

**Pennington Borough Council
Regular Meeting – June 10, 2013**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:02 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 May 13, 2013, Regular Meeting, second by Council Member Heinzl with all members present voting in favor.

Mayor Persichilli stated that since there were a large number of residents in attendance for the council discussion of the Senior Services Coordinator he would address that topic at this time.

Mayor Persichilli asked Council Member Tucker to begin the discussion. Mr. Tucker stated that he would like to state that he has the highest regard for all of his colleagues on Council and he respects Council's opinions and questions. Mr. Tucker stated that Hopewell Township made a request to Mayor Persichilli for a contribution of \$10,000 from the Borough. Mr. Tucker stated that although they requested \$10,000, the Township indicated that they would be happy with a \$5,000 contribution which is the same amount that Hopewell Borough will be contributing for the Senior Services program. Mr. Tucker stated that Pennington Borough did not include any amount for this purpose in the 2013 budget. Mr. Tucker stated that up to this point the Senior Services Coordinator position had been supported by a grant from Princeton Healthcare Foundation. Mr. Tucker stated that at the last meeting a zealous discussion was held, strong opinions were expressed and questions were raised by Council Member Dunn. Mr. Tucker stated that he requested responses to the questions raised from Abigail Waugh, Sr. Services Coordinator. Mr. Tucker stated that he e-mailed responses received from Abigail Waugh and subsequently prepared a memorandum that he distributed to Council Members. Mr. Tucker stated that he was comfortable with the responses received, however Mrs. Dunn would like more detail than is available at this time. Mayor Persichilli corrected Mr. Tucker and stated that several members of Council had questions and not just Mrs. Dunn. Mr. Tucker stated that he believes that if more detail is needed it could be gathered for the future so as not to punish senior residents now for what can be resolved later.

Mr. Tucker stated that as community leaders council has an obligation to be fiscally responsible and to carefully watch expenses but even more important there is a moral and social obligation to address reasonable needs and wants of all. Mr. Tucker stated that lack of cooperation now jeopardizes future relations. Mr. Tucker stated that some Council Members appear to be slaves to and advocates for the numbers. Mr. Tucker stated that he prefers to be a supporter of our seniors and the senior coordinator and to be an advocate for the people.

Mr. Tucker stated that many residents have come out tonight and they are flesh and blood examples of who needs to be served. Mr. Tucker stated that Council should not be so concerned with numbers on paper and trying to justify a minimal expense of \$5,000. Mr. Tucker urged Council Members to listen to the residents and learn from them and do the right thing which is to support this request.

Mayor Persichilli asked Council Members if they had any questions about Mr. Tucker's memorandum regarding the answers provided to the questions that were raised at the last meeting.

Mr. Griffiths stated that he felt the answers provided were inadequate, superficial and charged with emotional language which has also come across this evening. Mr. Griffiths stated that the emotional undertone degrades the debate significantly.

Mrs. Heinzl stated that when Council left this discussion at the last meeting, there were questions and a lot

of work has been done to try to find answers to the questions. Mrs. Heinzl stated that perhaps there are more questions that need to be answered. Mrs. Heinzl stated that she was happy to see the turn out of residents and to see that Abigail Waugh was also in attendance. Mrs. Heinzl stated that the purpose of carrying the discussion to this meeting was to try to get some real answers to the questions that were raised. Mrs. Heinzl stated that as Council Members they are charged with answering the needs of the community, but also with managing the budget for the Borough. Mrs. Heinzl stated that when questions about the budget and specific costs come up they are fair and good questions and the debate tonight is to get answers to the questions.

Mr. Ogren stated that he has told Mr. Tucker that he would have voted in favor of this item had it been included in the budget. Mr. Ogren stated that it was not included in the budget and we did not see a way to include it in the budget at this late date. Mr. Ogren stated that since our last meeting, the Borough Administrator has made an interesting proposal for a way to come up with the funds. Mr. Ogren stated that if that proposal could work then he would be supportive of providing the funds for this request.

Mrs. Dunn stated that she is very glad to see the turn out for tonight's meeting and she would encourage attendance at other meetings so that residents can be informed on topics that are being discussed and hear what issues Council is dealing with. Mrs. Dunn stated that she has been accused of being a number cruncher and a slave to numbers which she thinks is very unfair. Mrs. Dunn stated that she believes in facts and explanations and in the business world if someone requests money for something they need to show where it is going, how much is needed and who it is helping. Mrs. Dunn stated that these are the basic questions that she posed in this case and she still at this time does not have sufficient answers to the questions. Mrs. Dunn stated that she would like to know how many Pennington Borough residents participate and in what events they are participating. Mrs. Dunn stated that would give an indication of which events are working and if there are events that should be considered for elimination, also which events might benefit from more money. Mrs. Dunn stated that she also asked for a cost breakdown of each event and how many Pennington residents are benefiting.

Mrs. Dunn stated that she thinks that programs such as rides to medical appointments and things of that nature are very important and she would like to ensure that enough funds are being allocated for these programs.

Mrs. Dunn stated that without answers to the questions that she has asked, she does not feel that she can make an informed decision because the facts that have been presented are not clear. Mrs. Dunn stated that the budget for programs is \$33,000 and the expenditures that have been provided total about \$1,500.00. Mrs. Dunn stated that she would like to see where the money is going and she is not saying that it is being mismanaged or accusing anyone of any wrongdoing, she would just like an answer to where the funds are going. Mrs. Dunn stated that budgets for other departments such as recreation can be broken down by how much was spent for movies, concerts, parades, etc.

Mrs. Dunn stated that the information she is requesting is no different than what she would ask of from any department and she believes that until that information is provided she is not able to make an informed decision on this. Mrs. Dunn stated that this program costs about \$120,000 made up of \$60,000 for salary, \$20,000 for benefits and about \$30,000 in operating expenses. Mrs. Dunn stated that to be responsible and to make an informed decision, the questions need to be answered. Mrs. Dunn stated that it may show that some programs need more money and maybe the Borough could help more. Mrs. Dunn stated that to say that she is a number cruncher and she doesn't care about seniors is completely wrong. Mrs. Dunn stated that she needs these facts some of which are numbers in order to make a decision and without those she does not feel that she can make an informed decision.

Mr. Griffiths stated that saying that another Council Member is a slave to numbers is completely unfair. Mr. Griffiths stated that Council has to answer to the 2,600 taxpayers and residents of the Borough because that is who Council serves. Mr. Griffiths stated that he understands that the 20 or so people in the audience tonight are passionate about this issue and that there are concerns that this funding should be included. Mr. Griffiths stated that he checked the census information and people of age sixty and over are 19.5 percent of the population of Pennington Borough and roughly the same for Hopewell Township. Mr. Griffiths stated that in aggregate that is a total of about 3,900 people out of a total of about 23,000. Mr. Griffiths stated that people that participate in the senior programs are a subset of the 3,900 residents. Mr. Griffiths stated that he views this as a special interest and he needs to see why other taxpayers in the Borough should be funding the gamut of events that go on at the senior center. Mr. Griffiths stated that at this point he does not feel that he has the justification. Mr. Griffiths stated that he would like to know how much money is being spent, where the money is coming from and are available grants being sought. Mr. Griffiths stated that at the beginning the salary for the senior coordinator was funded by a grant with the idea that this was a temporary position. Mr. Griffiths stated that the \$5,000 is not the issue, the principle is the issue. Mr. Griffiths stated that Council has to be able to answer to all of the taxpayers. Mr. Griffiths stated that not too long ago a request came before Council to fund a teen center and council voted that down. Mr. Griffiths stated that until this request has been adequately defended he is unable to justify the expense. Mr. Griffiths stated that this is no different than what would be requested of any other group that approached Council with a request for funds.

Mrs. Heino stated that council members have stated their stand on this issue and we need to respect that everyone comes from a position that they feel strongly about. Mrs. Heino stated that unfortunately we are facing a situation where it seems that the Borough is being asked for forgiveness instead of permission. Mrs. Heino stated that this position was funded by a grant which ran out and was supposed to be picked up by Capital Health. Mrs. Heino stated that Capital Health is not being held accountable and we are being asked

to pick up and fund what had been agreed by Capital Health to be funded. Mrs. Heino stated that this is an unfortunate situation that we are being placed in and that is another reason why the request for information is a very fair one. Mrs. Heino stated that the request for information is the same request that would have been made if we had been originally asked to fund this prior to the budget adoption.

Mayor Persichilli stated that he is a senior citizen though he does not participate in the programs. Mayor Persichilli stated that in the last five years, Pennington Borough has raised taxes in the municipality one-half of a penny, with four years of no tax increase. Mayor Persichilli stated that Council has been able to do this because we watch every nickel and dime that is spent. Mayor Persichilli stated that for each dollar of tax collected, the Borough has nineteen cents to use to provide services to Pennington Borough. Mayor Persichilli stated that residents have expressed that they like having a police department and a public works department and council works very hard to maintain the services that residents are accustomed to.

Mayor Persichilli stated with all of that in mind, the history behind this issue was that the three Mayors' met years ago and decided to support the hiring of a senior coordinator as long as that person found a grant to continue paying the salary. Mayor Persichilli stated that there was an agreement with Princeton Hospital and they funded the position for a few years, there was a tentative agreement with Capital Health to fund and they backed out. Mayor Persichilli stated that all he knows is that Pennington Borough was never asked permission to put someone on the payroll, Hopewell Township did that. Mayor Persichilli stated that we asked why this person was put on board without our knowledge and we got an inadequate response. Mayor Persichilli stated that the original resolution stated that going forward the position had to be self funding. Mayor Persichilli stated that all of a sudden the Township sends a request for \$10,000 to pay a salary that we never agreed to and that is an issue.

Mayor Persichilli stated that he would like to say that Abigail Waugh is the best person for this job and she is going a great job. Mayor Persichilli stated that we can't be pulled into something unless we understand why and what our part is and get agreement from all three municipalities. Mayor Persichilli stated that in reference to the information that Mr. Tucker has provided, we asked for numbers, we didn't get numbers, we asked for names, we didn't get names due to a privacy issue. Mayor Persichilli stated that when public funds are used everything is open. Mayor Persichilli stated that the only data that was received was a list of who receives the newsletter. Mayor Persichilli stated that Mrs. Dunn is a scientist and she works with data and because of that he respects her opinion about the data provided. Mayor Persichilli stated that Mr. Griffiths is the finance person and he is cheap, but that is why taxes have not increased in five years. Mayor Persichilli stated that council is trying to make the best decision and until they have the information that was requested an informed decision cannot be made. Mayor Persichilli stated that this is nothing against Abigail and it is nothing against the seniors. Mayor Persichilli stated that he would have to agree that as of right now he does not have the information needed to make an informed decision.

Mr. Griffiths stated that the problem with grants is that they are impermanent by nature. Mr. Griffiths stated that grants are a one-time funding source and they go away. Mr. Tucker stated that the program was originally grant funded and yes, now the grants have run out. Mr. Tucker stated that when additional grants were not obtained, the program could have been shut down, but that would be a stupid thing to do. Mr. Tucker stated that he agrees that more detail is needed and if we don't have it now, we can work something out for the future. Mr. Tucker stated that \$5,000 is insignificant and will not have a big effect on the budget. Mr. Tucker stated that he doesn't have a problem with requesting additional information, but he would like to contribute the \$5,000 for this year.

Mayor Persichilli stated that the Borough has had problems with grants in the past where the Borough has had to front funds and seek reimbursement. Mayor Persichilli stated that grants are good, but we have to be careful to understand what these grants actually cost the municipality.

Mayor Persichilli stated that he would allow residents in attendance to come forward and comment or ask questions.

Mr. Tom Dimuzio of 108 Voorhees Avenue and a representative to the Senior Advisory Board stated that he is puzzled as to what the purpose of the Senior Advisory Board is. Mr. Dimuzio stated that they do not need to meet and discuss senior activities if Borough Council is going to be making decisions. Mr. Dimuzio stated that he thought the purpose of the Senior Advisory Board was to advise Council. Mr. Dimuzio stated that the advisory board was not consulted on this issue. Mayor Persichilli stated that Mr. Tucker as Council liaison should have been informing the board. Mr. Dimuzio stated that the board was unaware of the issue until the decision was made that there was no money in the budget. Mayor Persichilli stated that no decision was made; the fact was that there was no money in the budget. Mayor Persichilli stated that the request from Hopewell Township did not come in until after the budget was adopted. Mayor Persichilli stated that when the request was made was when the Borough found out that the Township had included the position in their budget. Mr. Dimuzio stated that when this issue came up the Senior Advisory Board should have been consulted.

Mrs. Dunn asked if Mr. Dimuzio could take a minute to explain what the role of the Senior Advisory Board is. Mr. Dimuzio stated that the board spreads themselves among the community in order to get a sense of what is going on with the seniors and to put together programs in concert with Abigail Waugh. Mr. Dimuzio stated that he is a senior, but he has come to realize that he is not the type of senior that needs the programs that are offered. Mr. Dimuzio stated that Abigail fields all types of calls during the day to help seniors with all sorts of problems and there is no set formula to determine what she does and whether what she does is worth it. Mr. Dimuzio stated that it's not about the programs and the lunches, it's about how many people

are helped through this program and in what way have they been helped. Mrs. Dunn stated that is exactly the information that Council is asking for. Mr. Griffiths stated that Council is simply asking for a budget and accounting of where funds have been spent. Mr. Dimuzio stated that there is another element other than the budget and that is sometimes you just do the right thing because it's the right thing to do especially if it only involves \$5,000.00. Mr. Griffiths stated that the amount of money is not the issue; it is the principle that is the issue. Mrs. Dunn stated that it is not about the \$5,000, it is about being accountable to every person in the Borough and she needs to be able to explain where funds have been spent when she is asked.

Mayor Persichilli stated that the Borough was not informed that Abigail was put on the payroll until after the fact. Mayor Persichilli stated that was not the original agreement and now is the Borough going to be responsible for this position going forward? Mayor Persichilli stated that when Abigail was hired it was with the understanding that the position would be self funding and that was working when Princeton Healthcare had the grant. Mayor Persichilli stated that when Capital backed out of funding the position, somewhere along the way, Abigail was hired without input from the Borough. Mayor Persichilli stated that the Township came to us after the fact and now we are simply asking what the money will be spent on and we have not gotten the answers to the questions that we have asked.

Mr. Griffiths stated that the Borough was faced with a similar situation when the First Aid Squad requested funds, a case was presented, facts were gathered and Council agreed to the funding. Mr. Griffiths stated that Council has done the right thing at the right time when data that is necessary to make informed decisions is presented.

Mrs. Heinzl stated that part of the problem is that there are several issues wrapped up into this one bottom line. Mrs. Heinzl stated that as she recalls, the Senior Advisory Board was formed in order to search for a Senior Coordinator. Mrs. Heinzl stated that the municipalities became aware that there was a grant that would enable the valley to hire a Senior Coordinator. Mrs. Heinzl stated that representatives from the three towns were selected to form a search committee and as a result Abigail was hired. Mrs. Heinzl stated that part of her job was then to seek grants to continue funding her salary. Mrs. Heinzl stated that we all know what happened from there and the grants that we thought would continue to fund her salary dried up. Mrs. Heinzl stated that borough council was under the impression that when the grant dried up, this position would be dissolved and unbeknownst to us, Abigail was then hired by the Township. Mrs. Heinzl stated that after she was hired the Township then came to us to request money based on a proportion of seniors that live in Pennington. Mrs. Heinzl stated that the original request of around \$11,000 was too much and the Borough did not agree. Mrs. Heinzl stated that then the Township came back with an offer of \$5,000. Mrs. Heinzl stated that she is in a situation where she does think that spending the \$5,000 makes sense because even though it was not funded in the budget, there may be a way to come up with the funds. Mrs. Heinzl stated that the reason she is willing to do this is because seniors have been participating in services for half of the year and by doing this it shows a certain amount of good will that we are willing to share in this service which is more efficient than trying to provide these services on our own.

Mr. Dimuzio stated that Mercer County has stated that when the three municipalities work together, they would give \$1.5 million to build a senior center. Mr. Dimuzio stated that in denying this council is philosophically saying that they don't care about what happens in the future. Mayor Persichilli stated that the two Boroughs' went to the County to request that money and the Township went to the County to ask for money for a soccer field. Mayor Persichilli stated that if the three municipalities had gone together, Shirley Turner said that we would have gotten the money. Mayor Persichilli stated that every penny spent is watched carefully and if residents feel differently then he is not doing his job properly. Mayor Persichilli stated that we have tried to find a way to fund the \$5,000 if the data shows that it is justified, but until the data is provided that decision can not be made. Mayor Persichilli stated that there has already been discussion of putting money in the budget next year and it will not be increased because of salary or benefit increases because the Borough never agreed to this position.

Mayor Persichilli stated that he worked with Mayor Sandom to try to find another grant source for this position but money is tight and hospitals don't have the funds for this. Mayor Persichilli stated that if the data is produced a decision will be made as to how to find a way to fund this. Mayor Persichilli stated that he asked Borough Administrator, Tim Matheny to check with the State to see if there was a way to fund this and we think there is a way to do it but that won't happen until the questions are answered.

Mayor Persichilli stated that a lot of time has been spent on this topic, but he would allow residents to comment.

Mrs. Jean Donlan of 113 King George Road stated that she has lived here and paid taxes for forty-nine years and not having the knowledge to prepare for this is difficult, however the important thing is not how many people do we serve, it's having a service available when people need it. Mrs. Donlan stated that there are times when seniors need help and there are people in Pennington that can not afford certain services and don't have anyone to help them. Mrs. Donlan suggested submitting an application for a Pennington Day Grant.

Mrs. Terri Evanko of 140 Woolsey Court stated that she resents being referred to as a special interest because the seniors are a legitimate part of the community. Mrs. Evanko stated that grant writing is a discipline in itself so unless Abigail is trained in that it is not an easy task. Mrs. Evanko stated that she is asking Council to support this request and she understands the questions and the facts that have been requested but there has to be gradual steps. Mrs. Evanko stated that if this is the first year that the position wasn't funded and this is the first time the questions have been asked you learn as you go. Mrs. Evanko stated that Abigail has the

ability to understand seniors and find solutions to their problems and we would not be able to find that anywhere else. Mayor Persichilli stated that no one will argue that point. Mrs. Evanko suggested that Abigail might need help from volunteers in order to keep track of who is attending events and where they actually live. Mrs. Evanko stated that in the meantime, council should respect the seniors who have lived here and supported the schools and give it six months to a year to provide the data that is being requested.

Abigail Waugh, Senior Coordinator stated that she was not aware that she was supposed to seek grants to fund her salary, but she has applied for and been awarded other grants. Ms. Waugh stated that the transportation program is grant funded and she just received a \$300.00 grant for the senior picnic. Ms. Waugh stated that she does collect data and she understands now that it is not exactly what council is looking for, but it is the way that data has been collected for the past six years. Ms. Waugh stated that she wishes someone had asked if data needed to be in a different format. Ms. Waugh stated that she does feel that participants in certain groups such as dementia support or bereavement support should be kept confidential. Ms. Waugh stated that going forward she would be happy to do whatever needs to be done, but it cannot be retrofitted.

Mrs. Dunn stated that she was surprised that this information was not requested previously. Mrs. Heinzl stated that she felt that the information was not requested because the position was funded by a grant that we were not overseeing. Mrs. Heinzl stated that by contributing the \$5,000 we will have the opportunity to continue these discussions and look to the future to determine how this position will be funded and to examine the possibilities of how this program will be handled in the future. Mrs. Heinzl stated in the future it might make sense to consider a program like the recreation department where Pennington users pay a fee to participate. Mrs. Heinzl stated that by continuing to cooperate and asking questions as one unified valley everyone will benefit. Mrs. Heinzl stated that not contributing the \$5,000 would do damage to the relationships with the other two municipalities.

Mrs. Dunn stated that for six years these questions have gone unasked and now there is the opportunity to determine whether or not the right amount of money is being allocated, but also to make sure that the funds are allocated to the right purposes. Mrs. Dunn stated that the questions have been asked, answers have not been provided and yet council is still being asked to vote.

Barbara Rockell of 29 Woolsey Court stated that she grew up in Pennington, raised her family in Pennington and her sister was a past Mayor. Ms. Rockell stated that Council is sending the seniors a terrible message that they don't care about the seniors. Ms. Rockell stated that when the grant ran out, Council should have come forward with a plan to help the seniors. Ms. Rockell stated that there are many seniors that are utilizing the services provided.

Sharon Boone of 37 Knowles Avenue stated that teens and seniors are the two most important commodities. Ms. Boone stated that she would like to know why the question of funding for the senior program did not come up prior to approving the budget. Ms. Boone stated that she worked as a teacher with people that live in Lawrenceville and they used to talk about the senior programs that were available in Lawrenceville. Ms. Boone stated that since Abigail has been here, the programs offered have increased for seniors.

Mrs. Shirley Norton of 138 Woolsey Court stated that she thinks the situation at the senior center is a catch 22 because only one activity can go on at any one time. Mrs. Norton stated that the senior center is very inadequate. Mrs. Norton stated that she teaches a class in Memoir Writing and she is doing her class at the Lawrence Township Senior Center because our senior center does not have space. Mrs. Norton stated that so much more could go on at the senior center if the space were available. Mrs. Norton stated that seniors need to be around other seniors. Mrs. Norton stated that she has met many new friends through participation in some of the programs. Mrs. Norton stated that the statistics would be much higher if there were more space available. Mrs. Norton stated that she wonders how surrounding municipalities are able to have these nice senior centers and great programs and how these things are funded.

Mayor Persichilli stated that talk of a senior center has been ongoing since he has been on Council. Mayor Persichilli stated that it does not make sense to him for the seniors to have an individual building. Mayor Persichilli stated that he felt when the teen center was proposed that somehow all of these centers should be combined with the YMCA and everyone agreed, but it never happened because no one could get the three groups to talk to each other and come up with a solution. Mayor Persichilli stated that the intent of the community was to do something like that, but a consensus could not be reached. Mayor Persichilli stated that where we are today is that the YMCA can't raise the money to do their piece, they forgot about the seniors and the teens are off on their own doing something else. Mayor Persichilli stated that council has tried to get a consensus because we can't afford to build three separate buildings and have the valley fund those buildings.

Ms. Nancy Mason, President of the Hopewell Valley Lions Club, residing at 95 W. Shore Drive in Hopewell stated that their organization represents all residents in the valley but it is on behalf of Pennington Borough seniors that she is speaking. Ms. Mason stated that the Lions have been a visible part of Pennington, participating in the Memorial Day Parade and Pennington Day, holding pancake breakfasts and donating to the Library and other local causes. Ms. Mason stated that in tough economic times the Lions Club has helped residents by providing food and other necessities. Ms. Mason stated that one of the benefits of their fundraising is that they are able to purchase and loan out hospital equipment to local residents. Ms. Mason stated that they purchased and donated a wheelchair to the senior center. Ms. Mason stated that they do get a grant from Pennington Day and that grant is generally spent on hospital equipment. Ms. Mason stated that they are getting more and more requests for hospital equipment due to economic circumstances relating to

health insurance and medicare, lack of medical insurance and other factors. Ms. Mason stated that to deny the seniors that live here access to the kinds of services that are provided would not be fair as most of these seniors have lived and paid taxes here all their lives.

Mr. Dan Pace of 9 Railroad Place stated that he has attended many of the events that have been offered. Mr. Pace stated that he understands that there is a way to contribute the funds that are being requested and he would like to ask Council to pursue that for this year and then for the 2014 budget get into a lengthy discussion to get answers to the questions that are being asked.

Mr. Bill Reuter of 14 Park Avenue stated that he is encouraged by Mrs. Dunn's line of questioning because as a taxpayer he has to assume that the same kind of rigorous cost benefit analysis has been applied to all items in the budget and will continue to be applied to those items that come before Council. Mr. Reuter stated that what is being discussed tonight is something that he would call a social good for the benefit of the seniors of the communities. Mr. Reuter stated that it cannot be effectively measured into dollars and cents, but it is a kind of return to the seniors for the years of contribution that they have made to the Borough in many different ways over many years.

Mr. Nat Norton of 138 Woolsey Court stated that as he sits here listening to the discussion it has occurred to him that most of the discussion is focused on a very narrow discussion of the budget and his concern is that the big picture is being lost and that is the long-term benefit of a \$5,000 investment. Mr. Norton stated that most of the expense is being picked up by others and the Borough is almost getting a free ride and Council should see the benefit of that. Mr. Griffiths stated that Council does see the benefit and Council is not talking about just the \$5,000, there are larger issues. Mr. Griffiths stated that the larger issues are how taxpayer money is being spent and what the right amount to be spending is. Mr. Griffiths stated that this same rigor has been applied to other areas of the budget. Mr. Griffiths stated that the \$5,000 has become the point of the discussion, but it is not the principle of the discussion.

Mrs. Dunn stated that no one is saying that this is not a good cause and she does not want the senior program to go away, but if Council does not ask the questions, who will. Mrs. Dunn stated that she took an oath to the seniors and every other taxpayer in the Borough to ask these questions and if the information is provided Council could promote the program for the seniors.

Mr. Tucker stated that what is likely to happen if two out of the three municipalities contribute to the program is that Pennington seniors will most likely have to pay to participate in programs as is done with Recreation. Mr. Tucker stated that the perception will be that Council does not care about the senior residents.

Mayor Persichilli asked Borough Administrator, Tim Matheny to give an overview of what he found out regarding funding for this request. Mr. Matheny stated that this discussion has been ongoing for a couple of months and there are two questions, one being whether Council wants to contribute or not and the other is how do we do it. Mr. Matheny stated that government budgeting is completely different from regular budgeting. Mr. Matheny stated that when we have a line item within the budget that has a zero balance, transfers are not allowed. Mr. Matheny stated that as of November 1st transfers within budget lines are allowed but only into line items where funds were budgeted. Mr. Matheny stated that one way to fund the \$5,000 would be to pass an emergency resolution. Mr. Matheny stated that the process is very specific and requires approval from the State. Mr. Matheny stated that the State scrutinizes emergency appropriations because it is not good management to have to seek approval for expenditures. Mr. Matheny stated that another situation that arises from passage of an emergency appropriation is that it has to be budgeted in the following year budget. Mr. Matheny stated that one of the questions that came up was would this be a black mark against the Borough to do this. Mr. Matheny stated that though it is not a big deal, it is not a good way to do a budget. Mr. Matheny stated that an emergency is not really the best way to do it. Mr. Matheny stated that in reviewing the budget he was reviewing the Borough's shared service agreements and one of the agreements we have is for the Senior Center. Mr. Matheny stated that Hopewell Borough and Hopewell Township both pay a little money to the Borough to use the building. Mr. Matheny stated that Hopewell Township has not paid their share yet and that is not unusual. Mr. Matheny stated that the amount due is around \$4,500 and his thought was that perhaps Hopewell Township and Pennington Borough could come to an agreement where the township would not pay that money, but instead put it towards the Senior Coordinator budget. Mr. Matheny stated that both the Chief Financial Officer and the Borough Auditor have been consulted and both have said that though it is not the best or cleanest way to handle this it is not illegal and is something that could be done if Council decides to go that route.

Mr. Griffiths stated that he would like to have a discussion with Hopewell Township to find out if they would be in agreement if Council decided to pursue it. Mr. Griffiths stated that in the meantime, he heard several people tonight make commitments that they would get the data that was requested. Mr. Griffiths stated that he would like to know who is going to commit to providing the information.

Mrs. Heinzl stated that Council has been provided with some information; however it is not the information that was requested. Mrs. Heinzl stated that prior to this year, Pennington senior residents have enjoyed the benefits of the program thanks to the grant funding. Mrs. Heinzl stated that now that the grant has ended, the Borough is being asked to contribute and it is right to be asking the questions that are being asked. Mrs. Heinzl stated that it is her position at this time that for \$5,000 it makes sense to continue the senior services coordinator position and she has heard that there is a way to do that and she supports that as well. Mrs. Heinzl stated that going forward she thinks that the type of data being requested can be gathered to make the decision as to whether we can continue to fund this in our budget and hopefully in a way where we could be

participants at the table helping to develop the budget for the position.

Mrs. Terri Evanko stated that she would be willing to work on a committee to gather the information that was requested. Mrs. Evanko stated that she would hope that the three communities can work together and she finds it inexcusable that a community that you are working with does not share information. Mayor Persichilli stated that the Township did not tell the Borough that they were hiring for the position, nor have they shared the information that was requested. Mayor Persichilli stated that this is nothing against the programs or Abigail and it is nothing against the seniors, it is simply that the information has not been provided. Mayor Persichilli stated that if someone asked him for \$5,000 he would want to know what they were going to do with the money.

Mayor Persichilli stated that the issue is not the \$5,000 and the Borough has worked to find a reasonable way to come up with the money and that idea has to be presented to the Township to see if they would be willing to do it.

Mrs. Addie Wickman stated that she goes to the senior center three or four times a week and she would like to know who pays the salary of the people at the senior center. Mayor Persichilli stated that there is an agreement in place with Hopewell Township and Hopewell Borough for maintenance of the senior center. Mr. Wittkop stated that Pennington Borough takes care of the grounds, Hopewell Township takes care of cleaning the inside of the building and Hopewell Borough contributes money.

Mrs. Heino stated that there has been a lot of discussion tonight about the issue being \$5,000 and what Council is trying to say in a larger sense is that it is not about \$5,000. Mrs. Heino stated that the \$5,000 is a very expensive band-aid for this year because all it buys is the right to consider the program in time for 2014 so that it appropriately and logically falls into a budget line item the way every other item in the town is budgeted, considered and paid for. Mrs. Heino stated that \$5,000 is an incredible bargain because the original request was \$10,000 so we have already been offered a discount and everyone is very aware of that but the real cost is still out there and will have to be considered and discussed for 2014. Mrs. Heino stated that when Mr. Griffiths asks for accountability which takes some effort to put together, it really is in the benefit of every senior in the town to want to participate and to want to pull together information to make the case for consideration in the 2014 budget because that is really the most important step going forward. Mrs. Heino stated that the \$5,000 is unfortunately taking up a lot of time and there is a lot of emotion attached to it, but the real issue is 2014 and beyond for continuation of the program.

Mr. Phil Volpe of 138 Brandon Road in Hopewell Township and President of the Hopewell Valley YMCA stated that he worked on the hospital grant application. Mr. Volpe stated that hospitals have a multi-million dollar budget which includes a section for public benefit and his first thought is that there are a lot of other hospitals that are looking to serve the Hopewell Valley and maybe the three Mayors could get together and approach these other hospitals. Mr. Volpe stated that the YMCA is in the middle of a feasibility study that is going very well and the results should be public very soon. Mr. Volpe stated that he has nothing against the senior citizens, but sometimes they are their own worst enemies. Mr. Volpe stated that the idea of having a separate building is a disaster and he would beg the seniors to move away from that concept. Mr. Volpe stated that the Hamilton YMCA has a nice setup and should be looked at to see if it would work here in the Hopewell Valley.

Mayor Persichilli called an end to the discussion stating that enough time was spent on this topic. Mayor Persichilli stated that Council needs to discuss what has been presented including funding options presented by Mr. Matheny to determine what the next step should be.

Mrs. Dunn stated that she would like answers to the questions asked regarding where the money is going because having those facts would help her decide how to vote on this issue. Mrs. Dunn stated that she would like the discussion carried to the next meeting.

Mr. Ogren stated that this issue needs to come to a head at the next meeting and he would make a motion that a resolution come before Council at the next meeting and between now and then if more information is provided that would be great, but either way the matter needs to be put to rest. Mrs. Heinzel seconded the motion and stated that having a resolution before Council would make it easier to vote on the issue. Mrs. Heinzel stated that what needs to be explored is whether a new interlocal is needed or whether the existing interlocal could be amended. Mrs. Heinzel stated that she is confident that the budget data could be obtained from Hopewell Township.

Mr. Tucker stated that he would like to see the Mayors and Administrators get together to figure out how to use the funds owed by Hopewell Township for the current interlocal agreement towards the \$5,000 that has been requested.

Mrs. Dunn and Mr. Griffiths both agreed that if the information could be presented prior to voting on a resolution then they would be prepared to vote.

Mayor Persichilli stated that he would work with Mr. Matheny to negotiate with Hopewell Township on coming up with a resolution and agreement and also to continue to push to get the information that has been requested.

Mr. Griffiths stated that he would like to see the three Mayor's get together and discuss the long-term need for the senior citizens and work together to come up with a solution. Mr. Griffiths stated that the principle

behind holding out on paying the \$5,000 is to get to a better solution. Mayor Persichilli asked Mr. Tucker to communicate with the Senior Advisory Board to ensure that they are involved in the process.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2013-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2013 -5**

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 2013

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON AS FOLLOWS:

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

Borough Administrator	\$ 30,000.00
Borough Clerk	\$ 38,558.62
Treasurer	\$ 61,167.32
Tax Collector	\$ 17,571.94
Utility Collector	\$ 17,571.94
Technical Assistant to Construction	\$ 10,771.26
Tax Assessor	\$ 14,318.71
Zoning Officer	\$ 7,961.48
Land Use Admin/Admin Asst.	\$ 46,402.38
Deputy Registrar	\$ 2,005.04
Supt. of Public Works	\$ 54,498.70
Supt. of Water Dept.	\$ 23,190.74
Supt. of Sewer Dept.	\$ 23,190.74
Judge of Municipal Court	\$ 11,185.39
Prosecutor	\$ 3,792.34
Court Administrator	\$ 15,632.42
Public Safety Director	\$ 55,831.85
Construction Official	\$ 24,700.84
Plumbing Sub-Code	\$ 36.54 / hour
Fire Sub-Code	\$ 37.09 / hour
Electric Sub-Code	\$ 9,886.82
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.
- d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 74.47
Police Department:		
Crossing Guards	\$ 15.00	\$ 23.77
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00

Part Time/Temporary/Licensed up to a maximum of \$ 35.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than "at will" has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2013.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2013-5, second by Council Member Heinzl. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Heino with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2013-5, second by Council Member Heinzl with all members present voting in favor.

Mayor Persichilli read Ordinance 2013-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2013-6**

**AN ORDINANCE AMENDING CERTAIN REGISTRAR FEES AND INCORPORATING
REGISTRAR FEES INTO THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Registrar of the Borough of Pennington is authorized to collect fees from the public for the issuance of certain permits and licenses and for providing certified copies of documents, as last revised by Borough Ordinance No. 2005-14;

WHEREAS, Borough Council seeks to incorporate these fees into Chapter 98 of the Code of the Borough of Pennington, concerning Fees;

WHEREAS, Borough Council also seeks to increase from \$8 to \$10, in line with increased costs, the fee for certified copies of Birth certificates, Death certificates and Marriage licenses;

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

Chapter 98 of the Code of the Borough of Pennington is hereby amended to include a new Article XVI, entitled Registrar Fees, which shall read as follows (with amendments to existing fees denoted by brackets [] for deletions and underlining for new fees):

Section 98-63. Authorized Fees.

The Registrar of the Borough of Pennington is authorized to collect the following fees from persons requesting issuance of permits and licenses or provision of certified copies of documents:

Birth certificate (certified copy)	\$ [8] <u>10.00</u>
Burial permit	\$ 5.00
Death certificate (certified copy)	\$ [8] <u>10.00</u>
Marriage License/Domestic Partnership (\$25.00 State)	\$ 28.00
Marriage License (certified copy)	\$ [8] <u>10.00</u>
Corrections	\$ 5.00

This Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2013-6, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a

motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Heinzl made a motion to adopt Ordinance 2013-6, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2013-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2013- 7**

**AN ORDINANCE AMENDING PENALTIES FOR UNLAWFUL
PARKING IN ACADEMY COURT CONDOMINIUM DEVELOPMENT**

WHEREAS, Pennington Borough Council seeks to amend the Borough Code to subject unlawful parking in the Academy Court Condominium Development to the same range of penalties provided by the Code for other parking violations in the Borough;

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

1. Article VI of Chapter 200 of the Code of the Borough of Pennington, at Section 200-25, regulating parking in the Academy Court Condominium Development, is hereby amended to read as follows (with deletions denoted by brackets [] and new language underlined):

Section 200-25. Academy Court Condominium Development.

- A. Parking is hereby prohibited in the Academy Court Condominium Development in driveways, driving aisles or any space other than the designated parking spaces as indicated on the paving.
 - B. A vehicle parked in violation of the foregoing section may be removed at the owner's expense.
 - C. [Owners of vehicles found parked in violation of the foregoing section shall be, upon conviction, subject to a fine of \$10 and the vehicle may be removed at the owner's expense.] Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this article or any supplement thereto shall be liable for a penalty of not more than \$200 or imprisonment for a term not exceeding 15 days, or both.
2. This Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2013-7, second by Council Member Heinzl. There were no comments from the public. Council Member Dunn made a motion to close the Public Hearing on Ordinance 2013-7, second by Council Member Heinzl with all members present voting in favor. Council Member Heinzl made a motion to adopt Ordinance 2013-7, second by Council Member Griffiths with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzl reported that the Library Board met on May 30th and discussed library statistics which indicate that library usage is up from last year. Mrs. Heinzl stated that this is primarily due to programming and advertising library events. Mrs. Heinzl stated that the Library Board approved a code of conduct for patrons who use the library and additional policies will be coming so that problems can be better addressed. Mrs. Heinzl stated that Ms. Ha applied for and secured a \$1,000 grant from Dollar General Stores which will be used for the summer library program.

Mrs. Heinzl stated that the Planning Board did not meet in May, the next meeting will be this Wednesday.

Mrs. Heinzl stated that the Environmental Commission did a great job at Pennington Day, with this year's theme being Anti-Idling. Mrs. Heinzl stated that the Hopewell Valley Green Team has sent out letters to alert business owners of a program they can take advantage of to update their facilities for greater energy efficiency.

Public Works/Shade Tree – Mr. Ogren reported that the Shade Tree Commission met to discuss final preparations for their booth at Pennington Day.

Mr. Ogren stated that the Public Works Committee met and discussed the Downtown Streetscape bids, water meter replacement and water tower painting.

Council Members were provided with the following water/trash report.

PENNINGTON BOROUGH PUBLIC WORKS

TO: Tom Ogren, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: June 5, 2013

RE: **COUNCIL REPORT FOR THE MONTH OF MAY 2013**

WATER

Water pumped for the month of May 2013: 7,261,000
Daily- 234,200

Water pumped for the month of May 2012: 7,192,000
Daily: 232,000

For the month of May 2013 we averaged 2,200 gallons more per day than May 2012.

TRASH

83.97 tons of household trash for the month of May 2013 vs. 95.52 tons in May 2012.

Leaves should now be bagged and placed at the curb. The bags should be left open and free of debris such as sticks and branches.

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

Mr. Ogren stated that the Open Space Committee met and discussed the use of Green Acres funds for an acquisition of property that will be discussed later in closed session.

Mr. Ogren stated that Council Members have received a copy of the Maser Consulting report, a power point presentation was given at the meeting on May 22nd and Maser Consulting will be making a presentation to the Planning Board this Wednesday night.

Mr. Ogren stated that he also provided Council copies of a tax map that are referenced in the report. Mr. Ogren stated that there was a recent article in the Hopewell Valley News, which had some inaccurate information regarding what types of businesses might be needed in the area, so he has pulled some data from the Maser report and compiled a list of retail categories that are the most underserved in the area. .

Community Services/Economic Development/Personnel – Mrs. Heino stated that she has been traveling a lot recently and she has not been able to attend committee meetings. Mrs. Heino asked Mr. Matheny if he had any personnel items he would like to discuss. Mr. Matheny stated that there is one item for discussion in closed session.

Public Safety – Mr. Tucker reported that on May 2nd the Police Department assisted the Library with their annual Busy Town event. Mr. Tucker reported that on May 18th the annual Pennington Day event was held and there were no specific calls for additional police services. Mr. Tucker stated that five officers from the Mercer County Sheriffs office supplemented the Pennington Police Department under the paid detail program. Mr. Tucker commended both the Police and Public Works Departments for their assistance with the event. Mr. Tucker stated that Mr. Meytrott has represented the department at various events throughout the month. Mr. Tucker reported that on May 27th, the Police Department assisted with the annual Memorial Day Parade, no incidents were reported.

Mr. Tucker reported that the Public Safety Committee met to discuss the COPS grant and the committee decided not to pursue the grant for this hire. Mr. Tucker stated that the committee reviewed a proposal for night shift coverage, more information is needed and he will report further at the June meeting. Mr. Tucker stated that the committee also discussed the need for a new police vehicle and also a scanner for fingerprints.

Mr. Tucker reported the following statistics for the month of May 2013.

125	Motor Vehicle Stops
38	Warnings
20	Parking Summons
138	Summonses Issued

Finance – Mr. Griffiths stated that the Finance Committee did not meet.

Historic Preservation – Mrs. Dunn stated that the Historic Preservation Commission met and discussed the four signs denoting the Historic District including pricing. Mrs. Dunn stated that the total cost for the

signs would be \$3,997.00. Mrs. Dunn stated that the Historic Commission budget is \$500 per year so they are going to seek donations to try to fund the signs. Mrs. Dunn stated that the Commission is applying for status that would allow them to apply for grants and get funding which could be used for purchasing the signs.

Mrs. Dunn stated that the Pennington School is still planning to submit all of their plans at one time and they are hoping to have everything ready for September. Mrs. Dunn stated that they received an e-mail from Howe Commons about putting solar panels on some of the roofs which would not require review by the Historic Preservation Commission. Mrs. Dunn stated that another request came from the owners of 10 South Main Street and the Commission suggested installing Marvin Windows on the front and sides of the building as both are visible from the street.

New Business

**Borough of Pennington
Resolution #2013 – 6.2**

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 \$ 747,280.53 from the following accounts:

Current	\$ 718,657.95
W/S Operating	\$ 25,492.08
Recreation Trust	\$ 234.00
Developers' Escrow	\$ 2,896.50
TOTAL	\$ 747,280.53

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 2013-6.2, second by Council Member Heino with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013 – 6.3**

RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR COSTS OF GRASS CUTTING AT 404 BURD STREET, PURSUANT TO SECTION 136-8 OF THE PENNINGTON BOROUGH CODE

WHEREAS, the Borough Police Department has received a property maintenance complaint regarding high grass at 404 Burd Street; and

WHEREAS, after investigation by the Police Department it was determined that this high grass condition constituted a nuisance as defined by Section 136-3A (6) of the Borough Code;

WHEREAS, pursuant to Section 136-7 of the Code, whenever a nuisance of this kind is declared, a violation shall be given to the owner in writing to remove or abate the same within a specified time not less than five (5) days from the service of the violation notice; and

WHEREAS, on May 10, 2013, a notice of violation was posted at 404 Burd Street by the Pennington Police Department notifying the homeowner that if the problem was not taken care of by May 20, 2013, the owner would be subject to fines and penalties as set forth in local and state regulations; and

WHEREAS, pursuant to Section 136-8 of the Code, whenever the owner, tenant or occupant notified has not complied with the notice as specified and the nuisance has not been abated or removed under the direction of the enforcing official, any cost or expense incurred by the Borough for abating or removing the nuisance or condition or causing it to be abated or removed may be recovered; and

WHEREAS, on May 20, 2013, the owner of 404 Burd Street in the Borough, also known as Block

905, Lot 15 on the Borough Tax Map, had failed to cut the grass as directed in the violation notice; and

WHEREAS, on May 20th and May 21st, 2013, the Department of Public Works cut the grass and incurred costs totaling \$1,173.50 as set forth in the attached certification by Jeff Wittkop, Superintendent of Public Works;

WHEREAS, the computation of charges in the annexed certification is based on the rates set forth in Chapter 98 of the Borough Code, and Mayor and Council find same to be reasonable;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$1,173.50 is hereby certified to the Tax Collector and shall be charged against Block 905, Lot 15 and shall become a lien and tax thereon and be added to and become part of the taxes next to be levied and assessed against such property, pursuant to Section 136-8 of the Pennington Borough Code.

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	M				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2013-6.3, second by Council Member Griffiths. Mrs. Heinzel stated that she was wondering if properties taken over by banks could be treated differently than properties owned by residents. Mrs. Heinzel asked if there was a way to bypass the process to avoid having to notice and post for continuing offenders. Mr. Bliss stated that he would have to review the Borough Code, but a letter to the bank indicating the tediousness of the process might go a long way. Mrs. Heinzel stated that she thought that was done last year. Mayor Persichilli stated that we have also indicated to the bank that it would be cheaper for them to get the grass cut, than to pay to have the Borough do it. Mr. Bliss stated that we are restrained by the code as it is now written. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2013 – 6.4**

**RESOLUTION AUTHORIZING EXPENDITURES FROM OPEN SPACE FUND FOR
PLAYGROUND MULCH AND SAND FOR THE SANDBOX AT KUNKEL PARK**

WHEREAS, Pennington citizens have authorized the creation of an Open Space Trust Fund in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for, among other things, development and maintenance of lands acquired for recreation and conservation purposes, as determined by the governing body of the municipality;

WHEREAS, Kunkel Park in the Borough is owned, operated and maintained by the Borough for recreation and conservation purposes as contemplated by the statute;

WHEREAS, Borough Council has determined that maintenance charges for the parks including playground mulch and sand for the sandbox are costs that can be paid out of Open Space Funds; and

WHEREAS, the maintenance costs for mulch and sand are as follows Rosedale Mills - \$1,900.00 and West Amwell Mason Supply - \$350.00; and

WHEREAS, the estimated cost of the proposed work is \$ 2,250.00;

WHEREAS, the funds are available in the Open Space Trust Fund for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to make expenditures from the Borough's Open Space Fund for the aforesaid maintenance at Kunkel Park up to an amount not exceeding \$ 2,250.00.

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	M				Ogren	X			
Heino	S				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2013-6.4, second by Council Member Heino with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013- 6.5**

RESOLUTION APPROVING CHANGE ORDER NO. 2 UNDER CONTRACT WITH F & P CONTRACTORS, INC. FOR THE SKED STREET RECONSTRUCTION PROJECT

WHEREAS, Roberts Engineering Group, LLC has recommended that Change Order No. 2 be effected under the contract between the Borough of Pennington and F & P Contractors, Inc. for the project known as Sked Street Reconstruction (File #: PEN3703) producing a net increase of \$1,590.00 in total contract price;

WHEREAS, the purpose of the change order is to add supplemental items for retaining wall and sump pump discharge (\$1,796) and reduce the cost of lawn restoration (\$206); and

WHEREAS, pending approval of the change order by the NJDOT, the net result of the above changes results in a decrease to the contract of \$1,590;

WHEREAS, the combined effect of Change Orders 1 and 2 has reduced the contract price overall from \$238,401.72 to \$237,119.05;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 2 under the contract between the Borough of Pennington and F & P Contractors, Inc. for the Sked Street Reconstruction Project (PEN3703), which provides for a net increase in the contract price of \$1,590.00, is hereby approved, subject to such further approvals as required by NJDOT.

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	M			
Heino	S				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-6.5, second by Council Member Heino with all members present voting in favor.

**Borough of Pennington
Resolution #2013 – 6.6**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO F & P CONTRACTORS, INC. FOR WORK COMPLETED ON THE SKED STREET RECONSTRUCTION PROJECT

WHEREAS, F & P Contractors, Inc. has completed work pursuant to the contract for the Sked Street Reconstruction Project (Roberts Engineering Group, LLC. Project No. PEN3703); and

WHEREAS, Roberts Engineering Group, LLC has reviewed the application and recommends final payment under the contract pursuant to the Contractor’s Request for Payment No. 3 in the amount of \$16,302.46, including the increase in contract price effected by Change Order No. 2 and release of all retainage; and

WHEREAS, this is final payment under the contract; and

WHEREAS, funds are available in Account #: G-02-44-947-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that final payment to F & P Contractors, Inc. in the amount of \$16,302.46 is hereby authorized and no further amounts shall be due.

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	M			
Heino	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-6.6, second by Council Member Heinzel. Mr. Bliss stated that the contractor still owes the Borough a Maintenance Bond for this project so the actual payment to the contractor will not be made until that is received. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013-6.7**

**RESOLUTION AWARDING CONTRACT FOR
 DOWNTOWN STREETScape IMPROVEMENTS PROJECT**

WHEREAS, Borough Council of the Borough of Pennington has authorized advertisement for bids for the project known as Downtown Streetscape Improvements (REG File No. PEN3704);

WHEREAS, a total of eight (8) bidders obtained plans and specifications for the project and four (4) contractors submitted bids, which were opened on June 5, 2013;

WHEREAS, the bid of A & A Curbing, Inc. of South River New Jersey was the low bid;

WHEREAS, the Borough Engineer has reviewed the bid package submitted by A & A Curbing, Inc. and has determined that the bid conforms with specifications, that A & A Curbing has the ability to perform the work, and that subject to review and approval of the bidder's documents by the Borough Attorney, A & A Curbing, Inc. should be awarded the contract as the lowest responsible bidder;

WHEREAS, the Borough Attorney has also reviewed the bid package of A & A Curbing, Inc. and has determined that required documentation has been provided with the bid subject to submission of contract documents, performance and payment bonds and insurance certificate which are required to be submitted after award in conformance with the bid specifications;

WHEREAS, the advertisement for bids included four bid alternates, on which the bidders also submitted bids, and A & A Curbing, Inc. remains the low bidder in all cases in which an alternate or any combination of alternates is added to the base bid;

WHEREAS, this project has received funding from the New Jersey Department of Transportation Trust Fund program for a total amount of \$220,000., and the total base bid of A & A Curbing, Inc. is \$217,156.75, approximately \$3,000 below the grant amount;

WHEREAS, Borough Council has determined that a contract be awarded to A & A Curbing, Inc. for the base bid price of \$217,156.75, plus alternate 1 (granite curbs) in the amount of \$20,000.00, alternate 3 (church property sidewalk) in the amount of \$13,980.00 and alternate 4 (granite curbs for alternate 3) \$3,625.00, for a total contract price of \$254,761.75;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the project in Account # G-02-44-951-000-250 and C-04-03-009-000-255 (Ord. 2003-9);

WHEREAS, award of this contract is subject to the approval of the New Jersey Department of Transportation;

WHEREAS, a summary of the bids is available in the office of the Borough Clerk;

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

1. The contract entitled "Downtown Streetscape Improvements Project" is hereby awarded to A & A Curbing, Inc. of South River, New Jersey for the total contract price of \$254,761.75;
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the aforesaid contract on behalf of the Borough upon approval of same by the Borough Attorney.

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	M			
Heino	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-6.7, second by Council Member Heinzel. Mr. Ogren stated that the Public Works Committee met and discussed the bids that were received. Mr. Ogren stated that Roberts Engineering has prepared a recommendation. Mr. Ogren stated that the bid specification includes four bid alternates and the Public Works Committee reviewed all of the bid alternates and in consultation with Roberts Engineering the committee would like to go ahead with the project as the base bid is slightly under the grant award. Mr. Ogren stated that if Council would like to proceed with any of the alternates that would put the amount over the grant award. Mr. Ogren stated that construction engineering for the project is estimated at around \$26,000 which is in line with the DOT guidelines of fifteen percent for construction engineering. Mr. Ogren stated that the Public Works Committee is recommending that three of the four alternates be included in the project and those would be alternates one, three and four. Mr. Ogren stated that alternate two is for decorative crosswalks and the amount bid was quite high. Mr. Ogren stated that they have also been informed by Mercer County that the County would not be willing to maintain decorative crosswalks. Mr. Ogren stated that there is a capital ordinance from about ten years ago which included an amount for streetscape improvements that could be used to fund the difference. Discussion took place regarding the remaining balance in the engineering budget and where funds would come from. Mrs.

Heino asked for clarification on what Council is being asked to vote on. Mrs. Heino stated that it appears from Mr. Ogren's summary that if Council awards the project as the base bid with alternates one, three and four and including the engineering costs there is a shortfall of about \$60,000 that would need to come from the capital ordinance. Mr. Griffiths stated that historically the Borough has never borrowed money to cover engineering costs, mainly because historically the bids have come in under the grant award amount which allowed some of the engineering to be charged to the grant. Mrs. Heino stated that even if Council decides not to do the three alternates there would still be a shortfall of about \$24,000. Further discussion took place regarding engineering costs and which alternates to include. Mrs. Heinzl stated that she felt it was important to do as much of the project as possible because this is the one chance that the Borough will have and down the road there may not be the opportunity to forego a road project in order to finish a streetscape project. Mr. Griffiths stated that we have to be careful with all of these projects going on that we don't find ourselves in a position where we have a cash deficit to cover in the grant fund. Mr. Griffiths stated that it is hard to manage money when there is no anticipatory plan for expenses. Mr. Griffiths stated that he did not like the idea of setting a precedent for borrowing money to fund engineering costs. Mr. Griffiths stated that on the other hand he would like to see the downtown area improved and he would hate to miss the opportunity to fix it. Mrs. Dunn stated that maybe the King George Road project could be deferred to 2014 with only the design phase engineering which has been funded in this year's budget being completed this year. Mrs. Dunn stated that maybe the plan needs to be revised to ensure that we can cover the engineering costs without borrowing funds. After some discussion, Mr. Griffiths stated that he would be willing to vote for awarding the contract with the alternates and he would be willing to make an exception with regard to borrowing funds for engineering costs. Mrs. Sterling stated that there is a motion and second on the resolution however there are blanks that need to be filled in regarding alternates. Mr. Bliss recited language to amend the resolution to include alternates one, three and four. Upon a roll call vote, all members present voted in favor of the resolution as amended.

Council Discussion

Comp Time Request – Mrs. Heinzl stated that the procedure for this is that the Borough Administrator reviews the request and makes a recommendation to Council. Council Member Griffiths made a motion to approve payment of the comp-time request, second by Council Member Heino with all members present voting in favor.

BMS Agreement – Mayor Persichilli stated that this was discussed at the last meeting. Mr. Bliss stated that he asked that this be put on as a discussion item to make sure that Council Members were comfortable with the agreement and he will prepare a formal resolution and agreement for the next meeting. Mr. Bliss stated that Bristol Myers Squibb has made representations that they have discontinued their wells and are now on public water and therefore the monitoring of the ground water that potentially affects King Georges Road and the property on East Delaware is no longer needed and the monitoring agreement ought to be rescinded. Mr. Bliss stated that there was a lot of effort that went into the original agreement and he felt that Council should have the opportunity to have a discussion prior to voting on a resolution in case there are any bugs. There were no concerns from Council with rescinding the agreement.

Professional Reports

Mr. Bliss stated that there is one closed session item.

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.

Mr. Dan Pace of 9 Railroad Place stated that he feels that a good decision was made regarding the streetscape. Mr. Pace stated that he lived on King George Road for 35 years and he is still a Pennington resident, but he has always thought of himself as a citizen of Hopewell Valley and he would like Council to think that way too.

Closed Session

AT, 10:17PM, 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:

- Land Acquisition – Open Space
- Abey Drive Drainage
- Personnel

Open Session

AT, 10:50 PM, Mayor and Council returned to open session.

Mayor Persichilli stated that a discussion was held in closed session regarding replacement of the tax assessor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2013-6.8**

RESOLUTION APPOINTING TAX ASSESSOR EFFECTIVE JULY 1, 2013

WHEREAS, Antoinette Sost is retiring as Tax Assessor of the Borough of Pennington, effective July 1, 2013, after a long and commendable career serving the Borough;

WHEREAS, the Mayor of the Borough has nominated from a field of candidates a new Tax Assessor, Marianne Busher, who, like her predecessor, will serve on a part-time basis;

WHEREAS, Marianne Busher is a certified tax assessor presently serving as full-time tax assessor in Raritan Township and part-time in East Amwell Township;

WHEREAS, Marianne Busher shall hold office in the Borough of Pennington for a term of four (4) years from July 1, 2013, pursuant to N.J.S.A. 40A:9-148 and otherwise in accordance with law, and shall receive a salary of \$12,000 per year;

WHEREAS, Marianne Busher will have regular hours in Borough Hall on Wednesdays, from 5:30 to 7:00 p.m., and shall perform all other duties of Tax Assessor as required by law;

WHEREAS, effective June 24, 2013, Marianne Busher will work with the Borough's existing Assessor, as directed by the Borough Administrator, to effect an orderly transition;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that it hereby grants its advice and consent to the appointment of Marianne Busher, certified tax assessor, as Tax Assessor of the Borough of Pennington, and she shall serve in that capacity based on the terms and conditions set forth above.

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 2013-6.8, second by Council Member Heino with all members present voting in favor.

Mrs. Heino stated that with deep regret and a sense of disappointment that she is tendering her resignation from Council. Mrs. Heino stated that she has accepted a full-time position in Boston and she and her family will be relocating in early fall. Mrs. Heino thanked Council Members for their patience and for helping her learn on both the Planning Board and Borough Council. Mrs. Heino stated that it has been wonderful to serve such passionate, well informed people and it made this an incredible experience that she will really miss.

Mayor Persichilli stated that he has sought advice from Mr. Bliss regarding this. Mr. Bliss stated that there is an accepted procedure for filling a vacancy on Council. Mr. Bliss stated that there are two issues here, one is to fill the vacancy on Council and the other is to fill the vacancy on the ballot for November. Mr. Bliss stated that the ballot vacancy is a function of the municipal committee. Mr. Bliss stated that filling the vacancy on Council requires the municipal committee to submit three names for consideration. Mayor Persichilli stated that the committee will be meeting on Thursday.

Council Members wished Mrs. Heino well and stated that she will be missed on Council.

At 10:55 PM, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Heinzel.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk