pursuant to Section 172-13 of this Code shall be:

A. \$325 per year for two 30-gallon containers twice/week. No container may exceed 40 pounds.

B. Bulk trash stickers and stickers for pick-up in excess of two 30-gallon containers on any one collection day: 1 sticker per 40 pounds of bulk items and 1 sticker per excess container @ \$3 each. No container may exceed 40 pounds.

15. Subsection F of Section 172-11 of the Code is hereby amended to read:

“The collection fee for bulk household trash or additional nonbulk trash (i.e. sticker prices) shall be as set forth in Chapter 98 of this Code **[determined by the Public Works Department on an annual basis and approved by the Borough Council as part of its budget process].**”

16. Subsection B of Section 172-13 of the Code is hereby amended to read:

“The adjacent property owner shall pay the Borough for the collection of his/her solid waste. The fee for said collection is set forth in Chapter 98 of this Code **[shall be the yearly cost per dwelling for disposal of single-family dwelling solid waste as determined by the Public Works Department and approved by Borough Council as part of its annual budget process.]**”

17. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article X providing for Fees Pertaining to Streets and Sidewalks, as follows:

“98-36. Computation of charges for the costs incurred by the Borough for removal and remediation of snow and ice on sidewalks pursuant to Section 177-3 of this Code shall be based on the following rates:

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

- (1) Snow blower: \$25.
- (2) Service truck: \$60.80.
- (3) Dump truck: \$60.80
- (4) Deicer: cost.

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.

98-37. Payments for road-opening permits pursuant to Sections 177-7 of this Code shall be made according to the following schedule:

<u>Type of Pavement</u>	<u>Fee Per Square Yard</u>	<u>Minimum Payment (less than 3 sq. yds)</u>	<u>Minimum Payment (3 or more sq. yds)</u>
<u>Stone block pavement, broken stone base</u>	<u>\$7.00</u>	<u>\$50.</u>	<u>\$100.</u>
<u>Granite pavement, concrete base</u>	<u>\$10.00</u>	<u>\$50.</u>	<u>\$100.</u>
<u>Concrete pavement</u>	<u>\$4.50</u>	<u>\$50.</u>	<u>\$100.</u>
<u>Bituminous pavement, concrete base</u>	<u>\$6.50</u>	<u>\$50.</u>	<u>\$100.</u>
<u>Bituminous pavement, broken stone base</u>	<u>\$6.00</u>	<u>\$50.</u>	<u>\$100.</u>

<u>Brick pavement, with portland cement, concrete or bituminous concrete base</u>	\$8.00	\$50.	\$100.
<u>Penetration macadem, stone base</u>	\$3.00	\$50.	\$100.
<u>Asphalt block pavement, concrete base</u>	\$8.50	\$50.	\$100.
<u>Macadem pavement, with or without surface treatment</u>	\$2.00	\$50.	\$100.
<u>Earth shoulder</u>	\$0.50	\$50.	\$100.

98-38. Fees for storage of materials pursuant to Section 177-15 of this Code shall be as follows:

- A. Storage permit for first 15 days: \$50.
- B. Storage permit for each day in excess of 15 days: \$10.

18. Section 177-3 of the Code shall be amended as follows:

“The cost paid and incurred by the Borough for removing such snow and ice from the 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 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 rates set forth in Chapter 98 of this Code. **[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.**
- (2) Service truck: \$60.80.**
- (3) Dump truck: \$60.80**
- (4) Deicer: cost.**

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.]”**

19. Section 177-7 of this Code shall be amended to read:

“No permit will be granted under this article in excess of 15 yards unless first approved by the Mayor and Council. Payments for all permits whether or not in excess of 15 yards must be made according to the **[following]** applicable schedule in Chapter 98 of this Code. [:]”

[Type of Pavement	Fee Per Square Yard	Minimum Payment
Stone block pavement, broken stone base	\$7.00	\$25
Granite pavement, concrete base	\$10.00	\$50
Concrete pavement	\$4.50	\$25
Bituminous pavement, concrete base	\$6.50	\$50
Bituminous pavement, broken stone base	\$6.00	\$25

Brick pavement, with portland cement, concrete or bituminous concrete base	\$8.00	\$50
Penetration macadem, stone base	\$3.00	\$25
Asphalt block pavement, concrete base	\$8.50	\$50
Macadem pavement, with or without surface treatment	\$2.00	\$18
Earth shoulder	\$0.50	\$3
Storage permit for first 15 days	–	\$5]

20. Section 177-15 of the Code is hereby amended as follows:

“It shall be unlawful for any person, firm, corporation or municipality to store any materials on the right of way of any road or street in the Borough of Pennington (for the maintenance of which the Pennington Borough Council is responsible), for any purpose whatsoever without a written permit first had and obtained as hereinafter provided. The charge for such permit is set forth in Chapter 98 of this Code [shall be \$5 for the first 15 days and \$1 per day for each and every day thereafter].”

21. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article XI containing Fees pertaining to Fire Prevention:

“98-39. The following fees are authorized by the Uniform Fire Safety Code (P.L. 1983, c. 383; N.J.S.A. 52:27D-192 et seq.) and N.J.A.C. 5:70:2.9(c) pursuant to Section 104-6 of this Code:

A. Life-hazard uses.

- (1) Type 1 permit: \$35.
- (2) Type 2 permit: \$138.
- (3) Type 3 permit: \$276.
- (4) Type 4 permit: \$414.
- (5) Type 5 permit: (Reserved)

B. Industrial and commercial uses.

(1) Fees for industrial and commercial uses not classified as life-hazard uses by the Uniform Fire Code shall be as follows:

<u>Gross Floor Area</u> <u>(square feet)</u>	<u>Fee</u>
<u>Under 1,000</u>	<u>\$25</u>
<u>1,001-5,999</u>	<u>\$50</u>
<u>6,000-9,999</u>	<u>\$75</u>
<u>10,000 or above</u>	<u>\$100</u>

(2) The payment of the above fees shall be the responsibility of the occupant of the premises.

C. Multiple-family dwellings.

(1) Fees for multi-family dwellings shall be as follows:

- (a) Three to five units: \$15.
- (b) Six to 25 units: \$50.
- (c) Twenty-five units and above: \$200.

(2) The payment of the above fees shall be the responsibility of the owner of the premises.

98-40. The fee for a certificate of compliance concerning required alarms, pursuant to Section 104-12 of this Code, shall be \$35.

22. Section 104-6 of the Code is hereby amended as follows:

“The [following] fees [are] authorized by the Uniform Fire Safety Code (P.L. 1983, c. 383; N.J.S.A. 52:27D-192 et seq.) and N.J.A.C. 5:70:2.9(c) [:] are set forth in Chapter 98 of this Code. The payment of required fees for life-hazard uses and other industrial and commercial uses shall be the responsibility of the occupant of the premises. The payment of fees required for multi-family dwellings shall be the responsibility of the owner of the premises. The above-described fees

shall be paid by the responsible party on or before the date specified in the notice served upon said party by the Fire Official, which date shall be at least 30 days from the date of the notice.

[A. Life-hazard uses.

- (1) Type 1 permit: \$35.
- (2) Type 2 permit: \$138.
- (3) Type 3 permit: \$276.
- (4) Type 4 permit: \$414.
- (5) Type 5 permit: (Reserved)

B. Industrial and commercial uses.

(1) Fees for industrial and commercial uses not classified as life-hazard uses by the Uniform Fire Code shall be as follows:

Gross Floor Area (square feet)	Fee
Under 1,000	\$25
1,001-5,999	\$50
6,000-9,999	\$75
10,000 or above	\$100

(2) The payment of the above fees shall be the responsibility of the occupant of the premises.

C. Multiple-family dwellings.

(1) The payment of the fees below shall be the responsibility of the owner of the premises:

- (a) Three to five units: \$15.
- (b) Six to 25 units: \$50.
- (c) Twenty-five units and above: \$200.

(2) The above-described fees shall be paid by the party as designated above on or before the date specified in the notice served upon said party by the Fire Official, which date shall be at least 30 days from the date of the notice.]

23. Section 104-12 of the Code is hereby amended as follows:

“In any case of change of occupancy of a structure subject to the requirements of Sec. 104-11, no owner shall sell, lease or otherwise permit occupancy of such structure for residential purposes **[of such structure]** without first obtaining a certificate of compliance. An application for the certificate of compliance shall be made by the owner to the local Fire Official on such forms as may be provided by said official and shall pay a fee **[of \$35]** at the time of filing the application as set forth in Chapter 98 of this Code. The local Fire Official shall promptly make an inspection of the structure to determine that the structure is equipped with the required alarm devices and , if the structure is so equipped, shall immediately issue the certificate of compliance.”

24. Chapter 98 of the Borough Code is hereby further amended by the creation of a new Article XII containing Fees pertaining to Water and Sewer Usage:

98-41. The quarterly base and usage charges for water and sewer customers pursuant to Section 206-1 of the Borough Code are the following:

A. Quarterly charges for water customers (per increments of one-thousand gallons or portion thereof):

<u>Usage Meter Size (inches)</u>	<u>Base Charge</u>	<u>First Excess Usage Block Charge</u>	<u>Second Excess Usage Block Charge</u>	<u>Third Excess Usage Block Charge</u>	<u>Fourth Excess Usage Block Charge</u>
	<u>4,000</u>	<u>4,001-</u>	<u>20,001-</u>	<u>60,001-</u>	<u>More than</u>
	<u>Gallons or</u>	<u>20,000</u>	<u>60,000</u>	<u>200,000</u>	<u>200,000</u>
	<u>Less</u>	<u>Gallons</u>	<u>Gallons</u>	<u>Gallons</u>	<u>Gallons</u>
		<u>(per 1,000</u>	<u>(per 1,000</u>	<u>(per 1,000</u>	<u>(per 1,000</u>
		<u>gallons)</u>	<u>gallons)</u>	<u>gallons)</u>	<u>gallons)</u>
Less than 1	\$26.87	\$6.24	\$6.43	\$6.61	\$7.30
1	\$41.01	\$6.24	\$6.43	\$6.61	\$7.30
2	\$116.55	\$6.24	\$6.43	\$6.61	\$7.30
3	\$261.44	\$6.24	\$6.43	\$6.61	\$7.30
4	\$384.20	\$6.24	\$6.43	\$6.61	\$7.30
6	\$717.91	\$6.24	\$6.43	\$6.61	\$7.30

B. Quarterly charges for sewer customers (per increments of one-thousand gallons or portion thereof):

<u>Usage Meter Size (inches)</u>	<u>Base Charge</u>	<u>First Excess Usage Block Charge</u>	<u>Second Excess Usage Block Charge</u>	<u>Third Excess Usage Block Charge</u>	<u>Fourth Excess Usage Block Charge</u>
4,000 Gallons or Less		4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-200,000 Gallons (per 1,000 gallons)	More than 200,000 Gallons (per 1,000 gallons)
All sizes	\$29.54 per 1,000 gallons	\$6.65 per 1,000 gallons	\$6.73 per 1,000 gallons	\$6.82 per 1,000 gallons	\$6.92 per 1,000 gallons

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

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

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

98-42. Quarterly standby fees for private fire-protection systems pursuant to Section 206-2 of this Code are as follows:

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

<u>Size of Private Lines (inches)</u>	<u>Fee (per connection)</u>
<u>2</u>	<u>\$119</u>
<u>4</u>	<u>\$439</u>
<u>6</u>	<u>\$907</u>
<u>8</u>	<u>\$1,545</u>

B. Customers who are late in making payment of the standby fee will be given notice as to their deficiency in payment, and a copy of this notice shall be sent to the customer's insurance carrier.

C. Standby fees shall be due on March 1, June 1, September 1 and December 1.

98-43. Connection fees pursuant to Section 206-3 of this Code are as follows:

A. Standard connection fees:

- (1) Standard water connection is \$1,341.
- (2) Standard sewer connection fee is \$2,316.

B. Connection fees shall be paid by all persons connecting to the water and/or sewer system, based upon the product of the connection fee multiplied by the number of equivalent dwelling units, as determined and/or approved by the Superintendent of Public Works, or designated representative.

C. Any change in use or increase in the same use of any existing property or facility shall be subject to review and reevaluation of the water and sewer connection service and the number of equivalent dwelling units assigned to the project. Any increase in the number of equivalent dwelling units shall subject the applicant to additional connection fees.

D. Connection fees shall be due prior to the installation of the physical connection.

98-44. Tapping fees pursuant to Section 206-4 of the Code are the following:

A. Water tapping fees.

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

(2) Water Type 2 (full service - half width): \$2,339. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblineline. Service connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): \$781. Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant's plumber provides for the remainder of the service connection. Road opening and inspection fees apply.

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

B. Sewer tapping fees.

(1) Water Type 1 (full service - full width) (30 feet or more): \$2,339. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblineline. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.

(2) Water Type 2 (full service - half width): \$1,870. Full service includes all inspection, excavation, bedding, backfill, pavement, connection restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblineline. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): \$781. Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant's plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply.

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

D. Tapping fees shall be due prior to the physical connection.

98-45. Meter fees charged pursuant to Section 206-5 of the Code are as follows:

A. Meters one inch or less in size shall be purchased from the borough. Meters greater than one inch are provided by the applicant and must be approved by the Superintendent of Public Works or designated representative.

<u>Cost</u>	<u>Meter Size</u> <u>(inches)</u>
<u>109.15</u>	<u>5/8 and 3/4</u>
<u>\$210.50</u>	<u>one (1)</u>

B. Meter fees are due at the time of delivery of the meter.

98-46. Inspection and field service fees pursuant to Section 206-6 of the Code are as follows:

A. Inspection fees are:

(1) Service connections: \$157.

(2) Lateral connections: \$157.

(3) Certified construction cost, off-site improvements (escrow): 7.8%

B. Equipment hourly rates are as follows:

(1) Backhoe: \$101.35.

(2) Service truck: \$60.80.

(3) Dump truck: \$60.80.

(4) Parts: 172%

Note: Includes the time required to mobilize to and demobilize from the site.

C. Labor hourly rates:

(1) Base hourly rates are as follows:

(a) Foreman: \$81.15.

(b) Operator: \$59.30.

(c) Laborer: \$59.30.

Note: Includes the time required to mobilize and demobilize from the site.

(2) Overtime (OT) hourly rates are determined by applying the following multipliers to the base labor rates:

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

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

(c) Work on Saturday and Sunday: 1.5.

(d) Work on borough-recognized holidays: 2.0.

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

D. Line stopping fees are as follows:

(1) Nondisruptive or minor disruptive: \$235.

(2) Major disruptive: \$1,169.

E. Temporary meter charges are as follows:

(1) Meter installations: \$70.15.

(2) Rental (two week maximum): \$39.05.

(3) Removal and recording: \$70.15.

(4) Special billing: \$23.45.

98-47. Administrative fees pursuant to Section 206-7 of the Code shall be charged as follows:

A. Interest will be charged at the same rate as the interest on tax bills.

B. Returned checks: \$20.00 .

C. Account closeout (shutoff): \$57.

D. Account setup (turn-on): \$26.

E. Non-quarterly or additional meter readings: \$52. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)

98-48. Application and review fees pursuant to Section 206-8 of the Code are the following:

A. Per EDU for first EDU: \$15.60.

B. Per EDU for subsequent EDU: \$78.

C. Request for availability of service: \$62.40.

D. Certified construction cost, off-site improvements (escrow): 3.2%

98-49. Fees for inspections on sale of property pursuant to Section 206-15 of the Code are as follows:

A. Fee for inspection with required 10-day notice: \$30.

B. Fee for inspection without required 10-day notice: \$60.

25. Section 206-1 of the Code is hereby amended as follows:

A. There are hereby established [**the following**] quarterly charges for water customers as set forth in Chapter 98 of this Code, as may be amended from time to time. [:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-200,000 Gallons (per 1,000 gallons)	More than 200,000 Gallons (per 1,000 gallons)
Less than 1	\$26.87	\$6.24	\$6.43	\$6.61	\$7.30
1	\$41.01	\$6.24	\$6.43	\$6.61	\$7.30
2	\$116.55	\$6.24	\$6.43	\$6.61	\$7.30
3	\$261.44	\$6.24	\$6.43	\$6.61	\$7.30
4	\$384.20	\$6.24	\$6.43	\$6.61	\$7.30
6	\$717.91	\$6.24	\$6.43	\$6.61	\$7.30

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.]

B. There are hereby established [**the following**] quarterly charges for sewer customers as set forth in Chapter 98 of this Code, as may be amended from time to time. [:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-200,000 Gallons (per 1,000 gallons)	More than 200,000 Gallons (per 1,000 gallons)
All sizes	\$29.54 per 1,000 gallons	\$6.65 per 1,000 gallons	\$6.73 per 1,000 gallons	\$6.82 per 1,000 gallons	\$6.92 per 1,000 gallons

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.]

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

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

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

26. Section 206-2 of the Code is hereby amended as follows:

A. There is hereby established a quarterly standby fee for private fire-protection systems regardless of the rate or quantity of that service [**as follows**]. The amounts of the fee, which shall vary by size of private line and be collected on a per-connection basis are set forth in Chapter 98 of this Code as may be amended from time to time. [:

Size of Private Lines (inches)	Fee (per connection)
2	\$119
4	\$439
6	\$907
8	\$1,545]

B. Customers who are late in making payment of the standby fee will be given notice as to their deficiency in payment, and a copy of this notice shall be sent to the customer's insurance carrier.

C. Standby fees shall be due on March 1, June 1, September 1 and December 1.

27. Section 206-3 of the Code is amended as follows:

A. There are hereby established [**the following**] standard connection fees as set forth in Chapter 98 of this Code as may be amended from time to time. [:

- (1) **Standard water connection is \$1,341.**
- (2) **Standard sewer connection fee is \$2,316.]**

B. Connection fees shall be paid by all persons connecting to the water and/or sewer system, based upon the product of the connection fee multiplied by the number of equivalent dwelling units, as determined and/or approved by the Superintendent of Public Works, or designated representative.

C. Any change in use or increase in the same use of any existing property or facility shall be subject to review and reevaluation of the water and sewer connection service and the number of equivalent dwelling units assigned to the project. Any increase in the number of equivalent dwelling units shall subject the applicant to additional connection fees.

D. Connection fees shall be due prior to the installation of the physical connection.

28. Section 206-4 of the Code is hereby amended as follows:

A. There are hereby established tapping fees to cover the efforts required by the Borough for new connections to the water and sewer system.

B. Water tapping fees. The amounts of fees for new connections to the water system are set forth in Chapter 98 of this Code, as may be amended from time to time. The categories of fees are the following:

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

(2) Water Type 2 (full service - half width): [**\$2,339.**] Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curblines. Service connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): [**\$781.**] Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant's plumber provides for the remainder of the service connection. Road opening and inspection fees apply.

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

B. Sewer tapping fees. The amounts of fees for new connections to the sewer system are set forth in Chapter 98 of this Code, which may be amended from time to time. The categories of fees are the following:

(1) Water Type 1 (full service - full width) (30 feet or more): [**\$2,339.**] Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblines. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.

(2) Water Type 2 (full service - half width): [**\$1,870.**] Full service includes all inspection, excavation, bedding, backfill, pavement, connection restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curblines. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): [**\$781.**] Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant's plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply.

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

D. Tapping fees shall be due prior to the physical connection.

29. Section 206-5 of the Code is hereby amended as follows:

A. Meters one inch or less in size shall be purchased from the Borough. Meters greater than one inch are provided by the applicant and must be approved by the Superintendent of Public Works or designated representative.

B. The charges for meters purchased from the Borough are set forth in Chapter 98 of this Code as may be amended from time to time.

[Cost	Meter Size (inches)
109.15	5/8 and 3/4
\$210.50	one (1)

[B] C. Meter fees shall be due at the time of delivery of the meter.

30. Section 206-6 of the Code is hereby amended as follows:

A. Inspection fees for service connections, lateral connections and determination of construction cost for off-site improvements shall be established as set forth in Chapter 98 of this Code as may be amended from time to time. [shall be as follows:

- (1) Service connections: \$157.**
- (2) Lateral connections: \$157.**
- (3) Certified construction cost, off-site improvements (escrow): 7.8%]**

B. Use of Borough equipment in connection with inspections and field service shall be charged at [Equipment] hourly rates set forth in Chapter 98 of this Code as may be amended from time to time.[shall be as follows:

- (1) Backhoe: \$101.35.**
- (2) Service truck: \$60.80.**
- (3) Dump truck: \$60.80.**
- (4) Parts: 172%]**

[Note:] The rates shall [I]include[s] the time required to mobilize to and demobilize from the site.

C. The labor of Borough personnel in connection with inspections and field service shall be charged at [Labor] hourly rates set forth in Chapter 98 of this Code as may be amended from time to time.

[(1) Hourly rates shall be as follows:

- (a) Foreman: \$81.15.**
- (b) Operator: \$59.30.**
- (c) Laborer: \$59.30.**

[Note:] The rates shall [I]include[s] the time required to mobilize to and demobilize from the site.

(2) Overtime (OT) hourly rates are determined by applying the following multipliers to the base labor rates:

- (a) Work before 7:30 a.m.: 1.5.**
- (b) Work after 3:30 p.m.: 1.5.**
- (c) Work on Saturday and Sunday: 1.5.**

(d) Work on borough-recognized holidays: 2.0.

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

D. Line stopping fees are as follows:

(1) Nondisruptive or minor disruptive: \$235.

(2) Major disruptive: \$1,169.

E. Temporary meter charges are as follows:

(1) Meter installations: \$70.15.

(2) Rental (two week maximum): \$39.05.

(3) Removal and recording: \$70.15.

(4) Special billing: \$23.45.]

31. Section 206-7 of the Code is hereby amended as follows:

“The Borough shall be reimbursed for administrative charges, including interest on unpaid accounts, returned checks, account setups and closeouts and non-quarterly or additional meter readings, as set forth in Chapter 98 of this Code, as may be amended from time to time.

[A. Interest will be charged at the same rate as the interest on tax bills.

B. Returned checks: \$20.00.

C. Account closeout (shutoff): \$57.

D. Account setup (turn-on): \$26.

E. Non-quarterly or additional meter readings: \$52. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)]

32. Section 206-8 of the Code is hereby amended as follows:

Application and review fees payable to the Borough are set forth in Chapter 98 of this Code.

[A. Per EDU for first EDU: \$15.60.

B. Per EDU for subsequent EDU: \$78.

C. Request for availability of service: \$62.40.

D. Certified construction cost, off-site improvements (escrow): 3.2%]

33. Section 206-15 of the Code is hereby amended as follows:

“Upon the sale of a property served by the water or sewer system, an inspection of the interior of the unit shall be required in order to ensure that the water and/or sewer service connections have not been altered or damaged (including meters, readers, sump pump connections, etc.). Any alterations or damages required to be repaired will be the responsibility of the seller of the property. Notice of the impending sale shall be given to the Borough at least ten days prior to the anticipated closing date. The fee for this inspection is set forth in Chapter 98 of this Code, as may be amended from time to time. The fee is doubled for an inspection on less than the required 10-day notice [shall be \$30, provided, however, that if the required notice is not provided the fee shall be \$60].
The fee for this inspection will be covered under the account closeout line item.”

34. This ordinance shall take effect upon passage and publication as provided by law except the Dog and Cat Control Fees, as set forth in proposed new Borough Code Sections 98-26 through 98-29 and corresponding amendments to existing Borough Code Sections 67-2, 67-4, 67-11 and 67-21 shall not be effective until January 1, 2011.

Council Member Griffiths made a motion to introduce Ordinance 2010-5, second by Council Member Chandler. Mr. Ogren asked if Council would be willing to entertain a discounted fee for non-profit entities for Kunkel Park. Ms. Chandler stated that the Parks and Recreation Commission would not have a problem with a reduced fee for non-profit organizations. After a brief discussion Council agreed on a reduced fee of \$25.00 for documented non-profits as long as it did not cause any problems administratively.

Ms. Heinzl stated that she had concerns with the Dog and Cat License fees. Ms. Heinzl asked what expenses are paid out of the fees. Ms. Heinzl stated that many municipalities don't even charge for cat licenses. Ms. Heinzl stated that she feels that the fees collected should reflect the actual costs. Council decided to amend the ordinance to reflect a reduced fee for park usage for non-profit organizations. Discussion took place as to whether the office staff should ask for proof of non-profit status; it was decided that for obvious non-profits such as the girl scouts or boy scouts it would not be necessary, but for all others proof would be requested.

Mr. Griffiths stated that the ordinance is broader with relation to fees for services and Mr. Griffiths asked Mr. Wittkop to take a look at the fees for service to determine whether the fees indicated are reasonable in relation to costs.

Mr. Bliss stated that there were two objectives to this ordinance, one was to raise certain fees and the other was to bring all the different fees into one place. Mr. Bliss stated in the area related to service fees the fees were just brought in from existing ordinances.

Mr. Lawver suggested that the ordinance be tabled for one more month so that Council and the Departments could take a closer look as the final draft was not provided for Council review until today. Ms. Heinzl seconded the motion to table the ordinance to the next meeting.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2010-1 by title.

BOROUGH OF PENNINGTON ORDINANCE #2010-1

ORDINANCE PROHIBITING PARKING OUTSIDE DESIGNATED PARKING SPACES IN THE MUNICIPAL PARKING LOT AND AMENDING SECTION 200-15 OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, the municipal parking lot contains parking spaces identified by painted parallel lines on the surface of the lot as well as signs indicating applicable time limitations pursuant to Section 200-15 of the Code of the Borough of Pennington;

WHEREAS, Borough Police have discovered that cars are being parked in the municipal parking lot outside of the designated spaces, and an amendment to the ordinance specifically prohibiting that practice is recommended;

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

1. Section 200-15 of the Code of the Borough of Pennington is hereby amended by the addition of a new subsection I to read:

"I. No person shall park in any location in the municipal parking lot except between the lines of a space designated for parking as set forth above."

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

Council Member Tucker made a motion to open the Public Hearing or Ordinance 2010-1, second by Council Member Ogren. There were no comments from the Public. Council Member Tucker made a motion to close the Public Hearing or Ordinance 2010-1, second by Council Member Lawver with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-1, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli read Ordinance 2010-2 by title.

BOROUGH OF PENNINGTON ORDINANCE #2010-2

ORDINANCE PROHIBITING RIGHT TURN ON RED AT ANY TIME AT THE INTERSECTION OF MAIN STREET AND DELAWARE AVENUE AND AMENDING SECTION 200-19 OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, Section 200-19 of the Code of the Borough of Pennington prohibits a right turn on red at any of the corners of Main Street and Delaware Avenue between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday;

WHEREAS, Borough Council seeks to expand this restriction by prohibiting right turns on red at all times on every day of the week at this intersection;

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

1. Section 200-19 of the Code of the Borough of Pennington, concerning the prohibition of right turns on red at the intersection of Main Street and Delaware Avenue, is amended to read as follows (with new language denoted by underlining, deletions by brackets []):

“No motor vehicle shall make a right turn on red at any of the corners of Main Street and Delaware Avenue [between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday] at any time.”

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2010-2, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2010-2, second by Council Member Heinzl with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-2, second by Council Member Heinzl with all members present voting in favor.

Mayor Persichilli read Ordinance 2010-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2010-3**

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

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):

§ 206-1. Base and usage charges.

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

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-100,000 Gallons (per 1,000 gallons)	More than 100,000 Gallons (per 1,000 gallons)
Less than 1	\$[26.60] <u>26.87</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>
1	\$[40.60] <u>41.01</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>
2	\$[115.40] <u>116.55</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>
3	\$[258.85] <u>261.44</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>
4	\$[380.40] <u>384.20</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>
6	\$[710.80] <u>717.91</u>	\$[6.15] <u>6.24</u>	\$[6.30] <u>6.43</u>	\$[6.45] <u>6.61</u>	\$[7.05] <u>7.30</u>

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000	4,001-	20,001-	60,001-	More than

	Gallons or Less	20,000 Gallons (per 1,000 gallons)	60,000 Gallons (per 1,000 gallons)	[100,000] <u>200,000</u> (per 1,000 gallons)	[100,000] <u>200,00</u> (per 1,000 gallons)
All sizes	\$[29.25] <u>29.54</u> per 1,000 gallons	\$[6.55] <u>6.65</u> per 1,000 gallons	\$[6.60] <u>6.73</u> per 1,000 gallons	\$[6.65] <u>6.82</u> per 1,000 gallons	\$[6.65] <u>6.92</u> per 1,000 gallons

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

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

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter [as described further] in conformance with the Borough Code.

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2010-3, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2010-3, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-3, second by Council Member Ogren with all members present voting in favor.

Mayor Persichilli read Ordinance 2010-4 by title.

**BOROUGH OF PENNINGTON
Ordinance No. 2010-4**

**AN ORDINANCE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF
NEW JERSEY AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE
BOROUGH AND THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 35**

WHEREAS, the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35 have negotiated the terms of a collective bargaining agreement for the years 2009 and 2010;

WHEREAS, the collective bargaining agreement establishes salaries and other conditions of employment;

WHEREAS, a copy of the collective bargaining agreement is available for inspection at the office of the Clerk in Borough Hall;

WHEREAS, the Borough desires to adopt this collective bargaining agreement and authorize the salary payments contained therein;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, Mercer County, State of New Jersey, as follows:

1. The collective bargaining agreement negotiated with the International Brotherhood of Teamsters Local No. 35 for the years 2009 and 2010, a copy of which is on file in the Office of the Borough Clerk, is hereby incorporated herein by reference and adopted by the Borough of Pennington.
2. In the event that the terms and conditions of the collective bargaining agreement are at variance with the Personnel Policies and Procedures Manual and Employee Handbook of the Borough of Pennington, the terms and conditions of the collective bargaining agreement shall be controlling.
3. The Mayor and Clerk are hereby authorized to sign and seal the said agreement on behalf of the Borough.

- 4. All ordinances or portions thereof inconsistent herewith are hereby repealed.
- 5. This Ordinance shall take effect upon final passage and publication according to law, provided, however, that the salaries set forth in said agreement shall be in effect retroactively to January 1, 2009 and January 1, 2010, respectively, as provided in the agreement.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2010-4, second by Council Member Lawver. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2010-4, second by Council Member Lawver with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-4, second by Council member Lawver with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzl reported that the Planning Board did not meet in January; the next meeting is scheduled for February 10th. Ms. Heinzl reported that the Environmental Commission met on January 15th for their reorganization meeting. Ms. Heinzl stated that the Environmental Commission is working on their goals for 2010.

Ms. Heinzl reported that the Hopewell Valley Green Futures Task Force met on January 2nd. Ms. Heinzl reported that a Steering Committee has been formed with their focus being to complete certifications for each of the three municipalities. Ms. Heinzl stated that once certification is received, opportunities for grants will become available.

Ms. Heinzl reported that the Library Board met on January 28th. Ms. Heinzl stated that the board welcomed new member Keri Ward. Ms. Heinzl stated that the Library Board reorganized and Suzanne Horsley was appointed President of the Library Board. Ms. Heinzl stated that the Library will be working on their annual plan for the year at the February meeting. Ms. Heinzl reported that the Lions Club has donated a Zoom Reader with a work station so that people who have trouble with their vision can come and read the periodicals.

Public Works / Economic Development – Mr. Lawver gave the following water and trash report for the month of January 2010.

PENNINGTON BOROUGH PUBLIC WORKS

TO: Joseph Lawver, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: February 1, 2010

RE: **COUNCIL REPORT FOR THE MONTH OF JANUARY 2010**

WATER

Water pumped for the month of January 2010 –	7,772,000
Daily-	250,710
 Water pumped for the month of January 2009-	 8,319,000
Daily-	268,300

For the month of January 2010 we averaged 17,590 gallons less per day than January 2009.

Mr. Lawver reported a couple of significant water leaks on Lower King George and Park Avenue were found and repaired.

TRASH

58.97 tons of household trash for the month of January 2010 vs. 70.91 tons in January 2009.

Reminder that recycling is now single stream. Residents can still separate into the existing yellow and green buckets, or combine materials into one bucket. According to MCIA this will be a savings of \$6,260 to Pennington Borough.

Trash and recycling calendars have been distributed.

Leaves will now have to be bagged. They should be left in open bags without sticks or debris.

Mr. Lawver reported that progress continues to be made on the Well 8 VOC Treatment, the project should be completed soon, and the well should be up and working in time for the summer and peak water usage.

Mr. Lawver reported that the Economic Development Commission met for their reorganization meeting. Mr. Lawver stated that Emily Matticoli was welcomed as a new member and they are still seeking two additional members. Mr. Lawver stated that there was significant discussion about what projects the EDC wants to be involved including the Streetscape project.

Personnel – Mr. Ogren stated that the Personnel Committee did not meet in January.

Community Services- Ms. Chandler stated that Parks and Recreation met in January to reorganize and to work on the calendar of events for 2010. Ms. Chandler stated that Parks and Recreation is also seeking new members.

Police- Mr. Tucker reported that the Public Safety Committee met in January to discuss the Safe Routes to Schools plan and other pertinent issues. Mr. Tucker reported that 2010 budget for the Police Department has been submitted to the Finance Department for review. Mr. Tucker stated that the Police Department is not requesting any additional personnel, but they are requesting a replacement vehicle. Mr. Tucker reported that Director Meytrott and Chief Meyers of Hopewell Township have met on several occasions to discuss items of mutual interest including Police Dispatching services, shared services and cooperation between Police Departments. Mr. Tucker stated that the Hopewell Valley Emergency Management Revised Operations Plan or 2009 has been submitted and approved by the New Jersey Office of Emergency Management.

Mr. Tucker reported the following statistics for the month of January 2010:

2	Thefts
192	Motor Vehicle Stops
90	Warnings issued
16	Parking Summonses
146	Motor Vehicle Summonses Issued
3	Adult Male Arrests
1	Adult Female Arrest
1	Juvenile Female Arrest

Mr. Ogren stated that at the Public Safety Committee meeting he brought up the subject of no parking restrictions before crosswalks in connection with the Safe Routes to Schools Grant. Mr. Ogren stated that he feels this would be a good time to look at parking at crosswalks throughout town. Mr. Ogren stated that he would like to discuss this at the March meeting. Mr. Ogren distributed a handout for consideration before the March meeting.

Finance – Mr. Griffiths reported that the Finance Committee met in January. Mr. Griffiths read the following statement:

Mr. Griffiths stated that firm budget numbers for 2010 are not available yet, but he wanted to provide an outlook for the future with respect to debt payments. Mr. Griffiths stated that he has not factored in any potential impact from the adverse impact of litigation regarding Presbyterian Homes. Mr. Griffiths stated that long-term perspective on the Borough's general debt which is separate from the water/sewer utility debt is excellent. The Boroughs general debt service payments will be reduced in 2013 by \$196,000 from their peak of \$498,000 in 2012. In 2014, payments will be reduced by another \$48,000, a cumulative total annual debt payment reduction of \$244,000, which is more than ten percent of our current annual budget. Mr. Griffiths stated that this will basically cut in half the level of payments that are scheduled for 2010 through 2012. By 2019, all currently scheduled general Borough debts will be paid off. New debt from 2010 moving forward should be relatively modest including primarily the rotation of Public Works vehicles and building maintenance, including roofs and HVAC equipment. The committee does not see a need for major buildings or infrastructure payable from general Borough debt in that time period. However in the short term from 2010 through 2012, there is a much different situation and there will be some very difficult decisions made on expenses. In 2010, the forecast is already for a budget deficit of \$200,000 versus revenue raised in 2009. This is because the effects of the recession are really hitting the Borough for the first time bringing a four percent reduction in Borough property valuations which is equivalent to a \$90,000 decline. Other revenue declines will add up to about \$10,000 for a total of \$100,000 in declines. Expenses are projected to increase by about \$90,000 to \$120,000 at the same time. Most of the items are items that the Borough has no control over. For example, a sixteen percent increase in annual health insurance premiums to about \$19,500 per family, equivalent to about \$10.00 per hour for a full time employee, about \$20.00 per hour for a part time employee. Currently, the Borough covers one hundred percent of health insurance premiums. Mr. Griffiths stated that when we think about a \$200,000 deficit, we are thinking that it would take a ten percent increase in property taxes just to cover that which is unreasonable as a burden on the tax payer and the committee hopes that some non recurring income can be generated from the sale of a liquor license, but we can not count on it for this year. Additionally, increased taxes could begin to have a reciprocal impact on property valuation as homeowners have to choose between principal paid on the home and tax payments. Mr. Griffiths stated that at this time, the committee believes that it will be necessary to suspend, eliminate or reduce a number of expense items with the intention being to spread these reductions as evenly as possible. As a last resort and with much regret, the Borough may need to reduce payroll expenses. We are unable to specify how we may be forced to achieve this action, so it is inappropriate to talk about it or to be more specific at this time until firm numbers come in.

Mr. Griffiths stated that it is also appropriate to talk about the Borough water and sewer utility. Similar to the general Borough debt, water and sewer debt payments will be reduced by about thirty-three percent in 2013 with further decreases leading to retirement of all current debt by 2019. So again, the long term

picture is really excellent, however as we know, operating a water utility is a capital intensive business, more so than a sewer utility. We are currently looking at capital expenses for a new water tower, well and residential meters that could total as much as \$3.5 million dollars. Debt service for these new items would add up to an additional \$175,000 a year for thirty years. With respect to the water utility, the forecast is to bill \$609,000 in 2010; the sewer utility actually generates higher billings at \$685,000. If we went forward with the water expenses mentioned the total debt payments to water billing ratio would exceed sixty percent until 2013 and continue at forty-eight percent until 2019 and thirty percent until 2040. On the other hand, a sewer utility is much less capital intensive; discharge is not the pressure, gravity is the main source of energy for transport. The Borough has two or three sewer pumps that have to be maintained or replaced. Detecting and repairing inflow and infiltration in the sewer system is rarely cost effective. In the 1990's an I and I study was funded and we only know that there is a debt item titled I and I, but we do not have a record of the outcome. Mr. Wittkop stated that there was no outcome. Mr. Griffiths stated that he does not think that there is a forecasted need to do it again for lack of cost efficiency. Mr. Griffiths stated that the challenge in operating a water utility is that infrastructure expenses are not really deferrable; the longer they are put off the more they cost. Mr. Griffiths stated that this is a lesson we have all seen when the Trenton Water Company deferred infrastructure expense until it was forced to sell after which an immediate forty percent increase in rates was approved by the new owners so that they could invest in infrastructure. Mr. Griffiths stated that at this point with respect to the water and sewer utility we can only define the challenges that we face with respect to the long term funding and viability of the two utilities. Mr. Griffiths stated that the range of options and their overall impact on the Borough's finances and the water/sewer customers will require very close examination and a significant amount of analysis. Mr. Griffiths stated that he thinks the time is coming for the Borough to take on the effort and begin the analysis and examination and understand if we should stay in the business of water and sewer. Mr. Griffiths stated that he would treat the two separately and make decisions on the basis of the data that is collected.

Mr. Lawver agreed that there is a need to review a long term vision and viability of the Borough maintaining a water and sewer system. Mr. Lawver stated that the Borough will have to proceed with the exercise and now is definitely the time. Mr. Lawver stated that looking at the revenues from a water perspective and a sewer perspective is somewhat of a numbers game. Mr. Lawver stated that expense matching has never been done in the water and sewer budget so rates have not been driven solely upon water and sewer expense separately. Mr. Lawver encouraged caution when the analysis is done not to overestimate revenue potential in one and underestimate in the other.

Mayor Persichilli stated that he thinks the Borough is definitely at a point where anything that is being done should be looked at as to how it is being done and whether it makes sense to continue.

Mr. Griffiths stated that if there is any discussion of consolidation or shared services with other municipalities we should bear in the forefront that we will be debt free for practical purposes in the foreseeable future and it would not behoove us to take on debt from any other entity.

New Business

**Borough of Pennington
Resolution #2010-2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Eugene M. & Doris S. Schooley, 12 West Franklin Avenue, Pennington, NJ 08534 for an overpayment of second quarter 2010 taxes in the amount of \$72.98 for Block 204, Lot 4.

BE IT RESOLVED, that a refund be issued to Tatiana Campetto Staloff, 18 Academy Court, Pennington, NJ 08534 for an overpayment of first quarter 2010 taxes in the amount of \$1,461.62 for Block 503.02, Lot 2.

BE IT RESOLVED, that a refund be issued to Bank of America c/o BAC Tax Services Corporation, Attn: Tax Dept. CA6-913-LB-01, P.O. Box 10211, Van Nuys, CA 91410 for an overpayment of first quarter 2010 taxes in the amount of \$37.98 for Block 104, Lot 16.

BE IT RESOLVED, that a refund be issued to Bank of America, N.A.c/o LSI Title Agency Inc., 700 Cherrington Parkway, Coraopolis, PA 15108 for an overpayment of first quarter 2010 taxes in the amount of \$78.28 for Block 704, Lot 9.

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	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2010-1, second by Council Member Ogren with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.2**

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 \$ 1,436,570.25 from the following accounts:

Current	\$ 1,314,062.01
W/S Operating	\$ 69,916.61
Grant Fund	\$ 6,713.20
Developers' Escrow	\$ 2,599.50
Water/Sewer Capital	\$ 42,999.86
COAH Trust	\$ 210.00
Animal Control Fund	\$ 51.46
General Capital	\$ 8.98
Recreation Trust	\$.38
Trust Other	\$ 8.25
TOTAL	\$ 1,436,570.25

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	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2010-2.2, second by Council Member Chandler. There was some discussion on specific bills. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010-2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2010 TEMPORARY BUDGET**

WHEREAS, the 2010 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 2010 Temporary Budget for the Current Account.

Administration	Other Expense	\$ 2,000.00
Finance	Other Expense	\$ 10,000.00
Tax Collection	Other Expense	\$ 3,500.00
Construction	Salaries	\$ 5,000.00
Insurance	Workers Comp.	\$ 10,000.00
Group Insurance – Active	Other Expense	\$ 25,000.00
Streets	Other Expense	\$ 10,000.00
Library	Other Expense	\$ 20,000.00
Municipal Court	Salaries	\$ 7,500.00
DEP – Tree Planting Grant	Other Expense	\$ 7,000.00
Total		\$ 100,000.00

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	\$ 15,000.00
Insurance – Workers Comp	Other Expense	\$ 10,000.00
Insurance – Gen. Liability	Other Expense	\$ 15,000.00
Group Insurance – Active	Other Expense	\$ 25,000.00
TOTAL		\$ 65,000.00

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 2010-2.3, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution # 2010-2.4**

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 2008 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Tax Map Maintenance		\$ 700.00
Tax Assessment	\$ 700.00	
<u>Water/Sewer Appropriations</u>	<u>From:</u>	<u>To:</u>
Water – Other Expense		\$ 2,500.00
Sewer – Other Expense	\$ 2,500.00	

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2009 budget appropriations.

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 2010-2.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 -2.5**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2010

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 10, 2009, for a contract price of \$ 21,900, to be invoiced at \$1,825 per month each month of the calendar year 2010;

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 Code of the Borough of Pennington as well as, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which prohibit the award of certain professional services contracts 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 sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

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 \$21,900.00 for the calendar year 2010, for the services described in the annexed proposal dated December 10, 2009, 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	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2010-2.5, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 - 2.6**

RESOLUTION AUTHORIZING A CONTRACT WITH CM3 BUILDING SOLUTIONS ON BEHALF OF INVENSYS BUILDING SYSTEMS FOR THE SUPPORT AND MAINTENANCE OF ITS PROPRIETARY SOFTWARE AND FOR RELATED EQUIPMENT REPAIR IN CONNECTION WITH OPERATION OF THE HVAC SYSTEM FOR BOROUGH HALL FOR YEAR 2010

WHEREAS, Invensys Building Systems (“Invensys”) is the designer of specialized software and equipment for the monitoring and regulation of HVAC systems and the identification of system-related problems requiring maintenance and repair; and Invensys has designed and installed such a control system for Borough Hall;

WHEREAS, the central component of the Invensys control system installed in Borough Hall for the monitoring and regulation of the HVAC system is a central control module designed and constructed by Invensys which consists of proprietary hardware and software and is connected to an Invensys-designed circuit of sensors throughout the building;

WHEREAS, CM3 Building Solutions (“CM3”) is an authorized factory representative of Invensys and is licensed by Invensys to conduct all operations necessary to support and maintain the proprietary hardware and software of Invensys;

WHEREAS, the Borough seeks to enter into an agreement with CM3 on behalf of Invensys for the year 2010 for the maintenance of the central control module and related circuitry and sensors and for the performance of equipment repairs as needed by this control system;

WHEREAS, the most important services to be provided by CM3 on behalf of Invensys under the proposed agreement relate to the support and maintenance of the central control module and related proprietary hardware and software used to monitor and regulate the HVAC system;

WHEREAS, the equipment repair services to be performed by CM3 on behalf of Invensys under the proposed agreement are incidental to and interrelated with maintenance of its proprietary hardware and software and combining responsibility for maintenance of that proprietary system in a single contract with responsibility for related equipment repair ensures accountability for repairs;

WHEREAS, the contract price for services relating solely to repair of equipment is substantially below the threshold for public bidding, and the amount in question combined with the problems inherent in coordinating repairs with the use of proprietary software makes solicitation of competitive quotations not practicable;

WHEREAS, the proposed agreement, for a term of one year beginning April 1, 2010, subject to annual renewals as appropriate thereafter, is therefore exempt from public bidding pursuant to the exceptions set forth in N.J.S.A. 40A:11-5(1)(dd) and N.J.S.A. 40A:11-6.1a and related regulations;

WHEREAS, the terms of the contract with CM3 on behalf of Invensys will be reviewed and revised to the satisfaction of the Borough Administrator and Borough Attorney and such contract shall not exceed the contract price of \$12,000;

WHEREAS, prior to entering into the contract, CM3 and Invensys shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to execute a contract with CM3 on behalf of Invensys for 2010 as aforesaid.

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	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2010-2.6, second by Council Member Chandler. Mr. Ogren inquired as to why the Borough is paying \$12,000 for a dysfunctional HVAC system. Mr. Ogren suggested looking at alternatives to this contract. Mr. Wittkop explained that it is not Invensys’ fault that the HVAC system is flawed and has been flawed since it was installed. Mr. Ogren asked what this \$12,000 covers. Mr. Wittkop stated it covers maintenance and upkeep of the system. Mr. Lawver stated that the question is at what point we look to swap out the system which is 15 years old now. Mr. Wittkop stated that it would not make a difference if the Borough installs a new HVAC system, somebody still has to maintain and calibrate and repair the system. Mr. Lawver asked if a new system would operate better and be more cost effective. Mr. Wittkop stated that naturally a new system would be more cost effective because the newer units are cheaper to run, but a lot of the things that are being done now are basic maintenance due to the system being 15 years old. Mr. Wittkop stated that there is a boiler that is 15 years old, that is very loud and needs repair. Mr. Wittkop stated that if the Borough were paying by the hour for the work it would cost a lot more. Mr. Wittkop stated that CM3 comes out every quarter to work on the system. Mr. Wittkop stated that CM3 has been working on the system from the beginning and understands that the system is flawed so they are willing to work with the Borough. Mr. Lawver stated that he would add this discussion to the Public Works agenda to figure out whether it would be beneficial replace the system. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli stated that he would also like Council to consider replacement of the furniture in the Borough office. Mayor Persichilli stated that the present furniture is falling apart and taped together. Mr. Dunworth stated that he has put money in the budget this year, though it might get cut. Mr. Griffiths stated that 2013 is the year to begin thinking about making improvements.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 - 2.7**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 UNDER CONTRACT WITH MECO,
INC. FOR BURD STREET RECONSTRUCTION**

Resolution 2010-2.7 was removed from the agenda.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.8**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 UNDER CONTRACT WITH
LIBERTY CONSTRUCTION AND DEVELOPMENT, INC. FOR THE WELL 8 WATER
TREATMENT SYSTEM PROJECT**

WHEREAS, the contract between the Borough of Pennington and Liberty Construction and Development, Inc. for the Well 8 Water Treatment System Project (VNHA #39203-500-22) provides for a substantial completion date of December 22, 2009 and a final completion date of January 21, 2010; and

WHEREAS, Van Note Harvey Associates, P.C. has recommended Change Order No.1 which would extend these completion dates in order to accommodate equipment delivery and weather related work; and

WHEREAS, change order no 1 would extend the substantial completion date to March 1, 2010 and the final completion date to April 30, 2010;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that it hereby approves Change Order No. 1 extending substantial and final completion dates as set forth above.

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	X			

Council Member Chandler made a motion to approve Resolution 2010-2.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.9**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 TO
LIBERTY CONSTRUCTION AND DEVELOPMENT, INC. FOR WORK COMPLETED ON THE
WELL 8 WATER TREATMENT SYSTEM PROJECT**

WHEREAS, Liberty Construction and Development, Inc. has completed certain work pursuant to contract for the Well 8 Water Treatment System Project (VNHA #39203-500-22); and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed the application and recommends payment for completed work and stored materials pursuant to the Contractor's Request for Payment No. 4 (\$ 17,108.65) less two percent (2%) retainage (\$ 342.17), the net due therefore amounting to \$16,766.48; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available in the Water/Sewer Capital budget;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Liberty Construction and Development, Inc. in the amount of \$ 16,766.48 pursuant to payment request No. 4 is hereby authorized.

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 2010-2.9, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.10**

PAYMENT REQUEST TO MECO, INC. FOR BURD STREET RECONSTRUCTION

Resolution 2010-2.10 was removed from the agenda.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.11**

RESOLUTION IN OPPOSITION TO SENATE BILL S-458

WHEREAS, Senate Bill S-458, if signed into law, would remove the municipality's responsibility for assessing real property within the corporate bounds; and

WHEREAS, Senate Bill S-458; if signed into law, would remove the municipality's responsibility for collecting property taxes within the corporate bounds; and

WHEREAS, some municipalities within the County will inherit additional costs shifted to them from other municipalities within the same County particularly when costs pertain to the defense of tax appeals; and

WHEREAS, if signed into law, the bill will deprive the municipality's of efficient and diligent control of property taxes and expenditures, which, has been proven time and again, is best left to municipal government officials; and

WHEREAS, a municipality is a corporate body organized to provide local government services designed to most effectively and efficiently serve the residents of that jurisdiction; and

WHEREAS, there exists NO empirical data or factual studies showing a transfer of the assessing and collection functions to a county authority will in any way reduce the taxes for the municipality OR the county; and

WHEREAS, a basic tenet of American political philosophy is that local governments have the inherent right to exercise authority to provide local services to its constituents and adopt ordinances and regulations for the good of the general public; and

WHEREAS, in New Jersey, municipalities are dubbed creatures of the State with the State exercising its supremacy in granting both implied and express powers to local governments while at the same time reserving unto itself the indispensable right to legislate mandates to be implemented by counties and municipalities; and

WHEREAS, local taxpayers will be at a loss of service they are accustomed to that they would typically receive from Tax Assessment and Tax Collection offices; and

WHEREAS, other Municipal Departments and the Business Community will be at a loss of services they are accustomed to receiving from the Assessor's and Collector's office,

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

1. They hereby adopt the facts and determinations as set forth in the preamble of this resolution as if the same were more fully set forth herein at length.
2. They hereby memorialize their vigorous opposition to the pending Legislation known as S-458 and the inherent additional costs and dilution of services associated with it.
3. The Municipal Clerk shall forward a copy of this resolution to Governor Chris Christie; Senate President Stephen M. Sweeney; Assembly Speaker Sheila Oliver, Assemblywoman Bonnie Watson-Coleman, Assemblyman Reed Gusciora, the Tax Collectors and Treasurers Association of New Jersey (TCTANJ); the New Jersey Association of County Tax Boards (NCACTB) and the Association of Municipal Assessors of New Jersey (AMANJ).

Council Member Ogren made a motion to table Resolution 2010-11, second by Council Member Heinzel. Mr. Ogren stated that this Resolution did not come from the League of Municipalities but rather from a Tax Assessor that is looking to keep his job. Mr. Ogren stated that the wording of the Resolution is inappropriate for local government and aside from the merits of it, this is a complicated issue that pertains not just to Tax Assessors, but also to Health Departments and Animal Control services, which would also be taken over by the County. Mr. Ogren stated that it would be beneficial for some of the services to be taken over by the County. Mr. Ogren stated that this is a broad rush attack on the whole idea of putting these items on a referendum for voter approval. Mr. Ogren stated that he did not think that the Borough is opposed to the referendum. Ms. Heinzel stated that she would like more information on this item in order to make an educated decision on whether she opposes it or not. Mr. Lawver stated that he would also agree to table the

resolution because this may be something that may actually benefit the Borough of Pennington because we as the tax collector are on hook for every dollar that is assessed whether it is collected or not. Mr. Lawver stated that the School and the County get 100 percent of the tax assessed and the Borough has to worry about collection of the tax. Upon a roll call vote all members present voted in favor of tabling the resolution.

**BOROUGH OF PENNINGTON
RESOLUTION #2010 – 2.12**

RESOLUTION ADOPTING A CASH MANAGEMENT PLAN

WHEREAS, the State of New Jersey amended the State laws concerning investment of local government funds with the adoption of Chapter 148, P.L. 1997, and

WHEREAS, these new laws expand the responsibility of the Governing Body and the role of the Chief Financial Officer in cash management, and

WHEREAS, these new laws require the adoption of a Cash Management Plan, and

WHEREAS, the Chief Financial Officer has reviewed the new laws and drafted a Cash Management Plan to conform to those laws and to the current banking and investment practices of the Borough,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the attached Cash Management Plan is hereby adopted, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to present this resolution and adopted Cash Management Plan to the State of New Jersey and to all designated depositories and asset managers in accordance with the requirements of the applicable State laws.

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 2010-2.12, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2010- 2.13**

**GRANT AGREEMENT BETWEEN PENNINGTON BOROUGH
AND THE STATE OF NEW JERSEY
BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: PF10-184

GOVERNING BODY RESOLUTION

The governing body of the Borough of Pennington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 7,000.00 to fund the following project:

2009 Business Stimulus Fund Grant (BSF)

Therefore, the governing body resolves that Anthony Persichilli or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$7,000 and not more than \$7,000, and (c) to execute any amendments thereto.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

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	M			
Heinzel	S				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2010-2.13, second by Council Member Heinzel. Mr. Ogren stated that the Borough has been awarded a \$7,000 grant from the State of New Jersey for a tree planting project in the downtown area and this will allow the Borough to do the project this spring. Mr. Ogren stated that there is another resolution coming up that authorizes hiring a landscape architect to prepare plans as required by the program. Upon a roll call vote all members present voted in favor.

**PENNINGTON BOROUGH
RESOLUTION NO. 2010 - 2.14**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH LANDSCAPE ARCHITECT DANIEL DOBROMILSKY & ASSOCIATES FOR DOWNTOWN TREE PLANTING PROJECT

WHEREAS, the Borough and Daniel Dobromilsky & Associates (“Landscape Architect”), desire to enter into an agreement for the performance by Landscape Architect of professional services on behalf of the Borough in connection with preparation of a landscape plan, planting schedule, construction details and specifications for the planting of trees in downtown Pennington;

WHEREAS, the proposed scope of work and hourly fees, not to exceed \$700, are set forth in the attached letter to Pennington Borough by Daniel M. Dobromilsky dated January 29, 2010, of which a copy is attached (“Attached Letter”);

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, as well as the pay-to-play restrictions imposed by Borough Ordinance;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that Daniel Dobromilsky & Associates be retained as Landscape Architect as aforesaid, pursuant to a professional services agreement approved by the Borough Attorney;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the said professional services agreement.

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	M			
Heinzel	S				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2010-14, second by Council Member Heinzel. Ms. Heinzel asked if this landscape architect was recommended for the job. Mr. Ogren stated that Dan Dobromilsky is the landscape architect for West Windsor and East Windsor Townships and he actually prepared an application for this program for West Windsor which was approved. Mr. Ogren stated that Mr. Dobromilsky is very experienced in working with the Division of Forestry and the grant programs. Upon a roll call vote all members present voted in favor.

**PENNINGTON BOROUGH
RESOLUTION #2010-15**

RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE SUPPLIED BY MERCER MUTUAL INSURANCE COMPANY IN CONNECTION WITH 2003 PLANNING BOARD APPROVALS FOR DEVELOPMENT ON BLOCK 4.02, LOT 13 IN PENNINGTON BOROUGH

WHEREAS, on February 12, 2003, Mercer Mutual Insurance Company, located at 10 North Highway 31, Pennington, NJ 08534, obtained preliminary/final site plan, variance and waiver approvals by the Pennington Borough Planning Board in connection with the development of a building addition and related site improvements on the Mercer Mutual site at the above location, also known as Lot 13 in Block 4.02 on the Borough Tax Map;

WHEREAS, a condition of these approvals was the posting of a Maintenance Guarantee in the amount of \$544,169. to secure completion of required public improvements and other requirements;

WHEREAS, Mercer Mutual Insurance Company posted the required Maintenance Guarantee, dated July 29, 2003, by surety Selective Insurance Company of America;

WHEREAS, the Borough Engineer, by Van Note-Harvey Associates (VNHA #34893-500-52), has now reported that the improvements and requirements covered by the Maintenance Guarantee have been completed to the satisfaction of the Engineer, and the Engineer has recommended that Borough Council release the posted Maintenance Guarantee;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that release of the aforesaid Maintenance Guarantee posted by Mercer Mutual Insurance Company 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	S			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2010-15, second by Council Member Lawver with all members present voting in favor.

Council Discussion

Mayor Persichilli reminded everyone that the Capital Health Systems Tax Settlement that is listed for Council Discussion will be discussed in Closed Session.

Alcoholic Beverage Control Ordinance – Mr. Lawver stated that he has provided a draft ordinance for Council to review. Mr. Lawver stated that after reviewing twenty or more similar ordinances from other municipalities, this seems to be a good compromise in terms of what is included and what is excluded. Mr. Lawver stated that there a couple of items that merit discussion, the first being whether or not the Borough wants to authorize club licenses. Mr. Lawver explained that club licenses would be for private clubs such as an eating club, the Mason’s Lodge and the Fire Company. Mr. Lawver stated that some municipalities allow club licenses and specifically exclude the Fire Company and other municipalities exclude them as they can be more trouble than they are worth. Mr. Lawver explained that unlike consumption or distribution licenses which have a very large upfront fee, club licenses are \$188.00 annual fee capped by State law and there is no upfront fee. Mr. Lawver stated that in Pennington there are a couple of options; someone could move in and open a private club or the Fire Company or First Aid Squad or Cirrus Lodge could apply for a club license. Mr. Lawver stated that he did not think the Borough would want any of these options as Pennington Borough is mostly residential. Mr. Lawver stated that his recommendation would be to prohibit club licenses unless anyone else wants to discuss it further. Council agreed to exclude club licenses.

Mr. Lawver stated that the second issue relates to hours of sale. Mr. Lawver explained that typically hours usually exclude sales before 7:00 am and after 2:00 am. Mr. Lawver stated that Hopewell Borough has the most restrictive hours and they require the businesses close at midnight. Mr. Lawver stated that if the hours are very restrictive, the license becomes less attractive to a buyer, but the Borough would be more likely to get the type of establishment that is envisioned, specifically a family restaurant as opposed to a bar. Mr. Lawver stated that some municipalities have special hours for days such as New Years Eve where the hours of operation are extended for that one day. Mr. Lawver stated that he left that out thinking that the Borough was not interested in extending the hours for one day particularly if the ordinance allows a business to remain open until 2:00 am. Mr. Lawver stated that he thinks that 7:00 am is way too early as an opening time, but closing at midnight might be a little restrictive. Council Members felt that changing the opening time to 9:00 am Monday through Saturday would not be an issue.

Mr. Griffiths stated that having worked in a bar, his opinion would be that anyone showing up for a drink before 10:00 am has a problem and he did not think that limited the opening time to at least 10:00 am would be a problem. Mr. Lawver stated that for a bar he would agree, but for a package store 10:00 might be too late. Mr. Lawver explained that many of the things covered in the Ordinance are also covered by State Statute. Mr. Lawver stated that much of the language of the Ordinance overlaps what is stated by Statute. Mr. Lawver stated that the ordinances he reviewed varied from twenty-four pages down to two pages.

Mr. Lawver stated that the two big items that he wanted to address are club licenses and hours of operation. Mr. Lawver asked Mr. Bliss if the Borough needs to include items covered under State Regulations in its ordinance. Mr. Bliss stated that as a practical matter, included items could be used to plead down in Municipal Court. Mr. Lawver stated that his recommendation would be to take out as much of the overlapping information as possible. Mr. Lawver asked Council to review the draft ordinance and forward comments to him so that a final draft can be prepared for introduction at the March meeting.

Ms. Heinzel asked for a sense of what needs to be included in the ordinances because at the end of the day if all that is going to be done is to limit the ordinance to two pages she would rather not go through the exercise of reviewing all the pages. Mr. Lawver stated that he would work with Mr. Bliss to determine which sections of the ordinance are overlaps and which are not. Mr. Bliss stated that one of the advantages of having an ordinance that explains what State Law already requires is that ordinances are so much more accessible to citizens who can therefore read what the basics are. Mr. Bliss stated that if there are any deviances between an ordinance and State Statute, State Statute would govern. Mr. Lawver stated that what resistance there is from the community, could be addressed in the ordinance, whether it be hours of operation or cleanliness of facility and so forth.

Senior Center Grant – Mr. Ogren stated that the Borough has previously received a Federal Grant for the Lawrence Hopewell Trail project, and it is now possible for us to obtain another Federal Grant for the Senior Center as a match for County Funds of \$500,000 which are available to each municipality in Mercer County. Mr. Ogren stated that it occurred to him, though it may be a long shot that Borough Council might want to consider applying for this Federal Grant. Mr. Ogren stated that if Council is interested a decision is needed tonight because the deadline is February 17th. Mr. Ogren stated that he would be willing to put together an application. Ms. Chandler stated if the Borough gets the grant, then what? Mr. Lawver agreed. Mr. Ogren stated that a lot of questions exist that cannot be addressed now, such as what entity is going to take the lead

on this and where is it going to be. Mr. Ogren stated that he did not think that those questions needed to be answered in order to apply for the grant. Mr. Lawver asked if this is an annual program or a stimulus program to which Mr. Ogren answered the latter. Mr. Ogren stated that he would guess that this is the last shot at these funds. Mr. Tucker was in favor of applying for the grant. Mr. Lawver asked what if the Borough is awarded the money; his concern is having the money and not having any real plan. Mr. Ogren stated that the only reason he is suggesting this is that it would be a useful way to match the County funds and would probably help out other partners in the project which would be Hopewell Township and Hopewell Borough. Mr. Ogren stated that if Council agrees to apply for this money, then Hopewell Township and Hopewell Borough should be consulted as a courtesy. Ms. Chandler stated that the question remains as to what happens if the Borough is awarded this money. Mr. Ogren stated he could not answer that at this time. Mr. Lawver stated that he is concerned that if the Borough gets this grant and the County match totaling one million dollars that this million dollars sitting in the bank will become the reason to proceed with an ill-conceived plan. Mr. Ogren stated that having this resource would give the Borough more input into the development of the senior center. Ms. Heinzl stated that she understands that this would be a good way to gain access to the County funds that the Borough would otherwise not be able to match, however a decision needs to be made as to the type of senior center that is going to be built. Mr. Lawver stated that the Borough should try to get the money, however his concern is that with success we would have a pot out there that would drive the plans for the senior center. Upon further discussion, Council agreed to proceed with applying for the grant.

Administrator's Report

Mr. Dunworth had nothing further to report.

Professional Reports

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

Public Comment Period

Mayor Persichilli asked anyone wishing to speak to come forward and state their name and address for the record and to limit comments to a maximum of five minutes.

Mr. Gene Ramsey of 639 Scotch Road, Hopewell Township spoke stated that he is a neighbor of the Hopewell Valley High School and the Timberlane Middle School. Mr. Ramsey stated that most the neighbors in that area are in favor of a teen center, a senior center and a YMCA. Mr. Ramsey stated that he is concerned about what the costs will be for the taxpayers. Mr. Ramsey expressed concern regarding water and sewer services for these proposed sites. Mr. Ramsey stated that the residents that live near the High School and Middle School are concerned about the traffic increase around the schools and the lack of sidewalks. Mr. Ramsey stated that if the teen center, senior center and YMCA are coming, sooner or later, the municipalities will have to look at the traffic impact. Mr. Ramsey asked for support for the artificial turf fields that are being proposed for the Twin Pines Airport site to alleviate the burden of cars parked around their residences into the night.

Mr. Ramsey stated that as for water issues, the majority of his neighbors do not want to trade their well water for Trenton water. Mr. Ramsey stated that wells are failing in his neighborhood. Mayor Persichilli asked Mr. Ramsey to explain what he would like from Pennington Borough. Mr. Ramsey stated that the water issue and the issue of well failure and the possibility of accepting Trenton water are his concerns. Mr. Ramsey stated that if it comes to the need to hook up to a water source he would hope that there could be a shared services agreement to provide water to the families that are having well failures.

Mayor Persichilli stated that the issue for Pennington Borough right now is the we don't have enough water for the current needs, let alone if the YMCA is built and until the Borough can afford to spend about three million dollars; which is a lot of money for a small town like Pennington, we can not even consider sending water outside of Pennington. Mayor Persichilli stated that there have been other requests in the past for water service outside of Pennington and the simple fact is that Pennington doesn't have enough water as it is.

Mr. Lawver stated that Pennington Borough is very aware of actual and perceived impact that the Pennington Water system has on surrounding neighborhoods. Mr. Lawver stated that for fifteen years, the Borough has been monitoring a test well on Timberlane Drive and as was reported earlier, Pennington Borough is trying to serve more customers with the same or less amount of water going forward because Pennington is aware that we all draw from the same aquifer. Mr. Lawver stated that there has been no demonstrated impact on any of the Boroughs wells', including the observation well, Pennington realizes that the water is coming from the same area and we want to be good neighbors. Mr. Lawver stated there have been many requests from the school system over the years for the Borough to take on the operation of the Timberlane wells. Mr. Lawver stated that the Borough has not considered that because there is concern on how that would affect the neighboring wells. Mr. Lawver stated that as Pennington Borough considers that impact in all of its planning and operating and will continue to do so as we go forward. Mr. Lawver stated that if Pennington Borough were asked to provide water to the schools, there is no way that it could be done without continuing to operate the Timberlane well. Mr. Lawver stated that it is not a question for the Borough to take the Timberlane well out of service because there is not enough water in the Borough's infrastructure to be able to do that. Mr. Lawver stated that in fact if that well were to be tied into Pennington's water system, in all likelihood the well would run longer than it does now and would undoubtedly affect the neighbors. Mr. Lawver stated that is why the Borough has not proceeded in that direction. Mr. Lawver stated that if that area were to find themselves without water and a source of water is needed, the Borough would be open to discussion at that point in time, but now is not that time. Mayor Persichilli thanked Mr. Ramsey for his comments.

Closed Session

Mayor Persichilli read the following statement to convene in Closed Session:

AT, 9:24 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:

Presbyterian Homes Tax Appeal
Howe Commons Tax Appeal
Lease of Public Works Garage
Capital Health Tax Settlement

AT, 10:40 PM, Mayor and Council returned to open session.

Open Session

Approval of Closed Session Minutes for Content But Not Release

Council Member Chandler made a motion to approve the Closed Session Minutes of December 7th, 2009 for content but not release, second by Council Member Ogren with all members present voting in favor with the exception of Council Member Heinzl who abstained.

Council Member Lawver made a motion to approve the Closed Session Minutes of January 4, 2010 for content but not release, second by Council Member Heinzl with all members present voting in favor.

At 10:42 pm, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk