

**Pennington Borough Council
Regular Meeting – April 7, 2014**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Mary Mistretta called the roll with Council Members Davy, Gnatt, 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, 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.**

Ms. Terry Evanko of 140 Woolsey Court and President of Pennington Point Condominium Association asked about the status of the Older Americans Proclamation. Mayor Persichilli stated that the Proclamation will be on the agenda for the next meeting. Ms. Evanko also asked about the status of a grant to Mercer County for the new senior center. Mayor Persichilli stated that he does not know where Hopewell Township is in the process. Mayor Persichilli stated that the Borough has agreed to participate with the Township on this, but he has not heard anything. Mayor Persichilli stated that he would contact the Township and let her know.

Mayor's Business

Mayor Persichilli stated that a group of students from the Cambridge School are in attendance to make a presentation. Mayor Persichilli asked Cindy Persichilli to come forward. Mrs. Persichilli of 1 Woodmere Way stated that she is the Children's Program Coordinator for the Pennington Public Library. Mrs. Persichilli introduced Deborah Peters head of the Cambridge School who thanked Mayor and Council for allowing them to present students from the school who recited the Gettysburg Address. Mrs. Peters stated that the students of the Cambridge School were invited to participate in a "Learn the Address" National Competition. Mrs. Peters thanked Dina Dunn, Joe Lawver and Cindy Persichilli for judging the competition. Mrs. Peters stated that this is a very big accomplishment for the students and they appreciate the recognition and the opportunity to present the Gettysburg Address to Mayor and Council.

Mayor Persichilli thanked Deborah Peters and presented each of the students with a certificate.

Oath of Office

Mr. Bliss administered the Oath of Office to Deborah Gnatt.

Ordinances for Introduction

Mayor Persichilli announced that Ordinance 2014-5 still needs work so no action will be taken at this meeting.

**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.

Mayor Persichilli read Ordinance 2014-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2014-7**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH
OF PENNINGTON, NEW JERSEY**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless

authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$68,002.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2014 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Davy made a motion to introduce Ordinance 2014-7, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli stated that Ordinance 2014-8 will be considered later in the meeting.

Mayor Persichilli read Ordinance 2014-9 by title.

**BOROUGH OF PENNINGTON
County of Mercer
Ordinance No. 2014-9**

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF
THE BOROUGH OF PENNINGTON**

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):

§ 206-1. Base and usage charges.

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
Less than 1	[\$27.41] \$27.96 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)

1	[\$41.84] \$42.68 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)
2	[\$118.89] \$121.27 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)
3	[\$266.70] \$272.03 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)
4	[\$391.93] \$399.77 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)
6	[\$732.36] \$747.01 (+2.0%)	[\$6.46] \$6.59 (+2.0%)	[\$6.81] \$6.98 (+2.5%)	[\$7.38] \$7.68 (+4.0%)	[\$8.54] \$8.97 (+5.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
[\$30.37] \$30.98 (+2.0%)	[\$6.89] \$7.03 (+2.0%)	[\$7.34] \$7.52 (+2.5%)	[\$7.77] \$8.08 (+4.0%)	[\$8.29] \$8.70 (+5.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

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

Council Member Tucker made a motion to introduce Ordinance 2014-9, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014-10**

**ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN
REAL PROPERTY KNOWN AS BLOCK 92, LOTS 1.01 AND 1.03
ON THE HOPEWELL TOWNSHIP TAX MAP**

WHEREAS, Borough Council of the Borough of Pennington seeks to partner with the Friends of Hopewell Valley Open Space (“FOHVOS”) in order to acquire the real property known as Block 92, Lots 1.01 and 1.03 on the Hopewell Township Tax Map, County of Mercer and State of New Jersey, consisting of a total of approximately 33 acres (“Property”);

WHEREAS, the purpose of the acquisition is to use the property for open space;

WHEREAS, the Borough and the owners of the Property, Walter and Linda Brown, wish to enter into a contract to accomplish the Borough’s acquisition of the Property, subject to the Green Acres Program of the State of New Jersey and the County of Mercer paying to the Borough, on or before the closing date,

amounts equal to the total purchase price;

WHEREAS, the costs of the acquisition include a tentative purchase price of \$782,500, based on two appraisals of the Property, and estimated acquisition-related costs estimated at \$17,500, which shall be split 50/50 between Green Acres and FOHVOS, with any excess up to \$23,750. to be paid by FOHVOS;

WHEREAS, finalization of the purchase price for the Property will require submission of a preliminary environmental assessment report to the Green Acres Program;

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., requires that an ordinance be adopted authorizing the Borough to acquire the Property; and

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

1. Upon final passage, approval and publication of this ordinance, the Mayor, with the attestation of the Borough Clerk, is authorized to enter into an agreement with Walter and Linda Brown for the purchase of the aforesaid Property, provided:

- (a) the purchase is subject to terms and conditions consistent with those recited above;
- (b) the price for acquisition has been approved by the Green Acres Program following submission of the required environmental assessment; and
- (c) the purchase agreement is in a form acceptable to the Borough Administrator and the Borough Attorney.

2. This ordinance shall take effect upon final passage, approval and publication as provided by law.

Council Member Heinzl made a motion to introduce Ordinance 2014-10, second by Council Member Marciante. Mrs. Heinzl stated that this ordinance allows for acquisition of the Brown Property which has been discussed at previous meetings. Mrs. Heinzl stated that in the fourth whereas clause the amount should be \$23,750. Mrs. Heinzl stated that the seventh whereas clause is unclear because the Borough will not be using Open Space Funds for this acquisition. Mrs. Heinzl stated that Open Space Funds were used to fund the appraisals, but those funds will be reimbursed. The reference to use of Open Space Funds was removed. Upon a roll call vote, all members present voted in favor of introduction of the ordinance as amended.

Mayor Persichilli read Ordinance 2014-11 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014-11**

**AN ORDINANCE ESTABLISHING TWO-HOUR
PARKING DURING CERTAIN HOURS ON PART OF ACADEMY AVENUE AND ON PARTS OF
THE EAST SIDE OF BURD STREET FROM WEST DELAWARE
AVENUE TO LANING AVENUE**

WHEREAS, the Public Safety Committee has recommended to Borough Council that parking be restricted during certain hours on part of Academy Avenue and on parts of the East Side of Burd Street from West Delaware Avenue to Laning Avenue, because cars parked on these sections of street for extended periods leave too little space for two-way traffic;

WHEREAS, the proposed parking restriction would apply the south side of Academy Avenue from Burd Street to Crawley Avenue, and to the east side of Burd Street from 145 feet south of West Delaware Avenue to 370 feet of Academy Avenue and from Academy Avenue south to Laning Avenue, and would limit parking to two hours from 8:00 a.m. to 6:00 p.m., except Sundays and holidays;

WHEREAS, the two-hour restriction would amend Chapter 200, Section 200-11.2, of the Code of the Borough of Pennington;

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

1. Chapter 200, Section 200-11.2 of the Code of the Borough of Pennington, is hereby amended to read as follows (with new language underlined and deletions denoted by brackets):

“Sec. 200-11.2. Parking restricted to two hours during certain hours.

No person shall park a vehicle on any of the following streets or parts thereof for longer than two hours, between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays:

Name of Street	Side	Location
<u>Academy Avenue</u>	<u>South</u>	<u>From Burd Street to Crawley Avenue</u>
<u>Burd Street</u>	<u>East</u>	<u>From 145 feet south of West Delaware Avenue to 370 feet of Academy Avenue and from Academy Avenue south to Laning Avenue</u>
Green Avenue	East	From Delaware Avenue a distance of 100 feet
West Delaware Avenue	North	From 60 feet west of Main Street west a distance of 24 feet, which shall be reserved as parking for the handicapped, and from 145 feet west of Main Street west a distance of 515 feet”

2. This Ordinance shall take effect upon passage and publication in accordance with law.

Council Member Marciante made a motion to introduce Ordinance 2014-11, second by Council Member Tucker. Council discussed the impact of this ordinance and whether this would cause problems elsewhere in the Borough. Upon a roll call vote all members present voted in favor with the exception of Mr. Tucker who abstained.

Ordinances for Public Hearing and Adoption

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 open the Public Hearing on Ordinance 2014-6, second by Council Member Heinzl. There were no comments from the public. Council Member Heinzl made a motion to close the Public Hearing, second by Council Member Marciante with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-6, second by Council Member Heinzl with all members present voting in favor.

Introduction of 2014 Budget

Council Member Marciante made a motion to introduce the 2014 Budget, second by Council Member Tucker with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzl reported that the Library Board met and reviewed and approved the budget for 2014. Mrs. Heinzl stated that they discussed at length the important role that the Friends of the Pennington Library play each year and how important their fundraising efforts are. Mrs. Heinzl stated that plans for summer programming are underway. Mrs. Heinzl stated that BusyTown will be held on May 1st.

Mrs. Heinzl stated that the Planning Board does not have any applications pending so the April Meeting will be cancelled.

Mrs. Heinzl stated that she visited the “Living Local Expo” which was very well supported by Pennington Borough.

Personnel / Community Services / Economic Development – Mr. Davy reported that there are two personnel items on the agenda later in the meeting and he will comment when the resolutions come up.

Public Works / Shade Tree – No report given.

Public Safety / Senior Services – Mr. Tucker reported that the new police vehicle has arrived and is in use. Mr. Tucker reported that 26 resumes have been received in response to the advertisement. Mr. Tucker stated that formal applications and background investigations will take place in the near future. Mr. Tucker stated that Pennington Borough is considering the possibility of joining with Mercer County for EMS dispatch services.

Mr. Tucker stated that the Police Department is assisting with traffic and student crossing due to the road construction that is underway at Curlis Avenue.

Mr. Tucker stated that a statistical report has been distributed to council members.

Mr. Tucker stated that council members also have a report regarding senior services for March. Mr. Tucker stated that an annual report for 2013 has also been distributed.

Finance – Mr. Griffiths stated that he did not have a report, but he distributed two draft press releases with regard to the budget for council members to review. Mr. Griffiths explained the one press release addresses the budget and the other addresses the water/sewer rate increase. Mayor Persichilli stated that he would like to see more information regarding infrastructure costs. Mr. Griffiths stated that he would address that so that residents can see that the water utility is not worth \$25,000,000 but it has an infrastructure replacement value of \$25,000,000 and if we were to sell in now, assuming a willing buyer and other standards it might be worth \$2,500,000.

New Business

Borough of Pennington Resolution #2014 – 4.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$511.29 to BAC Tax Services Corporation, Attn. Refunds, CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499-6089, for an overpayment of 2014 2nd quarter taxes in the amount of \$511.29 for 8 Baldwin Street, Block 1002, Lot 31.

BE IT RESOLVED, that a refund be issued in the amount of \$181.15 to BAC Tax Services Corporation, Attn. Refunds, CA6-913-LB-01, PO Box 10211, Van Nuys, CA 91499-6089, for an overpayment of 2014 2nd quarter taxes in the amount of \$181.15 for 238 South Main Street, Block 703, Lot 25.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-4.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 4.2**

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 \$ 312,354.25 from the following accounts:

Current	\$ 224,265.63
W/S Operating	\$ 65,551.86
Grant Fund	\$ 10,224.87
Developers’ Escrow	\$ 12,311.89
TOTAL	\$ 312,354.25

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-2, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014-4.3**

**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.

Tax Assessment	Salaries	\$ 3,000.00
Tax Map Maintenance	Other Expense	\$ 1,500.00
Legal Services	Other Expense	\$ 5,000.00
Engineering Services	Other Expense	\$ 58,000.00
Streets	Salaries	\$ 20,000.00
Library	Other Expense	\$ 25,000.00
Gas,Fuel, Lubricants	Other Expense	\$ 5,000.00
Total		\$ 117,500.00

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

Water Operating	Other Expense	\$ 25,000.00
SBRSA	Other Expense	\$ 20,000.00
TOTAL		\$ 45,000.00

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-4.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 4.4**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.14 FOR
PRINCETON PLEATERS**

WHEREAS, Princeton Pleaters submitted raffle application RA: 1.14 on March 20, 2014 for a raffle to take place on May 17, 2014 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on March 27, 2014; and

WHEREAS, Princeton Pleaters meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Princeton Pleaters in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 1.14 for Princeton Pleaters be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA:1.14 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Heinzel made a motion to approve Resolution 2014-4.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 4.5**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC
RIGHT- OF- WAY IN 2014**

WHEREAS, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 2 tables (with umbrellas) and up to 4 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 2 tables (with umbrellas) and up to 4 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

- A. The tables and chairs shall be arranged as shown on the attached sketch.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.

G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until Emily Matticoli and Emily’s Café and Catering, LLC, have filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

1. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

2. This conditional authorization shall in any event expire on December 31, 2014.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-4.5, second by Council Member Heinzel with all members present voting in favor.

Mayor Persichilli stated that Resolution 2014-4.6 will be discussed later.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 4.7**

RESOLUTION AUTHORIZING AGREEMENT WITH WATER RESOURCE MANAGEMENT, INC. FOR PROFESSIONAL SERVICES AS LICENSED OPERATOR FOR THE BOROUGH’S WATER AND SEWER SYSTEM

WHEREAS, the Borough of Pennington is required by law to have a Licensed Operator for the Borough’s Water and Sewer Utility, also known as the Pennington Water and Sewer Company;

WHEREAS, upon the retirement of the Borough’s Superintendent of Public Works in the Summer of 2014, the Borough will require the services of one or more professionals with the required licensure to

perform the function of Licensed Operator;

WHEREAS, Water Resource Management, Inc. has professional personnel possessing the licenses required to serve as Licensed Operator as that term is defined by the regulations of the New Jersey Department of Environmental Protection;

WHEREAS, a copy of a proposed professional services agreement between the Borough and Water Resource Management, Inc., for a term of one year, is attached;

WHEREAS, the Borough Clerk has determined and has certified in writing that the anticipated value of this contract for professional services will exceed \$17,500;

WHEREAS, approval of this contract complies with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, Water Resource Management, Inc. and its principals, officers and employees have made no such political contribution and shall make no such contribution during the term of the contract;

WHEREAS, award of this contract also complies with the Code of the Borough of Pennington, Section 15-1, et seq., which further prohibits the award of public contracts to certain political contributors;

WHEREAS, Van Note-Harvey Associates has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall make no such contribution through the term of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and is not required to be subject to a competitive bidding process;

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

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

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 enter into the attached professional services agreement with Water Resource Management, Inc. subject to such amendments consistent with its intent as required 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	M				Heinzel	X			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Davy made a motion to approve Resolution 2014-4.7, second by Council Member Tucker . Mr. Davy stated that he distributed a handout prior to the meeting. Mr. Davy stated that as everyone knows, Mr. Wittkop is retiring effective August 1st. Mr. Davy stated that the Personnel Committee went through a multi-step process to address this position. Mr. Davy stated that the position was advertised, a limited number of applications were received and all of the applicants were interviewed. Mr. Davy stated that none of the applicants were acceptable and so the committee looked at contracting out the service and utilizing the services of Van Note Harvey Associates who are very familiar with the Borough’s water/sewer system. Mr. Davy stated that the cost proposal from Van Note Harvey is attached as well as a proposal from Water Resource Management which is considerably less. Mr. Davy stated that with Mr. Wittkop’s help the committee checked into Water Resource Management and it is the recommendation of the committee that the Borough contract with Water Resource Management for the service. Mr. Davy stated that some personnel will have to be adjusted in the Public Works Department and that will be addressed in the near future. Mayor Persichilli stated that this process has been ongoing for about a year and one of the reasons that the Teamsters Contract has not been settled is that the structure of the jobs currently in Public Works needs to be changed. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-4.8**

**RESOLUTION AUTHORIZING ASSIGNMENT OF LEASE BY AVANTI’S RESTAURANT UPON
SALE OF RESTAURANT**

WHEREAS, Avanti’s Restaurant, at 21-23 West Delaware Avenue, Pennington, New Jersey 08534, is adjacent to the southwest corner of the Municipal Parking Lot;

WHEREAS, the Borough of Pennington has entered into a ten-year lease with Vincenzo Severino t/a Avanti’s Restaurant (“Avanti’s”), leasing 392 square feet of land owned by the Borough in the southwest corner of the Municipal Parking Lot, Lot 19.01, Block 6, as described in a metes and bounds description (“the Lease Agreement”);

WHEREAS, the land leased to Avanti’s is for outside dining during the period April 15 to October 15, with additional one month increments as needed;

WHEREAS, the annual rent under the Lease is \$600 for the six-month period plus \$100 per month for additional one-month increments;

WHEREAS, the Lease Agreement is for a term of ten years commencing June 1, 2005 and ending on May 31, 2015;

WHEREAS, the terms and conditions of the Lease Agreement, including insurance requirements, are set forth in a document with attached schedules executed by Avanti’s and the Borough, of which a copy is attached to this Resolution;

WHEREAS, paragraph 7 of the Lease Agreement provides that Avanti’s (“Tenant”) shall not assign, mortgage or hypothecate the Lease without the consent of the Borough (“Landlord”) which shall not be unreasonably withheld;

WHEREAS, the Borough is advised that Avanti’s is under contract to be sold and that the purchaser, a corporation, seeks to have the Lease assigned to it;

WHEREAS, Luna Luna, Ltd., owned by Michael S. Moriello and Teresa S. Rinaldi, represented by counsel Bruce M. Sattin, Szaferman, Lakind, Blumstein & Blader, P.C., (a) has appeared before Borough Council and fully identified itself and its ownership, (b) has acknowledged having a copy of the Lease Agreement and that it fully understands the terms and conditions of the Lease Agreement, (c) has demonstrated that it has or will have in place at the time of the proposed assignment of the Lease Agreement the insurance required by paragraph 6 of Schedule B of the Lease Agreement, and (d) has promised and agreed in writing that it will comply with each and every term and condition of the Lease Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that in reliance on the representations, acknowledgments, promises and agreements described above, the Borough hereby consents to assignment of the Lease Agreement from Vincenzo Severino t/a Avanti’s Restaurant to Luna Luna, Ltd. effective upon transfer of ownership;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, with the approval of the Borough Attorney, is hereby authorized to take such further steps as necessary to finalize this assignment.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-4.5, second by Council Member Heinzel. Mr. Bliss stated that the Resolution contemplates the appearance of the owners of Luna Luna at the meeting. Mr. Bliss invited Mr. Michael Moriello to come forward and introduce himself. Mr. Moriello stated that he currently owns a restaurant in Princeton, NJ and he is looking forward to opening in Pennington Borough. Mr. Bliss briefly explained the final resolved clauses. Upon a roll call vote all members present voted in favor.

Council Discussion

Roberts Engineering – Safe Routes to Schools Grant – Mayor Persichilli referred council members to a letter from Borough Engineer, Carmela Roberts. Mr. Griffiths asked if this is a Federal Grant and if so he reminded Council of a prior grant for Safe Routes to Schools that was federally funded and caused serious budget issues. Mr. Griffiths cautioned council members that if the Borough decides to pursue this grant that no change orders or intervention by council members be done without full consensus of the Borough Engineer, Borough Council and grant issuing agencies. Mayor Persichilli stated that he was confident that the Borough Engineer has a good understanding of the process with regard to federal grants. Mr. Davy stated that with that being said should Council move ahead with the application. Council Members were in agreement that the application should be filed. Mayor Persichilli stated that he would speak to Carmela Roberts. Mrs. Heinzel pointed out that the deadline for the application is May 15th.

Professional Reports

Mr. Wittkop stated that two letters will be distributed with regard to the water tank rehabilitation project, one will go to the downtown businesses and the other will go to consumers with standby water service. Mr. Wittkop stated that as of yet, we do not have a date as to when the water tower project will commence.

Mr. Bliss reminded Mayor Persichilli of the need for a closed session.

At 8:00 pm, Mrs. Heinzel was excused from the meeting.

Mayor Persichilli read Ordinance 2014-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2014 -8**

**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 2014**

**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	\$ 35,000.00
Borough Clerk	\$ 39,329.80
Treasurer	\$ 62,390.67
Tax Collector	\$ 18,268.05
Utility Collector	\$ 18,268.05
Technical Assistant to Construction	\$ 10,986.70
Tax Assessor	\$ 12,000.00
Zoning Officer	\$ 8,120.71
Land Use Admin/Admin Asst.	\$ 47,330.45
Deputy Registrar	\$ 2,045.15
Supt. of Public Works – to July 31, 2014	\$ 55,588.67
Supt. Of Public Works – Effective August 1, 2014	\$ 75,000.00
Supt. of Water Dept.	\$ 23,654.55
Supt. of Sewer Dept.	\$ 23,654.55
Judge of Municipal Court	\$ 11,409.10
Prosecutor	\$ 3,868.19
Court Administrator	\$ 15,945.07
Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,194.85
Plumbing Sub-Code	\$ 37.27 / hour
Fire Sub-Code	\$ 37.83 / hour
Electric Sub-Code	\$ 10,084.56
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	\$ 75.95
Police Department:		
Crossing Guards	\$ 15.00	\$ 24.25
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, 2014.

Council Member Davy made a motion to introduce Ordinance 2014-8, second by Council Member Marciante with all members present voting in favor. Mr. Bliss asked that it be noted that Council Member Heinzl was not in attendance for the vote.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014-4.6**

**RESOLUTION AUTHORIZING HIRING OF EILEEN HEINZEL
AS PART-TIME BOROUGH ADMINISTRATOR**

WHEREAS, the Borough of Pennington has a need for the services of a part-time Administrator;

WHEREAS, following the resignation of the Borough’s most recent part-time Administrator, a Committee of Borough Council, consisting of Councilman James Davy (Chair), Councilman Edwin Tucker and Councilman Charles Marciante, organized a search and advertised for candidates to fill the position;

WHEREAS, the Committee reviewed the multiple resumes received in response to the advertisement and reviewed as well the resumes of candidates submitted in response to the most recent prior search approximately two years ago, ten candidates were invited for interviews, and five candidates were interviewed by the Committee;

WHEREAS, the Committee has recommended to Council that candidate Eileen M. Heinzl, who resides in Pennington and presently serves on Borough Council, is best suited to meet the Borough’s needs as part-time Administrator;

WHEREAS, Ms. Heinzl is an attorney at law who has served with distinction on Borough Council for ten years, is knowledgeable in all aspects of Pennington Borough operations, and is qualified to fulfill the duties of the Administrator;

WHEREAS, Ms. Heinzl’s work schedule as part-time Administrator, requiring her to work in her Borough Hall office four hours per day, four days per week, and otherwise be reasonably available to communicate with staff during off hours, will provide the coverage needed to supervise Borough operations;

WHEREAS, Ms. Heinzl will be appointed for a term of one year, annually renewable, subject to the right of Borough Council to terminate her employment at any time;

WHEREAS, upon amendment of the Borough’s Salary Ordinance, Ms. Heinzl will be paid an annual salary of \$34,425., pro-rated for 2014, reflecting the same rate of pay as her predecessor but adjusting upward for additional hours;

WHEREAS, appointment of Ms. Heinzl as Borough Administrator is contingent upon final adoption of the amended Salary Ordinance, which on this date is introduced for first reading as Ordinance 2014-8;

WHEREAS, when Ms. Heinzl’s appointment as Borough Administrator is finalized, she will resign as a member of Borough Council;

WHEREAS, a copy of the proposed Agreement between the Borough and Ms. Heinzl is attached

to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that contingent upon final adoption of Ordinance 2014-8, the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached Agreement on behalf of the Borough, employing Eileen M. Heinzl as Borough Administrator.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-4.6, second by Council Member Gnatt. Mr. Davy stated that upon the resignation of former administrator Mr. Matheny, the Personnel Committee commenced a process to open a search for the position. Mr. Davy stated that a two- step process was undertaken with the first step being to review applications received in the last go around and several of those candidates were asked to reapply for the position if they were still interested. Mr. Davy stated that the position was also posted on the League of Municipalities. Mr. Davy stated that all together the committee received and reviewed twenty-two applications and ten applicants were invited to be interviewed. Mr. Davy stated that of the ten, five applicants agreed to be interviewed for the position. Mr. Davy stated that in the end it came down to two people and the personnel committee felt that based on Mrs. Heinzl’s local experience and legal background that she would be the best candidate for the position. Mr. Davy stated that throughout the process it became apparent that the hours worked by Mr. Matheny were inadequate. Mr. Davy stated that Mr. Matheny worked sixteen hours spread over two days and that did not provide the coverage that the Borough needs. Mr. Davy stated that this recommendation is for up to eighteen hours per week spread over four days. Mr. Davy stated that the salary ordinance just introduced reflects a salary commensurate with the hours. Mr. Davy stated that this appointment is subject to the adoption of the salary ordinance either later this month or at the next regular meeting. Mr. Bliss stated that Mr. Matheny’s hours were actually fourteen over two days. Mr. Bliss stated that the agreement may have to be amended to reflect the hours. Mr. Davy stated that it needs to be noted that upon adoption of the salary ordinance Mrs. Heinzl will be stepping down from Council. Mr. Davy stated that Mrs. Heinzl left the meeting at the advice of Counsel to give council members ample opportunity to discuss the Salary Ordinance and Resolution for Appointment. Mr. Griffiths asked as a matter of protocol if the date of resignation would precede the actual appointment. Mr. Bliss stated that upon appointment, Mrs. Heinzl will resign from Council. Mr. Griffiths stated that the reporting structure for the position is not especially clear and he would suggest that the position be strengthened and the reporting structure be made very clear. Mr. Griffiths stated that this is tangential particularly with the issue of Federal Grants. Mr. Griffiths stated that he would suggest that the Borough Administrator along with the Borough Engineer be responsible for projects so that council members do not get as involved as they have in the past. Mr. Griffiths stated that council members should advise only, but leave decision making up to the professionals. Mayor Persichilli stated that council should take a look at the ordinance defining the position to see if any changes need to be made. Mr. Davy suggested that the Personnel Committee review the ordinance and make a recommendation to Council. Mr. Griffiths stated that there appeared to be some leadership issues with the former administrator and the team members who work in the office on a daily basis. Mr. Griffiths stated that he would suggest that the Mayor encourage the new administrator to strike a strong cooperative leadership tone with borough employees and especially refrain from asking them to do clerical work for instance making copies. Mayor Persichilli stated that he is aware of the concern and he agrees with Mr. Griffiths suggestion. Mrs. Mistretta asked for clarification on the former administrators hours worked. Mrs. Mistretta stated that Mr. Matheny worked a total of 14 hours per week and not 16 hours per week. Mr. Bliss corrected a couple of typographical errors on the contract. Mr. Marciante asked if the termination clause of the contract should be evergreen as opposed to having to be reviewed each December. Mr. Bliss stated that the contract is worded to comply with the ordinance and the ordinance should be amended accordingly. Upon a roll call vote, all members present voted 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.

Mr. Dan Pace of 9 Railroad Place stated that he is looking forward to working with the new Borough Administrator, though he is sad to see Mrs. Heinzl leave Borough Council. Mr. Pace asked if Ordinance 2014-5 will be considered tonight. Mayor Persichilli stated that the ordinance requires modification and would be considered at a later meeting.

Mr. Pace stated that in December of 2013, there was a public notice regarding a liquor license and today is the day that applicants were to be named. Mayor Persichilli stated that there were no applicants for the license.

Closed Session

AT, 8:20 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Pennington School

Open Session

AT, 8:30 PM, Mayor and Council returned to open session. Council Member Tucker made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk