

**Pennington Borough Council  
Regular Meeting – February 4, 2013**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll, all members were present.

Also present were Borough Administrator, Timothy Matheny, 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 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.

Mayor Persichilli asked everyone to stand for the 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 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 27, 2012 Regular Meeting, second by Council Member Heino with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 7, 2013 Reorganization Meeting, second by Council Member Heino with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 7, 2013 Regular Meeting, second by Council Member Dunn with all members present voting in favor.

**Mayor's Business**

Mayor Persichilli announced that Borough Tax Assessor, Toni Sost has submitted a letter indicating her retirement effective June 30, 2013. Mayor Persichilli asked Council Members to think about how to proceed with finding a replacement for that position.

**Mayor's Appointments**

Mayor Persichilli announced the appointment of Deborah Gnatt as Planning Board Alternate 1 for a two year term ending December 31, 2014.

**Appointments (w/Council Approval)**

Mayor Persichilli announced the appointment of Joseph DiFilippi to the Shade Tree Commission for a five year term ending December 31, 2017. Council Member Ogren made a motion to approve the appointment, second by Council Member Dunn with all members present voting in favor.

**Presentation**

Mayor Persichilli invited Betsy Ackerman to come forward a make a presentation on the Public Arts Initiative. Ms. Ackerman introduced herself and thanked Council for allowing her to come and make a presentation about a Hopewell Valley Public Arts Initiative. Ms. Ackerman stated that this is a valley wide initiative that they have already presented to Hopewell Township and plan to present next week to Hopewell Borough. Ms. Ackerman stated that the goal of the initiative is to advance the role of arts and artists in building community and to fund programs and community space that support the visual, performing and musical arts.

Ms. Ackerman stated that through recent surveys done by the YMCA and the Hopewell Valley Regional School District they have learned about a need for extracurricular opportunities in the performing, visual and musical arts. Ms. Ackerman stated that in addition to the surveys, as part of the Marshall Corner/Pennytown Redevelopment Task Force, of which she was a member, they recognized that the valley would really benefit from a community center that would pool resources and create an opportunity for various groups to have a home. Ms. Ackerman stated that this is a grass roots effort to increase awareness and participation in the arts while showcases the many talents in the valley community.

Ms. Ackerman stated that this is the perfect opportunity to give local artists some visibility and to engage all age groups throughout the valley in the arts. Ms. Ackerman stated that the goal is to create a Hopewell Valley Arts Council. Ms. Ackerman stated that the purpose is to get the three municipalities together in pursuit of a shared goal. Ms. Ackerman stated that the initiative will involve local schools, businesses, seniors, teens and other non-profits. Ms. Ackerman stated that this initiative will take between 18 and 24 months to complete and over that time they hope to stage a variety of events that will showcase the various arts throughout the valley.

Ms. Ackerman referred Council to a handout that was included in their packages. Ms. Ackerman stated that the handout highlights images from other Public Arts Initiatives. Ms. Ackerman stated that they believe that this initiative would build community, set a common goal for the three municipalities, to raise money for a common effort and to raise awareness of the arts in the valley.

Ms. Ackerman stated that she is here tonight to get Borough Council's feedback on the idea. Ms. Ackerman stated that they are hoping to have backing from all three municipalities and somewhere down the road there may be a role Council in promoting the initiative.

Ms. Ackerman reviewed the basics of a Public Arts Initiative. Ms. Ackerman stated that to start they will be forming volunteer committees. Ms. Ackerman stated that if Council Members know of anyone who might be interested in serving on a committee that they let her know. Ms. Ackerman stated that one of the first things the volunteer committees will do is to choose a theme for the valley followed by soliciting sponsors for the different artists. Ms. Ackerman stated that hopefully in September they will be able to hold an event where there will be artist renderings for the possible theme. Ms. Ackerman stated that artists will have about six to nine months to complete their artwork and about this time next year the artwork will be displayed throughout the valley. Ms. Ackerman stated that the goal is to get sixty-five pieces of artwork and that is what is needed to make this project a success. Ms. Ackerman stated that they will also be planning a battle of the bands, scavenger hunts and art contests in the schools. Ms. Ackerman stated that they will be working as a non-profit and they will be engaging as many volunteers as they can get. Ms. Ackerman stated that at the end of the process the works of art will be auctioned off to raise funds for a performing arts facility.

Ms. Ackerman answered questions and comments from Council Members. Following the discussion, Council Members voiced support and encouragement for the project.

### **Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Mrs. Heinzl stated that the Library Board met on January 24<sup>th</sup>, officers were elected. Mrs. Heinzl stated that some great events were held in January. Mrs. Heinzl stated that the Library was awarded a grant from the National Endowment of the Humanities and that money will be used to sponsor programs about the Muslim culture including books, films and a guest lecturer on February 24<sup>th</sup>.

Mrs. Heinzl reported that the Planning Board met on January 9<sup>th</sup> and she was unable to attend the meeting. Mrs. Heinzl stated that there were three applications and they were all granted.

Mrs. Heinzl stated that the Environmental Commission held a Styrofoam collection on February 2<sup>nd</sup> and she will have a report for the next meeting.

Mrs. Heinzl reported that the Pennington Farmers Market is moving forward and plans are underway for another season at Rosedale Mills. Mrs. Heinzl stated that she will report further at the next meeting.

**Public Works/Shade Tree** – Mr. Ogren reported that the Shade Tree Commission did meet and they have indicated that they would like to have Council consider a Shade Tree Protection Ordinance.

Mr. Ogren stated that the Public Works Committee met to consider several items. Mr. Ogren stated that three of the items that they discussed are on for Council Discussion later in the meeting.

**Community Services/Economic Development/Personnel** – Mrs. Heino reported that a job description for Police Officer has been circulated and approved. Mrs. Heino stated that a meeting was held early in the year and a determination was made that there is a need for more thorough job descriptions throughout the Borough.

Mrs. Heino reported that Parks and Recreation met. Mrs. Heino stated that Parks and Recreation is sponsoring two different Eagle Projects. Mrs. Heino stated that one of the projects will focus on Kunkel Park and will involve signage. Mrs. Heino stated that the other project is still under discussion and they are currently taking suggestions for ideas. Mrs. Heino stated that Parks and Recreation is still waiting to hear the report for the pavilion damage and what the plans are for restoration or repair of the pavilion. Mrs. Heino stated that Parks and Recreation has decided to jointly purchase and share a movie screen with Hopewell Borough.

Mrs. Heino reported that the Pennington Farmers Market will be making a presentation at the next meeting of the Economic Development Commission to discuss the upcoming season. Mrs. Heino stated that there is great interest in finding a way to bring the Farmers Market back into Pennington even if only on a staggered basis. Mrs. Heino stated that the Business Person of the Year Award will be presented

tomorrow evening. Mrs. Heino encouraged Council Members to attend and offer support. Mrs. Heino stated that the final item that came up was as to whether the Mayor or Council could take action about potentially assessing a prominent downtown property where there is a strong opinion that the structure is unsafe. Mayor Persichilli stated that he is familiar with the property and he would look into it and see if the Health Department needs to get involved.

Mrs. Heino stated that unrelated to Parks and Recreation, she happened to be out and about in town walking her dogs and it has come to her attention that there are no trash receptacles in town throughout town and even in Sked Street Park. Mrs. Heino asked if it were an expense issue that there are no public trash receptacles. Mr. Wittkop stated that in the past they found that public trash receptacles get filled up with trash from businesses and residences.

**Public Safety** – Mr. Tucker stated that Sergeant Friedman who was out on medical leave is scheduled to return to full duty on Wednesday. Mr. Tucker stated that meetings were held during the month with representatives from the Private Schools located in the Borough regarding safety and security plans.

Mr. Tucker stated that preparations continue for the 2013 budget for the Police Department. There are currently no requests for additional personnel. Mr. Tucker stated that negotiations are ongoing with regard to the Police Dispatch contract.

Mr. Tucker stated that the Hopewell Valley Regional School District Safety Committee was held on January 30<sup>th</sup>, issues pertaining to door locks, cameras, identification of personnel and visitors and school security officers were discussed. Mr. Tucker stated that events throughout the County involving school violence have not gone unnoticed and it is believed that appropriate security measures and responses are being taken.

Mr. Tucker reported the following statistics for December 2012:

178	Motor Vehicle Stops
66	Warnings Issued
7	Parking Summons
117	Motor Vehicle Summonses Issued
8	Police Reports
2	Adult Male Arrests
1	Adult Female Arrest
12	First Aid Calls

Mr. Tucker reported that following statistics for January 2013:

180	Motor Vehicle Stops
66	Warnings Issued
6	Parking Summons
1	DUI Summons
1	Adult Male Arrest
1	Fire Call
23	First Aid Calls
1	Domestic Dispute

**Finance** – Mr. Griffiths stated that the Finance Committee met to bring new Council Member Mary Anne Heino up to speed on municipal finance. Mr. Griffiths stated that the Finance Committee is scheduled to meet again on February 20<sup>th</sup> at 6:00 to put together a preliminary budget to be submitted for introduction at the March 4<sup>th</sup> meeting. Mr. Griffiths stated that adoption of the budget is scheduled for the April 1<sup>st</sup> meeting. Mr. Griffiths stated that at the meeting on February 20<sup>th</sup>, the committee will be reviewing any capital requests including several large water/sewer repairs that need to be done. Mr. Griffiths stated that the Borough has several positive things going on including relief in debt service which will continue to get better up to 2015. Mr. Griffiths stated that the Borough is getting near to retiring debt that is as much as two decades old and carries a high interest rate.

**Historic Preservation** – Mrs. Dunn stated that the Historic Preservation Commission met and discussed meeting dates for 2013. Mrs. Dunn stated that the February meeting would fall on a school holiday so there will be no February meeting. Mrs. Dunn stated that for the months of July and August there will only be a meeting held if there is an application to be reviewed. Mrs. Dunn stated that they discussed the recent Planning Board application for work on a property in the historic district where an addition is being built at the rear of the property. Mrs. Dunn stated that the Commission agreed that there was no need for the Historic Preservation Commission to review the project since it is in the rear of the house. Mrs. Dunn stated that a call was received from a builder representing an owner of a real estate building at 10 South Main Street. Mrs. Dunn stated that Mr. Holterman spoke with the builder and indicated the roof and window replacement and painting of the exterior aluminum do not need Historic Preservation Review. Mrs. Dunn stated that a suggestion was made to replace the siding with fiber cement and that could be endorsed through an expedited process so that they would not have to wait for the next meeting. Mrs. Dunn stated that another suggestion was that instead of having a large modern window in the front façade of the building to match it with two smaller windows which would be more cost effective and could also be approved through an expedited process. Mrs. Dunn stated that the final item for discussion was the certificate of eligibility for state and national register listing of the historic district. Mrs. Dunn stated that

to be listed in the registry would not impose any additional regulations on private owners in the historic district however there are four significant benefits to becoming a member. Mrs. Dunn stated that first would be direct listing in the National Registry, second would be protection provided under Section 106 reviews which essentially means that any time a cell tower or highway project occurs nearby historic resources must be identified and respected. Mrs. Dunn stated that third being that building code review can take advantage of the historic rehab code and allow for rails, stairs etc. to be replaced as original and not necessarily as modern code and the fourth and most important benefit was the ability to apply for historic grants.

Mrs. Dunn reported that Mr. Eric Holterman would be attending the next Borough Council Meeting to present the annual report for the Historic Preservation Commission.

**New Business**

**Borough of Pennington  
Resolution #2013 – 2.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Stephen & Kathleen Mahle, 151 East Delaware Avenue, Pennington, NJ 08534, for the balance of Planning Board escrow account P12-007, in the amount of \$815.00 for Block 403, Lot 36, 151 East Delaware Avenue.

**BE IT RESOLVED**, that a refund be issued to Hilton Management, LLC, Attn: Robert Bushar, Hilton Realty Co., 902 Carnegie Center, Suite 400, Princeton, New Jersey 08540, for the balance of Planning Board escrow account P12-006, in the amount of \$210.00.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2013-2.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2013 – 2.2**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,053,631.29 from the following accounts:

Current	\$ 866,680.78
W/S Operating	\$ 160,228.73
Grant Fund	\$ 1,388.57
Water/Sewer Capital	\$ 41.26
Open Space Fund	\$ 597.85
Unemployment Trust	\$ 8,303.08
Trust Fund	\$ 266.47
Recreation Trust	\$ 10.40
Developers' Escrow	\$ 3,655.15
General Capital	\$ 9,087.92
Animal Control Fund	\$ 3,371.08
<b>TOTAL</b>	<b>\$ 1,053,631.29</b>



**Borough of Pennington  
Resolution #2013 – 2.4**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN**

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

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

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

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

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

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

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2013-2.4, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2013 - 2.5**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2013**

**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 Borough's 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;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above.

**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.
Dunn	X				Heinzel	X			
Griffiths	M				Ogren	X			
Heino	S				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2013-2.5, second by Council Member Heino with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2013 -2.6**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2013**

**WHEREAS**, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough’s potable water system;

**WHEREAS**, New Jersey Analytical Laboratories, having its office at 1590 Reed Road, Suite 102A, Pennington, NJ 08534, is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

**WHEREAS**, New Jersey Analytical Laboratories has submitted a proposal for the work dated January 8, 2013, for a contract price of \$ 17,700 to be invoiced at \$1,475 per month each month of the calendar year 2013;

**WHEREAS**, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

**WHEREAS**, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

**WHEREAS**, approval of this contract complies with the Code of the Borough of Pennington as well as, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which prohibit the award of certain professional services contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

**WHEREAS**, Borough Council awards this contract without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

**WHEREAS**, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding;

**WHEREAS**, New Jersey Analytical Laboratories has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

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

**WHEREAS**, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to accept as a binding contract the attached proposal by New Jersey Analytical Laboratories dated January 8, 2013 for a contract price not to exceed \$17,700 for the calendar year 2013, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

**Record of Council Vote on Passage**

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

Council Member Dunn made a motion to approve Resolution 2013-2.6, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013 – 2.7**

**RESOLUTION AUTHORIZING JOB DESCRIPTION FOR  
PATROL OFFICER IN THE PENNINGTON POLICE DEPARTMENT**

**WHEREAS**, the Borough of Pennington, in consultation with the Director of Public Safety seeks to authorize the attached job description for Patrol Officer in the Pennington Police Department;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the attached job description for patrol officer in the Pennington Borough Police Department is hereby authorized and same shall be incorporated in the Rules and Regulations of the Police Department.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2013-2.7, second by Council Member Heino. Mrs. Dunn stated that on the last page of the job description it states that a patrol officer reports to Sergeant First Class, Public Safety Director and Township Administrator and that should be changed to Borough Administrator. Mr. Ogren asked if the job description needs to be approved by the Joint Insurance Fund and Mr. Meytrott replied it did not. Mrs. Heinzel asked about EMT certification. Mr. Meytrott stated that the job description is worded in a way that does not require EMT certification. Mrs. Heinzel stated that she likes the wording of Purpose of Job Description in the Sergeant First Class job description coming up next and she wondered if there was value in including that in each job description for the sake of consistency. Mr. Meytrott stated that could be added to the Patrol Officer job description. Mr. Matheny stated that Council has a revised job description for Sergeant First Class. Mr. Matheny indicated that there were no changes made to the job description other than to reformat it to be consistent with the Patrol Officer job description. Mr. Matheny stated that he also just noticed that the “reports to” tab is missing from the Sergeant First Class job description. Mr. Bliss stated that at the bottom of the Patrol Officer job description, there is a catch all note and he was wondering how that would impact the Borough Limited Duty Regulation which assumes limitation based on job descriptions. Some discussion followed with regard to Limited Duty and upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013 – 2.8**

**RESOLUTION AUTHORIZING JOB DESCRIPTION FOR  
SERGEANT FIRST CLASS IN THE PENNINGTON POLICE DEPARTMENT**

**WHEREAS**, the Borough of Pennington, in consultation with the Director of Public Safety seeks to authorize the attached job description for Sergeant First Class in the Pennington Police Department;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the attached job description for Sergeant First Class in the Pennington Borough Police Department is hereby authorized and same shall be incorporated in the Rules and Regulations of the Police Department.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2013-2.8, second by Council Member Heinzel. Mr. Matheny stated that when the position of Sergeant First Class was created, a job description was done, but Council did not take action on the job description. Mr. Matheny stated that this resolution memorializes the job description that was done when the position was created. Mr. Matheny stated that as job descriptions are completed, they will come before Council for approval in the form of a Resolution. Mrs. Dunn stated that the requirement for a Drivers License does not specify New Jersey Drivers License. Mr. Meytrott stated that it should. Mrs. Dunn stated that the wording ability to maintain a valid New Jersey Drivers License reads as though a Patrol Officer would have to have the ability, but not necessarily the actual license. Mr. Meytrott agreed and a change was made to read must maintain a valid New Jersey Drivers License. Upon a roll call vote, all members present voted in favor.

**Council Discussion**

**Fireworks at Pennington School** – Mayor Persichilli stated that he met with a representative from the Pennington School and the board will be discussing a payment to the Borough in lieu of taxes.

Mr. Griffiths stated that with regard to the fireworks display, there needs to be a discussion as to police presence. Mr. Meytrott stated that the Bureau of Fire Safety has indicated that they will most likely approve

this application. Mr. Meytrott stated that the problem with policing the event is that it is the same day as Pennington Day. Mr. Meytrott stated that they will most likely have to bring in outside help to cover the fireworks as Pennington Police will be on duty during the day for Pennington Day. Mr. Bliss stated that fireworks displays are regulated by Statute and the municipality is the permit granting agency. Mr. Bliss stated that the Borough would be responsible for granting a permit on a proper application containing the information contained in the statute. Mr. Bliss stated that the operator would be required to be competent and approved by the Chiefs of Police and Fire Departments of the community. Mr. Bliss stated that there is a regular process, it will involve both Police and Fire in multiple aspects and there is also the requirement of a proper bond. Mr. Bliss stated that the statute which dates back to 1946 requires a bond of no less than \$2,500 to cover personal injury and potential property damage. Mr. Bliss stated that he assumes that the Borough would want more than that and he would think the Borough would need at least one million in terms of liability coverage. Mr. Meytrott stated that he is familiar with this company as this is the company that provides the service for the Veteran's 4<sup>th</sup> of July event. Mr. Bliss stated that the information provided by The Pennington School does not constitute a permit application, more information is needed from the school and the Police and Fire Departments need to be actively involved in approving the details. Mr. Bliss reviewed additional requirements as indicated in the statute which would need to be addressed in the permit application. Mr. Bliss stated that the information provided was to give Council a heads up and if Council is willing to proceed formal action will need to be taken and a proper application will need to be completed. Some discussion took place with regard to this event being the same day as Pennington Day. Mr. Meytrott stated that aside from it being a long day and getting police coverage for both events he did not see a real problem as Pennington Day is usually over by five.

**Ordinance Prohibiting Feeding Deer** – Council Members were provided with a draft ordinance for feeding deer on private property. Mrs. Heinzel asked if there was a way to do this by resolution indicated that Council would like to discourage feeding of deer on private property. Mrs. Heinzel stated that her concern is that this is an issue with respect to one property in town and maybe taking a less formal approach would be better and then if that does not work then to take a more formal approach. Mrs. Heinzel stated that as she read through the information provided there are issues as to how to enforce the ordinance, who would enforce it and what are the violations if people don't comply. After some discussion, Council Members agreed that an ordinance is the best way to proceed as there is a real problem with deer in Pennington and discouraging feeding of deer might help alleviate the problem. Mr. Ogren stated that the ordinance being discussed would be an amendment to the ordinance already in effect which prohibits feeding of wildlife on public property and issues of enforcement and violation are addressed in that ordinance. After a brief discussion, Council agreed that an ordinance should be drafted for introduction at the next meeting.

**Amendment to Grease Interceptor Ordinance** – Mr. Ogren stated that this was a discussion item at the Public Works Committee meeting. Mr. Ogren stated that Mr. Wittkop asked that an ordinance be considered that would provide some relief to small businesses so that they don't have to test their waste water four times per year when the results of the testing is consistently well below the threshold for any concern. Mr. Wittkop stated that the Pennington School and Mr. Ed's Creamery have asked for a reduction in the number of tests that are required by ordinance. Mr. Wittkop stated that the ordinance does not provide for any reduction. Mr. Wittkop stated that the draft before Council states that if there are three consecutive samples that are twenty percent under the limit then the Borough would have the right to reduce sampling to twice a year with the Borough having the right to indicate when sampling should be done. After some discussion Council agreed that an ordinance should be drafted for introduction at the next meeting.

**Mid Jersey JIF – Elected Officials Online Training** – Mr. Meytrott stated that he received notification from the Mid Jersey JIF regarding training for elected officials. Mr. Meytrott stated that the Borough receives a credit of \$250 for each elected official who completes the training. Mr. Meytrott stated that this year the seminars are being offered on-line due to the cancellation of the League Convention in November.

**Tree Removal at Kunkel Park (FEMA)** – Mr. Matheny stated that there are a lot of trees down at Kunkel Park. Mr. Matheny stated that Mr. Wittkop and Mr. Reading went to the park with representatives from FEMA on three occasions to discuss take down and removal of trees. Mr. Matheny stated that FEMA will reimburse up to seventy-five percent of the costs. Mr. Matheny stated that Mr. Ogren has suggested that maybe we should just cut the bottom of the tree and let it go back into the hole, clean up branches and potentially save some money. Mr. Matheny stated that Mr. Reading has advised that the FEMA paperwork has been submitted and the potential reimbursement includes the clean up work and it is not a simple process to change what has been submitted. Mr. Matheny stated that Mr. Reading stated that the original application would have to be withdrawn and then the Borough would have to request to submit a new request which could very well be denied. Mr. Ogren stated that it seemed to him that there was no safety hazard to leaving the tree trunks and it is better for the environment. Mr. Ogren stated that the branches are safety hazards and FEMA is designed to get rid of safety hazards. Mr. Ogren stated that his thought was try and save some money. Mr. Ogren stated that he would not propose that the Borough go back to FEMA, his only suggestion was to ask the contractor to leave some of the tree trunks. Mr. Ogren stated that he did not think that FEMA would come out and inspect the work that was done. Mr. Ogren stated that if the thought is that it would cause problems than he does not have a problem leaving things alone. Mr. Ogren stated that the Borough would only pay the contractor for work that is completed. Mr. Wittkop stated that FEMA does not work that way, FEMA says they will give the Borough seventy-five percent, the Borough will pay twenty-five percent and the work is completed as it was submitted. Mr. Wittkop stated that anything less would be defrauding FEMA. Mr. Wittkop stated that FEMA is going to reimburse the Borough seventy-five percent of the work at the cemetery, seventy-five percent of the estimate that was submitted for Kunkel Park and seventy-five percent for a thirty day snapshot of the debris clean up in the town. Mr. Wittkop stated that FEMA has been known to do flyovers and take pictures of work that has been done and then take action against municipalities

that do not do work as it was submitted. Some discussion took place with regard to how soon the park can be open for the public. Mr. Wittkop stated that until the pavilion and the trees are removed, the park is unsafe. Mr. Matheny stated that the Borough is working very hard to get the work done so that the park can be opened as soon as possible. Mr. Ogren asked for a schedule of when work will be done. Mr. Wittkop stated that as soon as the insurance company responds with regard to repairs to the pavilion then a schedule can be done.

**Interlocal – Senior Center Maintenance** – Mrs. Sterling stated that this item is on for discussion to determine if Council wishes to increase the amount billed to Hopewell Township and Hopewell Borough and if so what the increase should be. Mayor Persichilli suggested a two percent increase be presented to Hopewell Borough and Hopewell Township.

**Downtown Streetscape Project** – Mr. Ogren stated that just when he thought that this project was wrapped up in terms of design work, he received an e-mail from the Borough Engineer indicating that there is a problem with the grade of the sidewalk on North Main Street on the left side. Mr. Ogren stated that the problem is that the grade of the surface of the street is much lower than the sidewalk and because NJ DOT has a requirement that the slope of the sidewalk toward the street cannot be greater than two percent, that means that the curb would have to be ten or more inches high. Mr. Ogren stated that another DOT regulation requires that the curb can only be six or seven inches high. Mr. Ogren stated that the problem is that if the Borough is going to have a curb that high, there needs to be another step built into the sidewalk. Mr. Ogren stated that the next problem is that would require some kind a barrier from between the main part of the sidewalk and the lower level. Mr. Ogren stated that the lower level is so that when someone opens a car door, the door would not hit the curb or the sidewalk. Mr. Ogren stated that the original proposal always included a two foot strip of pavers along the curb so that will remain at the curb level, beyond that the engineer is proposing that the elevation be increase three to four inches. Mr. Ogren stated that there are three different options that have been provided to Council Members to provide a barrier between the main sidewalk and the lower level. Mr. Ogren stated that one would be to provide concrete planters between the existing shade trees, another would be to have in-ground planters built into the sidewalk and the third option is to put a fence or railing. Mr. Ogren stated that Council has a drawing showing how the three options would look. Mr. Ogren stated that the purpose of putting this item on for discussion was to alert Council to the problem. Mr. Ogren stated that he feels some obligation to revisit the different committees where the streetscape design was presented to let them know of the change. Mr. Ogren stated that he would like to eliminate the second option because the in-ground planters would still require installation of a fence or railing and the cost would be the highest of the three options. Mr. Ogren stated that the Borough Engineer has estimated anywhere from \$15,000 to \$30,000 for these changes. Discussion regarding who would be responsible for planting and caring for plants if planters were put in. Mrs. Heino suggested benches or a combination of benches and tree grates instead of planters which would not require as much maintenance. Discussion took place as to whether or not this is a requirement. Mr. Ogren stated that it is not a requirement by either ADA or DOT. Mr. Griffiths stated that if it is not a defined requirement then why is it being done. Mr. Ogren stated that it's the Borough Engineer's recommendation for safety reasons as it would create a tripping hazard. Mr. Griffiths stated that he would like to see something in writing to indicate that this is a requirement and not an opinion. Mrs. Heinzl and Mrs. Dunn both stated that they got a sense from the Borough Engineer that there was more to it than just her opinion. Mayor Persichilli suggested that someone needs to ask the Borough Engineer directly.

**Comcast Cable Letter** – Mr. Bliss stated that he asked that this be included on the agenda because contrary to the headline of the letter, there is nothing legally required, but the Division of Rate Council in the Public Advocates Office is asking us to assist with their opposition to the petition of Comcast for a Declaration of Effective Competition in our service area. Mr. Bliss stated that this would relieve Comcast of regulation as to basic service rates. Mr. Bliss stated that in the course of the work as explained there are several ways in which we can help. Mr. Bliss stated that he would not suggest getting paid professionals involved, but perhaps there are citizens that have enough interest in this particular issue to get involved. Mr. Bliss stated that the letter is asking for data and he would suggest providing the data that is being requested. Mr. Ogren stated that he would support that as he is in favor of keeping the cable rates under the Board of Public Utilities. After a brief discussion, Council felt that the information as to number of occupied and unoccupied residences could be gathered through the water accounts. Mr. Bliss asked who would be responding to the letter. Mr. Griffiths suggested that Mr. Matheny ask Wayne to look at the water accounts to get the numbers and then Mr. Matheny could write a letter in response to the request.

### **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, 9:25 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:

Interlocal Agreement – Sr. Services Coordinator  
Litigation – Castoro & Co.

AT, 9:46 PM, Mayor and Council returned to open session.

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

Council Member Griffiths made a motion to approve the Closed Session minutes for November 19, 2012, for content but not for release, second by Council Member Heino with all members present voting in favor with the exception of Council Member Heinzl who abstained.

Council Member Griffiths made a motion to approve the Closed Session minutes for January 7, 2013 for content but not for release, second by Council Member Dunn with all members present voting in favor.

At 9:47 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk