

**Pennington Borough Council  
Regular Meeting – January 9, 2012**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:15 pm. Borough Clerk Betty Sterling called the roll with Council Members Dunn, Griffiths, Heinzl, McClurg-Doldy, Ogren, and Tucker in attendance.

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

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.

**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 3 minutes.**

There were no comments from the public.

**Approval of Minutes**

Council Member Tucker made a motion to approve the minutes of the December 5, 2011 Regular Meeting, second by Council Member McClurg-Doldy with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the December 21, 2011 Special Meeting, second by Council Member Dunn with all members present voting in favor.

Council Member McClurg-Doldy made a motion to approve the minutes of the December 29, 2011 Regular Meeting, second by Council Member Tucker with all members present voting in favor with the exception of Council Member Griffiths who abstained.

**Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Mrs. Heinzl stated that the Planning Board did not meet in December 2011.

Mrs. Heinzl reported that the Library will hold their first strategic planning session this Thursday here in Borough Hall. Mrs. Heinzl stated that the library has received a good response from residents planning to attend the session and they anticipate having about 30 to 35 people in attendance. Mrs. Heinzl stated that the Library Board is now advertising for a part-time director and the advertisement should appear in the Hopewell Valley News this week. Mrs. Heinzl stated that the current staff is doing an excellent job, but they need to fill the director position. Mayor Persichilli asked if the Board had considered sharing a director with another municipality. Mrs. Heinzl stated that they did discuss the possibility but when it comes down to it sharing a part-time person becomes very difficult and the board felt that hiring a part time director was the better solution. Mrs. Heinzl stated that one of the things that the board discussed with regards to a job description was less of an emphasis on MLS and more on people skills and management skills. Mrs. Heinzl stated that they have already received several resumes and hopefully the position will be filled fairly soon.

Mrs. Heinzl stated that the library treasurer has reported that he believes that there should be sufficient funds in the library allocation to cover 2011 expenses. Mrs. Heinzl asked Mrs. Sterling if the budget is on track. Mrs. Sterling stated that it is getting close.

Mrs. Heinzl stated that this year, the library is planning to go on-line with e-books. Mrs. Heinzl stated that the library has two Ipads that they will be circulating for public use in the library. Mrs. Heinzl stated that the library will be focusing on adult program in the coming year. Mrs. Heinzl stated that winter storytime will be kicking off this Tuesday with a Kids Music Round Program.

Mrs. Heinzl stated that the Environmental Commission held a paper shredding event at the old Public Works building. Mrs. Heinzl stated that she was away and unable to attend. Mrs. Heinzl asked Mr. Wittkop if he could report on the event. Mr. Wittkop stated that she spoke to Joann Held the morning of the event and she was expecting 100 people to attend. Mr. Wittkop stated that the truck used for Styrofoam collection is full. Mrs. Heinzl stated that this event was sponsored by both the Environmental Commission and the Hopewell Valley Green Team.

**Public Works** – Mr. Ogren reported that the Public Works Committee met in December 2011 and they reviewed quite a few items. Mr. Ogren stated that at the last meeting Mrs. Dunn distributed a chart showing the gallons pumped and used for the past year. Mr. Ogren stated that it is interesting to note that the Borough pumped 13 million fewer

gallons then last year. Mr. Ogren stated that is a credit to the Public Works Department for finding and repairing various leaks in the system. Mr. Ogren stated that the committee is considering introduction of an ordinance which would require landscape contractors to register with the Borough so that they could be informed on regulations with regard to putting out brush. Mr. Ogren stated that they are looking at other ordinances and will report back to Council with a recommendation.

Mr. Ogren stated that repairs to Well 8 should begin next week and repairs to Well 7 have been completed.

Mr. Ogren reported that the Safe Routes to Schools project was inspected by a Federal Highway Administration inspector last year which resulted in a few problems. Mr. Ogren stated that one problem is still outstanding and that is a request that the Borough relocate one of the flashing lights at Curlis and Main from the Northwest corner to the Southwest corner. Mr. Ogren stated that this would be difficult to do and he is waiting for another site visit to figure out what to do and also to figure out who is responsible for the costs.

Mr. Ogren stated that the Pennington Connection to the Lawrence-Hopewell Trail grant is also federally funded. Mr. Ogren stated that the plans were approved by the NJ DOT, but then when the plans were sent to the Federal Highway Administration they had additional concerns one of which is that there are two utility poles and they want the guide wires relocated before they authorize the project to start. Mr. Ogren stated that he has talked to PSE&G and he will be meeting with a representative tomorrow and it is possible that the Borough may incur some costs for the relocation.

Mrs. Heinzl asked if the poles were on the plans. Mr. Ogren stated that they were and the assumption of the engineers was that PSE&G would do that at no cost to the Borough. Mr. Ogren stated that it has been his experience that for government projects PSE&G will do the work at no charge, but he has been told that for a bike path we may be charged. Mr. Ogren stated that this work was not anticipated and was not included in the cost estimate so it would be outside the scope of the grant. Mr. Ogren stated that he would report further at the next meeting.

**Personnel/Shade Tree** – Mr. Ogren stated that neither Personnel nor Shade Tree met last month. Mr. Ogren stated that the Shade Tree Commission did submit its Five Year Community Forestry Plan to DEP by the deadline.

**Public Safety** – Mr. Tucker reported that the Public Safety Director represented the Borough at a meeting of the Mid Jersey Joint Insurance Fund on December 1<sup>st</sup>.

Mr. Tucker stated that on December 2<sup>nd</sup>, a very successful Holiday Walk was held sponsored by the Pennington Business and Professional Association. Mr. Tucker reported that five officers were assigned to the event and were paid through the paid detail program.

Mr. Tucker stated that the Labor Contract between the Borough and the Fraternal Order of Police has been agreed to by both parties. Mr. Tucker thanked Mr. Griffiths, Mr. Meytrott, Mr. Bliss, Mayor Persichilli and Sergeant Friedman for their work on the contract.

Mr. Tucker reported that Mayor Persichilli and Director Meytrott have met several times with representatives of Hopewell Township to discuss the continuance of the Police Dispatch services. Mr. Tucker stated that these talks are ongoing and hopefully will be resolved in the near future.

Mr. Tucker stated that on December 13<sup>th</sup>, the Morpho Trac Fingerprint system was updated and maintenance was performed on the system.

Mr. Tucker stated that Director Meytrott attended a meeting regarding eventual implementation of a county-wide infrastructure upgrade that would provide radio communications between all fire and first aid departments. Mr. Tucker stated that at this time the upgrade does not include a county-wide police dispatching system.

Mr. Tucker reported that the Christmas and New Year’s holidays came and went without any significant police involvement.

Mr. Tucker stated that on December 28<sup>th</sup>, the Department assisted the Public Works Department with traffic on South Main Street as a water main leak was repaired.

Mr. Tucker stated that now that the contract is settled, advertisements have been placed in the newspapers and resumes are beginning to come in. Mr. Tucker stated that there are currently two vacancies in the Police Department.

Mr. Tucker reported the following statistics for the month of December 2011.

1	Simple Assault
2	Thefts
1	Bad Check
2	Controlled Substances
3	Criminal Mischief
116	Motor Vehicle Stops
51	Warnings Issued
6	Parking Summonses
99	Motor Vehicle Summonses
8	Motor Vehicle Reports

**Finance** – Mr. Griffiths reported that the finance committee did not meet. Mr. Griffiths stated that budget has to be introduced at the March meeting this year so he will be working with Sandy and Betty and the finance committee to meet that deadline.

**Community Services/Economic Development** – Mrs. McClurg-Doldy stated that the Economic Development Commission is working on the Annual Business of the Year Award Ceremony which is scheduled for Wednesday, January 25<sup>th</sup>, 2012 at the Sun Bank. Mrs. McClurg-Doldy stated that invitations were due to go out this week and she will follow up to see what the status is on the invitations.

Mrs. McClurg-Doldy reported that Parks and Recreation met and discussed reorganization and new members. Mrs. McClurg-Doldy stated that they have lost several members.

**New Business**

**Borough of Pennington  
Resolution #2012-1.15**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2012**

**WHEREAS**, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, 26.25% of the total appropriations of the 2011 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 787,085.75 for the current fund budget and \$ 254,804.27 for the water and sewer utility fund;

**NOW, THEREFORE, BE IT RESOLVED**, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-1.15, second by Council Member Dunn with all members present voting in favor.

**Borough of Pennington  
Resolution #2012 – 1.16**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE BOARD OF FIRE COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1 FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES FOR THE YEAR 2012**

**WHEREAS**, the Borough of Pennington (the “Borough”), is responsible for providing a system for the provision of emergency care and transportation of persons who are sick or injured and in need of immediate medical care within the boundaries of the Borough; and

**WHEREAS**, for this purpose, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 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 Shared Services Agreement, of which a copy is attached, is in substantially the same form as the 2011 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 Shared 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.
Dunn	X				McClurg-Doldy	S			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-1.16, second by Council Member McClurg-Doldy with all members present voting in favor.

**Borough of Pennington  
Resolution #2012 – 1.17**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH VALLEY HEALTH MEDICAL GROUP TO PERFORM ALCOHOL AND DRUG TESTING SERVICES FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2012**

**WHEREAS**, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial drivers license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

**WHEREAS**, Valley Health Medical Group is experienced in and capable of providing such services; and

**WHEREAS**, this contract shall be for specific services set forth in the Agreement attached to this resolution;

**WHEREAS**, the Borough agrees to the fees per service (ranging from \$40.00 to \$180.00) set forth in the Fee Schedule included in the Agreement;

**WHEREAS**, the services authorized by the contract are professional services and the amount of expense expected to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

**WHEREAS**, Valley Health Medical Group has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither the group nor any of its members has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Mayor of the Borough, with the attestation of the Clerk, and subject to such changes in form as may be required by the Borough Attorney, is hereby authorized to execute the attached Agreement between the Borough and Valley Health Medical Group for the provision of Alcohol and Drug Testing Services for 2012.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	M			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	X			

Council Member McClurg-Doldy made a motion to approve Resolution 2012-1.17, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2012-1.18**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SKED STREET RECONSTRUCTION PROJECT**

**WHEREAS**, Pennington Borough has been selected by the State Department of Transportation to receive funding under its Municipal Aid Program for the Sked Street Reconstruction Project;

**WHEREAS**, specifications for the proposed improvements together with bid package are being prepared by Roberts Engineering Group, LLC:

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

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

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

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	X				Ogren	M			
Heinzel	X				Tucker	S			

Council Member Ogren made a motion to approve Resolution 2012-1.18, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2012 – 1.19**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Cathy MacMain-Cage, 118 East Delaware Avenue, Block 602, Lot 13 for balance of escrow account P11-006 for Planning Board application in the amount of \$831.00.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Dunn made a motion to approve Resolution 2012-1.19, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2012 – 1.20**

**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 \$ 20,256.64 from the following accounts:

Current	\$ 18,891.05
W/S Operating	\$ 1,225.59
Developers’ Escrow	\$ 140.00
<b>TOTAL</b>	<b>\$ 20,256.64</b>

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2012-1.20, second by Council Member Tucker. Council Member questioned specific items on the bill list. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2011- 1.21**

**RESOLUTION APPOINTING SERGEANT STEVEN FRIEDMAN TO  
THE POSITION OF SERGEANT FIRST CLASS IN THE  
PENNINGTON BOROUGH POLICE DEPARTMENT**

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

**WHEREAS**, Steven Friedman is now serving as Sergeant in 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 promotion to Sergeant First Class;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Sergeant Steven Friedman is hereby appointed to the position of Sergeant First Class 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.
Dunn	X				McClurg-Doldy	X			
Griffiths	S				Ogren	X			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-1.21, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2012 – 1.22**

**RESOLUTION APPOINTING WAYNE BLAETH AS TAX COLLECTOR  
FOR A FOUR YEAR TERM COMMENCING JANUARY 1, 2012 AND ENDING  
DECEMBER 31, 2015**

**WHEREAS**, Sandra Webb resigned as Borough Tax Collector effective May 2<sup>nd</sup>, 2011; and

**WHEREAS**, Resolution 2011-5.6 appointed Wayne Blauth as Tax Collector to complete Ms. Webb’s unexpired term through December 31, 2011; and

**WHEREAS**, Borough Council now seeks to appoint Wayne Blauth as Tax Collector for a four year term from January 1, 2012 to December 31, 2015;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that Wayne Blauth is hereby appointed Tax Collector of the Borough of Pennington for a term commencing January 1, 2012 and expiring December 31, 2015, to serve on a full-time basis for the compensation provided in the Borough Salary Ordinance.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	X			
Griffiths	M				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2012-1.22, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington  
Resolution # 2012-1.23**

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

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

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2011 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Legal Services		\$ 8,200.00
Engineering	\$ 4,100.00	
Streets – Other Expense	\$ 4,100.00	
<b>Total Current Fund</b>	<b>\$ 8,200.00</b>	<b>\$ 8,200.00</b>

**NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2011 budget appropriations effective December 31, 2011, Nunc Pro Tunc.**

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy	M			
Griffiths	S				Ogren	X			
Heinzel	X				Tucker	X			

Council Member McClurg-Doldy made a motion to approve Resolution 2012-1.23, second by Council Member Griffiths with all members present voting in favor.

**Council Discussion**

There were no items for Council discussion.

**Professional Reports**

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

**Public Comment**

Mayor Persichilli read the following statement for anyone interested in speaking before Council:

Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of three (3) minutes.

There were no comments from the public.

**Closed Session**

**AT, 7:42 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:

- Scarinci Hollenbeck Letter – Julian Antebi/Hillary Burke
- McNulty Tax Appeal
- Potential Litigation – John Garcia Construction

AT, 8:10 PM, Mayor and Council returned to open session.

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

Council Member McClurg-Doldy made a motion to approve the December 5, 2011 Closed Session minutes for content but not for release, second by Council Member Dunn with all members present voting in favor with the exception of Mrs. Heinzel who abstained.

At 8:11 PM, Council Member Heinzel made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk