

**Pennington Borough Council
Regular Meeting – December 26, 2007**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 5:45 pm. Borough Clerk Betty Sterling called the roll with Council Members Heinzl, Lawver and Tucker in attendance. Council Members Garber, Griffiths and Zompa were absent.

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

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

Open to the Public – Agenda Items Only

Mayor Persichilli made the following announcement:

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 on agenda items.

Mayor's Business

Mayor Persichilli announced the following appointments to the Economic Development Commission:

- Cosmo Iacavazzi appointed to a 5 year term from 1/1/2008 to 12/31/2012
- Rachel Donington Torpey appointed to an unexpired term ending 12/31/2008

Mayor Persichilli announced that the Borough has received notification from the NJ Department of Transportation of a grant award in the amount of \$250,000 for improvements to Burd Street. Mayor Persichilli stated that he is trying to find out why the application for Streetscape Improvements was not approved.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2007-15 by title.

**BOROUGH OF PENNINGTON
Ordinance No. 2007 - 15**

**AN ORDINANCE INCREASING THE FEES FOR THE PAID DETAIL
SERVICES OF BOROUGH POLICE OFFICERS AND AMENDING THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Police Officers are permitted to engage in off-duty special work known as "Paid Detail Service;"

WHEREAS, Paid Detail Service is defined as services in the nature of special or private police duty which the Borough is not obligated to provide as normal police services;

WHEREAS, Paid Detail Service is provided by Officers in their off-duty hours to individuals, groups, clubs, institutions and others who make payments for such services;

WHEREAS, all requests for Paid Detail Service are made through the Borough's Director of Public Safety and all payments for such services are made to the Borough;

WHEREAS, Officers who provide Paid Detail Service use Borough vehicles, uniforms and equipment and are covered by Borough insurance;

WHEREAS, the Borough charges a fee for Paid Detail Service which in addition to compensating the Officer or Officers performing these services also helps to defray the Borough's related expenses;

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

1. Chapter 98 of the Code of the Borough of Pennington, Section 98-21, concerning "Fees Required for Paid Detail Police Services," is hereby amended to read as follows:

98-21. The fee paid to the Borough for Paid Detail Service shall be as follows:

- a. In calendar year 2007, beginning on the effective date of this ordinance, \$55. for each hour of service by each Borough Officer with a minimum payment of \$220. per officer;
- b. In calendar year 2008, \$65. for each hour of service by each Borough Officer with a minimum payment of \$260. per officer;
- c. In calendar year 2009, \$75. for each hour of service by each Borough Officer with a minimum payment of \$300. per officer.

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

Council Member Lawver made a motion to open the public hearing on Ordinance 2007-15, 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 Tucker made a motion to adopt Ordinance 2007-15, second by Council Member Heinzl with all members present voting in favor.

New Business

**Borough of Pennington
Resolution #2007-12.11**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to GMAC Mortgage, c/o First American Real Estate Tax Service, PO Box 961250, Fort Worth TX 76161-9887 for an overpayment of 4th quarter taxes for Joann E. Guellnitz, 401 Sked Street, Block 905 Lot 11, in the amount of \$400.00.

BE IT RESOLVED, that a refund be issued to Doris J. McAchen, 214-216 S. Main Street, for a refund of a Surviving Spouse of a Veteran for 2007 in the amount of \$250.00 for Block 703 Lot 16.

BE IT RESOLVED, that a refund be issued to Lee & Jana Dickstein, 37-39 South Main Street, for a refund for overpayment of fees for Planning Board application for Block 601, Lots 18, 19 in the amount of \$200.00.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-11, second by Council Member Heinzl with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 12.12**

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 \$ 383,358.66 from the following accounts:

| | |
|------------------------|---------------|
| Current | \$ 126,775.99 |
| W/S Operating | \$ 25,546.15 |
| Developers Escrow | \$ 17,475.87 |
| General Capital | \$ 2,281.00 |
| Animal Control Account | \$ 1,074.97 |
| Recreation | \$ 27.20 |
| Trust Fund | \$ 599.17 |
| COAH Trust Fund | \$ 162.50 |
| Water/Sewer Capital | \$ 122,815.59 |

Grant Fund \$ 86,600.22

TOTAL \$ 383,358.66

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-12.12, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007-12.13**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

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

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

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

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

| <u>Appropriations:</u> | <u>To:</u> | <u>From:</u> |
|-------------------------------------|---------------------|---------------------|
| Clerk-Salaries | | \$ 2,800.00 |
| Clerk – Other Expense | | \$ 3,900.00 |
| Finance – Salaries | | \$ 1,000.00 |
| Finance – Other Expense | | \$ 500.00 |
| Tax Collector – Salaries | | \$ 1,000.00 |
| Tax Collector – Other Expense | | \$ 200.00 |
| Tax Assessor – Other Expense | | \$ 2,000.00 |
| Legal | | \$ 12,000.00 |
| Planning Board – Salaries | | \$ 2,000.00 |
| Natural Gas/Propane – Other Expense | | \$ 2,000.00 |
| Electricity – Other Expense | | \$ 5,000.00 |
| Police – Other Expense | | \$ 10,250.00 |
| Police – Salaries | \$ 23,500.00 | |
| Streets – Salaries | \$ 8,400.00 | |
| Borough Property – Salaries | \$ 100.00 | |
| Tax Assessor – Salaries | \$ 200.00 | |
| Shade Tree – Other Expense | \$ 2,700.00 | |
| Gas/Fuel/Lubricants | \$ 5,000.00 | |
| Admin. – Other Expense | \$ 250.00 | |
| Telephone | \$ 2,500.00 | |
| Total Current Fund | \$ 42,650.00 | \$ 42,650.00 |
| Water – Salaries | | \$ 3,900.00 |
| Sewer – Salaries | \$ 3,900.00 | |
| Total Water/Sewer Fund | \$ 3,900.00 | \$ 3,900.00 |

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | Councilman | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|--------|
| Garber | | | | absent | Lawver | M | | | |
| Griffiths | | | | absent | Tucker | S | | | |
| Heinzel | X | | | | Zompa | | | | absent |

Council Member Lawver made a motion to approve Resolution 2007-12.13, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 12.14**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2
TO GRES PAVING COMPANY, INC., FOR WORK COMPLETED
ON THE BALDWIN STREET RECONSTRUCTION PROJECT**

WHEREAS, Gres Paving Company, Inc. has completed certain work pursuant to the Baldwin Street Reconstruction Project (VNHA #36710-500-52) relating to installation of bituminous concrete base course and topsoil, seed and mulch; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the Contractor’s Request for Payment No. 2 (\$68,547.01) less two percent (2%) retainage (\$1,370.94), the net due therefore amounting to \$67,176.07; and

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account #G-02-44-929-000-250-NJDOT 2005.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Gres Paving Company, Inc., in the amount of \$67,176.07 pursuant to payment request No. 2 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-12.14, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 12.15**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 5
TO PENN-BOWER, INC., FOR WORK COMPLETED
ON THE 2007 PUBLIC WORKS MAINTENANCE AND EMERGENCY
SERVICES CONTRACT**

WHEREAS, Penn Bower, Inc. has requested reimbursement for the costs of performance bond pursuant to the 2007 Public Works Maintenance and Emergency Services Contract (VNHA #37473-500-52); and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed the request and confirmed that the amount required to be reimbursed is 2.5% of the total contract amount, and Van Note Harvey Associates, P.C. has approved payment for same pursuant to the Contractor’s Request for Payment No. 5 (\$5,782.23), with no retainage being held for this item, the net due therefore amounting to \$5,782.23; and

WHEREAS, funds are available in account # W-06-00-553-000-250, Ordinance 98-3 – Improvements to Water supply System;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Penn Bower, Inc. in the amount of \$5,782.23 pursuant to payment request No. 5 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2007-12.15, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-12.16**

**RESOLUTION REAPPOINTING SANDRA WEBB AS THE
CHIEF FINANCIAL OFFICER OF THE BOROUGH OF
PENNINGTON**

WHEREAS, the Borough is required to appoint a properly certified Chief Financial Officer; and

WHEREAS, Sandra Webb, a Certified Finance Officer in the State of New Jersey, was appointed as the Chief Financial Officer of the Borough of Pennington effective September 12, 2000, to fill the unexpired term of the former Chief Financial Officer through December 31, 2003;

WHEREAS, Sandra Webb was appointed Chief Financial Officer of the Borough for a full four-year term effective January 1, 2004 for a term of four years to expire on December 31, 2007;

WHEREAS, Sandra Webb has continued to serve the Borough of Pennington in the capacity of Chief Financial Officer since the date of her appointment;

WHEREAS, Borough Council wishes to reappoint Sandra Webb as Chief Financial Officer of the Borough effective as of January 1, 2008 for a term of four years through December 31, 2011;

WHEREAS, this reappointment shall confer tenure on Ms. Webb in this position, meaning she shall continue to hold office during good behavior as set forth in N.J.S.A. 40A:9-140.8;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that Sandra Webb is hereby reappointed Chief Financial Officer of the Borough of Pennington effective as of January 1, 2008, for a term of 4 years through December 31, 2011.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|--------|
| Garber | | | | absent | Lawver | M | | | |
| Griffths | | | | absent | Tucker | S | | | |
| Heinzel | X | | | | Zompa | | | | absent |

Council Member Lawver made a motion to approve Resolution 2007- 12.16, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-12.17**

**RESOLUTION APPOINTING MARY MISTRETTA AS THE
DEPUTY REGISTRAR OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Borough is required to appoint a Deputy Registrar; and

WHEREAS, Deputy Registrar Irene Billings will resign from this position effective December 31, 2007, after years of dedicated and distinguished service;

WHEREAS, Elizabeth Sterling, Borough Registrar, wishes to appoint Mary Mistretta as Deputy Registrar, as provided by statute;

WHEREAS, Mary Mistretta also has served and will continue to serve the Borough with distinction as Land Use Administrator;

WHEREAS, Mary Mistretta is in the process of obtaining certification as a Certified Municipal Registrar (CMR) as required by law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the appointment of Mary Mistretta as Deputy Registrar for a term of three years beginning on December 31, 2007 is hereby ratified and accepted, subject to continued satisfaction of applicable legal requirements.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|--------|------------|-----|-----|------|--------|
| Garber | | | | absent | Lawver | X | | | |
| Griffths | | | | absent | Tucker | M | | | |
| Heinzel | S | | | | Zompa | | | | absent |

Council Member Tucker made a motion to approve Resolution 2007-12.17, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-12.18**

**RESOLUTION ACCEPTING DONATION OF A
1988 FORD TRUCK (BUCKET TRUCK)**

WHEREAS, Sinco, Inc. of 132 Harbourton Woodsville Road, Lambertville, New Jersey 08530 has offered to donate to the Borough of Pennington, for use by the Pennington Department of Public Works, a 1988 Ford truck known as a “bucket truck” (VIN #1 1FDXK84A2JVA46049) with mileage of approximately 191,000 miles;

WHEREAS, the Superintendent of Public Works has advised that the truck will be of value to the Department and that acceptance of the proposed donation is desirable;

WHEREAS, Borough Council accepts this recommendation and determines that acceptance of the truck will be in the public interest:

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that donation of the aforesaid vehicle is hereby accepted, subject to the conveyance of valid and clear title by Sinco, Inc.; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to take such steps and to execute such documents as may be necessary to effectuate acceptance of valid and clear title by the Borough.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2007-12.18, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2007-12.19**

**RESOLUTION EDWIN WEED TUCKER TO EXECUTE DOCUMENTS AS
ACTING MAYOR**

WHEREAS, pursuant to Ordinance 2007-11, Borough Council has authorized the Mayor to execute and the Borough Clerk to attest to any and all documents necessary to effectuate the Borough’s acquisition of an undivided interest in a Conservation Easement on the property known as Lots 18 and 19 in Block 44 on the Hopewell Township Tax Map consisting of approximately 39.09 acres owned by Melita Wright;

WHEREAS, the aforesaid Ordinance further authorized the expenditure of up to \$220,000 from the Borough’s State Green Acres funds for this purpose;

WHEREAS, the aforesaid Ordinance further authorizes and directs the assignment of all of such interest, amounting to a 29.8% undivided interest in the Easement, to D & R Greenway;

WHEREAS, the closing of the transaction shall take place on December 27, 2007, and on that date the Mayor will be absent from the Borough and intends to be absent for three days or more and will be unable to participate in the closing;

WHEREAS, the Mayor has this date executed the document entitled Agreement for Assignment of Interest for Purchase of Conservation Easement With Public Access of which a copy is annexed;

WHEREAS, in the event additional documents must be executed or the attached Agreement must be re-executed for any reason, the Borough requires the Council President or other member of Council authorized by law to serve as Acting Mayor for the purpose of executing such documents;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the President of the Council, Edwin Weed Tucker, is hereby authorized effective December 27, 2007, pursuant to N.J.S.A. 40A:60-3.c., to serve as Acting Mayor to execute all documents which may hereafter be required to be executed by the Borough in this matter, with the approval of the Borough Attorney.

Record of Council Vote on Passage

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

Mr. Bliss asked that Resolution 2007-12.19 be added to that agenda and Mr. Bliss read the above Resolution into the record. Mr. Bliss explained that with Mayor Persichilli scheduled to be out of state for the next few days, he would like to have Council President Weed Tucker appointed Acting Mayor for the purpose of executing documents relating to the closing on the Wright Property Conservation Easement. Council Member Lawver made a motion to approve Resolution 2007-12.19, second by Council Member Heinzel with all members present voting in favor.

Public Comment

Mayor Persichilli asked anyone wishing to address Council to come forward and state their name and address for the record and to please limit comments to the Governing Body to a maximum of 5 minutes.

There were no comments from the public.

At 6:15 p.m., Council Member Heinzel made a motion to adjourn the meeting, second by Council Member Tucker with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk