

**Pennington Borough Council
Regular Meeting – April 5, 2010**

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

Also present were Borough Administrator, Eugene Dunworth, Public Works Superintendent, Jeff Wittkop, and Public Safety Director, Bill Meytrott. Borough Attorney, Walter Bliss arrived at 7:35 pm.

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

Flag Salute

Mayor Persichilli stated that he would like to recognize Joe Lawver and wish him a Happy Birthday.

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.

Approval of Minutes

Council Member Ogren made a motion to approve the minutes of the Regular Meeting held February 1, 2010 second by Council Member Tucker with all members present voting in favor.

Council Member Heinzl made a motion to approve the minutes of the Regular Meeting held March 1, 2010, second by Council Member Ogren with all members present voting in favor.

Mayor's Business

Mayor Persichilli announced the following Proclamation.

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington do hereby proclaim Friday, April 30th, 2010 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

A Proclamation Proclaiming May 2010

as Older Americans Month

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

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

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

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

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

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

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

WHEREAS, communities can improve older citizens' overall quality of life by helping them: Make behavioral changes in their lifestyles that can reduce the risk of disease, disability, and injury;

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

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

NOW THEREFORE, I, Anthony Persichilli, Mayor of Pennington Borough do hereby proclaim May 2010 to be Older Americans Month. I urge everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for them. Our efforts can improve the lives of our older citizens and help pave the way for future generations.

Mayor Persichilli announced the resignation of Mike Rothwell from the Economic Development Commission. Mayor Persichilli stated that he appointed Mike Rothwell in January and at that time Council was looking for a replacement as Mr. Rothwell did not want to serve another term.

Mayor's Appointments

Mayor Persichilli appointed Michelle Jones, Vice President of The Bank of Princeton to the Economic Development Commission for a term ending December 31, 2010.

Presentations

Heather Wurtz of 152 East Delaware Avenue announced the Pennington Day will be held on May 15, 2010. Ms. Wurtz stated that the location of Pennington Day will be centered around the Tollgate Grammar School. Ms. Wurtz stated that this year will be the 30th year for Pennington Day and the theme will be "Celebrating Community". Ms. Wurtz asked Mayor and Council for their support of the event.

Mayor Persichilli asked what the reaction of the community was last year when the location was moved from the downtown area. Ms. Wurtz stated that most of the reaction was positive, though there were a few people who remain nostalgic for the location to be at Main and Delaware.

Mayor Persichilli invited Superintendent Smith and Mr. Colavita from the Hopewell Valley Regional School Board to come forward for a presentation of the school budget. Mr. Smith presented a power point presentation which he indicated had been presented at the school board meeting and so he would skim through and keep this presentation more informal to allow for questions or comments.

Mr. Smith thanked Mayor and Council for allowing them to make this presentation. Mr. Smith stated that this year's budget was developed with the goal being to stay true to the Districts values stated in their Mission Statement. Mr. Smith stated that the school board has been working on developing long term budgets not just developing a budget for this year, but realizing that these budgets should be developed in three and five year packages. Mr. Smith stated that any move that is made this year will have an impact on following years. Mr. Smith stated that when positions are cut it is very difficult to get them reinstated and so they have to be cognizant of that when developing a budget. Mr. Smith stated that as reported in the newspapers there has been a reduction in state aid with Hopewell Valley being hit the hardest in the County. Mr. Smith stated that the reduction in State Aid translates into a \$3.4 million reduction. Mr. Smith stated that in addition enrollment is declining by about 35 to 50 students per year. Mr. Smith stated that they have tried to contact the State to get clear answers to be able plan and move forward. Mr. Smith stated that also of note are that the Tollgate School and the Administration Building are nearing 100 years old and though they are very nice buildings with a lot of character they have aging boilers and the infrastructure of the buildings

requires maintenance. Mr. Smith stated that when the budget was set, the goal was to come in at a zero percent increase which has been achieved. Mr. Smith explained that the spending increase for the year is flat with the reduction in State Aid and with a contractual increase to staff members.

Mr. Smith stated that it is important to maintain the integrity of what is already in place while maintaining a zero percent increase. Mr. Smith stated that the school buildings are available on a 24/7 basis with the community utilizing the buildings and they would like to continue that however there are issues with custodial help and maintenance.

Mr. Smith explained that the budget was built around an excellent faculty and staff and maintaining current programming. Mr. Smith explained that to get to this point they have utilized savings from a previous budget, freezing on purchasing, hiring of younger teachers to replace teachers who are retiring, and expenses are being cut. Mr. Smith stated that these are stop gap methods for this year as the school district cannot just stop writing new curriculum and stop buying new textbooks and stop professional development, but to get through this next year all of these items have been taken off the table. Mr. Smith stated that concurrently they are looking at innovative ways to use textbooks for example; Kindles. Mr. Smith explained that the school districts' money is in people educating students and they do that very well. Mr. Smith explained that when the budget has to be reduced they can only cut so much in expenses without having to look at cuts to staff and that is what is being looked at in this budget.

Mr. Smith reviewed some worst case scenario cuts that are being considered. Mr. Smith stated that a lot of things can happen between now and July, when the State budget is adopted. Mr. Smith stated that there are rumors that some funding that has been cut may be reinstated. Mr. Smith stated that conversations are ongoing with the Teachers association regarding concessions. Mr. Smith explained other cuts that are being discussed such as elimination of practice busing for return trips. Mr. Smith explained that staff cuts have been discussed with the focus on balancing the cuts over all aspects of programs. Mr. Smith stated again that all of the cuts being discussed are worst case scenarios and there is the possibility of some things being reinstated.

Mr. Smith stated that in comparison to other districts the Hopewell Valley Regional School District operates on a fairly lean staff level with class sizes remaining in line with other districts. Mr. Smith reviewed a power point slide showing where the money goes. Mr. Smith stated that 60 percent goes to salaries and 15 percent goes to benefits, which amounts to 75 percent of the budget going towards education of the kids. Mr. Smith stated that the staff pays a good portion of their health benefits unlike other districts in New Jersey, and that has been ongoing for thirty years.

Mr. Smith answered questions from both Council Members and residents in the audience. Mr. Smith explained that discussions are ongoing with the Teachers Association regarding salary increases. Mr. Smith explained that the budget that will be voted on Tuesday is set and if something happens where the district gets an influx of money, the budget will not change. Mr. Smith explained that what the district could do is hire back teachers and apply that to next year. One taxpayer stated that in Pennington Borough the situation is unique because the Pennington residents will be shouldering a heavy percentage of the increase and what if she votes no. This taxpayer stated that she moved here because of the schools and she does not want to see programs cut, but she can't afford the proposed school tax increase, so what will happen if she votes no? Mr. Smith explained that if the budget is voted down, the three towns will develop a committee and they can say as a committee that they agree on the budget and are not going to make any changes, they can say that taxes need to be reduced by a certain amount and so the budget needs to be cut by x amount of dollars. Mr. Colavita explained that the towns provide a dollar amount and where cuts are to be made, but the school district does not have to accept where the cuts are coming from, they only have to accept the dollar amount. Mr. Colavita explained that if the three towns can not come to an agreement, then the budget goes to the County Superintendent. A resident stated that she did not necessarily have a problem with the budget as presented; she would just like to see the tax burden shouldered fairly by the three towns. Mayor Persichilli explained that the apportionment of the taxes is a different discussion and he has asked a representative from the County to speak later on that subject.

Mr. Smith reviewed revenue sources and explained ways in which the school district is trying to reduce costs. Mr. Smith also reviewed enrollment charts that indicated that enrollment is declining by roughly 50 students per year. A resident inquired as to whether there would be any consideration as to closing a school given the decreasing enrollment. Mr. Smith stated that there have been some rumors about closing Tollgate School and he assured residents that there are no plans to close the school at this time. Mr. Smith stated that enrollment at the Tollgate School has stayed steady. Some discussion took place regarding redistricting and at this time there are no plans for redistricting in the foreseeable future.

Mr. Smith reviewed the tax levy history slide. Mr. Smith indicated that they have tried to maintain reasonable budgets over a period of years. Mr. Smith stated that they have been able to do this with contracted salary increases above 4 percent. Mr. Smith stated that this year's projected increase is 3.6 percent. Mr. Smith stated that the school district does not have anything to do with how this increase is apportioned out over the three towns. Mr. Smith stated that the school tax makes up about 60 percent of a residents overall tax bill with the difference made up of municipal and county taxes.

Mr. Smith stated that the bottom line is that taxpayers get a lot for their money and Hopewell Valley Regional School District is one of the top districts in the State. Mr. Smith stated that the district has been recognized for many accomplishments and students graduating from the high school are getting accepted to great colleges. Mr. Smith stated that SAT scores are going up and in fact this past year were the highest they have ever been.

Ms. Heinzl inquired as to the per pupil spending cost. Mr. Colavita stated the per pupil spending for Hopewell Valley is in the area of \$14,000, which is lower than Princeton, Lawrence and Ewing and above Montgomery and West Windsor. Some discussion followed with regard to how the per pupil State average is calculated because not all school districts are the same.

Mr. Smith stated that people have moved to Hopewell Valley because of the quality of the schools and when they craft the budget they try not to compromise that. Mr. Smith presented a slide of tax levy comparisons over the years and a slide indicating the percentage share of how the tax dollars are apportioned to the three towns. Mr. Smith stated that the calculation is done by the County.

Mayor Persichilli stated that Mr. Marty Guhl is here and would be speaking about the apportionment of the taxes. Mayor Persichilli stated that Borough Council has been trying for the past two weeks to understand the methodology of how the numbers are calculated and why there is such a big difference between Hopewell Borough and Pennington Borough. Mayor Persichilli stated that when this was first reported in the newspaper, every Council Member had questions as to how the calculation was done. Mayor Persichilli asked Mr. Guhl to explain the process of how the apportionment of taxes is calculated. Mr. Guhl stated that the process is complicated. Mr. Guhl stated that he has been working for the County for 27 years and in those 27 years he has been asked to come to a Council Meeting twice to try to explain confusion regarding the apportionment of taxes. Mr. Guhl explained that both times it was Pennington Borough Council. Mr. Guhl stated that in New Jersey assessments are done on a Municipal level, however there are broad-based taxes including regional school taxes and county taxes. Mr. Guhl stated that because assessments are done on a municipal level, not all municipalities are assessing at the same level of value and that is where the term equalization comes in. Mr. Guhl explained that equalization is needed so that these regional taxes can be apportioned evenly. Mr. Guhl stated that there are two equalization processes; one is conducted by the Director of the Division of Taxation and that is produced every October 1st and that is what is referred to as the School Aid Formula. Mr. Guhl explained that this formula is used to apportion school aid and also to determine the share of school taxes, which is what brought him here tonight. Mr. Guhl explained that the other equalization table is the County Equalization Table which he produces and is used for the apportionment of the County taxes. Mr. Guhl stated that because assessments are based on market value in New Jersey, the process involves analyzing every sale that takes place in a municipality and determining based on those sales, the level of assessments within that municipality. Mr. Guhl stated that for this year, the apportionment was determined in the October 1st, 2009 Director's table. Mr. Guhl stated that the first step in determining the ratio and the apportionment is analyzing one fiscal year of sales, so for this table it would be sales that occurred between July 1, 2008 and June 30, 2009. Mr. Guhl stated that for every sale that is filed at the County Clerks Office, a deed is sent to the County and to the Municipal Assessor. Mr. Guhl stated that the Assessor's job is to look at each sale to determine whether it should be included in the table based on usability. Mr. Guhl explained that there are thirty some categories that make sales non-usable for the purpose of determining assessed value.

Mr. Guhl stated that once that is done, all the sales that are determined to be used in the study are applied to the assessed value for a given municipality as of January 1st. Mr. Guhl stated that the apportionment that is being looked at for 2010 is based on assessed values from 2009 and applying ratios per class of property. Mr. Guhl stated that once the ratios for a class of property are determined they are applied to the valuation for the same class of property and that gives a one year true value. Mr. Guhl stated that it does not stop there. Mr. Guhl stated that the sales determine the ratio for a class of property; the ratio is applied to the valuation and that gives a true value for that particular class of property. Mr. Guhl stated that you then add up all the true values and apply it to the assessed value for the municipality and you get a ratio which is the one-year ratio. Mr. Guhl stated that the next step is to take the prior year true value from the prior year table and adjust that for new construction that occurred during the year, add the two years together, divide by two and apply that to the current year assessed value and you get what is called a weighted ratio. Mr. Guhl explained that the reason why the two years are used is that when you only have 18 or 25 sales it does not take much for a fluke sale to adjust the ratio, so the averaging is intended to prevent spiking. Mr. Guhl stated that the averaged ratio is what is used and applied to the prior year's assessed value to come up with the true value. Mr. Guhl stated that this figure is what is used to apportion the tax for 2010. Mr. Guhl stated that from the 2008 table to the 2009 table, Pennington Borough went up more than the other two towns. Mr. Guhl stated that what causes that is that when there is a ratio, the lower the ratio, the higher the true value, so if you look at Pennington Borough's ration on the Directors Table it went up from 108 to 110, Hopewell stayed relatively the same and Hopewell Borough went down a couple points. Mr. Guhl explained that normally that is not much, but when there are only three municipalities sharing the school budget it amounts to more in taxes.

Mr. Guhl stated that the reason why the shift is greater isn't as much as this alone. Mr. Guhl explained that the second part of the equation is to come up with the actual rate in 2010. Mr. Guhl explained that is done by taking the apportioned amount and divide it among the new 2010 ratables. Mr. Guhl stated that the share is based on last years assessments and last years ratios and once the share is determined, that amount is applied to the assessed value to come up with a rate. Mr. Guhl stated that from 2009 to 2010, Hopewell Borough assessments went down .77 percent, Hopewell Township went down 3.28 percent and Pennington Borough's assessed value went down 4.5 percent.

Mr. Guhl stated that assessments change every year based on new construction and loss of ratables. Mr. Guhl explained that loss of ratables can happen through tax appeals or what is referred to as a compliance plan that is filed by the Tax Assessor. Mr. Guhl stated that a compliance plan is filed when the assessor determines that there are areas of a municipality that were over assessed above 100 percent and because of that they would not be defensible for tax appeals. Mr. Guhl explained that if the tax assessor took no action,

there would have been tax appeals filed that she would not have been able to defend, the town would have had to refund money and the municipality would have to absorb the school portion. Mr. Guhl explained that when there is a tax appeal refund, the town refunds the entire amount, the County credits them for the County portion, but the municipality eats the percentage that is the school tax. Mr. Guhl stated that it was the Tax Assessors determination to file a compliance plan that was approved by both the County and the State, because they were in agreement that had those plans not been filed, the municipality would have had a lot of exposure for tax appeals. Mr. Guhl stated that the deadline for tax appeals just passed and he is still going through the appeals that were filed and so far there are only 12 appeals filed for Pennington Borough. Mr. Guhl stated that the compliance plan worked as far as what the Tax Assessor was trying to do; the other side of the coin is that when rates reduced, the rate is increased. Mr. Guhl stated that Council should keep in mind when considering the proposed increase in school tax for Pennington Borough is that 35 to 40 percent of the properties in Pennington have reduced assessments this year.

Mr. Guhl stated that basically that is it, the formula is based on sales, the Directors Table has been around since 1954 and it is required to be used for the apportionment of the school tax and for determining tax appeals. Mr. Guhl stated that when there are only a few sales it doesn't take much for one or two of the sales to affect an apportionment when you are dealing with two small municipalities. Mr. Guhl explained that in connection with the larger decrease in the actual assessed value for this year is what is pushing the rate up. Mr. Guhl stated that as a result of the decrease in assessments, the exposure to tax appeal losses is diminished.

Mr. Guhl explained that the compliance plan is limited to 25 percent, but if there are areas where a number of tax appeals were filed and it was clear that the area is over assessed, the County instructs the Tax Assessor to look at the remaining properties in that neighborhood to bring them in line so that not just property owners who appeal their taxes benefit.

Ms. Heinzl stated that Hopewell Township and Pennington Borough both filed compliance plans and Hopewell Borough did not. Mr. Guhl stated that he talked to the assessor for Hopewell Borough today and at their meeting tonight they are discussing a remedy for next year whether it be a reassessment or a plan because last year they lost about one million to appeals and they have a lot more appeals filed this year. Mr. Guhl stated that Hopewell Borough is feeling the affects of not having taken any action. Mr. Guhl stated that by reducing the assessments through the compliance plan, the Borough's valuation for 2010 reflects a lower number, so for 2011 when the apportionment is constructed on the Directors Table, the starting point will be these lower assessments, so right away the percentage will be less. Mr. Guhl explained that when this is done through tax appeals the starting point for the Directors Table next year isn't the reduction based on tax appeals, it would be the original assessments. Mr. Guhl stated that not only would the municipality have to refund a lot of money, but you would not get the reductions that should be there for the next years apportionment, it would be delayed a year. Mr. Guhl stated that by Hopewell Borough not doing the compliance plan, assuming that they loss money in tax appeals, their starting point for next year will be high.

Mayor Persichilli asked if the removal of the \$115 million from Hopewell Townships tax records for Capital Health have an impact on the two Boroughs as it relates to these numbers. Mr. Guhl stated that it would not this year, because the apportionment is always a year behind, but it would for 2011. Mr. Guhl stated that a meeting is being held on Friday to discuss the assessment exemption for Capital Health. Mr. Guhl stated that in order to change the apportionment of tax for this year, the Borough would have had to challenge the Directors Table forty-five days after October 1st, but really the only thing that could be challenged would be what sales were included or excluded from the table, the methodology can not be challenged because it is set up by Statute.

Mr. Guhl answered questions from residents and Council Members regarding the process of apportionment of taxes. After some discussion, Mayor Persichilli stated that he realizes that everyone is frustrated, but we asked for an explanation and we got one, even though it is still confusing.

Ms. Heinzl asked if this is a fair way to look at apportioning school tax or if there is another way it could be done. Mr. Guhl stated that another method would be to do it by enrollment. Mr. Guhl responded to a comment that the table is flawed, and stated that the fewer sales you have, the bigger the risk of being skewed.

Mr. Colavita stated that in 1965 when the district was regionalized, a study was done to see what the fairest way to apportion taxes was. Mr. Colavita stated that the fairest way to do it is per pupil and for this year the share per pupil would be 12 as compared to 10.2 the way it is done now. Mr. Colavita stated a switch to a per pupil method would require a referendum and once that is done you have to keep that system for 10 years.

Mr. Griffiths stated that what he is hearing is that we are getting a deal because if we were under the per pupil method, the rate would be much higher. Mr. Griffiths stated that this year is an anomaly based on decreased valuations and the budget increase. Mr. Griffiths asked if someone could produce a ten year chart to say how these apportions have varied and the dollar values. Mr. Guhl stated that he has that information and would get it to Council. Mr. Griffiths asked Mr. Colavita if they could provide a ten year table by town.

Mayor Persichilli thanked Mr. Smith, Mr. Colavita and Mr. Guhl for their presentations.

Mr. Tucker asked what is going to be done about this big increase in school taxes for people on fixed incomes. Mr. Griffiths stated that the budget that is being put together for this Borough will have a very aggressive response on spending. Mr. Griffiths stated that a final number has not been determined yet

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

“This Ordinance shall remain in effect until superceded.”

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

Council Member Lawver made a motion to introduce Ordinance 2010-8, second by Council Member Tucker. Mr. Lawver stated that two years ago the Borough initiated a project to get the sidewalks repaired in the Borough with remarkable success. Mr. Lawver stated that unfortunately last year the cost of inspections was about \$470 per sidewalk. Mr. Lawver stated that rate was not sustainable and we have found someone to do the inspections at \$150 per sidewalk going forward. Upon a roll call vote, all members present voted in favor.

Ordinances for Public Hearing and Adoption

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: \$100.
- B. Kennel providing accommodations for more than 10 dogs: \$250.
- C. Pet shop: \$250.
- 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 by documented non-profit \$25.

B. All Others \$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: \$25.00.
- (2) Service truck: \$75.00.
- (3) Dump truck: \$100.00.
- (4) Deicer: cost plus 15%.

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

- (1) Foreman: \$85.00.
- (2) Operator: \$75.00.
- (3) Laborer: \$65.00.

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

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: \$25.00**
- (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 macadam, 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> |
|--|------------------------|--|---|--|---|
| | 4,000 | 4,001- | 20,001- | 60,001- | More than |
| | Gallons or | 20,000 | 60,000 | 200,000 | 200,000 |
| | Less | Gallons | Gallons | Gallons | Gallons |
| | | (per 1,000 gallons) | (per 1,000 gallons) | (per 1,000 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 |

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 | 4,001- | 20,001- | 60,001- | More than |
| | Gallons or | 20,000 | 60,000 | 200,000 | 200,000 |
| | Less | Gallons | Gallons | Gallons | Gallons |
| | | (per 1,000 gallons) | (per 1,000 gallons) | (per 1,000 gallons) | (per 1,000 gallons) |
| All sizes | \$29.54 | \$6.65 | \$6.73 | \$6.82 | \$6.92 |
| | per 1,000 | per 1,000 | per 1,000 | per 1,000 | per 1,000 |
| | gallons | gallons | gallons | gallons | 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 \$1,400.
- (2) Standard sewer connection fee is \$2,400.

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 curbline. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.

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

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

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

B. Sewer tapping fees.

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

(2) Water Type 2 (full service - half width): \$1,900. 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 curbline. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.

(3) Water Type 3 (cut-in service): \$800. 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>120.00</u> | <u>5/8 and 3/4</u> |
| <u>\$220.00</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: \$160.

(2) Lateral connections: \$160.

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

B. Equipment hourly rates are as follows:

(1) Backhoe: \$120.00.

(2) Service truck: \$75.00.

(3) Dump truck: \$100.00.

(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: \$85.00.

(b) Operator: \$75.00.

(c) Laborer: \$65.00.

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: \$250.

(2) Major disruptive: \$1,200.

E. Temporary meter charges are as follows:

(1) Meter installations: \$75.00.

(2) Rental (two week maximum): \$50.00.

(3) Removal and recording: \$75.00.

(4) Special billing: \$25.00.

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]65.

D. Account setup (turn-on): \$[26]30.

E. Non-quarterly or additional meter readings: \$[52]60. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)

F. House Inspections: \$60.

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 curblin. 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 curblin. 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 curblin. 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 curblin. 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 open the public hearing on Ordinance 2010-5, second by Council Member Ogren. There were no comments from the public. Council Member Tucker made a motion to close the public hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-5, second by Council Member Heinzel with all members present voting in favor.

Mayor Persichilli read Ordinance 2010-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2010-6**

**ORDINANCE AUTHORIZING ISSUANCE OF CERTAIN LICENSES FOR THE CONSUMPTION
AND DISTRIBUTION OF ALCOHOLIC BEVERAGES SUBJECT TO
STATE AND LOCAL REGULATIONS**

WHEREAS, Borough Council of the Borough of Pennington seeks to amend the Code of the Borough of Pennington to repeal prohibitions against the issuance of licenses for plenary retail consumption and plenary retail distribution of alcoholic beverages;

WHEREAS, under the State statute governing licensing of the sale and distribution of alcoholic beverages, N.J.S.A. 33:1-1, et seq., no more than one plenary retail consumption license and no more than one plenary retail distribution license may be issued in Pennington Borough;

WHEREAS, the proposed amendments to the Borough Code also include provisions regulating the hours and operations of licensed premises;

WHEREAS, the ordinance further provides for annual fees payable to the Borough for the authorized licenses, established at \$2,500 for the plenary retail consumption license and \$2,500 for the plenary retail distribution license; and

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

1. Section 63-1 of Article I of Chapter 63 of the Code of the Borough of Pennington (“Code”), prohibiting the issuance of certain alcoholic-beverage licenses, is hereby repealed.
2. Article I of Chapter 63 of the Code is hereby amended to provide the following provisions regulating licensing and sale of alcoholic beverages in the Borough, beginning with a new section 63-1:

63-1 PURPOSE.

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Pennington in accordance with the provisions of an act of the Legislature of the State of New Jersey entitled An Act Concerning Alcoholic Beverages, comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

63-2 DEFINITIONS.

For the purpose of this chapter, words and phrases herein shall have the same meanings as in N.J.S.A. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

63-3 LICENSES.

63-3.1 Laws Applicable.

All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the act, rules and regulations referred to in section 63-1, and all other applicable laws of the State of New Jersey or the United States.

63-3.2 Issuing Authority.

All licenses required by this chapter shall be issued by the Mayor and Borough Council, which shall also administer the provisions of this chapter.

63-3.3 License Required.

No person shall sell or distribute alcoholic beverages within the Borough without obtaining a license in accordance with applicable State statutes and regulations and the provisions of this chapter.

63-3.4 Types and Number of Authorized Licenses.

New Jersey statutory law and this ordinance, as the same may be hereafter amended, shall control the issuance of licenses and the number of authorized licenses. Authorized licenses shall be limited to one plenary retail consumption license and one plenary retail distribution license.

63-3.5 Terms of Licenses.

Licenses shall be effective for one year from July 1 to June 30 of the following year, inclusive.

63-3.6 License Fees.

The annual fees for licenses for the sale or distribution of alcoholic beverages in the Borough shall be as set forth in the Schedule of Fees in Chapter 98 of this Code.

63-4 REGULATIONS OF LICENSE.

63-4.1 Hours of Sale: Weekdays.

No licensee shall sell, serve or deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on a licensed premises between 2:00 am and 9:00 am Monday through Saturday.

63-4.2 Hours of Sale: Sundays.

No licensee shall sell, serve, deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on a licensed premises on a Sunday between the hours of 2:00 a.m. and 11:00 a.m.

63-4.3 Closing Provisions.

During the hours that the sale of alcoholic beverages is prohibited, the licensed premises shall be closed except that part of the premises used for a restaurant or grill, which must be entirely separated and locked from the barroom of the premises and must have a separate entrance and exit. No person shall be admitted or permitted to remain in the closed portion of the premises except the licensee or bona fide employees of the licensee.

63-4.4 Maintenance of Premises.

Licensed premises shall at all times be kept in a safe, clean and sanitary condition. All rooms, passageways, entrances, exits and stairways must be well lighted.

63-4.5 Rooms Open to the Public.

No person shall be served in any room or place which is not open to the public generally, except private dining rooms. All places in which alcoholic beverages are sold or dispensed, excepting private dining rooms, shall at all hours be so arranged, and blinds open, so that a full view of the interior may be had from the public thoroughfare or from adjacent rooms to which the public is freely admitted. All such premises during business shall be lighted sufficiently so that a full view of the interior may be had by the public.

63-5 INSPECTIONS AND SUPERVISION.

Any officer, as defined in N.J.S.A. 33:1-1p, shall have full authority to inspect, investigate and supervise the licensed premises for the purpose of enforcing the provisions of these regulations, the Alcoholic Beverage Control Act or any rules or regulations promulgated thereunder.

63-6 VIOLATIONS.

Any person who shall knowingly aid or abet another in the violation of any provision of these regulations shall be punishable in the same manner as the violation aided or abetted. Any attempt to evade these regulations or any provisions thereof, either directly or indirectly, by acquiescence, collusion or connivance by or with any licensee, his agents, servants or employees, shall be considered a violation of these regulations.

63-7 REPORTS.

Whenever there shall be a conviction for violation of any provision of this chapter, the judge shall forthwith certify such conviction to the borough council. If the conviction is of a person other than a licensee, the judge shall indicate the name of the licensee upon whose premises the violation occurred.

63-8 REVOCATION OF LICENSE.

Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of N.J.S.A 33:1-1 et. seq. or any other applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-31 by service of a five day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing.

Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

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

Council Member Lawver made a motion to open the public hearing on Ordinance 2010-6, second by Council Member Tucker. There were no comments from the public. Council Member Tucker made a motion to close the public hearing, second by Council Member Lawver with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2010-6, second by Council Member Lawver. Mayor Persichilli thanked Mr. Lawver for all of his hard work in putting this ordinance together over the past year. Upon a roll call vote, all members present voted in favor of adoption.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzl reported that the Library Board met on March 25, 2010 and like every other entity in the State the Library is being hit with proposed reductions in funds and so the Library Board passed a resolution in opposition of these proposed reductions. The Library approved renewal of its ITT support from a local NJ Association which hosts the Library website. Ms Heinzl reported that the Library Board approved the purchase of a new desk for the Director's office. Ms. Heinzl stated that programming for the Library has been going very well and some adult programming has been added. Ms. Heinzl stated that for the month of March there was a Sustainable Sunday Film series put on by Tom Adelman. Ms. Heinzl stated that Blood Pressure Screening took place in the Library. Ms. Heinzl stated that the Friends of the Public Library will be holding their fundraiser on May 5th, featuring author Lauren Grodstein. Ms. Heinzl stated that the Friends are looking for a location for this event and are currently in discussions with the Pennington School.

Ms. Heinzl stated that the Planning Board met on March 10th and held their reorganization meeting. Ms. Heinzl stated that there were two applications on the agenda, though only one was heard. Ms. Heinzl stated that the first application for 151 East Delaware for aesthetic improvements to their house requires variances for side yard and maximum slope ratio. Ms. Heinzl explained that these conditions are actually pre-existing non-conformities. Ms. Heinzl stated that the homeowners want to raise their roof and make a more similar roof in pitch and add a second floor to their garage, not for living space. Ms. Heinzl reported that the Planning Board approved this application without additional conditions.

Ms. Heinzl stated that the second application at 40 North Main Street will be heard at the April Meeting. Ms. Heinzl stated that this application is for a variance to replace an existing barn on the property which is on a residential lot in the Town Center Buffer Zone.

Ms. Heinzl stated that the Planning Board held a public hearing on the proposed Historic Preservation Element to the Master Plan. Ms. Heinzl reported that a very lengthy discussion was held on that proposal which centered mostly on the ordinance that will come as a result of the Planning Board adopting the Historic Preservation Element. Ms. Heinzl stated that after much discussion the Planning Board did agree to adopt the amended element with the condition that the element does not make a statement as to what the ordinance will say. Ms. Heinzl stated that Council Members have a copy of the revised plan in front of them. Ms. Heinzl read the additional language that was added to the plan on page 7. Ms Heinzl reported that Jack Koeppel was in attendance for the hearing and he stated that on behalf of the Historical Society that they would be willing to contribute and finance the cost of drafting the ordinance.

Ms. Heinzl stated that the Environmental Commission met in March and they are continuing to plan for Pennington Day. Ms. Heinzl stated that on April 17th there will be a Green Open House at the Timberlane Middle School, sponsored by the Green Futures Task Force. Ms. Heinzl stated that the open house is one of the things that the task force is doing to qualify for Sustainable New Jersey credits.

Public Works / Economic Development – Mr. Lawver stated that the Economic Development Commission met and they continue to move ahead with design and installation of banners for the downtown business district. Mr. Lawver stated that they look forward to welcoming their new member from The Bank of Princeton.

Mr. Lawver stated that the Public Works Committee has not met although there are a couple of issues that need to be discussed so they will be meeting sometime in the next couple weeks. Mr. Lawver stated that design of King George Road is being finalized and the Borough must go out to bid in August 2010. Mr. Lawver stated that is unlikely that we will be able to construct the project this year because there is the possibility of having to put in a new water line on Lower King George and that will take some time. Mr. Lawver thanked Tom Ogren for all of his work on the Safe Routes to Schools project and as you will see later in the meeting we are authorizing advertisement for bids for that project. Mr. Lawver stated that the Safe Routes to Schools Project will be constructed this summer. Mr. Lawver stated that the construction is done at Well 8, however we are still in the testing and calibration phase. Mr. Lawver stated that a transformer needed to be upgraded so that the machinery would run property. Mr. Lawver stated that we still anticipate that Well 8 will be on line in time for the peak water usage in the summer.

Mr. Lawver thanked the Public Works Department for their great efforts during the latest great storm of the century. Mr. Lawver stated that thirty one trees fell in Pennington Borough during the storm and at least half of them were across streets. Mr. Lawver thanked the Fire Department for their work, a number of houses were without power which led to sump pumps not working and lots of flooding. Mr. Lawver stated that a remarkable amount of debris was cleaned up.

Mr. Lawver gave the following report for Water and Trash for the month of March, 2010.

PENNINGTON BOROUGH PUBLIC WORKS

TO: Joseph Lawver, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: April 5, 2010

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

WATER

| | |
|--|-----------|
| Water pumped for the month of March 2010-- | 8,502,000 |
| Daily- | 274,258 |
| Water pumped for the month of March 2009- | 8,285,000 |
| Daily- | 267,200 |

For the month of March 2010 we averaged 7,000 gallons more per day than March 2009.

TRASH

105.34 tons of household trash for the month of March 2010 vs. 86.49 tons in March 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.

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

Leaves left at the curb or in cans will not be picked-up.

Mulch is now available at the Senior Center for Borough residents.

Mr. Lawver stated that water usage is up for this month, but the Borough has since fixed two water leaks, one being a rather large leak.

Personnel – Mr. Ogren stated that the Personnel Committee did not meet in March. Mr. Ogren reported that Arbor Day Celebrations will take place at the Tollgate School on April 30th

Community Services- Ms. Chandler was absent, no report was given.

Police- Mr. Tucker reported that meetings for Pennington Day which will be held on May 15th are ongoing. Mr. Tucker commended the Police Department for their work with the latest storm. Mr. Tucker stated that no motor vehicle accidents or injuries reported as a result of the storm. Mr. Tucker stated that Emergency Management Coordinator Mark Reading, Director Meytrott and Chief Meyers prepared and set up an evacuation center for residents without electricity.

Mr. Tucker gave the following statistics for the month of March 2010.

| | |
|-----------------------|-----|
| Motor Vehicle Stops | 189 |
| Motor Vehicle Summons | 123 |
| Parking Summons | 6 |
| Warnings | 80 |
| | 24 |

| | |
|------------------------|---|
| Police Reports | 3 |
| Arrests – Adult Male | 3 |
| Arrests – Adult Female | 1 |
| Arrests – Juvenile | 1 |

Finance – Mr. Griffiths reported that the finance committee met to discuss two items. Mr. Griffiths reported that the Borough is in the process of converting its Bond Anticipation Notes to permanent bonds which will result in a savings of \$106,000 this year. Mr. Griffiths stated that additionally the finance committee took a serious look at budget cuts and it looks like total spending will be down around 3 percent. Mr. Griffiths stated that any tax increase for municipal purposes will be either very low or zero percent.

Ms. Heinzl stated that the Environmental Commission took a look at the ANJEC Grant and had a very good discussion about the grant and decided to support the submission of an application.

New Business

**Borough of Pennington
Resolution #2010-4.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Residential Credit Solutions, Inc., Tax Department, P.O. Box 961274, Fort Worth, TX 76161-0231 for an overpayment of first quarter 2010 taxes in the amount of \$13,720.41 for Block 1002, Lot 25.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|------|
| Chandler | | | | absent | Lawver | M | | | |
| Griffiths | X | | | | Ogren | S | | | |
| Heinzl | X | | | | Tucker | X | | | |

Council Member Lawver made a motion to approve Resolution 2010-4.1, second by Council Member Ogren with all members present voting in favor.

**Borough of Pennington
Resolution #2010 – 4.2**

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 \$ 3045,659.20 from the following accounts:

| | |
|---------------------|------------------------|
| Current | \$ 2,682,844.51 |
| W/S Operating | \$ 169,216.34 |
| Animal Control | \$ 310.80 |
| Developers' Escrow | \$ 139,935.75 |
| Water/Sewer Capital | \$ 53,351.80 |
| TOTAL | \$ 3,045,659.20 |

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|------|
| Chandler | | | | absent | Lawver | X | | | |
| Griffiths | S | | | | Ogren | X | | | |
| Heinzl | M | | | | Tucker | X | | | |

Council Member Heinzl made a motion to approve Resolution 2010-4.2, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2010-4.3**

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 | \$ 1,500.00 |
| Engineering | Other Expense | \$ 25,000.00 |
| Legal | Other Expense | \$10,000.00 |
| Recreation | Other Expense | \$ 2,000.00 |
| PERS | Other Expense | \$ 3,696.50 |
| PFRS | Other Expense | \$ (824.00) |
| Construction | Salaries | \$ 5,000.00 |
| Insurance – Liability | Other Expense | \$ (1,005.53) |
| Insurance – Workers Comp | Other Expense | \$ (4,898.55) |
| Insurance – Surety Bonds | Other Expense | \$ (974.00) |
| Police | Salaries | \$ 35,000.00 |
| Library | Salaries | \$ 10,000.00 |
| Library | Other Expense | \$ 20,000.00 |
| Gas – (Natural/Propane) | Other Expense | \$ 5,000.00 |
| Gas – Fuel Lubricants | Other Expense | \$ 5,000.00 |
| | | |
| Total | | \$ 114,494.42 |

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

| | | |
|-----------------|---------------|----------------------|
| Insurance | Other Expense | \$ (5,904.07) |
| Group Insurance | Other Expense | \$ 24,000.00 |
| SBRSA | Other Expense | \$ 154,954.20 |
| PERS | Other Expense | \$ 3,696.50 |
| Social Security | Other Expense | \$ 5,000.00 |
| | | |
| TOTAL | | \$ 181,746.63 |

Record of Council Vote on Passage

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

Council Member Heinzel made a motion to approve Resolution 2010-4.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2010-4.4**

**RESOLUTION CONDITIONALLY AUTHORIZING RELEASE OF BALANCE OF
PERFORMANCE GUARANTEE FOR THE PENNINGTON SCHOOL
IN CONNECTION WITH IMPROVEMENTS**

WHEREAS, The Pennington School (“the School”) has received Planning Board approvals for construction of certain improvements (VNHA #38547-210-71) conditioned upon the posting of a performance guarantee;

WHEREAS, Phase I of the project, which included only work on the softball field on Greene Avenue, involved posting a guarantee in cash in the amount of \$73,506;

WHEREAS, based on the completion of Phase I of the project and the recommendation of the Borough Engineer reporting that the improvements have been satisfactorily completed, Borough Council has released and returned to the School the full amount of this guarantee;

WHEREAS, Phase II of the project, which covers site work on the main campus of the School, including the installation of an artificial turf field, relocated sewage pumping station, new circulating drives and parking areas, involved the posting of a performance guarantee in the form of \$356,192.10 in cash and \$3,139,573.50 in a letter of credit;

WHEREAS, the School has partially completed Phase II improvements and same have been inspected by the Borough Engineer who has recommended release of a portion of the related performance guarantee, reducing the cash portion to \$232,083.18 and the letter of credit portion to \$2,088,748.62, the maximum reduction permitted by Borough policy and the Municipal Land Use Law, N.J.S.A. 40:55D-53;

WHEREAS, the School indicates that it does not intend to complete the remainder of the improvements covered by Phase II of the Planning Board approvals and has requested that the full amount of the remaining performance guarantee be released to it;

WHEREAS, the Borough cannot comply with the requested full release until the School obtain the approval of the Planning Board for abandonment of the remainder of the project and release of the remaining performance guarantee;

WHEREAS, the School is expected to present to the Planning Board on this subject at the April meeting of the Board;

WHEREAS, the Borough understands that the School needs prompt action on this request in order to avoid unnecessary fees for extension of its letter of credit;

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

1. the Borough Clerk is hereby authorized to release to The Pennington School such portions of its remaining performance guarantee as will reduce its guarantee to \$232,083.18 cash and \$2,088,748.62 letter of credit or performance bond, pursuant to the aforesaid recommendation of the Borough Engineer based on satisfactory partial completion of Phase II improvements;

2. The Borough Clerk is hereby further authorized to release to the School the balance of its performance guarantee, together with accrued interest, upon approval of the Planning Board permitting the School to discontinue the project and receive back the balance of its performance guarantee.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2010-4.4, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2010 – 4.5**

RESOLUTION CREATING POSITION OF SIDEWALK INSPECTOR AND MAKING AN APPOINTMENT TO FILL THE POSITION

WHEREAS, Borough Council has determined that the services of a Sidewalk Inspector compensated by a flat fee per inspection is the most cost-effective means for inspecting repairs and replacements of sidewalks by property owners pursuant to Chapter 177 of the Code of the Borough of Pennington;

WHEREAS John Hall, known to Council as the Borough’s Construction Code Official, has the expertise needed to conduct these inspections in a timely and efficient manner;

WHEREAS, Borough Council wishes to create the position of Sidewalk Inspector and to appoint John Hall to that position;

WHEREAS, the Sidewalk Inspector shall be compensated at the flat rate of \$150 per inspection, as shall be set forth in an amended Borough Salary Ordinance;

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

1. There is hereby created the position of Sidewalk Inspector, for the purposes set forth above.
2. John Hall, known to Borough Council as the Construction Code Official for the Borough, is hereby appointed to fill the position of Sidewalk Inspector, to serve at the pleasure of Borough Council.
3. The sole compensation for the Sidewalk Inspector shall be a flat fee of \$150 per inspection, as shall be set forth in an amendment to the Salary Ordinance.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2010-4.5, second by Council Member Heinzl with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2010-4.6**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR SOUTH MAIN STREET
AND WEST DELAWARE AVENUE CROSS-WALK AND
SIDEWALK IMPROVEMENTS UNDER SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, Pennington Borough has been selected by the State Department of Transportation to receive funding under its Safe Routes to School Program for South Main Street and West Delaware Avenue Crosswalk - Sidewalk Improvements;

WHEREAS, specifications for the proposed improvements together with bid package are being prepared by Van Note Harvey Associates;

WHEREAS, this project is required to be advertised for public bid;

WHEREAS, funds for the project shall be supplied by the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to advertise for bids for this project.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|------|
| Chandler | | | | absent | Lawver | X | | | |
| Griffiths | S | | | | Ogren | M | | | |
| Heinzl | X | | | | Tucker | X | | | |

Council Member Ogren made a motion to approve Resolution 2010-4.6, second by Council member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2010-4.7**

**RESOLUTION OF THE BOROUGH OF PENNINGTON IN THE COUNTY OF
MERCER, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE
BOARD PURSUANT TO N.J.S.A. 2-26(e)**

WHEREAS, the Borough of Pennington desires to make application to the Local Finance Board for its approval of a non-conforming maturity schedule in connection with the issuance of \$2,514,000 General Obligation Bonds, consisting of \$1,148,000 General Improvement Bonds and \$1,366,000 Water/Sewer Utility Bonds to permanently finance various general capital improvements and water and sewer improvements;

WHEREAS, the Borough of Pennington believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel and financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Local Finance Board is hereby respectfully requested to consider such application and to record approval as provided by the applicable New Jersey Statute.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|------|
| Chandler | | | | Absent | Lawver | X | | | |
| Griffiths | M | | | | Ogren | X | | | |
| Heinzl | X | | | | Tucker | S | | | |

Council Member Griffiths made a motion to approve Resolution 2010-4.7, second by Council Member Tucker. Mr. Griffiths explained that when the bond sale takes place, this will enable the Borough to defer principal payments until 2013, when the current debt service will go down so that we don't spike up the Borough's annual payments. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2010 – 4.8**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 6 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 pursuant to the Contractor's Request for Payment No. 6 (\$ 5,630.00) less two percent (2%) retainage (\$ 112.60), the net due therefore amounting to \$ 5,517.40; and

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

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

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 \$ 5,517.40 pursuant to payment request No. 6 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2010-4.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2010-4.9**

**RESOLUTION AWARDING EMERGENCY
SERVICES CONTRACT**

WHEREAS, the Borough of Pennington has advertised for requests for proposals for a contractor to be available on a stand-by basis to provide emergency utility repair services and other emergency public works services as the need arises from time to time;

WHEREAS, proposals from five contractors were initially received by the Borough but these proposals reduced to three after the Borough made a request for supplemental information;

WHEREAS, the proposals are in the form of proposed hourly rates for labor and equipment to be used in providing emergency services, a summary of which is attached;

WHEREAS, consistent with the recommendation of the Superintendent of Public Works, the contractor selected is C.M. DiCocco Inc., which is believed to have presented the proposal in the best interests of the Borough, price and all other factors considered;

WHEREAS, further details concerning each proposal are on file with the Borough Clerk;

WHEREAS, the funds needed to enter into this contract are available;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid emergency services contract is hereby awarded to C. M. DiCocco Inc. and the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into said contract in substantially the form annexed hereto subject to such changes as to form approved by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2010-4.9, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2010 – 4.10**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO
MECO, INC. FOR WORK COMPLETED ON THE BURD STREET RECONSTRUCTION
PROJECT**

WHEREAS, Mecco, Inc. has completed certain work on the Burd Street Reconstruction Project (VNHA #38594-500-52) relating to reconstruction of Burd Street; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements and confirms that all work required by the contract has been completed and that the work performed is satisfactory;

WHEREAS, Mecco, Inc. has been paid in full for the work, except the Borough has retained two percent (2%) of payments under the contract pending completion;

WHEREAS, Van Note Harvey Associates has recommended that the aforesaid retainage, in the total amount of \$3,528.01, be returned to the contractor;

WHEREAS, funds are available in account # G-02-44-939-000-250, NJ DOT – Burd Street;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to pay to Mecco, Inc. the amount of \$3,528.01, representing release of the project retainage.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2010-4.10, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2010-4.11**

**A RESOLUTION AUTHORIZING THE FILING OF A
RECYCLING TONNAGE GRANT FOR 2009**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the calendar year 2009 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Council of Pennington Borough to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of Pennington Borough that Pennington Borough, hereby, endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates W. Jeffrey Wittkop to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2010-4.11, second by Council Member Ogren with all members present voting in favor.

Council Discussion

No Parking at Crosswalks – Mr. Ogren stated that at the February meeting he handed out a list of various crosswalks where the Public Safety Committee is recommending a fifty foot parking prohibition before the crosswalk, where there is no stop sign. Mr. Ogren stated that crosswalks where there are stop signs are regulated by Statute. Mr. Ogren stated that there are six crosswalks on the list and if Council agrees the next step would be to adopt an ordinance.

Teen Center – Mayor Persichilli stated that he wanted to talk about this because Hopewell Township will be coming to the Planning Board to talk about this proposal at the May meeting. Mayor Persichilli stated that he heard that the plan is for an agreement with Capital Health that they will pay the taxes on the property for one year and after that the Township will pick up the taxes. Mayor Persichilli stated that after that first year, the Township could say that because they are a municipality, they don't have to pay the taxes. Mayor Persichilli stated that every time this subject has come up he has stated that the Borough wants taxes to continue to be paid on the property and it will not be coming off the tax records. Mayor Persichilli stated that he can't influence the Planning Board, but he does have an issue with the taxes on this property. Mr. Lawver stated that this teen center is being operated on a pilot basis and if it were a permanent solution he might have a different attitude, but the way it is now, the Borough should not have to bear the tax burden. Mr. Lawver stated that the teen center is supposed to be fully funded, by private sources on a trial basis and that means that the taxes need to be paid. Mayor Persichilli stated that he wanted Council to be aware of the discussions that are going on. Mr. Lawver stated that as long as the Borough is made whole, which includes School, County and Municipal taxes. Mr. Lawver stated that as far as he knows, Borough Council has not authorized a teen center to be built and this is not even a municipal purpose. Ms. Heinzel stated that last she heard was that the teens had only raised about one-third of what they need and it needs to be made clear that no funds will be coming from Pennington Borough. Mr. Griffiths stated that he does not feel that a teen center is needed, it will serve a very small constituency and in five years it will be cobwebs. Mr. Lawver asked what if this goes before the Planning Board and what if Council's arguments are not persuasive enough and the Planning Board approves the teen center. Mr. Lawver asked Mr. Bliss if Council would have any say if the Planning Board approves the teen center. Mr. Bliss stated that Council would not have any say, if it were a use variance. Ms. Heinzel asked if the Planning Board could set as one of the conditions that the taxes must be paid. Council Members agreed that the Borough can not afford the loss of any taxes, however small they may be.

Administrator's Report

Clean up at Rockwell Green – Mr. Dunworth stated that this issue is being dropped due to a miscommunication; it will be discussed further with the people involved.

Professional Reports

There were no further professional reports. Mr. Bliss asked for a closed session following the meeting.

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.

Closed Session

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

AT, 9:57 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:

- Tax Appeal – Capital Health
- Tax Appeal – Presbyterian Homes

AT, 10:12 PM, Mayor and Council returned to open session.

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

Council Member Lawver made a motion to approve the Closed Session minutes of the February 1, 2010 and March 1, 2010, second by Council Member Griffiths with all members present voting in favor.

At 10:14 pm, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk