

**Pennington Borough Council
 Special Meeting – April 28, 2014**

Mayor Persichilli called the Special Meeting of the Borough Council to order at 5:20 pm. Borough Clerk Betty Sterling called the roll with Council Members Davy, Gnatt, Marciante and Tucker in attendance. Council Members Heinzl and Griffiths were absent.

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.

Ordinances for Public Hearing and Adoption

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 Tucker made a motion to open the Public Hearing on Ordinance 2014-8, second by Council Member Marciante. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2014-8, second by Council Member Davy with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-8, second by Council Member Davy with all members present voting in favor.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-9 by title.

**BOROUGH OF PENNINGTON
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 [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)
[\$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 Davy. Mr. Bliss stated that this Ordinance is being re-introduced for first reading because there were typographical errors in the version that was introduced at the April 19th meeting. Upon a roll call vote all members present voted in favor of re-introduction.

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 Gnatt. Mr. Bliss explained that this Ordinance is being re-introduced because the first version did not take into account the no parking zones that are already on the east side of Burd Street. Mr. Bliss also made a minor change to the ordinance. Mr. Bliss also stated that there are some housekeeping items that need to be addressing the Borough Code with regard to street names for example Green Avenue is sometimes referred to as Green Street. Upon a roll call vote all members present voted in favor of re-introduction of Ordinance 2014-11 with the exception of Mr. Tucker who abstained.

Mayor Persichilli read Ordinance 2014-12 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-12**

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 2014.”

WHEREAS, the Construction Office is in need of a part-time Technical Assistant to replace the present Technical Assistant, who has announced that he will resign from this part-time position effective May 28, 2014;

WHEREAS, Borough Council, with the recommendation of the Mayor, seeks to hire a new part-time Technical Assistant for nine (9) hours per week at an hourly rate of \$18.00/hour;

WHEREAS, Borough Council anticipates that the present Technical Assistant, who is salaried, shall remain in his position for a reasonable time to train his replacement;

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. 2014-12 (“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,” is hereby amended to provide for the following:

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] \$18.00/hr
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

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

2. 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] except the ordinance shall be effective on May 5, 2014 for the hourly rate of pay for the new Technical Assistant to Construction, and on May 28, 2014 for the salary of the present Technical Assistant to Construction.

Council Member Marciante made a motion to introduce Ordinance 2014-12, second by Council Member Davy. Mr. Bliss stated that the effective date of resignation for the present Technical Assistant needs to be filled in two places on the Ordinance. Upon a roll call vote all members present voted in favor of introduction of the Ordinance.

New Business

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2014-4.9**

**RESOLUTION APPOINTING MASON, GRIFFIN & PIERSON SPECIAL COUNSEL IN
 CONNECTION WITH BOROUGH ACQUISITION OF OPEN SPACE LANDS**

WHEREAS, the Borough of Pennington has a need to retain Special Counsel for legal services in connection with its contemplated acquisition of certain open space lands in Hopewell Township, known as the Brown Property, to be funded by grants from Green Acres and the County of Mercer supplemented by funds from the Friends of Hopewell Valley Open Space;

WHEREAS, Borough Council seeks to retain as Special Council, through attorney Edwin Schmierer, the law firm of Mason, Griffin & Pierson, pursuant to the annexed contract for professional services;

WHEREAS, approval of the annexed contract for professional services complies with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, as well as Chapter 15, Article I of the Code of the Borough of Pennington, which prohibits certain political contributions by professional business entities regardless of the value of the contract;

WHEREAS, award of this contract without public bidding complies with the Local Public Contracts Law, N.J.S.A. 40A:1-1, et seq., because it is a contract for professional services;

WHEREAS, Mason, Griffin & Pierson shall be compensated for their services as Special Counsel at the rate of \$185.00 per Attorney hour;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this contract from the Borough's Open Space Fund, and expenditures from that Fund are hereby authorized for this purpose;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the firm of Mason, Griffin & Pierson be retained as Special Counsel to the Borough in connection with the aforesaid acquisition;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the annexed professional services agreement with Mason, Griffin & Pierson on behalf of the Borough;

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

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-4.9, second by Council Member Gnatt. Mr. Marciante asked why we need to retain an attorney for this acquisition and would there be an additional cost to the Borough. Mr. Bliss stated that he requested that a special attorney be retained who would be better suited to handle this transaction. Mr. Bliss stated that there will be a charge involved but there would have been a charge if he handled the transaction. Mr. Bliss stated that Hopewell Township has passed a resolution to proceed with the acquisition of the Brown Property. Mr. Bliss stated that there is a blank in the resolution with regard to hourly rate and as of today that amount was confirmed at \$185.00 per attorney hour. Mr. Bliss stated that in that attached Professional Services Agreement in Section 3.a the same fee of \$185.00 per attorney hour should be inserted and with regard to mileage reimbursement, that should be filled in with current approved IRS rate. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2014 – 4.10**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN APPLICATION
 FOR DOWNTOWN STREETScape IMPROVEMENTS UNDER THE TRANSPORTATION
 ALTERNATIVES PROGRAM THROUGH THE NEW JERSEY DEPARTMENT OF
 TRANSPORTATION**

WHEREAS, Borough Council seeks to extend the grant-funded Downtown Streetscape improvements recently completed in or near the intersection of Main Street and Delaware Avenue in the

center of the downtown of the Borough to enhance facilities for pedestrians and bicycles in this area and the approaches to this area;

WHEREAS, the Borough Engineer has recommended that the Borough pursue additional grant monies for this purpose by applying to the New Jersey Department of Transportation under the Transportation Alternatives Program sponsored by the New Jersey Department of Transportation in partnership with the New Jersey Transportation Authority, the Delaware Valley Regional Planning Commission and the South Jersey Transportation Planning Organization;

WHEREAS, the proposed improvements, if funded, would encompass South Main Street and Delaware Avenue, or portions thereof, and connect to the recently completed Downtown Streetscape work;

WHEREAS, the Borough Engineer estimates that the cost of preparing the application would be \$2,750 in professional fees;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Engineer is hereby authorized to prepare the aforesaid application for a cost not to exceed \$2,750;

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk is hereby authorized to sign and accept the terms and conditions of the application on behalf of the Borough of Pennington;

BE IT FURTHER RESOLVED, that the Borough Engineer is thereafter authorized to submit the application to the New Jersey Department of Transportation on behalf of the Borough.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2014-10, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014 – 4.11**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT
AN APPLICATION FOR FUNDING OF ADDITIONAL IMPROVEMENTS
UNDER THE SAFE ROUTES TO SCHOOLS PROGRAM THROUGH
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, Borough Council seeks to construct new curbs, sidewalks and intersection improvements on South Main Street from Curlis Avenue to a point midway between Welling Avenue and Ingleside Avenue;

WHEREAS, the Borough Engineer has recommended that the Borough pursue additional grant monies for this purpose by applying to the Safe Routes to Schools Program through the New Jersey Department of Transportation;

WHEREAS, the Borough Engineer estimates that the cost of preparing the application would be \$2,750 in professional fees;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Engineer is hereby authorized to prepare the aforesaid application for a cost not to exceed \$2,750;

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk is hereby authorized to sign and accept the terms and conditions of the application on behalf of the Borough of Pennington;

BE IT FURTHER RESOLVED, that the Borough Engineer is thereafter authorized to submit the application to the New Jersey Department of Transportation on behalf of the Borough.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-4.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2014 – 4.12**

**RESOLUTION AMENDING PERSONNEL MANUAL TO AUTHORIZE PAYMENT OF
 RETIRING MANAGEMENT EMPLOYEES FOR ACCRUED VACATION TIME IN
 EXTRAORDINARY CIRCUMSTANCES SUBJECT TO APPROVAL OF
 MAYOR AND COUNCIL**

WHEREAS, the Borough needs to address situations in which a retiring management employee, at the request of the Borough, agrees to continue working rather than use accrued vacation time prior to retirement in order to facilitate transition to the replacement employee or otherwise serve the interests of the Borough;

WHEREAS, Borough Council therefore seeks to amend the Borough Personnel Manual to permit in these certain extraordinary circumstances payment of the retiring management employee for all or part of accrued vacation time upon retirement, subject to express prior approval of Mayor and Council as to terms and amount;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Section V.E.3 of the Borough Personnel Manual is hereby amended as follows: (with underlining denoting new language)

3. Payment in Lieu of Vacation

Under no circumstances shall an employee be paid wages or salary in lieu of vacation except as follows:

A retiring management employee may be paid for unused accrued vacation time upon retirement, if prior to retirement, upon the request of Mayor and Council, the management employee has continued to work rather than use accrued vacation time because to do so would, in the judgment of Mayor and Council, facilitate transition or otherwise serve the best interest of the Borough. Any such payment for unused accrued vacation time shall be subject to express prior approval of Mayor and Council as to terms and amount.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 4.12, second by Council Member Davy. Mayor Persichilli stated that this does not commit the Borough to do anything it simply amends the Personnel Manual. Mr. Bliss stated that Mayor and Council will act on each request on a case-by-case basis. Mr. Tucker stepped out of the room to take a call, a brief recess was called.

Upon Mr. Tucker’s return all members present voted in favor of the resolution.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2014 – 4.13**

**RESOLUTION AMENDING PERSONNEL MANUAL TO AUTHORIZE PAYMENT OF COMP
 TIME TO MANAGEMENT EMPLOYEES IN EXTRAORDINARY CIRCUMSTANCES, SUBJECT
 TO APPROVAL BY MAYOR AND COUNCIL**

WHEREAS, the Borough needs to address situations in which management employees work extraordinary extra hours in order to meet emergent or other critical needs of the Borough but, if hired after May 1, 2008, are not eligible for Comp Time;

WHEREAS, Borough Council therefore seeks to amend the Borough Personnel Manual to permit payment of Comp Time to these management employees in extraordinary circumstances subject to express prior approval by Mayor and Council in each case;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Section I.L.7 of the Borough Personnel Manual is hereby amended as follows (with new language underlined and deleted language bracketed):

7. Policy Relating to Comp Time

Except in extraordinary circumstances further addressed below, t[T]he following policy shall not apply to employees hired after May 1, 2008. ~~Except in such circumstances, c[C]omp time will no longer be available for employees hired after that date.~~

Comp time is for current full-time employees who are salaried and are not entitled to overtime pay. The following employees of the Borough of Pennington may qualify for Comp Time but are not entitled to any overtime compensation: the Borough Clerk, the Treasurer, the Chief Financial Officer, the Certified Tax Collector, the Land Use Administrator, the Supervisor of Public Works and the Public Safety Director.

There are two types of Comp Time for which these employees may qualify: (1) Directed Comp Time and (2) Emergency Comp Time.

Directed Comp Time is time that one of the above-mentioned employees is required to work beyond their normal work day by the Mayor or Borough Administrator. For example, if an employee is directed by the Mayor or Borough Administrator to attend a meeting beyond the regular work day, this would be a form of Directed Comp Time. Attendance at meetings of Borough Council do not accrue Comp Time because these meetings are part of the regular work assignment. Work that is part of the job description and is expected to be done in the normal work week is not subject to Comp Time. No compensation for time will be made unless approved in advance by the Mayor or Borough Administrator.

Emergency Comp Time is time that may accrue because of an emergency situation for which prior approval may not be possible. However, in order to receive compensation for this time, the Mayor or Borough Administrator must be notified in writing for approval of the Comp Time within 72 hours of the work being done. In the event that the Mayor or Borough Administrator is not so notified, no Comp Time shall accrue.

The accrual of Comp Time shall be one hour for each hour worked, except Comp Time accrued for work performed on a holiday shall be accrued at the rate of one and one-half hours for each hour worked. All Comp Time shall be used within thirty days of the time that it is accrued. If circumstances in the Borough do not allow for the use of Comp Time, the employee may, except as may otherwise be required by court approved settlement, request approval from the Borough Administrator to carry accrued comp time an additional thirty (30) days. If not used within the approved extension the accrued comp time will be lost.

Extraordinary Circumstances. Employees not entitled to overtime pay who are hired after May 1, 2008 may nonetheless be paid Comp Time if approved by Mayor and Council in extraordinary circumstances. Circumstances warranting award of Comp Time to these employees include work for an extraordinary number of hours beyond the ordinary work week in order to meet emergent or other critical needs of the Borough when in the judgment of Mayor and Council, payment of Comp Time would in the circumstances serve the best interests of the Borough.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-4.13, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014-4.14**

**RESOLUTION APPOINTING PART-TIME
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICE**

WHEREAS, Mayor and Council seek to appoint John Tredrea to the position of Technical Assistant to the Construction Office on a part-time basis;

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

1. John Tredrea is hereby appointed Technical Assistant to the Construction Office, on a part-time basis, effective May 5, 2014;
2. Mr. Tredrea’s weekly hours as Technical Assistant shall be nine (9) hours per week;
3. Mr. Tredrea’s rate of compensation as Technical Assistant shall be set forth in the Salary Ordinance of the Borough beginning at \$18 per hour;

4. Mr. Tredrea shall be an at-will employee.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-4.14, second by Council Member Gnatt. Mayor Persichilli stated that Wayne Blauth who is currently in the position of Technical Assistant to Construction has requested to cut back his hours as he is also the owner of a business in the area. Mayor Persichilli stated that due to circumstances at his business, Mr. Blauth has requested to cut his hours by nine hours a week, which is about what he devotes to construction. Mayor Persichilli stated that he has agreed to try to accommodate the request and John Tredrea was approached to fill the position. 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 thanked Mayor and Council for the very nice tribute that was held to honor Mr. William Reuter. Mr. Pace asked for more information on the two grant resolutions that were approved. Mayor Persichilli stated that the Borough Engineer has recommended that we pursue applications to extend the Downtown Streetscape and to add the Safe Routes to Schools project in front of the Tollgate School.

AT 5:40 PM, Council Member Marciante made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk