

**Pennington Borough Council  
Regular Meeting – May 3, 2010**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzel, Lawver, Ogren, and Tucker in attendance.

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

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

**Flag Salute**

**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.

**Presentations**

Mr. Eric Holterman of 45 North Main Street provided an update on the Mayor's Task Force for the Historic Preservation Element. Mr. Holterman stated that since the last time he was here and based on suggestions from various boards, public comments and meetings held, the element was revised and updated and approved at a public hearing held at the March 10<sup>th</sup>, 2010 Planning Board meeting. Mr. Holterman said they are continuing to reach out to the public, speaking to churches, The Pennington School, Borough Council and other groups. Mr. Holterman stated that their next step is to change the existing Task Force into a committee charged with actually writing the ordinance. Mr. Holterman stated that the committee would consist of the task force plus Mr. Ogren and Ms. Heinzel to work towards writing the ordinance. Mr. Holterman stated that they will also continue to reach out to the public and hold meetings. Mayor Persichilli asked what sort of comments are coming in from the public. Mr. Holterman stated that by and large the comments have been positive and have been that Pennington has gone a long time without any kind of protection. Mr. Holterman stated that there has been a lot of input around the idea of having limits in place on demolitions. Mr. Holterman stated that other comments have been that if there is an ordinance, there should be a time limit attached to it so that applications don't drag on for a very long time. Mr. Holterman stated that also there has been concern that the ordinance not be written in a way to mandate great expense for residents who might not be able to comply. Ms. Heinzel stated that at the Planning Board meeting, Jack Koeppel indicated that if there is a cost associated with writing the ordinance that the Historical Society would be willing to put up funding to assist with those costs. Mr. Lawver asked for a time frame on writing the ordinance and asked for an explanation on the process from here. Mr. Holterman stated the ordinance would come to Council for introduction, be referred to the Planning Board for a consistency determination, then it would come back to Council for Public Hearing and Adoption.

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2010-9 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE # 2010 – 9**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, Division of Local Government Services the Municipal Budget Cap Cost of Living Adjustment is 0% and the Mayor and Council of the Borough of Pennington hereby determines that a 0% increase in the budget for said year, amounting to \$0 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and advisable and

necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS** the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$72,351 and that the CY 2010 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Griffiths made a motion to introduce Ordinance 2010-9, second by Council Member Chandler with all members present voting in favor.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2010-7 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE # 2010-7**

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

**WHEREAS**, Borough Council of the Borough of Pennington seeks to amend Chapter 98 of the Borough Code, pertaining to fees, to provide annual fees for liquor licenses pursuant to Ordinance 2010-6 ("Ordinance Authorizing Issuance of Certain Licenses for the Consumption and Distribution of Alcoholic Beverages Subject to State and Local Regulations"), now pending before Borough Council;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 98 of the Code of the Borough of Pennington ("Code") is hereby amended to provide for a new Article XIII, (numeration upon adoption of Ordinance 2010-5, "Ordinance Amending Chapter 98 of the Code of the Borough of Pennington Concerning Fees", now pending before Borough Council), providing for fees pertaining to Liquor Licenses, as follows:<sup>1</sup>

1. 98-50. Annual fees for licenses for the sale or distribution of alcoholic beverages in the Borough are the following:

A. Plenary Retail Consumption License: \$2,500.

B. Plenary Retail Distribution License: \$2,500.

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2010-7, second by Council Member Chandler. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2010-7, second by Council Member Chandler with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-7, second by Council Member Chandler with all members present voting in favor.

Mayor Persichilli read Ordinance 2010-8 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2010-8**

**AN ORDINANCE AMENDING "AN ORDINANCE  
TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND  
EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW  
JERSEY FOR THE YEAR 2009."**

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<sup>1</sup>New language is underlined. Any deleted language is bracketed [ ]

**WHEREAS**, Borough Council has created by resolution the position of Sidewalk Inspector to inspect repairs and replacements of sidewalks by property owners pursuant to Chapter 177 of the Borough Code;

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

1. Section Ia of Borough of Pennington Ordinance No. 2009-7 ( "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2009") is hereby amended to provide for the following additional position and related compensation:

Sidewalk Inspector	\$150 (flat fee per inspection)
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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 Tucker made a motion to open the Public Hearing on Ordinance 2010-8, second by Council Member Chandler. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2010-8, second by Council Member Chandler with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2010-8, second by Council Member Chandler with all members present voting in favor.

### **Introduction of 2010 Budget**

#### **Borough of Pennington Resolution #2010 – 5.17**

#### **A RESOLUTION AUTHORIZING A SELF-EXAMINATION OF THE 2010 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7-2 through 7-5, the Borough of Pennington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Pennington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth
  - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2010-5.17, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington  
Resolution #2010 – 5.18**

Council Member Griffiths made a motion to introduce the Budget for 2010, second by Council Member Chandler. Mr. Griffiths stated that the finance committee managed to put together a budget that will keep the Borough tax rate at a zero increase. Mr. Griffiths stated that we are able to do this despite a lot of adverse events. Mr. Griffiths stated that we experienced a \$50,000 increase in benefits for employees as well as utility and energy expenses over which the Borough has no control. Mr. Griffiths stated that the Borough had a \$53,000 decrease in State Aid and by not increasing the Borough tax rate and having a net devaluation in the community of about 4 percent, the decrease in tax revenue is \$100,000. Mr. Griffiths stated that on the favorable side, the Borough has identified new sources of revenue which include Verizon Franchise Fees and currently the Borough is in discussions with the Library and they appear to be open to contributing some amount of money to the Borough. Mr. Griffiths stated that the Borough has restructured its debt. Mr. Griffiths explained that Bond Anticipation Notes will be converted to fixed rate bonds at about 3.9 percent interest. Mr. Griffiths stated that this will give the Borough a one-time favorable elimination of principal payment of \$55,000 and various other line item cuts amounting to \$30,000 which includes the delay of leasing a police car to replace the Jeep, cuts in recreation and shade tree. Mr. Griffiths stated that at this point there is no anticipated reduction in services. Mr. Griffiths stated that he cannot guarantee that there won't be furloughs this year and payroll adjustments may become necessary as the year goes forward. Upon a roll call vote, all members present voted in favor of introduction of the 2010 Budget.

Mayor Persichilli stated that this has been a difficult process and next year will be even more difficult. Mayor Persichilli stated that as we go forward, we will be looking at anything and everything and nothing will be off limits in terms of reexamining how things are done and how they will have to be done in the future. Mayor Persichilli thanked everyone for their hard work on this budget.

Ms. Sterling stated that when she was reviewing the proposed budget, there were some rounding of numbers that will need to be adjusted prior to adoption of the budget. Ms. Sterling stated that the Borough Auditor advised that if the changes are announced at introduction, we can avoid doing an amendment for such a small amount.

**Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Ms. Heinzel reported that the Library held its volunteer reception on April 23<sup>rd</sup> to honor volunteers who work at the Library. Ms. Heinzel stated that the Friends of the Pennington Library will hold a fundraiser this Wednesday, May 5<sup>th</sup> at the Pennington School. Ms. Heinzel stated that tickets are available in the Library. Ms. Heinzel stated that the Library was selected to receive a National Endowment of History Grant for a “We the People” bookshelf. Ms. Heinzel stated that this is a bookshelf that the Library received with a nice collection of books, periodicals and videos regarding the Constitution. Ms. Heinzel stated that throughout the year, this collection will be showcased in various programs and there is the possibility that Congressman Holt may come and do a presentation to the fifth graders at Tollgate.

Ms. Heinzel reported that the Friends of the Library met and approved a resolution in opposition to the proposed budget cuts.

Ms. Heinzel stated that the Planning Board met on April 14<sup>th</sup>. Ms. Heinzel stated that a presentation was made by the owner of 45 North Main Street who had an issue with respect to an air conditioner. Ms. Heinzel explained that this property has a window bump out that already exceeds the setback requirement and so the question became whether a variance was needed for the air conditioner. Ms. Heinzel stated that the Planning Board decided that the air conditioning unit would not increase the non-conformity and the Board did not require a variance. Ms. Heinzel stated that an application was presented for 112 West Delaware for replacement of a barn on their property. Ms. Heinzel stated that there was a lot of discussion on this application and because the applicant was missing some information, the application was carried to the May meeting. Ms. Heinzel stated that the Pennington School also appeared to request release of their performance

guarantee and letter of credit. Ms. Heinzl stated that their request was granted. Ms. Heinzl reported that the Planning Board will have a discussion of their priorities list at the May meeting.

Ms. Heinzl stated that the Environmental Commission met on April 19<sup>th</sup>. Ms. Heinzl stated that a member of the Ewing Environmental Commission was in attendance to observe the meeting. Ms. Heinzl stated that the Environmental Commission discussed the purchase of a new police car in the hopes that the Borough will consider a hybrid car. Ms. Heinzl stated that they also discussed Pennington Day activities.

Ms. Heinzl stated that the Hopewell Valley Green Futures Task Force had their Green Fair which was the first Valleywide event that they sponsored. Ms. Heinzl stated that the event was well received by those that attended, however they had hoped for a better turnout. Ms. Heinzl stated that the task force is seeking donations to help pay to have a shredding day to be held at the Pennington Farmer's Market.

Mayor Persichilli stated that several businesses in the last couple of days have come forward and asked why Pennington Day is being held near the Tollgate School and not downtown. Mayor Persichilli stated that he will notify the Pennington Day Committee of the concerns of the business owners.

**Public Works / Economic Development** – Mr. Lawver reported that he was unable to attend the Economic Development Commission meeting. Mr. Lawver stated that the Public Works Committee met this morning to discuss several items. Mr. Lawver stated that they will be making plans to replace the existing water line between Kunkel Park and Rockwell Green in advance of the reconstruction of Lower King George Road. Mr. Lawver stated that they are going to recommend that the line be extended from Rockwell Green almost all the way to East Delaware to potentially connect into a line coming from Pennington Rocky Hill Road and also to close the loop to keep the water flowing. Mr. Lawver stated that the Public Works Committee has come up with a general design theme for Lower King George Road and Van Note Harvey has been authorized to proceed with final design and permitting for the project. Mr. Lawver stated that the committee discussed the Safe Routes to Schools project which is also in the final design and permitting stages. Mr. Lawver stated that this project should be put out for bids sometime in the next couple of weeks. Mr. Lawver stated that because the design of this project took a little longer than anticipated, the work will most likely be constructed in September in October resulting in extra traffic and pedestrian control due to school being back in session. Mr. Lawver stated that the Well 8 project is ongoing; the contractor has had difficulty in getting the machinery up and running as designed. Mr. Lawver stated that they are working through the problems and still expect the well to be up and running in time for peak water usage.

Mr. Lawver gave the following report for water and trash for the Month of April 2010.

**PENNINGTON BOROUGH PUBLIC WORKS**

**TO:** Joseph Lawver, Chairman  
Public Works Committee

**FROM:** Jeff Wittkop, Superintendent

**DATE:** May 3, 2010

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

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**WATER**

Water pumped for the month of April–	7,608,000
Daily-	253,600
 Water pumped for the month of April 2009-	8,296,000
Daily-	276,500

For the month of April 2010 we averaged 22,900 gallons less per day than April 2009.

**TRASH**

95.71 tons of household trash for the month of April 2010 vs. 88.12 tons in April 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.

**Personnel** – Mr. Ogren had no report.

**Community Services-** Ms. Chandler reported that Parks and Recreation did meet and mainly discussed the reduction of the budget and how to lower costs. Ms. Chandler stated that the Memorial Day Parade will be held as scheduled followed by a Memorial Day Concert at the Howe Commons. Ms. Chandler stated that the Flags along Main Street will be going up. Ms. Chandler stated that the Adopt-A-Flag

program is still in effect for anyone wishing to purchase a flag. Ms. Chandler stated that National Trail Days will be held June 5<sup>th</sup> in Kunkel Park and Parks and Recreation is planning a guided trail and subsequent concert in the park. Ms. Chandler stated that other concerts are being planned, but nothing has been finalized.

**Police-** Mr. Tucker reported that Connie Miller, Crossing Guard at the Tollgate School in the morning has resigned to take another position. Mr. Tucker reported that on April 20<sup>th</sup>, the School Board Election was held with no request for Police Services. Mr. Tucker reported that the Department has one officer out on Workers Compensation and he will be out for several weeks. Mr. Tucker stated that final plans for Pennington Day and the 5K race are being finalized; additional Police Personnel from Hopewell Township will supplement the Borough's officers.

Mr. Tucker reported the following statistics for the Month of April.

Burglaries	2
Thefts	3
Motor Vehicle Stops	208
Warnings Issued	109
Parking Summonses	3
DUI Summons	1
Accident Reports	6
Female Arrests	1
Male Arrests	3
Juvenile Arrest	1

**Finance** – Mr. Griffiths stated he had no further report.

Mayor Persichilli stated that the Mayor's from the three municipalities met to discuss the defeat of the school budget. Mayor Persichilli stated that they will be meeting with the Board of Education on Wednesday at 5:00pm. Mayor Persichilli stated that this is a public meeting and notes have been sent out to parents. Mayor Persichilli stated that the first time the Mayors met they discussed the process and he will keep Council up to date as to what is happening. Mayor Persichilli stated that he, Joe Lawver and Tom Ogren are representing Pennington Borough at these meetings.

**New Business**

**Borough of Pennington  
Resolution #2010-5.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Wells Fargo Real Estate Tax Services, LLC, Attn: Financial Support Unit, 1 Home Campus, MAC X2302-04D, Des Moines, IA 50328-0001 for an overpayment of second quarter 2010 taxes in the amount of \$257.34 for Block 1005, Lot 4.

**BE IT RESOLVED**, that a refund be issued to BAC Tax Services Corporation, CA6-913-LB-01, P O Box 10211, Van Nuys, CA 91499-6089 for an overpayment of second quarter 2010 taxes in the amount of \$164.78 for Block 706, Lot 4.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2010 – 5.2**

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 657,470.81 from the following accounts:

Current	\$ 217,150.69
W/S Operating	\$ 68,454.70

Grant Fund	\$ 8,528.01
Unemployment Trust	\$ 73.48
General Capital	\$ 39.80
Developers' Escrow	\$ 356,680.45
Water/Sewer Capital	\$ 6,543.68
<b>TOTAL</b>	<b>\$ 657,470.81</b>

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.2, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2010-5.3**

**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.

Administrative	Other Expense	\$ 1,000.00
Municipal Clerk	Salaries	\$ 5,000.00
Financial Administration	Salaries	\$ 4,000.00
Tax Collection	Salaries	\$ 2,000.00
Tax Map Maintenance	Other Expense	\$ 2,500.00
Planning Board	Salaries	\$ 3,000.00
Construction	Salaries	\$ 1,500.00
Group Insurance	Other Expense	\$ 10,000.00
Police	Salaries	\$ 30,000.00
LOSAP	Other Expense	\$ 201.17
Streets	Salaries	\$ 10,000.00
Trash	Other Expense	\$ 20,000.00
Borough Property	Other Expense	\$ 2,500.00
Environmental Commission	Other Expense	\$ 45.00
Recreation	Salaries	\$ 2,500.00
Recreation	Other Expense	\$ 1,000.00
Celebration of Public Events	Other Expense	\$ 300.00
Street Lighting	Other Expense	\$ 5,000.00
Social Security	Other Expense	\$ 5,000.00
Interlocal – Janitorial	Other Expense	\$ 2,000.00
	<b>Total</b>	<b>\$ 107,546.17</b>

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

Group Insurance	Other Expense	\$ 12,000.00
	<b>TOTAL</b>	<b>\$ 12,000.00</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2010-5.3, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington  
Resolution #2010 – 5.4**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL SERVICES AGREEMENT WITH THE BOARD OF FIRE COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1 FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES**

**WHEREAS**, the Borough of Pennington (the “Borough”), is responsible for providing Emergency Medical Services within the boundaries of the Borough; and

**WHEREAS**, pursuant to the Interlocal Services Act (N.J.S.A. 40:8A-1 et.seq.), the Borough desires to contract with the Board of Fire Commissioners of Hopewell Township Fire District No. 1 for the provision of Basic Life Support Services within the boundaries of the Borough;

**WHEREAS**, the proposed Interlocal Services Agreement, of which a copy is attached, is in substantially the same form as the 2009 agreement between these parties including the \$3,000 annual fee for the services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough of Pennington is hereby authorized and directed to execute the attached Interlocal Services Agreement between the Borough of Pennington and the Board of Fire Commissioners of Hopewell Township Fire District No.1 for the provision of Basic Life Support Services within the boundaries of the Borough, subject to approval as to final form by the Borough Attorney of the Borough of Pennington.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2010-5.4, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution #2010 - 5.5**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE COMPLETION OF THE 2009 RIGHT TO KNOW SURVEY**

**WHEREAS**, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2009 Right To Know Survey; and

**WHEREAS**, the contemplated services include inventory of areas that contain hazardous chemicals and completion of the 2009 Right to Know Survey for each area as follows:

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

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

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

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

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.5, second by Council Member Tucker. Discussion took place with regard to why this has to be done each year and whether there are alternatives to paying an outside vendor to do the survey. Upon a roll call vote, all members present voted in favor of the Resolution.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010-5.6**

**A RESOLUTION TO AFFIRM THE BOROUGH OF PENNINGTON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Pennington to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Pennington has determined that certain procedures need to be established to accomplish this policy;

**NOW, THEREFORE BE IT ADOPTED** by the Borough Council of the Borough of Pennington that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Pennington by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the result of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web-site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Council Member Griffiths made a motion to approve Resolution 2010-5.6, second by Council Member Tucker. Mr. Lawver asked where this resolution came from. Mr. Dunworth stated that this is part of the

Joint Insurance Funds annual requirements in order to keep the Borough EPL insurance rates as low as possible. Mr. Bliss stated that this will have to be made part of the personnel manual. Mr. Bliss stated that the manual already covers the subject matter, there may be some differences in detail. Mr. Bliss stated that the form of the Personnel Manual was required by JIF two years ago. Mr. Dunworth stated that there is no harm in passing the resolution. Mr. Bliss stated that by passing this resolution, Council is not saying henceforth we shall be liable if people complain about third parties working for us; but this ensures that we have coverage. Mr. Bliss explained that the JIF wants the Borough to have this policy so that we won't be sued for not having a policy that covers that situation. Ms. Heinzl asked if having this policy would obligate the Borough or its employees in any way to have responsibility for volunteers and the way they may act. Mr. Bliss stated that this resolution puts a procedure into place that ensures that the Borough will respond to every complaint. Mr. Bliss stated that if the Borough does not have a policy in place that requires that it is sensitive and responsive to complaints, then the Borough would be liable. Mr. Bliss stated that if the Borough does not have a policy in place that ensures response to complaints then it will be held vicariously liable as if it were actually engaged in the harassing conduct. Mr. Lawver stated that Section 6 of the Resolution requires the Borough Administrator to establish written procedures and if the current personnel manual states that then he is ok. Mr. Bliss indicated he thought the current manual covered that. Mr. Lawver stated that Section 8 requires that a summary of this resolution and the procedures established be communicated within the Borough. Mr. Bliss stated that the current manual states that at least bi-annually the manual should be reviewed for updating purposes and it should be redistributed. Mr. Ogren stated that he would like this to be referred to the Personnel Committee to ensure that Council is not passing something that is redundant or inconsistent with the Personnel Manual. Mr. Ogren moved to table the Resolution, second by Ms. Heinzl with all members present voting in favor.

**Borough of Pennington  
Resolution #2010-5.7**

**RESOLUTION AUTHORIZING A TAX REFUND FOR A DISABLED VETERAN'S PROPERTY TAX EXEMPTION**

**WHEREAS**, the Tax Assessor has granted a claim for property tax exemption under the 100% disabled veteran policy for property known as Block 302, Lot 6, located at 111 King George Road, with a classification of 15F effective January 1, 2010; and

**WHEREAS**, the property owner(s) of record: Kathleen McIlvaine and Ferdinando J. Bastedo, Sr. of 111 King George Road, Pennington, New Jersey, have paid the first quarter taxes for 2010; and

**WHEREAS**, Kathleen McIlvaine and Ferdinando J. Bastedo, Sr. are entitled to a refund for the taxes paid during this period of 2010 due to the property tax exemption granted;

**NOW, THEREFORE, BE IT RESOLVED**, on this 3<sup>rd</sup> day of May, 2010, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, that the following property tax payments be refunded:

<u>YEAR</u>	<u>TAXING DISTRICT</u>	<u>AMOUNT</u>
2010	Municipal and County	\$3,170.41

**BE IT RESOLVED**, that the Tax Collector shall be relieved from the collection of the balance of the 2010 Preliminary taxes in the amount of \$3,170.41 due to this property exemption.

**BE IT FURTHER RESOLVED**, that a copy of this adopted Resolution shall be forwarded to the Chief Financial Officer for the processing of a refund in the amount of \$3,170.41 to the property owners, a copy of this Resolution shall be forwarded to the Tax Assessor so that the respective county tax credit can be processed, and a copy of this resolution shall be forwarded to the Tax Collector.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.7, second by Council Member Heinzl. A brief discussion took place with regard to the Resolution and upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2010-5.8**

**RESOLUTION COMMITTING THE BOROUGH OF PENNINGTON TO ENGAGE THE TOWNSHIP OF HOPEWELL AND THE BOROUGH OF HOPEWELL IN JOINT ANALYSIS OF MUNICIPAL SERVICES, COSTS AND TAXES**

**WHEREAS**, the State of New Jersey has the highest per capita property taxes in the Nation; and

**WHEREAS**, the economy of the State of New Jersey is in a state of economic and fiscal crisis, including job losses, reduced home values, and pressure on the property tax base upon which most municipalities rely; and

**WHEREAS**, New Jersey has over 500 municipalities, over 600 public school districts, and additional hundreds of authorities, commissions, and districts; and

**WHEREAS**, the State law requires certain local government positions that are duplicated in each of the three Hopewell Valley municipalities; and

**WHEREAS**, Hopewell Valley municipalities are served by two separate departments of police and three separate departments of public works; and

**WHEREAS**, the duplication of positions and departments presents a potential opportunity to reduce local government costs and the accompanying property tax burden; and

**WHEREAS**, laws enacted by the State of New Jersey in 2007 encourage and facilitate municipalities to assess, analyze, and adopt shared service and consolidation agreements; and

**WHEREAS**, in their agreement to settle a tax appeal lawsuit filed by Hopewell Township in 2005, Hopewell Borough, Hopewell Township and Pennington Borough agreed to share detailed budget information with one another on an ongoing basis.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Pennington commits itself to engage the Township of Hopewell and the Borough of Hopewell in a joint analysis of municipal budgets, positions and departments; and

**BE IT FURTHER RESOLVED**, that the Borough of Pennington will work with the Township of Hopewell and the Borough of Hopewell to develop a format for budget analysis and presentation that uses consistent spending categories, using terms that are clear and understandable to the public; and

**BE IT FURTHER RESOLVED**, that the three Hopewell Valley municipalities will seek from the Mercer County Board of Taxation an estimate of the tax levy and rate required to fund alternative scenarios that may result from joint budget analysis; and

**BE IT FURTHER RESOLVED**, that the three Hopewell Valley municipalities prepare a joint analysis of three separate and combined budgets and present such analysis to the public as part of their 2010 municipal budget presentations.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2010-5.8, second by Council Member Chandler. Mayor Persichilli stated that way back a proposal was made that the municipalities get together and share financial information and this resolution requires that for 2010. Mr. Ogren asked how much staff time would be required to comply with this. Mr. Lawver stated that he is not sure what this exercise would gain by this process that couldn't be gained by sharing a copy of the budget document. Mr. Griffiths stated that this resolution commits the Borough to a joint analysis and that could be done in no time. Mr. Griffiths stated that this develops a format for joint analysis. Mr. Griffiths stated that there are essential dissimilarities that don't lend themselves to analysis. Mr. Griffiths stated that this significantly underestimates the complexity of truly working on cost reduction and passing a resolution with undefined terms gets us nowhere. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010-5.9**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO'S PIZZA TO  
MAINTAIN A TEMPORARY OUTDOOR  
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2010**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This conditional authorization shall in any event expire on December 31, 2010.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2010-5.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2010 -5.10**

**RESOLUTION AUTHORIZING WEEKLY TRANSFER  
OF REAL ESTATE PROPERTY TAX INFORMATION TO SIGNATURE INFORMATION  
SOLUTIONS**

**WHEREAS**, Signature Information Solutions, LLC, a joint venture between Charles Jones and Data Trace, located at 300 Phillips Boulevard, Suite 400, Trenton, New Jersey 08618 (“Signature”), seeks to obtain weekly electronic transmittal of real estate property information from the Borough for use by Signature in providing tax searches to the title insurance industry;

**WHEREAS**, the information requested is public information, consisting of quarterly tax details, lien records, utility records and special assessment information that is subject to production as public records under the Open Public Records Act;

**WHEREAS**, Signature represents and agrees that it will protect the information and not, for example, resell the information as a mailing list;

**WHEREAS**, Signature further represents and agrees that the Borough of Pennington will not incur any charges for providing this electronic information;

**WHEREAS**, Signature further represents and agrees that the Borough of Pennington will not assume any liability for the data transferred or for the use of the data by Signature;

**WHEREAS**, Signature will pay two hundred dollars (\$200) to the Borough as an annual fee for the weekly electronic transmittals of data;

**WHEREAS**, Signature has presented a Memorandum of Agreement signed by Cynthia A. McBride, CTC, Data Research Coordinator for Signature, memorializing the above agreements and representations and declaring that the agreement will commence on the first day Signature receives the electronic file, and a copy of this Memorandum of Agreement is attached to this resolution;

**WHEREAS**, the aforesaid agreement between Signature and the Borough will reduce the time and expense required for Borough staff to respond to requests for tax searches, and the annual fee approximates the costs recoverable by the Borough under the Open Public Records Act;

**WHEREAS**, before transmittal of data begins, Signature shall submit to the Borough a request for production of records under the Open Public Records Act in the form required by the Borough;

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

1. The Borough Clerk shall send a copy of this Resolution to Signature Information Solutions with the Memorandum of Agreement signed by Signature attached and shall (a) inform Signature that the Borough accepts the proposed Agreement in reliance on the representations and promises contained in the Memorandum of Agreement and (b) advise Signature of the procedures for filing a request for information under the Open Public Records Act.

2. Upon receipt of Signature’s request for information under the Open Public Records Act, the Tax Assessor is hereby authorized to effectuate the Agreement with Signature on behalf of the Borough by transmittal of the requested electronic files by the Assessor, in conformance with the Open Public Records Act, and payment of the required fee by Signature.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.10, second by Council Member Griffiths. Following a brief discussion, all members present voted in favor of the resolution.

**BOROUGH OF PENNINGTON  
RESOLUTION #2010 – 5.11**

**RESOLUTION APPOINTING ACTING SERGEANT STEVEN FRIEDMAN TO PERMANENT  
STATUS AS SERGEANT IN THE PENNINGTON BOROUGH POLICE DEPARTMENT**

**WHEREAS**, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

**WHEREAS**, Steven Friedman is now serving as Acting Sergeant of the Pennington Borough Police

Department;

**WHEREAS**, upon the recommendation of the Director of Public Safety, it is determined by Borough Council that Steven Friedman has qualified for permanent appointment as Sergeant;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Acting Sergeant Steven Friedman is hereby appointed to permanent status as Sergeant in the Pennington Borough Police Department.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2010-5.11, second by Council Member Chandler with all members present voting in favor

**BOROUGH OF PENNINGTON  
RESOLUTION #2010 - 5.12**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR THE PAYMENT OF TAX AND UTILITY CHARGES**

**WHEREAS**, under New Jersey State Statute 40/a:5-43 and New Jersey Administrative Code 5:30-9.1 through 5:30-9.10, local municipal units are permitted to offer residents electronic payments; and

**WHEREAS**, subject to those provisions the Borough of Pennington seeks to offer to its residents on-line payment for tax and utility charges in the form of on-line banking and credit cards; and

**WHEREAS**, the current tax and utility software provider, Edmunds & Associates, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,200.00 per billing module, for a total of \$2,400.00 per year, and

**WHEREAS**, The Bank of Princeton has agreed to reimburse the Borough the fees charged by Edmunds & Associates, as described above; and

**WHEREAS**, under the provisions of the aforementioned statute and administrative code, Edmunds & Associates has named Links2Gov as their secured payment provider; and

**WHEREAS**, the charges paid by the property owner to the provider will be \$1.05 per banking transaction, and up to 2.95% on each credit card transaction; and

**WHEREAS**, this agreement shall be in place for one year following the date of adoption.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above and authorize the Mayor of the Borough with the approval of the Borough Attorney, to enter into such agreements with The Bank of Princeton and Edmunds & Associates as may be necessary to ensure reimbursement of the Borough for related fees.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Chief Financial Officer and the Tax and Utility Collector.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2010-5.12, second by Council Member Heinzel with all member present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010-5.13**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER/SEWER UTILITY BONDS OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,366,000 IN PRINCIPAL AMOUNT**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:**

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Water/Sewer Utility Bonds in the principal amount of \$1,366,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$18,250	526	Improvement to Well No. 7, finally adopted May 3, 1993.	40 years
\$119,400	97-3	Preparation of inflow and infiltration study and remedial action to upgrade the sewer system, finally adopted April 7, 1997.	40 years
\$456,500	98-3	Improvements to the water supply system, finally adopted March 2, 1998.	20 years
\$352,250	03-08	Various improvements to the water and sewer system utility, finally adopted August 4, 2003.	40 years
\$419,600	07-09	Various improvements to the water/sewer utility, finally adopted November 5, 2007.	27.22 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

- a. The period of usefulness, is not less than 27.22 years.
- b. The Bonds of the combined issue shall be designated "Water/Sewer Utility Bonds" and shall mature within the average period of usefulness herein determined.
- c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.
- b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2010-5.13, second by Council Member Tucker. Mr. Lawver questioned the useful life calculation and stated that the same problem occurs in the next resolution. It was decided to change some of the wording with regard to useful life. Upon a roll call vote all members present voted in favor.

After discussion of Resolution 2010-5.14, Council decided that since the Resolutions were prepared by Bond Counsel, they should remain as presented. Council Member Ogren made a motion to approve Resolution 2010-5.13 without changes, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010 - 5.14**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,148,000 IN PRINCIPAL AMOUNT**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:**

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$1,148,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b>Principal Amount of Bonds</b>	<b>Number of Ordinance</b>	<b>Description of Improvement and Date of Adoption of Ordinance</b>	<b>Useful Life</b>
\$15,000	04-95, as amended by 09-95	Acquisition of a garbage truck, finally adopted April 3, 1995, as amended June 5, 1995.	5 years
\$124,000	03-09	Various capital improvements, finally adopted August 4, 2003.	8.86 years
\$790,000	04-11	Purchase of land and the redesign and construction of a Public Works Building and the construction of a salt dome, finally adopted December 6, 2004.	40 years
\$57,500	05-10	Acquisition of Public Works vehicles, finally adopted August 1, 2005.	5 years
\$161,500	09-01	Acquisition of a new garbage truck, finally adopted February 2, 2009.	5 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

- a. The period of usefulness, is not less than 29.50 years.
- b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.
- c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.
- b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2010-5.14, second by Council Member Tucker. Discussion took place with regard to who drafted these Resolutions. Ms. Sterling stated that these

Resolutions were drafted by Bond Counsel. After some discussion, Council felt that the Resolutions should be left as is. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010 – 5.15**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$2,514,000 GENERAL OBLIGATION BONDS, CONSISTING OF \$1,148,000 GENERAL IMPROVEMENT BONDS AND \$1,366,000 WATER/SEWER UTILITY BONDS OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AND PROVIDING FOR THEIR SALE.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:**

Section 1. The \$1,148,000 General Improvement Bonds of the Borough of Pennington, in the County of Mercer, New Jersey (the “Borough”) referred to and described in the resolution adopted by the Borough Council pursuant to the Local Bond Law of the State of New Jersey on May 3, 2010 and entitled, “Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of Pennington, in the County of Mercer, New Jersey into a Single Issue of Bonds Aggregating \$1,148,000 in Principal Amount,” shall be issued as General Improvement Bonds (the “General Improvement Bonds”). The General Improvement Bonds shall mature in the principal amounts on July 15 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2013	\$30,000	2022	\$65,000
2014	\$40,000	2023	\$65,000
2015	\$45,000	2024	\$70,000
2016	\$50,000	2025	\$70,000
2017	\$60,000	2026	\$75,000
2018	\$65,000	2027	\$75,000
2019	\$75,000	2028	\$80,000
2020	\$60,000	2029	\$80,000
2021	\$60,000	2030	\$83,000

The General Improvement Bonds shall be subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The General Improvement Bonds shall be 18 in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-18, inclusive.

Section 2. The \$1,366,000 Water/Sewer Utility Bonds of the Borough referred to and described in the resolution adopted by the Borough Council pursuant to the Local Bond Law of the State of New Jersey on May 3, 2010 and entitled, “Resolution Providing for the Combination of Certain Issues of Water/Sewer Utility Bonds of the Borough of Pennington, in the County of Mercer, New Jersey into a Single Issue of Bonds Aggregating \$1,366,000 in Principal Amount,” shall be issued as Water/Sewer Utility Bonds (the “Water/Sewer Utility Bonds” and, together with the General Improvement Bonds, the “Bonds”). The Water/Sewer Utility Bonds shall mature in the principal amounts on July 15 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2013	\$55,000	2022	\$65,000
2014	\$65,000	2023	\$65,000
2015	\$70,000	2024	\$70,000
2016	\$80,000	2025	\$70,000
2017	\$90,000	2026	\$75,000
2018	\$100,000	2027	\$75,000
2019	\$115,000	2028	\$80,000
2020	\$60,000	2029	\$85,000
2021	\$60,000	2030	\$86,000

The Water/Sewer Utility Bonds shall be subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The Water/Sewer Utility Bonds shall be 18 in number, with one certificate being issued for each year of maturity, and shall be numbered WS-101 to WS-118, inclusive.

Section 3. The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of each series of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of CEDE & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the “Securities Depository”). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or any integral multiple thereof except, where necessary, also in the amount of \$1,000, through book-entries made on the books and the records of the Securities Depository and its participants

The Bonds will bear interest payable semiannually on the fifteenth day of January and July in each year until maturity, commencing on January 15, 2011, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding January 1 and July 1 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk. The following matters are hereby determined with respect to the Bonds:

Date of Bonds: June 1, 2010

Interest Payment Dates: Each January 15 and July 15 until maturity, commencing on January 15, 2011.

Section 4. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of the Securities Depository:

REGISTERED NUMBER A. _____	REGISTERED \$ _____
UNITED STATES OF AMERICA STATE OF NEW JERSEY COUNTY OF MERCER	
BOROUGH OF PENNINGTON	
B. _____ BOND	

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
6/1/10	7/15/___	_____ %	_____

BOROUGH OF PENNINGTON, in the County of Mercer, New Jersey (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), and to pay interest on such sum from the Dated Date of this bond until it matures at the Rate of Interest Per Annum specified above semiannually on the fifteenth days of January and July in each year until maturity, commencing on January 15, 2011. Interest on this bond will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the January 1 and July 1 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Borough will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The Bonds maturing prior to July 15, 2023 are not subject to optional redemption prior to maturity. The Bonds maturing on or after July 15, 2023 are subject to redemption on or after July 15, 2022 at 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

If Notice of Redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

C. \_\_\_\_\_

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF PENNINGTON has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the Dated Date as specified above.

BOROUGH OF PENNINGTON

By \_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_  
Clerk

By \_\_\_\_\_  
Chief Financial Officer

Section 5. In each of the General Improvement Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the General Improvement Bonds.

A. GI - \_\_\_

B. GENERAL IMPROVEMENT

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough adopted May 3, 2010 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of Pennington, in the County of Mercer, New Jersey into a Single Issue of Bonds Aggregating \$1,148,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings").

Section 6. In each of the Water/Sewer Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the General Improvement Bonds.

A. WS - \_\_\_

B. WATER/SEWER UTILITY

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough adopted May 3, 2010 and entitled, "Resolution Providing for the Combination of Certain Issues of Water/Sewer Utility Bonds of the Borough of Pennington, in the County of Mercer, New Jersey into a Single Issue of Bonds Aggregating \$1,366,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings").

Section 7. The Bonds shall be sold on May 20, 2010 by electronic auction in accordance with the Full Notice of Sale authorized in Exhibit A attached hereto. The Borough Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized in Exhibit B attached hereto and McManimon & Scotland, L.L.C., is hereby directed to arrange for the publication of the Summary Notice of Sale authorized in Exhibit C in the form provided herein, such publications to be not less than seven days prior to the date of sale. The Short Notice of Sale shall be published in the Hopewell Valley News (or another local newspaper) and the Summary Notice of Sale shall be published in the Bond Buyer, a financial newspaper published and circulating in the Borough of New York, New York. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to this Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Notice of Sale, to retain the good faith deposit of the successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 8. The Full Notice of Sale shall be substantially in the form attached hereto as Exhibit A with additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and MuniAuction. The Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and MuniAuction. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and MuniAuction.

Section 9. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon & Scotland, L.L.C., complete except for omission of its date.

Section 10. The law firm of McManimon & Scotland, L.L.C. is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official Statement to be prepared by McManimon & Scotland, L.L.C. and Borough officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 11. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 12. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 13. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof except, if necessary, also in the amount of \$1,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 14. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2010, to the Municipal Securities Rulemaking Board through the EMMA Data Port (the "MSRB") and to the appropriate State information depository ("State Repository"), if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough, (ii) the Borough's most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(b) in a timely manner to the MSRB and to the State Repository, if any, notice of the following events with respect to the Bonds, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes.

(c) in a timely manner to the MSRB and to the State Repository, if any, notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution.

Section 15. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 16. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 17. In the event that the Borough fails to comply with the Rule or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 18. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2010-5.15, second by Council Member Ogren with all members present voting in favor.

**Borough of Pennington  
Resolution #2010 – 5.16**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 7 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. 7 (\$ 1,300.00) less two percent (2%) retainage (\$ 26.00), the net due therefore amounting to \$ 1,274.00; 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 \$ 1,274.00 pursuant to payment request No. 7 is hereby authorized.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2010-5.16, second by Council Member Tucker with all members present voting in favor.

**Council Discussion**

**Report on School Budget** – Mayor Persichilli stated that he already discussed this, but did anyone have any questions. Ms. Heinzel asked if the public would be made aware of this meeting. Mayor Persichilli stated that the School Board was taking care of noticing the meeting.

**Administrator’s Report**

**Edmunds & Associates** – Mr. Dunworth stated that each year Edmunds sponsors a run to raise funds for CCFA and they are again requesting a contribution of \$250 which will be refunded as a credit on next years support invoice. Mr. Dunworth indicated that we have done this for the past five years at least.

**Shredding Day** – Mr. Dunworth stated that the cost of the shredding truck is \$125 per hour. Mr. Dunworth stated that Jim Davy is pursuing grants from companies to pay for the truck. Mr. Dunworth stated that Mr. Davy was in today and he presented two dates for consideration, July 31 or August 28. Mr. Dunworth stated

that these are the last Saturdays of these two months and this will be done at the Pennington Farmers Market. Council decided that July 31<sup>st</sup> would be the better date.

**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.

Mr. Jay Neary of 115 Lewisbrook Road came forward. Mr. Neary stated that his property separates the northern border of Kunkel Park and the Baldwin Lake area. Mr. Neary stated that for many years people have trailed through his property going from Kunkel Park to Baldwin Lake. Mr. Neary stated that he does not have a problem with that, however now there is a sign that has appeared on the border of Kunkel Park that says “Loop Trail to Baldwin Lake” with a container for people to pick up a map. Mr. Neary stated that now he is concerned because the erection of the sign makes this nebulous trail a public trail and this may impact his control over the area in years to come. Mr. Neary asked how the sign got there. Mr. Ogren stated that it was his understanding that Mr. Neary had granted an easement to D & R Greenway. Mr. Neary stated that he had not granted an easement. Mr. Ogren stated that he would look into this and get back to Mr. Neary.

**Closed Session**

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

**AT, 8:27 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
- Personnel – Borough Administrator

AT, 9:15 PM, Mayor and Council returned to open session.

**BOROUGH OF PENNINGTON  
RESOLUTION 2010-5.19**

**RESOLUTION REMOVING BOROUGH ADMINISTRATOR FROM HIS POSITION EFFECTIVE  
AUGUST 3, 2010**

**WHEREAS**, Borough Council of the Borough of Pennington has created by ordinance the position of Borough Administrator, as authorized by N.J.S.A. 40A:60-7 and 9-136, to serve at the pleasure of Borough Council;

**WHEREAS**, by resolution of Borough Council adopted August 2, 2004, the Mayor of the Borough with the consent of Borough Council appointed a Borough Administrator on a part-time basis who continues to serve the Borough in that capacity;

**WHEREAS**, current financial circumstance in the Borough necessitate elimination of this position in the Borough budget, effective as early as possible, for the remainder of 2010;

**WHEREAS**, a municipal administrator may be removed by a 2/3 vote of the governing body, provided the resolution of removal shall become effective three (3) months after its adoption or, if effective immediately, the governing body shall cause to be paid to the administrator forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following adoption of the resolution, as set forth in N.J.S.A. 40A:9-138;.

**WHEREAS**, Borough Council is highly appreciative of the services of the Borough Administrator and regrets the economic circumstances that require this action;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that for the aforesaid reasons the aforesaid Borough Administrator is hereby removed from the position of Borough Administrator effective August 3, 2010.

**Record of Council Vote on Passage**

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

May 3, 2010

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Council Member Griffiths made a motion to approve Resolution 2010-5.19, second by Council Member Lawver with all members present voting in favor.

At 9:17 pm, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Heinzl.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk