

**Pennington Borough Council
Regular Meeting – March 19, 2014**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Member Davy, Heinzl, Griffiths, Marciante and Tucker in attendance.

Also present were Public Works Superintendent Jeff Wittkop, Assistant Superintendent of Public Works Rick Smith, Public Safety Director Bill Meytrott, Borough Engineer Carmela Roberts and Borough Attorney, Walter Bliss.

Mayor Persichilli announced that notice of this meeting has been given to the Hopewell Valley News, The Times of Trenton 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.

Mayor's Business

Mayor Persichilli announced the resignation of Dina Dunn as Borough Council Member effective March 1, 2014. Mayor Persichilli stated that the Democratic Committee has submitted a list of recommendations to fill the vacancy. Mayor Persichilli stated that three names were submitted which have been provided to Council Members and they are Art Firestone who lives on Burd Street, Meaghan Cannon who lives on Burd Street and Deborah Gnat who lives on Hale Street. Mayor Persichilli stated that Mr. Firestone and Ms. Cannon subsequently decided that they were not interested therefore Deborah Gnat was the person who was recommended by the Committee to replace Dina Dunn. Mayor Persichilli stated that Council can take action tonight to make the appointment and she will be officially sworn in at the next meeting.

Appointment to Fill Vacancy on Council

Council Member Tucker made a motion to nominate Deborah Gnat to fill the vacancy on Council, second by Council Member Davy with all members present voting in favor with the exception of Council Member Heinzl who abstained.

Mayor Persichilli asked that members of the public step out of the room as Borough Council would be going into closed session to discuss a couple items. Mayor Persichilli stated that the Closed Session is usually held at the end of the meeting, but since Carmela Roberts, Borough Engineer is in attendance the agenda has been modified as it costs the Borough money for her attendance at meetings.

Closed Session

AT, 7:08 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purpose of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Downtown Streetscape Contract
Potential Litigation – Epstein Water Issue
Teamsters Contract
Closed Session – January 6, 2014 (Discussion only)

At 7:51 PM, Council returned to Open Session

Presentations

Curbside Organics Program – Ms. Janet Pellichero stated that she is the Recycling Coordinator for Princeton and she resides in Hamilton Township. Ms. Pellichero stated that she was invited to talk to Borough Council about Princeton's award winning Curbside Organics Program. Ms. Pellichero stated that in Princeton organics are collected curbside. Ms. Pellichero gave a list of what would be considered organics. Ms. Pellichero stated organic containers are provided and are collected curbside from residents once a week, the organics are taken to a facility in Wilmington, Delaware and turned into compost. Ms. Pellichero stated that within 80 days the waste is turned into compost that is usable for golf courses,

ballparks, soccer fields and then also to the general public. Ms. Pellichero stated that in Princeton they bring the compost back to their residents so that the people who participate in the program can get free compost. Ms. Pellichero stated that the program began in 2010 with a presentation of the concept at a Township Meeting. Ms. Pellichero stated that at the time, Princeton Township had subscription trash hauling so everyone in Princeton Township was responsible for having their own trash hauling contract. Ms. Pellichero stated that because of that they were able to get the program going quickly and they could offer the service to residents so that they could save money on their trash contracts. Ms. Pellichero stated that the way the program works in Mercer County is that there is flow control so all of the solid waste that originates in Mercer County has to cross Mercer County scales and pay Mercer County tipping fees. Ms. Pellichero stated that at the time the program was started the tipping fee was \$124.96, the tipping fee now is \$118.96. Ms. Pellichero stated residents were offered a \$20.00 per month fee for weekly organic collection or a fee of \$30.00 per month for trash and organics. Ms. Pellichero stated that most of the residents went with the \$30.00 fee. Ms. Pellichero stated that they ran a pilot program which included 160 homes and they found that during the pilot program they found that 50 to 75 homes did not have to put out a trash container on a weekly basis. Ms. Pellichero stated that getting back to flow control, the solid waste fee has to be paid here in Mercer County for all solid waste, but any recyclables that are generated don't fall under flow control. Ms. Pellichero stated that by taking these commodities out of the solid waste stream and designating them as recyclables they do not have to cross Mercer County scales. Ms. Pellichero stated that the tipping fees charged by Peninsula Compost Group when they started was \$45.00 per ton and it is now between \$55 and \$65 per ton. Ms. Pellichero stated that currently they have about 860 residents participating in the program. Ms. Pellichero stated all public schools are doing an organic program however it is under a different hauler, the assisted living facility and many eating clubs and downtown restaurants are also participating. Ms. Pellichero stated that when they negotiated their garbage contract what they found was that if they ran a regular garbage truck to pick up trash, the cost to do that was around \$220.00 and when they put an organics truck out with organics being hauled to Delaware the cost to Princeton was about \$75.00 per ton. Ms. Pellichero stated that the program will save the municipality money over time because as more residents sign on to the program the municipalities' solid waste numbers will go down and the organics number will go up. Ms. Pellichero stated that when they started they negotiated a professional services agreement with Mercer County and they purchased all of the carts for the residents in the program amounting to \$30,000. Ms. Pellichero stated that they then worked with Glad Bags USA who provided everyone in the program with compostable bags for free. Ms. Pellichero stated that Princeton purchase kitchen containers through the recycling tonnage grant program and they were about \$2.50 each. Ms. Pellichero stated that since then they have also started working with BioBags USA who designed custom bags for them indicating what can go into the bags and they are also offering to any community that wants to start an Organics program 1,000 free kitchen containers. Ms. Pellichero stated that Lawrence Township already has a contract for 300 homes, Hopewell Township, Lambertville and there are a lot more communities interested in the program. Ms. Pellichero stated that there is a lot of support from Mercer County and the DEP for this program.

Ms. Pellichero stated that when Princeton started the program her ultimate goal was to get one homeowners association in the program as a group because they would be able to see their savings almost immediately. Ms. Pellichero stated that if they take all the organics out of the trash what remains in the solid waste is not going to rot or smell. Ms. Pellichero stated that municipalities could reduce weekly pickups to once a week or even bi-weekly collection.

Ms. Heinzl stated that she has been looking into this program and there have been discussions about doing a pilot program with Central Jersey and their estimate was that if we could get 100 residents signed up that would be a good measure of how the program would work throughout the town. Ms. Heinzl stated that she is working on a survey that will go up on the website consisting of 4 or 5 questions to see if residents are interested, what amount of money they would be willing to pay each month and just trying to get the word out. Ms. Heinzl asked if Ms. Pellichero would be interested in coming back after we do more research on the program to do a public session. Ms. Pellichero stated that she would happy to do that.

Historic Preservation Annual Report – Mr. Eric Holtermann of 45 North Main Street and Chair of the Historic Preservation Commission presented the annual report for the commission. Mr. Holtermann stated that the experience this past year is that there have been fewer residential applications and changes than anticipated which is a good thing. Mr. Holtermann stated that the most significant application this year has been the Pennington School. Mr. Holtermann reviewed the process that the commission went through regarding the Pennington School application.

Mr. Holtermann reported that there were other applications over the past years concerning windows and doors and various other changes. Mr. Holtermann stated that in every case each application was approved either right away or at a meeting.

Mr. Holtermann stated that the ordinance was carefully written so that it did not create inconveniences for residents. Mr. Holtermann stated that many questions have come up over the past year where residents thought that they would have to comply with the Historic Preservation Ordinance and many cases were not reviewable under the ordinance.

Mr. Holtermann stated that signs were erected at the boundaries of the district and they also worked with Mr. Ogren regarding the Downtown Streetscape project. Mr. Holtermann stated that the commission is looking forward to participating in reexamination of the Master Plan in the next couple of years, they anticipate looking at the plan to create the Historic District as an overlay

zoning district. Mr. Holtermann stated that the Certificate of Eligibility is something that the commission has not actively pursued and they intend to follow through with that with the State Historic Preservation Office. Mr. Holtermann stated that this would not change the ordinance at all and would not add any requirements to residents in the district, however there would be some benefits in terms of grants and building department regulations.

Mr. Holtermann stated that currently the commission consists of three architects, one engineer, a local business owner, a realtor, two residents of the district and one resident who is outside the district.

Mr. Holtermann answered questions from Council Members.

Mayor Persichilli asked that Resolution 2014-3.14 be considered so that the Borough Engineer could be dismissed from the meeting.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014-3.14**

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION
TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR DISCRETIONARY AID
TO RECONSTRUCT ROADS DAMAGED BY SEVERE WEATHER CONDITIONS**

WHEREAS, Borough Council has determined that segments of West Welling Avenue, Reading Street and Lewis Brook Road in the Borough have seriously deteriorated as the result of severe weather conditions in the past four weeks;

WHEREAS, the affected segments of these roads are the section of Welling Avenue from South Main Street to Burd Street, a section of Reading Street at the Senior Center, and Lewis Brook Road from East Franklin Avenue to the Borough border;

WHEREAS, the Borough Engineer, Carmela Roberts, P.E., after inspecting these roads, has concluded that the deterioration is related to severe freeze and thaw cycles and the fact that all three roads have only a thin layer of asphalt set on top of soils with a high clay content;

WHEREAS, the Borough Engineer has further concluded that the indicated sections of these roadways have failed completely and require complete reconstruction to correct permanently the serious deterioration, at a total estimated cost of \$338,347;

WHEREAS, the Borough seeks to apply to the New Jersey Department of Transportation for discretionary aid to finance the reconstruction;

WHEREAS, a copy of the proposed application for aid, entitled New Jersey Department of Transportation, Resolution, Application and Agreement for State Aid to Counties and Municipalities, (“Application for Aid”), prepared by Roberts Engineering Group, Inc., is attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk as necessary, is hereby authorized to execute and submit to the New Jersey Department of Transportation the attached Application for Aid, and to take such additional steps on behalf of the Borough as may be needed to obtain the requested aid.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Heinzel	X			
					Marciante	X			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2014-3.14, second by Council Member Davy. Borough Engineer Carmela Roberts stated that she sent a letter to Council last week regarding three roads in Pennington that are of concern because they are failing quickly in a way that we don’t normally see. Ms. Roberts stated that the three roads are West Welling from South Main to Burd Street, Reading Street by the Senior Center and Lewis Brook Road. Ms. Roberts stated that all three roads have similar issues where the pavement is crumbling into stones and the clay underneath is pumping up through the roadway. Ms. Roberts stated that this is causing some very unstable areas in the roads and they are growing. Ms. Roberts stated that they have stabilized for a little bit because it got so cold, but as the weather warms up and cars drive over these areas they will continue to quickly deteriorate. Ms. Roberts stated that she has photographed the areas, evaluated them and she has provided an estimate of the cost to repair the roads. Ms. Roberts stated that this resolution would allow the Borough to ask the DOT to consider a grant for discretionary aid to do a final permanent solution to these roads. Ms. Roberts stated that the Borough is still faced with the immediate problem of these roads literally falling apart beneath cars that are driving over them every day. Ms. Roberts stated that cold patch is not an answer to this because after a few days the areas would have to be cold patched again. Ms. Roberts stated that means that the Borough has to find an alternative answer to stabilizing the areas. Ms. Roberts stated that repair of these areas is more involved because if the Borough

chooses to just repair the bad areas, once done the rest of the road would appear to be near as awful. Ms. Roberts stated that Council has prices before them to completely reconstruct Lewis Brook Road, the area in front of the Senior Center and the whole length of West Welling. Ms. Roberts stated that West Welling is a little bit complicated because it is really flat and there is no storm drainage on the road. Ms. Roberts stated that after doing a quick evaluation and realizing that it will take a lot of money to fix the road she would recommend that Council take the next step and put some drainage on the road to try to get movement of water. Ms. Roberts stated that West Welling is the most expensive repair estimated at \$177,000, Reading Street is estimated at \$40,000 and Lewis Brook is pretty lengthy and estimated at \$134,000. Ms. Roberts stated that if Council chooses to move forward with the repairs there is a lot that needs to be done to get the funding in place and to prepare plans and bid specifications, publications, bid opening and awarding a contract and during that time the roads are going to continue to deteriorate. Ms. Roberts stated that in addition to submitting an application for discretionary aid she would recommend that steps be taken to stabilize the roads just enough until a permanent repair can be done. Ms. Roberts stated that her recommendation is to solicit quotes and get a contract in place up to \$17,500 so that we don't have to go through the bid process. Ms. Roberts stated that they would ask local paving companies to come in and excavate the worst areas and pack them with stabilizing base. Ms. Roberts stated that the contract would be a unit priced contract so that if the stabilizing needs to be done more than once prior to getting a permanent solution the means would be in place. Ms. Roberts stated that the only funding source that she is aware of is Discretionary Aid that the NJDOT may grant but there is no guarantee like the regular Transportation Trust Fund. Ms. Roberts stated that the other hard part of requesting Discretionary Aid is that there is no timeline on approving the application. Ms. Roberts stated that depending on how well the stabilizing works at some point Council may have to make a decision to move forward without DOT funds or to put more money towards temporary stabilization. Ms. Roberts answered questions for Council Members. Ms. Roberts stressed the importance of making a decision on whether to proceed with temporary stabilization of the roads. Council agreed to move forward with temporary stabilization of the roads. Upon a roll call vote, all members present voted in favor of the Resolution.

Presentation of 2014 Proposed Budget

Mr. Griffiths distributed a printout and gave an overview of the proposed budget. Mr. Griffiths stated that expenses are up in 2014, but they are manageable. Mr. Griffiths stated that this year the Borough has an overall devaluation of property tracing to residential appeals amounting to about one percent which is about \$5 million in property valuation so that does affect revenues. Mr. Griffiths stated that as of today we are still nailing down some numbers but it does not look like there will be a tax increase in 2014.

Mr. Griffiths stated that while the Borough itself is in pretty good shape, the Water/Sewer Utility is still very tight. Mr. Griffiths stated that we are showing a small deficit and water/sewer rates are likely to be increased by two percent.

Mr. Griffiths explained the budget process which is led by Sandy Webb and Betty Sterling and he heeds their advice throughout the process. Mr. Griffiths stated that department heads work with Betty to submit their requests and then Betty coordinates with Sandy to come up with preliminary figures. Mr. Griffiths stated that the role of the committee historically has been advisory. Mr. Griffiths stated that over the last couple years we have developed a policy of paying legacy debt aggressively. Mr. Griffiths stated that we have been working on shifting expenses from the utility to the general budget. Mr. Griffiths stated that we look at raising taxes and utility rates as a last resort. Mr. Griffiths stated that we decide how much surplus should be used to balance the budget and also how much principal to pay on bond anticipation notes. Mr. Griffiths stated that lastly the impact is communicated to Council and he will be getting a press release together for the newspaper.

Mr. Griffiths stated that over the years the budget process has been simplified and we have developed a policy of trusting professionals and department heads to submit a budget and live within it and they do. Mr. Griffiths stated that this process is a lot more productive than Council trying to micromanage what the professionals know how to do best.

Mr. Griffiths stated that we begin with the unaudited Financial Report that is provided by the Borough Auditor. Mr. Griffiths stated that we then revise appropriations to reflect uncontrollable increases in recurring mandatory items such as pension and insurance. Mr. Griffiths stated that revenues are based on collections from the prior year. Mr. Griffiths reviewed the difference between the general budget and the capital budget.

Mr. Griffiths explained that municipal finance requires cash accounting principles which amounts to you can't count the money until it is in the bank, we can't do accruals and we can't treat receivables as assets, we can't depreciate equipment purchases and as we found in 2012, unreimbursed grants are treated as operating deficits.

Mr. Griffiths stated that conversely, capital expenses are planned not budgeted. Mr. Griffiths stated that the plan is submitted to the State as part of the budget, but it is very flexible, we are not committed to it and it can be amended as ordinances are adopted throughout the year. Mr. Griffiths reviewed debt service numbers and discussed insurance rates.

Mr. Griffiths stated that the borough budget and the water/sewer utility budget are treated as two separate budgets by State Law. Mr. Griffiths stated that for twenty years or so, utility labor expenses have been

overstated which is effectively comingling the budgets. Mr. Griffiths stated that this is a bad practice and we have been working towards correcting this. Mr. Griffiths stated that another hit to the utility was the cost of the new public works building as fifty percent of the debt was allocated to the utility. Mr. Griffiths discussed water/sewer rates as compared with national average rates and though we are slightly higher our increases have been half the rate of inflation so while rates may be high now, we are going up much more slowly than other utilities are. Mr. Griffiths stated that in an effort to correct the comingling of the budgets in 2013 we reduced the ratio for charges such as insurance from a 50/50 ratio to a 65/35 and this year we will adjust the ratio to 70/30, keeping in mind that the ratio should be 80/20. Mr. Griffiths stated that means \$117,000 of cash relief for the utility. Mr. Griffiths stated that eventually we will look at salary allocations, but it would be much easier if public works salaries were one item rather than distributed among multiple departments. Mr. Griffiths stated that typically utilities are low labor, high capital cost enterprises and Pennington has been running on the exact opposite, high labor, low capital which is not sustainable.

Mr. Griffiths stated that we expect infrastructure maintenance costs to increase with age. Mr. Griffiths reviewed debt instruments available, bond anticipation notes which are a very risky way of financing capital improvements because they do not require a repayment of principal for an initial period of time. Mr. Griffiths stated that previous councils borrowed \$2.5 million in the form of notes between 1993 and 2005. Mr. Griffiths stated as of 2005 only nineteen percent of that amount had been repaid leaving the balance to be repaid by future councils. Mr. Griffiths stated that the other debt instrument available is sale of bonds, which requires a commitment of repayment of principal and generally costs more administratively. Mr. Griffiths stated bond anticipation notes are meant to be a temporary finance instrument so that once you accumulate enough notes to make a bond efficient they are converted.

Mr. Griffiths summarized the 2013 budget stating that we had higher revenues than what was projected in a number of areas, which is good news. Mr. Griffiths stated that a couple of items were lower than projections, one of which is the administrative fee due from the library. Mr. Griffiths stated that revenues projected for 2014 are \$2,013,000.00 in tax revenue compared to last year which was \$2,026,000.00. Mr. Griffiths stated that this year we will declare \$500,000 of surplus as revenue representing fifty-seven percent of the total surplus on hand. Mr. Griffiths stated that it is prudent to keep as much as possible undeclared, with fifty percent as a nice rule of thumb. Mr. Griffiths stated that going slightly higher than the fifty percent will help avoid a tax increase.

Mr. Griffiths stated that increases in expenses include the allocation for Senior Services, a new police hire, a new police vehicle, public works salary overlap, accrued sick leave, winter overtime, contract for Code Red, retiree benefits and EMS Dispatch which is currently an unknown variable.

Mr. Griffiths reviewed the engineering budget and stated that engineering fees for the additional road work discussed tonight would not be covered if we are awarded discretionary aid and would need to be budgeted, however if the borough ends up funding the work through a capital ordinance the fees could be covered as section 20 costs. Mr. Griffiths stated that it all rests on whether we get the grant or not. Mr. Griffiths stated that if we get the grant we will have to charge \$38,000 to the engineering budget, if we don't get the grant we can capitalize the \$38,000 under the ordinance.

Mr. Griffiths stated that we have a FEMA grant which may offset some of the expenses related to the generator. Mr. Griffiths stated that we are awaiting word on the Upper King George Road application that was submitted to the NJDOT in 2013. Mr. Griffiths stated that the Finance Committee is recommending that if the grant is awarded that it be a 2015 project and we could potentially with an extension take it into 2016. Mr. Griffiths stated that the longer the project can be pushed out the better because work needs to be done to the water line and the utility cannot take on new debt service without an impact on rates.

Mr. Griffiths reviewed the Borough Capital and Debt Plan. Mr. Griffiths stated that the generator grant of \$127,000 has a match which could be capitalized for about \$19,000. Mr. Griffiths stated that capital expenses with a 10 year life span consist of police radios, dvd recorders and public works vehicles (two large pickups with plow equipment) estimated at about \$100,000. Mr. Griffiths stated that this totals about \$265,000 in total that we expect to expense in capital for 2014. Mr. Griffiths stated that capital projects with a 20 year life span consist of emergency street repair in the amount of \$338,000 to \$376,000 depending on whether engineering expenses and temporary repairs are capitalized and also whether we receive the Discretionary Aid. Mr. Griffiths stated that two Bond Anticipation Notes will be retired this year. Mr. Griffiths stated that bond payments of \$145,000 and \$70,000 in interest are included in the budget. Mr. Griffiths stated that a bond ordinance will be present to Council for consideration at the May meeting. Mr. Griffiths stated that some housekeeping items will also be done beginning with cancellation of unexpended capital balances for old ordinances.

Mr. Griffiths stated the Utility Budget is a little more detailed because it is a cash hungry enterprise. Mr. Griffiths stated that looking back revenues for 2013 were slightly higher than projections in three areas. Mr. Griffiths stated that rents however were lower partly because the projected increase in the rates did not generate the income that was anticipated. Mr. Griffiths stated that this could be a function of conservation, but it resulted in a \$9,900 deficit before the pending settlement with a resident is contemplated. Mr. Griffiths stated that by the timing of the rates, the increase for this year will be two percent and as much as we have tried the past year to avoid impacting residential accounts, there is really no way to raise additional revenue in the utility without impacting residential customers. Mr. Griffiths stated that residential customers are about eighty-five percent of the revenue base. Mr. Griffiths stated that the key point in this discussion is that the utility operating budget cannot absorb any new debt service without an immediate impact on rates.

Mr. Griffiths stated that new expenses for 2014 include water license coverage for the back half of the year, and we are waiting for confirmation on this from the vendor. Mr. Griffiths stated that his estimate is \$15,000 which assumes two hours a week for 26 weeks at a rate of \$200.00 per hour.

Mr. Griffiths stated that looking forward on capital projects, street water mains need to be updated, future infrastructure for utility meters, VOC correction of Well 9, annual leak repair and bi-annual well maintenance. Mr. Griffiths stated that this amounts to about \$2 million in capital expenses at some point in the future.

Mr. Griffiths stated that timing is everything when it comes to capital and if expenses can be deferred to 2020, debt service will go down by \$152,000. Mr. Griffiths stated the Borough Engineer has recommended and he is in agreement that we should apply for a New Jersey DEP Infrastructure loan. Mr. Griffiths stated that the terms of the loan are zero percent interest on seventy-five percent of principal and market rate on twenty-five percent of the principal, however once the project is complete there has been a historical loan forgiveness of up to seventy-five percent of principal. Mr. Griffiths stated that there are costs associated including bond counsel and design expenses which would be budgeted in future years.

Mr. Griffiths stated that the finance committee is recommending applying for a NJ DOT Discretionary Grant for road work and the NJ DEP Infrastructure Trust for utility work. Mr. Griffiths stated that it is important, with regard to grants that involve federal funds to avoid having to do change orders as they tend to cause problems when it comes to seeking reimbursements. Mr. Griffiths stated that the committee recommends cancellation of old ordinances and also consolidation of public works salaries into one line item with distribution between departments done within the public works department. Mr. Griffiths suggested sitting down to discuss this concept at a later date. Mr. Griffiths stated that we will continue the policy of working towards redistribution of utility labor charges to free up cash flow. Mr. Griffiths stated that the committee recommends delaying utility capital improvement expenses until 2019, though if the DEP loan is received that may change things. Mr. Griffiths stated that we would like to fund the utility maintenance capital at about \$75,000 per year which is approximately enough for well hydro-jetting and anticipated water main repairs.

Mr. Griffiths answered questions from Council Members.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzl reported that the library included a flyer for the Spring Programs in the recent mailing of water bills. Mrs. Heinzl stated that the renovations for the library are nearly complete aside from removal of furniture in the conference room. Mrs. Heinzl stated that the next thing that the library would like to do is explore web-site redesign and upgrade. Mrs. Heinzl stated that the library budget is being developed now.

Mrs. Heinzl reported that the Environmental Commission is busy with plans for Pennington Day with their theme for this year being Open Space. Mrs. Heinzl stated that a trail brochure has been prepared with funding from an ANJEC grant and those brochures will be distributed at Pennington Day. Mrs. Heinzl stated that Jim Gaffney has prepared and submitted a year-end report for 2013 which will be distributed for the next meeting.

Mrs. Heinzl stated that she attended a meeting of the Hopewell Valley Green Team and Mr. Dan Napoleon from the Mercer County Improvement Authority was there to talk about recycling and other issues in the County.

Mrs. Heinzl stated that the farmers market will be opening on June 7th at Rosedale Mills.

Mrs. Heinzl stated that at the January meeting of the Planning Board, American Properties made a presentation of a conceptual plan for development of the Capital Health site. Mrs. Heinzl stated that they are proposing eighty units consisting of thirty-two units for general residential and thirty-two units which would be age targeted. Mrs. Heinzl stated that they asked the Planning Board to make a preference for age targeted rather than age restricted. Mrs. Heinzl explained that age targeting is used as a marketing tool to attract older people who don't have children living with them. Mrs. Heinzl stated that also included in the proposal are sixteen affordable units. Mrs. Heinzl stated that the board discussed and agreed to lift the age restriction in that particular zone from the Master Plan and they also authorized the Borough Planner to do a Master Plan Re-examination incorporating the suggestions. Mrs. Heinzl stated that at the March meeting, the Board had the opportunity to review the Borough Planners report and she will make sure copies are distributed to Council. Mrs. Heinzl stated that essentially the Borough Planner incorporated into the report the recommendation that the age restriction would be lifted for the MU-3 zone and permitting a maximum of forty single family units and forty age targeted units with a twenty percent set aside for COAH and that these would be attached units with no more than eight per building.

Mrs. Heinzl stated that at the February meeting the Planning Board heard a lengthy application and hearing on behalf of Carl Fuccello of 326 Sked Street. Mrs. Heinzl stated that the application was for an addition at the rear of the house and a second story addition with a covered porch along the front and the south. Mrs. Heinzl stated that all of the variances that were being sought were for pre-existing conditions regarding lot size and the building. Mrs. Heinzl stated that the neighbors to the north opposed the application and after a lengthy hearing, the application was approved.

Personnel / Community Services / Economic Development – Mr. Davy reported that the Personnel Committee has been working on finding a candidate to fill the Laborers position and a resolution will be considered later in the meeting. Mr. Davy stated that the committee has also been interviewing potential candidates for the Water/Sewer operator position and quite frankly the applicants that were interviewed were not suitable and so the committee is pursuing other options. Mr. Davy stated that the committee has been working on finding a replacement for the Borough Administrator. Mr. Davy stated that they reviewed applications previously submitted and some of those candidates were contacted. Mr. Davy stated that the position has also been posted, resumes were received and interviews took place. Mr. Davy stated that the committee is getting close to making a recommendation to council.

Public Works / Shade Tree – Mr. Marciante reviewed the following report:

PENNINGTON BOROUGH PUBLIC WORKS

TO: Public Works Committee
FROM: Jeff Wittkop, Superintendent
DATE: March 3, 2014
RE: COUNCIL REPORT FOR THE MONTH OF FEBRUARY 2014

WATER

Water pumped for the month of February 2014: 6,752,000
Daily- 241,143

Water pumped for the month of February 2013: 5,957,000
Daily- 212,700

For the month of February 2014 we averaged 29,000 gallons more per day than February 2013.

This large difference was due in part to a broken 6" water main found and repaired on Weidel Drive.

TRASH

52.31 tons of household trash for the month of February 2014 vs. 55.07 tons in February 2013.

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.

Public Safety / Senior Services – Mr. Tucker reported that Abigail Waugh submitted an annual report for senior services which will be distributed for the April meeting. Mr. Tucker reported that the new police vehicle has been ordered and should be delivered soon. Mr. Tucker stated that a Shared Services agreement for dispatch services will be considered later in the meeting, the amount is the same as last year. Mr. Tucker reported that council members have a copy of his notes from a meeting of the Public Safety Committee, a number of items were discussed including the hiring of a 5th officer, an advertisement has been placed in the newspaper. Mr. Tucker reported on various events and meetings that the Director attended. Mr. Tucker stated that the committee recommends restricted parking on Burd Street and Academy. Mr. Tucker stated that the committee also discussed Code Red which will be considered later in the meeting. Mr. Tucker reported that the First Aid Squad has begun their fund raising drive and he encouraged everyone to support the squad.

Finance – Mr. Griffiths did not have anything additional to report.

Approval of Minutes

Council Member Heinzl made a motion to approve the minutes of the December 2, 2013 regular meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member Marciante who abstained.

Council Member Heinzl made a motion to approve the minutes of the December 10, 2013 special meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Council Members Davy and Marciante who abstained.

Council Member Marciante made a motion to approve the minutes of the January 6, 2014 reorganization meeting, second by Council Member Tucker with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the January 6, 2014 regular meeting,

second by Council Member Davy with all members present voting in favor with the exception of Council Member Tucker who abstained.

Council Member Marciante made a motion to approve the minutes of the February 3, 2014 regular meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Council Members Heinzl and Tucker who abstained.

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

Council Member Heinzl made a motion to approve the minutes of the January 6, 2014 closed session minutes for content, but not release, second by Council Member Marciante with all members present voting in favor.

New Business

**Borough of Pennington
Resolution #2014 – 3.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$217.01 to CoreLogic, Attn. Refunds, 1 CoreLogic Drive, West Lake, TX 76262, for an overpayment of 2014 1st quarter taxes in the amount of \$217.01 for 20 East Welling Avenue, Block 1002, Lot 23.

BE IT RESOLVED, that a refund be issued in the amount of \$839.89 to Katherine Fullerton, 14 Laning Avenue, Pennington, NJ 08534, for balance of Planning/Zoning Board escrow account for property located on 14 Laning Avenue, Block 703, Lot 9.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzl	X			
					Marciante	M			
Griffiths	X				Tucker	S			

Council Member Marciante made a motion to approve Resolution 2014-3.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 3.2**

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 \$ 2,868,600.36 from the following accounts:

Current	\$ 2,724,443.93
W/S Operating	\$ 61,134.30
Open Space Fund	\$ 63,297.76
Developers' Escrow	\$ 5,349.42
General Capital	\$ 13,849.95
Animal Control Fund	\$ 525.00
TOTAL	\$ 2,868,600.36

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzl	X			
					Marciante	M			
Griffiths	S				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-3.2 , second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2014-3.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
 2014 TEMPORARY BUDGET**

WHEREAS, the 2014 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2014 Temporary Budget for the Current Account.

Administration	Other Expense	\$ 5,000.00
Municipal Clerk	Salaries	\$ 7,000.00
Financial Administration	Salaries	\$ 7,000.00
Tax Collection	Salaries	\$ 5,000.00
Tax Collection	Other Expense	\$ 2,000.00
Tax Assessment	Other Expense	\$ 2,500.00
Planning Board	Salaries	\$ 5,000.00
Construction	Salaries	\$ 7,000.00
Insurance – Liability & Other	Other Expense	\$ 25,000.00
Insurance – Workers Comp.	Other Expense	\$ 25,000.00
Insurance – First Aid – W/C	Other Expense	\$ 25,000.00
Police	Salaries	\$ 50,000.00
Prosecutor	Salaries	\$ 1,000.00
Streets	Salaries	\$ 15,000.00
Streets	Other Expense	\$ 10,000.00
Trash	Salaries	\$ 5,000.00
Borough Property	Other Expense	\$ 14,000.00
Shade Tree	Other Expense	\$ 2,000.00
Library	Salaries	\$ 10,000.00
Library	Other Expense	\$ 5,000.00
Electricity	Other Expense	\$ 2,500.00
Telephone	Other Expense	\$ 2,000.00
PERS	Other Expense	\$ 11,698.20
Municipal Court	Salaries	\$ 4,000.00
Municipal Court	Other Expense	\$ 3,000.00
Shared Service / Recycling	Other Expense	\$ 5,000.00
	Total	\$ 255,698.20

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2014 Temporary Budget for the Water and Sewer Fund:

Water	Salaries	\$ 20,000.00
Water	Other Expense	\$ 10,000.00
Sewer	Salaries	\$ 20,000.00
Sewer	Other Expense	\$ 5,000.00
SBRSA	Other Expense	\$ 74,000.00
Group Insurance	Other Expense	\$ 24,000.00
Insurance – Liability & Other	Other Expense	\$ 25,000.00
Insurance – Worker’s Comp	Other Expense	\$ 25,000.00
Social Security	Other Expense	\$ 2,500.00
	TOTAL	\$ 205,500.00

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
					Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-3.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION # 2014 – 3.4**

**RESOLUTION AUTHORIZING APPLICATION FOR
 RECYCLING TONNAGE GRANT BASED ON 2013 RECYCLING**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, this resolution, authorizing this municipality to apply for a tonnage grant based on calendar year 2013 recycling, will memorialize the commitment of this municipality to recycling and to meeting the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, this resolution must designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Council of Pennington Borough that Pennington Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection;

BE IT FURTHER RESOLVED, that Richard Smith, a Certified Recycling Coordinator, is hereby designated to ensure that the application is properly completed and timely filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	M			
					Marciante	X			
Griffiths	X				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2014-3.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2014 – 3.5**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO
 A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR
 EMERGENCY AND POLICE DISPATCH SERVICES
 FOR THE YEAR 2014**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of emergency and police dispatch services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of the proposed contract, entitled “Shared Services Agreement 2014 Police Dispatching And Emergency Communication Services Between The Township Of Hopewell And Borough Of Pennington”, shall be for one year beginning January 1, 2014 and continue through December 31, 2014; and

WHEREAS, the cost to the Borough for police dispatch services as outlined in the Shared Services agreement would be \$66,300.00, which represents no increase over the previous year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with Hopewell Township for the provision of emergency and police dispatch services during the period January 1, 2014 through December 31, 2014; and

BE IT FURTHER RESOLVED, that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
					Marciante	X			
Griffiths	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-3.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 3.6**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT AFFECTING USE,
MAINTENANCE AND CLEANING OF THE SENIOR CENTER**

WHEREAS, use of the Senior Center on Reading Street in the Borough of Pennington is shared by Hopewell Borough, Hopewell Township and Pennington Borough;

WHEREAS, responsibilities for maintenance of the Senior Center are also shared among the three municipalities;

WHEREAS, the three municipalities intend to enter into a shared services agreement for 2014, superceding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$4,501.06; Hopewell Borough will pay Pennington \$1,125.29 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building, as well snow and ice removal from sidewalks and parking lots, HVAC maintenance, plumbing, painting and replacement of light bulbs;

WHEREAS, the proposed form of agreement is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the annexed agreement on behalf of Pennington Borough.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
					Marciante	X			
Griffiths	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-3.6, second by Council Member Griffiths, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 3.7**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO
A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR
SENIOR SERVICES COORDINATOR FOR THE YEAR 2014**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of Senior Services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of the proposed contract, entitled “Senior Services Agreement Between Borough of Hopewell, Borough of Pennington and the Township of Hopewell”, shall be for one year beginning January 1, 2014 and continue through December 31, 2014; and

WHEREAS, the cost to the Borough for senior services coordinator services as outlined in the Shared Services agreement would be \$5,000.00, which represents no increase over the previous year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with Hopewell Borough and Hopewell Township for the services of a senior services coordinator during the period January 1, 2014 through December 31, 2014; and

BE IT FURTHER RESOLVED, that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
					Marciante	S			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-3.7, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 3.8**

RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR COSTS OF CLEARING SNOW AND ICE FROM SIDEWALKS, PURSUANT TO ARTICLE I, SECTION 177-3 OF THE PENNINGTON BOROUGH CODE

WHEREAS, pursuant to Section 177-1 of the Code of the Borough of Pennington, the owners of lands abutting or bordering upon the sidewalks of the public streets in the Borough must clear all snow and ice from the sidewalks abutting their lands within 12 hours of daylight after the same shall be formed or fall thereon;

WHEREAS, pursuant to Section 177-2 of the Code, if an owner fails to remove snow and ice as required, the Department of Public Works is authorized to remove or remediate the snow and ice in the owner’s stead;

WHEREAS, pursuant to Section 177-3 of the Code, the costs incurred by the Borough in performing the owner’s obligation shall be certified to the Mayor and Council of the Borough, and if such costs are found by them to be reasonable, they shall cause such costs to be charged against the abutting lands and the amounts so charged shall become a lien and tax upon the land and be added to and become a part of the taxes next to be levied and assessed thereon;

WHEREAS, on February 4, 2014, the owner of 404 Burd Street in the Borough, also known as Block 905, Lot 15 on the Borough Tax Map, had failed to remove snow and ice from the abutting sidewalk as required by the Borough Code;

WHEREAS, on that date the Department of Public Works cleared the snow from this sidewalk and incurred costs totaling \$363.50 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 \$363.50 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 177-3 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.
Davy	X				Heinzel	X			
					Marciante	M			
Griffiths	X				Tucker	S			

Council Member Marciante made a motion to approve Resolution 2014-3.8, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-3.9**

RESOLUTION AUTHORIZING SUBMISSION OF A REQUEST TO THE MERCER COUNTY OPEN SPACE ASSISTANCE PROGRAM FOR A GRANT TO FUND OPEN SPACE ACQUISITION

WHEREAS, the Mercer County Open Space Assistance Program provides grants to municipal governments and to qualified nonprofit conservancy organizations for assistance in the acquisition of lands

for preservation of open space and other County significant projects;

WHEREAS, the Borough of Pennington desires to acquire additional open space in the Borough's Greater Green Belt and seeks a Mercer County Open Space Assistance Program grant of \$400,000.00 for this acquisition;

WHEREAS, Open Space Assistance funding is available for open space acquisitions this year and Pennington Borough is eligible to request a grant for such an acquisition by submitting an application to the Mercer County Planning Division; and

WHEREAS, the Mercer County Open Space Assistance funding will be combined with other governmental and private funds for this project while providing regionally significant open space for the residents of Mercer County;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington resolves that the Mayor or Acting Mayor of the Borough, as appropriate, is hereby authorized to:

- (a) Submit a funding request to the Mercer County Open Space Assistance Program; and
- (b) Provide additional information and furnish such documents as may be required.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	M			
					Marciante	X			
Griffiths	S				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2014-3.9, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-3.10**

RESOLUTION AUTHORIZING THE HIRING OF SALVATORE DIDONATO AS LABORER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Pennington has need for a qualified person to fill the position of Laborer in the Department of Public Works;

WHEREAS, the Superintendent of Public Works, the Assistant Superintendent and the Chair of the Public Works Committee have reviewed 28 applications for the position, interviewed 9 of these applicants, and on this basis recommended the hiring of Salvatore E. DiDonato for this position;

WHEREAS, the recommended hiring of Salvatore DiDonato has been reviewed and approved by the Personnel Committee;

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

1. the hiring of Salvatore E. DiDonato as Laborer in the Department of Public Works is hereby approved;
2. Mr. DiDonato's salary and other terms and conditions of employment shall be governed by the contract between the Borough and Teamsters Local 35;
3. Mr. DiDonato's start date shall be determined by the Superintendent of Public Works.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Heinzel	X			
					Marciante	X			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2014-3.10, second by Council Member Davy with all members present voting in favor.

Mrs. Sterling asked if Resolution 2014-3.15 could be considered next as it affects Resolution 2014-3.11.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014- 3.15**

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR CONTRACT WITH A&A CURBING, INC. FOR DOWNTOWN STREETSCAPE IMPROVEMENTS

WHEREAS, Roberts Engineering Group, LLC has recommended a certain Change Order No. 2 with regard to the Contract between the Borough of Pennington and A&A Curbing, Inc. for the project known as Downtown Streetscape Improvements (Roberts File No.PEN3704);

WHEREAS, Change Order No. 2 would make adjustments for unforeseen drainage issues, additional granite required as a result of Mercer County DOT construction, light pole footing resizing as requested by PSE&G, and as-built quantities, as itemized in the attached change order documents;

WHEREAS, the proposed adjustments would yield a net reduction of the final contract price in the amount of \$5,303.00;

WHEREAS, the proposed Change Order No. 2 therefore does not require the expenditure of additional funds for the project;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 2 is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	M				Heinzel	S			
					Marciante	X			
Griffiths	X				Tucker	X			

Council Member Davy made a motion to approve Resolution 2014-3.15, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014 – 3.11**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 5 TO A&A CURBING, INC. FOR WORK COMPLETED ON THE DOWNTOWN STREETSCAPE IMPROVEMENT PROJECT, SUBJECT TO WITHHOLDING OF EXCESS INSPECTION FEES AND OTHER CONDITIONS

WHEREAS, A&A Curbing, Inc. (“A&A”) has applied for progress payment no. 5 for completion of certain work through December 15, 2013 pursuant to the contract for the Downtown Streetscape Improvement Project (Roberts Engineering Group, LLC, Project No. PEN3704) (“Contract”);

WHEREAS, the payment request by A&A, less two percent retainage, amounts to \$13,175.12;

WHEREAS, the Borough Engineer has reviewed this payment request and has conditionally approved payment subject to (a) approval of Change Order No. 2 and Final for Supplemental Items required due to unforeseen existing conditions and drainage issues, (b) receipt of certified payrolls, and (c) the withholding of amounts for excess inspection fees incurred by the Borough as the result of delay in completion of construction for which A&A is responsible;

WHEREAS, Resolution 2014-3.15, which would approve Change Order No. 2, is pending for approval at the same time as this Resolution;

WHEREAS, certified payrolls have not yet been received from A&A and same shall be a condition of this Resolution;

WHEREAS, with respect to excess inspection fees, the Notice to Proceed issued by Roberts Engineering provided for a start date of July 15, 2013 and completion of the project 75 calendar days later, on September 27, 2013, in conformance with the Contract Documents (Technical Specifications, Section 12);

WHEREAS, multiple deficiencies in A&A’s performance of the work has caused delay in completion of the work, and A& A did not complete the work until December 15, 2013;

WHEREAS, the Contract Documents provide that if A&A exceeds the time allowed in the Contract specifications for completion of the Contract, it shall be held liable for inspection fees and associated costs incurred by the Borough for time in excess of that specified, and that all costs that the Borough incurs, above those allowed for in the contract time, will be deducted from monies due to A&A (Supplemental Conditions, SC-9.10);

WHEREAS, inspection fees and associated costs incurred by the Borough after the scheduled completion date from September 27 to November 22, 2013 amount to \$9,060.50 and have been deducted from the most recent payment to A&A;

WHEREAS, inspection fees and associated costs incurred by the Borough after the scheduled completion date from November 23 to December 15, 2013 amount to \$2,950.25 and shall be withheld from this payment, producing a net payment to A&A pursuant to this Resolution in the amount of \$10,224.87;

WHEREAS, in addition to excess inspection fees and costs as the result of delay, the Contract provides that failure to complete the work within the number of calendar days stated in the Notice to Proceed

shall entitle the Borough to liquidated damages as set forth in the Contract Documents;

WHEREAS, the liquidated damages amount provided for in the Contract Documents (Technical Specifications, Section 13) is \$600 per day for each calendar day A&A is in default to complete the Contract;

WHEREAS, A&A has delayed completion of the Contract work as the result of its fault, and a sum of \$33,600. has previously been withheld as estimated liquidated damages for its work through November 22, 2013, subject to final determination upon consideration of all relevant factors and completion of the project;

WHEREAS, although further deduction for liquidated damages has not been withheld from this payment, the Borough reserves the right to claim additional liquidated damages as the result of the delay in completion from November 23, 2013 through December 15, 2013;

WHEREAS, this is a partial payment under the Contract;

WHEREAS, funds are available for this payment in Account No. G-022-44-951-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to A&A Curbing, Inc. in the net amount of \$10,224.87 is hereby authorized, subject to the following conditions:

1. approval of Change Order No. 2, pending as Resolution 2014-3.15;
2. receipt of certified payroll forms;
3. reservation of rights as to liquidated damages for the period November 23 through December 15, 2013.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
					Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-3.11, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-3.12**

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE BOROUGH OF PENNINGTON AND EMERGENCY COMMUNICATIONS NETWORK, LLC, FOR THE PROVISION OF HIGH-SPEED COMMUNITY NOTIFICATION SERVICES

WHEREAS, the Borough requires the capacity to notify residents and staff in timely response to emergencies, severe weather alerts and other events of urgent public concern;

WHEREAS, in order to meet this need, the Borough seeks to contract with Emergency Communications Network, LLC, located at 9 Sunshine Boulevard, Ormond Beach, Florida 32174, which will license authorized users in Borough government to have access to a 24/7 high-speed notification system via an Internet-hosted software application;

WHEREAS, the proposed high-speed notification system will reach residents within the geographical boundaries of Pennington as well as the entire staff of the Borough;

WHEREAS, the proposed Agreement provides for an initial three-year term renewable for successive three-year terms, at a cost of \$2,500. per year;

WHEREAS, a copy of the proposed Agreement is attached;

WHEREAS, funds are available to enter into the attached Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor or Acting Mayor, as appropriate, is hereby authorized to enter into the attached Agreement on behalf of the Borough, subject only to the condition that the Borough Attorney first obtain such amendments as may be needed to ensure that the Agreement complies with the Local Public Contracts Law.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Heinzel	X			
					Marciante	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion 2014-3.13, second by Council Member Davy. Mr. Bliss stated that he spoke with ECN on the issue of compliance with the Local Public Contracts Law regarding the term of the agreement and they will work with the Borough to get that resolved. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014- 3.13**

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR EXTENSION OF TIME UNDER CONTRACT WITH DESANTIS CONSTRUCTION FOR THE PENNINGTON EXTENSION TO THE LAWRENCE-HOPEWELL TRAIL

WHEREAS, Van Cleef Engineering Associates has recommended a certain Change Order No. 2 with regard to the Contract between the Borough of Pennington and DeSantis Construction for the project known as Lawrence-Hopewell Trail, Pennington Extension (VCEA File No. 7071);

WHEREAS, Change Order No. 2 would extend the time specified in the Contract for completion of the project as explained in the attached memorandum and related documents from Herbert J. Seeburger, Jr., PE, CME dated February 5, 2014;

WHEREAS, the proposed extension would include a total of 42 additional calendar days, bringing the final completion date of the Contract to April 5, 2014;

WHEREAS, the proposed Change Order No. 2 does not require the expenditure of additional funds for the project;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 2 extending the time for DeSantis Construction to complete the Contract, as set forth above, is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	M			
					Marciante	X			
Griffiths	S				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2014-3.13, second by Council Member Griffiths with all members present voting in favor.

Resolutions 2014-3.14 and 2014-3.15 were considered earlier in the meeting.

Council Discussion

Downtown Streetscape Planters – Mrs. Heinzel stated that council members have been provided with several sketches proposing several options for planters for the area in front of The Village Salon. Mrs. Heinzel stated that the proposals were discussed at the Public Works meeting and the committee was in agreement that proposal “d” would be the best option. Mrs. Heinzel stated that the committee discussed approaching the Pennington Day Committee to see if they would consider contributing to the cost. Mr. Davy stated that he would present that the request to the Pennington Day Committee. Mrs. Heinzel stated that Option D would cost around \$4,100. Some discussion ensued with regard to plants for the planters and who would maintain the plants. Mrs. Heinzel stated that the cost of the plants should be included in the request to Pennington Day and so we would need to get an estimate on that as well. Mayor Persichilli stated that Council is in agreement on Option D with the funding source being either Open Space Funds or a grant from Pennington Day.

Professional Reports

There were no reports from Professionals.

At 9:55pm, Council Member Heinzel requested to be excused from the meeting.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-5 by title.

**Borough of Pennington
Ordinance No. 2014-5**

AN ORDINANCE AMENDING CHAPTER 215, ZONING, OF THE CODE OF THE BOROUGH OF PENNINGTON BY ADDING A NEW SECTION ENTITLED ROUTE 31 CORRIDOR BUSINESS OVERLAY ZONE AND REVISING THE ZONING MAP.

WHEREAS, based on the land use recommendations of Maser Consulting in its June, 2013 Route

31 Redevelopment Study, the Borough seeks to create a Route 31 Business Overlay Zone;

WHEREAS, the proposed Route 31 Business Overlay Zone will be located on lands known as Block 206, Lots 3, 4 and 12 in the B-H Zone District and lands known as Block 206, Lots 5, 6 and 7 in the R-80 Zone District;

WHEREAS, the proposed Route 31 Business Overlay Zone will replace the existing Affordable Housing Overlay Zone located on the lands known as Lot 5 in Block 206 in the R-80 Zone District;

WHEREAS, the proposed Route 31 Business Overlay Zone would require that for any structure with apartment units, at least 20% of the units shall be set aside as affordable under COAH requirements, including COAH's bedroom distribution and tenant income requirements, with affordable units provided either on site or off site within the Borough, subject to the approval of the Borough and COAH;

WHEREAS, the proposed ordinance is consistent with the Borough Master Plan and Development Regulations Periodic Reexamination Report adopted by the Borough Planning Board on October 19, 2013;

WHEREAS, on November 13, 2013, the Planning Board reviewed a **version of** the proposed ordinance and proposed it for consideration by Borough Council;

WHEREAS, Borough Council has amended the ordinance as initially proposed to clarify the relationship between the Overlay Zone and underlying zoning and to enhance opportunities for the development of affordable housing;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 215, Zoning, of the Code of the Borough of Pennington, is hereby amended as follows:

1. Section 215-78.2, providing for an Affordable Housing Overlay Zone, is repealed.
2. The following new Section 215-78.2 providing for a Route 31 Corridor Business Overlay Zone is adopted as follows:

Section 215-78.2. Route 31 Corridor Business Overlay Zone (as shown on revised zoning map).

- A. Purpose. To create a mixed-use, pedestrian-friendly development that is aesthetically pleasing. The permitted uses are intended to be compatible with and complement each other to create a pedestrian-oriented shopping environment consistent with the character of the surrounding community.
- B. All new development and redevelopment on lands within the Route 31 Corridor Business Overlay Zone shall comply with the provisions of the Overlay Zone. All new or renovated structures within the Overlay Zone, except structures devoted to municipal services, shall have at least a second floor consisting of apartment units. A third floor, if proposed, shall also consist of apartment units.**
- C. Permitted primary uses.
 - (1) Retail businesses as listed in Section 215-72 (B-H zone).
 - (2) Personal service establishments as listed in Section 215-72 (B-H zone).
 - (3) Office uses as listed in Sec. 215-73 (O-B zone).
 - (4) Restaurants.
 - (5) Banks and financial institutions.
 - (6) Child care centers.
 - (7) Studios, including art, dance, music, etc.
 - (8) Health clubs/exercise facilities.
 - (9) Dwelling units, located on the second **and** third floor.
 - (10) Passive and/or active recreation areas.
 - (11) Municipal services, including emergency response services.
 - (12) A mixture of one or more of the aforementioned uses within a structure or on a parcel.
- D. Permitted secondary uses.
 - (1) Off-street parking facilities for the use of clients, customers, employees and residents.
 - (2) Sidewalk sales by adjacent retail merchandise stores when authorized by a permit issued by the Borough Clerk.
 - (3) Outdoor dining contiguous to restaurants.
 - (4) Signs.
 - (5) Fences, walls and retaining walls in accordance with the provisions of § 215-24.
 - (6) Roof-mounted solar panels.
- E. Conditional uses.
 - (1) Retail businesses with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 2 automobiles per drive-through window shall be provided.
 - (2) Banks and financial institutions with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 3 automobiles per drive-through window

shall be provided.

F. Prohibited uses.

- (1) Retail uses where an individual store/tenant is greater than 10,000 square feet.
- (2) Auto repair, service, and/or gas stations.
- (3) Automobile sales.
- (4) Drive-through facilities related to a restaurant.

G. Bulk standards.

- (1) Minimum lot size shall be 10,000 square feet.
- (2) Minimum lot width shall be 100 feet.
- (3) Setbacks for structures shall be as follows:
 - (a) Minimum front yard along Broemel Place shall be 10 feet; the minimum setback along Route 31 shall be 20 feet, except where sight triangles are needed at intersections.
 - (b) Maximum front yard shall be 50 feet.
 - (c) Minimum side yard shall be 20 feet.
 - (d) Minimum rear yard shall be 50 feet.
- (4) Minimum distance between buildings on the same property shall be 20 feet.
- (5) Maximum lot coverage shall be 65%.
- (6) Maximum building height shall be 3 stories and 40 feet.

H. Off-street parking, automobiles.

(1) General design standards.

- (a) All parking spaces within any parking area shall be clearly marked and maintained to show the parking arrangement within said parking area.
- (b) All parking spaces shall measure no less than 9 feet in width by 18 feet in length.
- (c) The number, location, size and marking of spaces shall conform to the design requirements required for such spaces by the State of New Jersey [barrier-free design (N.J.S.A. 52:32-12)] and the Americans with Disabilities Act of 1990.
- (d) Parking lots shall be interconnected with adjacent parking lots to facilitate vehicular and pedestrian circulation.
- (e) Parking lots shall be located to the side or rear of a building. A single row of parking shall be permitted within the front yard.

(2) Schedule of off-street parking requirements.

- (a) The following non-residential off-street parking requirements shall be followed:
 1. Retail businesses – one space for each 300 square feet of building floor area
 2. Personal service establishments – one space for every 300 square feet of building floor area
 3. Business, professional offices, banks and financial institutions – one space for each 250 square feet of building floor area
 4. Child care centers – one space for each 300 square feet of building floor area
 5. Studios and health club/exercise facility – one space for every 400 square feet of building floor area
 6. Restaurants – one space for each three seats, plus one space for each two employees employed therein
- (b) Off-street parking for residential units shall follow RSIS standards.
- (c) Shared parking. Nothing in the above requirements shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:
 1. On-site shared parking. For parcels containing a multiple occupant building or two or more buildings with different permitted uses, on-site shared parking may be implemented.
 - a. A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building or in separate buildings on the same parcel. Office and retail uses are considered to be weekday uses, while residential and restaurant uses are considered to be evening/weekend uses.
 - b. 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains office space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.
 2. Off-site shared parking. For parcels that cannot accommodate all or a

portion of their required parking spaces, the differential parking requirement may be shifted to an adjacent property determined by the Zoning Officer to have parking in excess of zoning requirements or parking that is demonstrated to be unused during normal hours of operation. This would require the submission of a memorandum of agreement between the two property owners, which demonstrates the shifting of parking spaces from one site to an adjacent site.

I. Off-street parking, bicycle.

- (a) For residential uses, bike racks shall be provided at the rate of one bicycle space for every 10 dwelling units.
- (b) For retail uses, one bicycle space shall be provided for every 10 retail employees and at least one bicycle space shall be provided for every 5,000 square feet of retail space for customers.
- (c) For non-residential uses other than retail, one bicycle space shall be provided for every 10 workers and at least one bicycle space shall be provided for every 10,000 square feet of space.
- (d) All bicycle racks shall be within 200 feet of the building entrance.

J. Off-street loading requirements.

(1) General requirements.

- (a) No off-street loading area or berth shall be located in any front or side yard except side yards for buildings on a corner lot. All loading areas/berths shall have unobstructed access that is at least 10 feet wide to and from a street. Such access may be combined with access to a parking lot.
- (b) All required loading areas/berths shall be on the same lot as the uses(s) to which they are accessory.

(2) Schedule of off-street loading requirements.

- (a) For restaurants, the number of berths shall be:
 1. One loading area/berth shall be provided for restaurants with less than 5,000 square feet of gross floor area.
 2. Two loading areas/berths shall be provided for restaurants with more than 5,000 square feet of gross floor area.

J. General Requirements .

(1) Landscaping.

Any front or side yard with a parking area visible from the street shall be screened with a row of shrubs at least 2 ft. high when mature. Street trees shall be planted along any street frontage 30-40 ft. on center and foundation plantings shall be included along the building façade. A landscaped or grass strip at least 5 feet wide shall be provided along the front and side yard property lines.

(2) On-site Circulation.

Driveways with appropriate cross easements providing access between adjacent lots shall be permitted and provided where feasible. On-site circulation systems and parking areas shall be designed to accommodate the interconnection between adjacent lots.

(3) Pedestrian Access.

Adequate and safe pedestrian access between uses or separate buildings in the development or on adjacent lots shall be provided, and the design of the development shall promote non-vehicular, pedestrian-friendly access, inclusive of bicycle racks, benches or other such amenities. Sidewalks shall be provided along street frontages and throughout the development.

(4) Building Design.

(a) All buildings shall have a dual pitched, single ridge roof (such as a true and complete gable, hip or gambrel roof or a mansard roof where the lower slope is steeper and deeper than the upper slope) with a minimum pitch of one foot vertical to eight feet horizontal. No flat roof shall be permitted; provided, however, that where roof-mounted equipment is necessary and/or preferable for the operation of the building, a facade roof treatment exhibiting the appearance of such a dual pitched, single ridge roof on all sides of the building may be permitted if specifically approved by the Planning Board as part of a submitted site plan application for the development.

(b) All portions of all buildings on one lot shall be compatibly designed with a common architectural motif, whether constructed all at one time or in stages over a period of time. The architectural design and material surface and color of all building walls on all sides of all buildings shall be suitably finished for aesthetic purposes and shall be

compatible in design and scale with the surface materials existing within the area.

(5) Affordable Housing Requirement.

At least **50%** of apartment units shall be set aside as affordable under COAH requirements including COAH's bedroom distribution and tenant income requirements. Affordable units may be provided either on site or off site within the Borough of Pennington subject to the approval of the Borough and COAH.

3. The revised Zoning Map delineating the Route 31 Corridor Business Overlay Zone, as prepared by Coppola & Coppola Associates, Princeton Junction, New Jersey, December 2013, is hereby adopted.

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

Mr. Bliss asked that Council hold this Ordinance until the April meeting as he has concerns about comments made by the Borough Planner. This Ordinance will be considered at the next meeting.

Mayor Persichilli read Ordinance 2014-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014- 6**

**AN ORDINANCE AUTHORIZING EXTENSION OF COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE BOROUGH AND THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS LOCAL NO. 35**

WHEREAS, the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35 are parties to a collective bargaining agreement for the years 2009 and 2010 establishing salaries and other conditions of employment for designated job categories in the Borough of Pennington Department of Public Works ("the 2009-2010 Agreement");

WHEREAS, the 2009-2010 Agreement expired effective December 31, 2010 and was thereafter extended by the parties for two years, with modifications, through December 31, 2012, as approved by Ordinance No. 2012-13;

WHEREAS, the extension of the 2009-2010 Agreement provided for general wage increases of two percent (2%) effective January 1, 2011 and two percent (2%) effective January 1, 2012, applicable to base wage rates only;

WHEREAS, the Borough and Local No. 35 have now agreed to extend the extended 2009-2010 Agreement for an additional two years, for the sole purpose of providing for a general wage increase for covered employees of two percent (2%) of base salary for 2013 (effective January 1, 2013) and a general wage increase of two percent (2%) of base salary for 2014 (effective January 1, 2014);

WHEREAS, the Borough and Local No. 35 have again agreed that the extended agreement shall be subject to such changes regarding health insurance and pensions as are effective for other Borough employees resulting from changes in law and in the Borough Personnel Manual in effect on or after December 31, 2010;

WHEREAS, all other terms and conditions of the 2009-2010 Agreement are unchanged through the life of the extension ending December 31, 2014;

WHEREAS, this second extension of the 2009-2010 Agreement is without prejudice to, and shall not be construed as a waiver of, the Borough's right to negotiate modifications to the general terms and conditions of the 2009-2010 Agreement or to exercise its management rights as provided or permitted by law;

WHEREAS, the Borough hereby gives notice that it may desire to modify the Agreement and will confirm this desire in writing as provided in Article 29 of the 2009-2010 Agreement, as now extended through December 31, 2014;

WHEREAS, the form of the agreement to be signed by the parties extending the 2009-2010 Agreement as aforesaid is attached to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the 2009-2010 Agreement, as previously extended through December 31, 2012, is hereby extended through December 31, 2014 with the modifications described above.

Council Member Marciante made a motion to introduce Ordinance 2014-6, second by Council Member Griffiths with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2014-3 by title:

**BOROUGH OF PENNINGTON
ORDINANCE 2014-3**

AN ORDINANCE AMENDING “AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2013.”

WHEREAS, the part-time Business Administrator of the Borough of Pennington will resign effective January 23, 2014;

WHEREAS, the Business Administrator commenced his employment with the Borough on July 25, 2012 but on the first anniversary of his hiring in July 2013 he did not receive a salary adjustment and has not received a salary adjustment to date;

WHEREAS, Borough Council, with the recommendation of the Mayor, desires to increase the Administrator’s annual salary by the same two percent (2%) awarded to other Borough employees under the most recent Salary Ordinance, retroactive to July 25, 2013;

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

1. Section I.a of Borough of Pennington Ordinance No. 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,” as amended by Pennington Ordinance No. 2013-11 and Pennington Ordinance No. 2014-2) is hereby amended to provide for the following maximum annual salary for the position of Borough Administrator:

“Borough Administrator -- \$[30,000.00] **30,600.00**”

2. This amendatory ordinance shall be effective retroactively to July 25, 2013, upon passage and publication as provided by law.

Council Member Griffiths made a motion to open the public hearing on Ordinance 2014-3, second by Council Member Tucker. There were no comments from the public. Mrs. Sterling explained the purpose of the Ordinance. 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 Tucker made a motion to adopt ordinance 2014-3, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-4 by title:

**BOROUGH OF PENNINGTON
ORDINANCE 2014-4**

AN ORDINANCE MODIFYING EXPERIENCE REQUIREMENTS FOR THE POSITION OF BUSINESS ADMINISTRATOR AND AMENDING CHAPTER 39 OF THE CODE OF THE BOROUGH OF PENNINGTON.

WHEREAS, Article VII, Chapter 39 of the Code of the Borough of Pennington creates the position of Borough Administrator for the Borough of Pennington, defines the powers and duties of the Administrator and prescribes education and experience requirements for the position;

WHEREAS, the Administrator is appointed by the Mayor with the advice and consent of Borough Council and serves at the pleasure of Borough Council;

WHEREAS, the Borough’s part-time Administrator has resigned effective January 23, 2014 and the Borough must now seek his replacement;

WHEREAS, to expand the Borough’s options in seeking a replacement for the Administrator, Borough Council now seeks to clarify experience requirements for the position to provide for a minimum of four years’ experience in a management position in government or the equivalent;

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

1. Chapter 39, Section 39-25, of the Code of the Borough of Pennington, is hereby amended as follows (underlining indicates new language):

“Education, experience and abilities of the Borough Administrator shall be as follows:

- A. Graduation from an accredited college or university with a bachelor’s degree.
- B. A minimum of four years’ experience in a management position in government or the equivalent.
- C. Knowledge of problems involved in the administration of municipal affairs.
- D. Knowledge in the integration and coordination of department activities and all phases of municipal operations.
- E. Ability to work effectively and harmoniously with members of the governing body and other municipal officials.
- F. Ability to supervise municipal operations, including financial and personnel records and paperwork; the purchase, receipt, storing and issuing of equipment, materials and supplies; and the collection, analysis and interpretation of data as to collections, expenditures, budgets, stores and other operation procedures.
- G. Ability to see that proper relations are established and maintained among the personnel of the various departments and with the general public.
- H. Ability to utilize various types of electronic and/or manual equipment and information systems used by the municipality.
- I. Ability to provide heads of departments and others with needed advice and assistance when difficult problems arise.
- J. Ability to see that operational procedures are followed and that desired municipal objectives are achieved.”

2. This ordinance shall be effective upon its passage and publication according to law.

Council Member Tucker made a motion to open the public hearing on Ordinance 2014-4, second by Council Member Marciante. There were no comments from the public. Council Member Tucker made a motion to close the public comment, second by Council Member Marciante with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-4, second by Council Member Davy with all members present voting in favor.

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.

AT 10:10 PM, Council Member Marciante made a motion to adjourn the meeting, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk