

**Pennington Borough Council
Regular Meeting – May 12, 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, 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 (arrived at 7:40pm), 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. Terri Evanko asked for an update on the Mercer County Grant for the Senior Center. Mayor Persichilli stated that he and Mayor Anzano of Hopewell Borough are trying to set up a meeting with Hopewell Township.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the March 19, 2014 Regular Meeting, second by Council Member Griffiths with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the April 28, 2014 Special Meeting, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Griffiths who abstained.

Mayor's Business

Mayor Persichilli read the following Proclamation:

**A PROCLAMATION DECLARING MAY 2014
AS OLDER AMERICANS MONTH**

Whereas, Pennington Borough includes 460 citizens ages 65 and older; and

Whereas, Pennington Borough is committed to helping all individuals live longer, healthier lives;
and

Whereas, the older adults in Pennington Borough have made countless contributions and sacrifices to ensure a better life for future generations; and

Whereas, we recognize the value of injury prevention and safety awareness in helping older adults remain healthy and active; and

Whereas, our community can provide opportunities to enrich the lives of individuals young and old
by:

- Emphasizing the need to take action to safeguard themselves from unintentional injuries where they live, work and socialize
- Providing information on avoiding leading causes of injury for older adults – falls, motor vehicle-related incidents, suffocation, medication overdose, and fire/burns
- Helping older adults take control of their safety and wellbeing

Now, Therefore, Be It Proclaimed That, the Mayor and Council of the Borough of Pennington hereby proclaim May 2014 to Older Americans Month. We urge every resident to take time this month to recognize older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

There were many senior citizens in attendance so Council took a few minutes to take pictures.

Mayor Persichilli announced the resignation of Eileen Heinzl from Council. Mayor Persichilli stated that Eileen Heinzl has accepted the position of Borough Administrator. Mayor Persichilli stated that the Democratic Committee will be submitting nominations to fill the vacancy on Council.

Nomination of Council President

Council Member Marciante made a motion to nominate Weed Tucker as Council President for the remainder of the year, second by Council Member Davy with all members present voting in favor.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-13**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$598,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$568,100 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$598,000, and further including the aggregate sum of \$29,900 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$568,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
1. Acquisition of police radios.	\$31,696	\$30,111	10 years
2. Acquisition of DVD recorders for the Police Department.	\$36,979	\$35,130	7 years
3. Acquisition of public works vehicles.	\$105,654	\$100,371	5 years
4. Acquisition of a generator.	\$13,735	\$13,048	15 years
5. Several street repairs, as listed on file in the office of the Borough Clerk.	\$409,936	\$389,440	10 years
	<u>\$598,000</u>	<u>\$568,100</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to

the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.04 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$568,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$32,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Marciante made a motion to introduce Ordinance 2014-13, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014-14**

**ORDINANCE AMENDING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 35 TO
INCORPORATE TITLE AND RATE OF PAY FOR
PUBLIC WORKS OPERATIONS COORDINATOR**

WHEREAS, the Borough of Pennington (“Borough”) and the International Brotherhood of Teamsters Local 35 (“Teamsters Local 35”) are parties to an Agreement, first effective January 1, 2009 and since extended through December 31, 2014, concerning terms and conditions of employment for specified job categories of employees in the Department of Public Works of the Borough;

WHEREAS, the Agreement contains in Article 28 a table of position titles and applicable rates of pay with corresponding effective dates;

WHEREAS, the Borough and Teamsters Local 35 agree to amend the Agreement to recognize a new title created by the Borough to be known as Public Works Operations Coordinator;

WHEREAS, the rate of pay for the Public Works Operations Coordinator shall be \$25.57 per hour effective upon commencement of duties on July 5, 2014 and raised to \$28.02 per hour upon completion of a six-month probationary period and the recommendation of the Superintendent of Public Works;

WHEREAS, the form of proposed Amendment to Agreement is attached to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Mayor is hereby authorized to enter into the attached Amendment to Agreement between the Borough of Pennington and the International Brotherhood of Teamsters Local 35 for the purposes stated above.

This Ordinance shall be effective upon passage and publication as provided by law.

Council Member Marciante made a motion to introduce Ordinance 2014-14, second by Council Member Tucker. Mr. Bliss noted that in the attached amendment there is a reference in three places to Waterworks Operations Coordinator and the title should be Public Works Operations Coordinator. Upon a roll call vote all members present voted in favor.

Ordinances for Public Hearing and Adoption

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 Griffiths made a motion to open the Public Hearing on Ordinance 2014-7, second by Council Member Tucker. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Tucker with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2014-7, second by Council Member Tucker with all members present voting in favor.

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 20,00-60,000 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 Griffiths made a motion to open the Public Hearing on Ordinance 2014-9, second by Council Member Tucker. Mr. Erwin Harbat of 70 Woosamonsa Road stated that he owns some property in the Borough and he asked for clarification as to whether this increase is uniform or would businesses be charged more. Mr. Griffiths stated that the increase is not uniform, there is a differential based on volume of water consumed and metered. Mr. Harbat asked if that means that if you use a greater volume of water then there is a greater percentage increase. Mr. Griffiths stated that high volume users result in a higher cost per unit of water delivered on the system. Mr. Griffiths stated that in order to maintain capacity during peak demand the differential in rates is designed to offset the differential in costs. Mr. Harbat asked how the extra costs were derived. Mr. Griffiths stated that through research done through American Waterworks Association there is an understanding that the higher the water volume, the higher it costs per unit. Mr. Harbat explained that his situation is that there is one meter in the building and it seems he keeps getting hammered for high volume. Mr. Griffiths stated that water companies across the country are raising rates at two to three times the rate of inflation and we are raising our rates historically less than that. Mr. Griffiths explained the incremental percentage increases. Mr. Harbat asked Mr. Wittkop how large volume users cost more. Mr. Wittkop stated that simply put the higher volume users demand more water and it is generally at peak time. Mr. Harbat thanked Council for the explanation. 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 Griffiths made a motion to adopt Ordinance 2014-9, second by Council Member Tucker 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 Tucker made a motion to open the Public Hearing on Ordinance 2014-10, second by Council Member Griffiths. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-10, second by Council Member Griffiths with all members present voting in favor.

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</u>

Avenue to 370 feet of Academy Avenue and from Academy Avenue south to Laning Avenue

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 open the Public Hearing on Ordinance 2014-11, second by Council Member Griffiths. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-11, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member 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

- 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 open the Public Hearing on Ordinance 2014-12, second by Council Member Tucker. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Tucker with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-12, second by Council Member Griffiths with all members present voting in favor.

Public Hearing on the 2014 Budget

Mayor Persichilli asked if anyone wished to comment on the budget. Mr. Griffiths clarified for Council that there is a \$915.00 difference in one line item representing an increase in State Aid offset by a contribution that the Borough is required to make to one of the emergency service agencies. Mr. Griffiths stated that this is a technical recommendation that came from the State when the budget was reviewed.

Resolution to Amend the 2014 Budget

**PENNINGTON BOROUGH
MERCER COUNTY, NEW JERSEY**

RESOLUTION 2014 - 5.10 - TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2014 was approved on the 7th day of April, 2014, and;

WHEREAS, the public hearing on said budget has been held as advertised, and;

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of Pennington Borough, County of Mercer, that the following amendments to the approved budget of 2014 be made:

Ayes

Nays

Abstained

Recorded Vote

James Davy
Deborah Gnat
Glen Griffiths
Charles Marciante
Edwin Weed Tucker

Current Fund	<u>FROM</u>	<u>TO</u>	
3. Miscellaneous Revenues - Section A: Local Revenues			
Fees & Permits	18,000.00	18,915.00	915.00
Total Section A: Local Revenues	180,500.00	181,415.00	915.00
Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations			
Consolidated Municipal Property Tax Relief Aid	14,922.00	233.00	-14,689.00
Energy Receipts Tax	172,659.00	187,348.00	14,689.00
Total Section B: State Aid Without Offsetting Appropriations	187,581.00	187,581.00	0.00
Summary of Revenues			
3. Miscellaneous Revenues - Total Section A: Local Revenues	180,500.00	181,415.00	915.00
Miscellaneous Revenues - Total Section B: State Aid Without Offsetting Appropriations	187,581.00	187,581.00	0.00
Total Miscellaneous Revenues	499,295.62	500,210.62	915.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	1,156,377.71	1,157,292.71	915.00
7. Total General Revenues	3,333,921.84	3,334,836.84	915.00
8. General Appropriations			
(A) Operations - Excluded from "CAPS"			
Due to Fire District	0.00	915.00	915.00
Total Other Operations - Excluded from "CAPS"	183,367.69	184,282.69	915.00
Total Operations - Excluded from "CAPS"	341,742.53	342,657.53	915.00
Detail:			
Other Expense	341,742.53	342,657.53	915.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	677,837.55	678,752.55	915.00
(O) Total General Appropriations Excluded from "CAPS"	677,837.55	678,752.55	915.00
(L) Subtotal General Appropriations {Items (H-1) and (O)}	3,088,921.84	3,089,836.84	915.00
9. Total General Appropriations	3,333,921.84	3,334,836.84	915.00
Water & Sewer Utility Fund			
Operating Surplus Anticipated	87,045.28	109,045.28	22,000.00
Total Operating Surplus Anticipated	87,045.28	109,045.28	22,000.00
Additional Water / Sewer Rents	22,000.00	0.00	-22,000.00

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for his certification of the 2014 local municipal budget so amended.

Council Member Griffiths made a motion to approve Resolution 2014-5.10, second by Council Member Marciante with all members present voting in favor.

Adoption of the 2014 Budget

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

Committee Reports

Planning & Zoning / Environmental Commission / Library – No report given.

Personnel / Community Services / Economic Development – Mr. Davy stated that an ordinance was just adopted to amend the Teamster Agreement to provide for a new position in the Public Works Department. Mr. Davy stated that there are two resolutions coming up that he will comment on later in the meeting.

Public Works / Shade Tree – No report given.

Public Safety / Senior Services – Mr. Tucker reported that Mr. Meytrott is presently at the Hopewell Township meeting where Officer Doug Pinelli is being recognized for his help in saving the life of a heart attack victim at Burger King restaurant.

Mr. Tucker reported that the department has approximately ten applicants for the position of police officer. Mr. Tucker stated that formal applications will be distributed to these applicants. Mr. Tucker stated that construction is ongoing on West Curlis Avenue and King George Road. Mr. Tucker stated that on May 13th a meeting will be held to finalize plans for Pennington Day. Mr. Tucker stated that there are some concerns about the road work. Mr. Tucker stated that on April 28th a meeting was held to discuss Mercer County’s proposed regional communication system for EMS. Mr. Tucker stated that County Administrator Andrew Mair stated that cost estimates will be sent out to interested municipalities in the next two weeks and the system should be up and running by July 1, 2014. Mr. Tucker stated that Mr. Meytrott represented the Department at several events throughout the month.

Mr. Marciante stated that every year on Pennington Day, people are double parked on Voorhees Avenue, Laning Avenue and Welling Avenue and residents are unable to get out of their streets. Mr. Marciante stated that he would like to see one side of the street parking this year. Mr. Tucker suggested that Mr. Marciante attend the meeting on May 13th.

Mr. Marciante stated that the Borough Engineer stopped work on Curlis Avenue because there was something wrong with the job but now there is a four inch lip and it hasn’t been touched in two weeks. Mrs. Heinzl stated that she has spoken to Cameron Corini of Roberts Engineering and her understanding is that there was a problem with putting down the base coat so there was a delay. Mrs. Heinzl stated that they recognize that Pennington Day is coming up so they have agreed that they will have the contractor come back and shore up the areas of concern. Mr. Marciante stated that he is not objecting to the work being stopped, he is upset that it has been two weeks and the contractor has not returned. Mr. Wittkop stated that the contractor tried to hide that the ground was soft and thankfully we had an inspector on site who took pictures and told the contractor not to put the finish coat down until repairs are made. Mr. Wittkop stated that it is actually good for the base coat to be driven on so that it gets packed down. Mr. Wittkop stated that the situation is not unsafe and a car is travelling at the proper speed limit it’s not a problem. Mr. Wittkop stated that the contractor is within the contract dates.

Mr. Marciante asked how soon applications will be going out to the applicants for the police officer position. Discussion took place with regard to the process and how long this position has been vacant. Mr. Marciante stated that Council needs to move on this or look at alternatives. Mayor Persichilli stated that there are very few alternatives due to State and contract limitations. Mr. Griffiths stated that Council should have acted pro-actively several years ago as this position has been vacant for three years. Mr. Griffiths stated that there has been no urgency or proactivity in filling the position despite the fact that it was authorized and budgeted. Mr. Griffiths stated that one of the obstructions has been the idea of contracting with Hopewell Township for the night shift. Mr. Griffiths stated that this idea has been investigated numerous times and each time the Township comes back with unmanageable costs. Mr. Griffiths encouraged Council to be proactive in filling the vacancy. Discussion took place with regard to the requests for Shared Services with the Township. Mr. Meytrott stated that the costs proposed by Hopewell Township have come in higher than what it would cost for the Borough to hire another person. Mr. Meytrott stated that the department is functioning with three officers presently due to one officer being out on medical leave. Mr. Meytrott stated that in order to maintain twenty-four hour coverage, the department should really have six officers.

Finance – Mr. Griffiths thanked Council for their support in adopting the 2014 budget.

New Business

**Borough of Pennington
Resolution #2014 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$1,290.29 to Wells Fargo Real Estate Tax Service, LLC, ATTN: Financial Support Unit – Region 1, 1 Home Campus, MAC X2302-04D, Des Moines, IA 50328-0001, for an overpayment of 2014 2nd quarter taxes in the amount of \$1,290.29 for 2 Academy Court, Block 503.04, Lot 1.02.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-5.1, second by Council Member Marciante with all members present voting in favor.

**Borough of Pennington
 Resolution #2014 – 5.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,207,607.34 from the following accounts:

Current	\$ 1,012,822.69
W/S Operating	\$ 170,332.67
Unemployment Trust Fund	\$ 80.58
Developers' Escrow	\$ 20,152.00
Animal Control Account	\$ 239.40
Other Trust Fund	\$ 3,746.00
Recreation Trust	\$ 234.00
TOTAL	\$ 1,207,607.34

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-5.2, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014 – 5.3**

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO RICHARD T. BARRETT PAVING CO., INC. FOR TEMPORARY STABILIZATION OF ROADS UNTIL PERMANENT REPAIRS CAN BE DONE

WHEREAS, the Borough requires services for the excavation of deteriorated roads throughout the Borough; and

WHEREAS, the Borough Engineer has informally solicited proposals from five qualified vendors and received two responses; and

WHEREAS, the Borough Engineer has determined that the most favorable is that of Richard T. Barrett Paving Co., Inc., of which a copy is attached; and

WHEREAS, the attached proposal by Richard T. Barrett Co., Inc. provides for a price of \$40.49 per square yard to excavate the deteriorated areas to a depth of six (6) inches and construct six (6) inch thickness of bituminous stabilized base course; and

WHEREAS, the attached proposal also provides for a price of \$53.49 per square yard to excavate the deteriorated areas to a depth of eight (8) inches and construct eight (8) inch thickness of bituminous stabilized base course; and

WHEREAS, the Chief Financial Officer has determined that funds for the work are available under Ordinance 2014-13;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue such purchase order(s) as are needed to secure the services of Richard T. Barrett Paving Co., Inc. in conformance with its attached proposal.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-5.3, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 -5.4**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW
JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2014**

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to accept as a binding contract the attached proposal by New Jersey Analytical Laboratories dated January 8, 2014 for a contract price not to exceed \$17,700 for the calendar year 2014, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

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

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-5.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-5.5**

RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCES

WHEREAS, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

WHEREAS, the Borough’s Finance Committee has reviewed all capital ordinances to verify which projects are complete, but have balances remaining; and

WHEREAS, it is the recommendation of the Finance Committee that the attached list of capital ordinances be cancelled;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Pennington authorize the Borough Chief Financial Officer to cancel the attached list of ordinances to a Reserve for Debt Service account or to reduce the Improvement Authorization.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-5.5, second by Council Member Gnatt. Mr. Griffiths explained that this is a housekeeping item to remove these items which date back many years. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-5.6**

**RESOLUTION AUTHORIZING PAYMENT OF RETIRING
SUPERINTENDENT JEFF WITTKOP FOR CERTAIN VACATION TIME WHICH AT THE
REQUEST OF THE BOROUGH HE WILL NOT USE**

WHEREAS, Superintendent of Public Works Jeffrey Wittkop is scheduled to retire effective August 1, 2014;

WHEREAS, Mr. Wittkop is owed 40 days of unused vacation time, meaning that if he were to use this time before retirement he would have to begin vacation on June 4, 2014;

WHEREAS, Mayor and Council believe that the best interests of the Borough require that Mr. Wittkop work additional days to effect a smooth transition for the new Superintendent of Public Works and the new Water System Operator;

WHEREAS, Mayor and Council are asking Mr. Wittkop to defer use of part of his unused vacation time until July 5, 2014, with the understanding that the Borough will pay him for the vacation days thereby lost while maintaining the August 1, 2014 retirement date as planned;

WHEREAS, estimating a loss of up to 19 days of vacation, the cost of payment for the lost days at Mr. Wittkop’s salary would amount to \$7,519.44;

WHEREAS, Borough personnel policy permits payment for unused vacation time only in extraordinary and emergent circumstances of this kind, upon request and approval of Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that, subject to actual deferral of Superintendent Wittkop’s vacation time for up to 19 days as aforesaid, payment of Jeffrey Wittkop for up to 19 days of unused vacation time is hereby authorized.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-5.6, second by Council Member Tucker. Mr. Griffiths asked that a budget line item be identified for this expense. Mr. Griffiths stated that he has an objection on process as he is not aware that the Chief Financial Officer was consulted on this. Mr. Griffiths stated that he spoke with the CFO and she objected to this and if this resolution goes through he wanted Council to be aware of her objection. Mr. Griffiths stated that as a matter of budget process we have revenues and we have expenses and this was not projected as an expense. Mr. Griffiths strongly opposed this expenditure. Mr. Davy stated that this request is to basically extend for one month Mr. Wittkop’s time with the Borough and to provide additional time for transition training and development services with respect to Water Resources Management. Mr. Davy stated that there is not a specific line item in the budget but there are sufficient funds in the budget to cover this expense. Mr. Davy stated that there are savings within the budget with respect to the Borough Administrators salary, savings as a result of not hiring a police officer for a full year and savings with regard to the position of Technical Assistant in the Construction Office. Mr. Davy stated that the Water Resources Management agreement is significantly less than what was budgeted for Van Note Harvey. Mr. Davy stated that there would be sufficient funds available to cover by his calculations the \$7,500 expense for this request. Mr. Griffiths and Mr. Davy discussed Mr. Davy’s calculations and amounts included in the budget. Mr. Griffiths stated that budget transfers cannot be done until November and the idea of transfers is to cover overruns that could not be anticipated or for deliberate surplus regeneration which is part of the Borough’s financial strategy. Mr. Griffiths stated that the CFO should have been consulted prior to bringing this to Council. Mayor Persichilli stated that there is the opportunity at year end to move some funds around and the issue here is that there is a need to maintain somebody here for an additional month to cover a learning period. Mr. Griffiths stated that offsets for this expense should come from the public works budget and he would not challenge that, but he does challenge the attempt to appropriate funds from elsewhere in the budget. Mr. Davy stated that there is money in the Borough budget for this expense and Council has the authority to move funds within the budget. Mr. Griffiths stated that he would support this if the funds were coming from the public works budget. Mayor Persichilli called for a vote on the Resolution which addresses the concept and then we can work with the CFO as to what can or cannot be done. Mr. Wittkop stated that Water Resources Management was budgeted for the entire year and will only be needed for six months. Mayor Persichilli called for a vote. Upon a roll call vote, all members present voted in favor. Mr. Griffiths affirmative vote was contingent on Mr. Wittkop’s statement being verified and if not he would bring up a resolution to overturn this decision.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-5.7**

**RESOLUTION AUTHORIZING AWARD OF COMP TIME
TO ASSISTANT SUPERINTENDENT RICKY SMITH IN
RECOGNITION OF EXTRAORDINARY CIRCUMSTANCES**

WHEREAS, Ricky Smith was hired as Assistant Superintendent of Public Works in February 2014;

WHEREAS, in the weeks following Mr. Smith’s appointment the Borough was hit by a succession of snow storms requiring him to work 56 hours in excess of his regular work schedule over a short period of time;

WHEREAS, under applicable personnel policies of the Borough, a management employee hired after May 1, 2008 is not eligible for comp time except in extraordinary circumstances upon the approval of both Mayor and Council;

WHEREAS, Mayor and Council believe that extraordinary circumstances exist in the present case because Mr. Smith worked many hours in excess of his regular schedule to meet emergent needs of the Borough created by a unique succession of weather events;

WHEREAS, in the judgment of Mayor and Council payment of comp time to Mr. Smith in the present case serves the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the award of 56 hours of comp time to Ricky Smith is hereby authorized.

Record of Council Vote on Passage

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

Mr. Marciante made a motion to approve Resolution 2014-5.7, second by Council Member Tucker. Mr. Bliss stated that the resolution included in the packages has been amended to limit the award of 56 hours with no further comment on utilization. Mr. Bliss stated that the Personnel Committee will need to address the

issue of utilization of comp time and whether there should be time limits on it and they should do so promptly so that this particular award of comp time does not get into trouble. Mr. Bliss stated that there is a sixty day limitation in the existing Borough Policy. Mr. Davy stated that the Personnel Committee would address the issue. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 5.8**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO'S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2014**

WHEREAS, Egnazio (Nat) Casano is the owner of Vito's Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 4 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 8 chairs on the Delaware Avenue 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 Vito's Pizza, 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. Vito's Pizza is hereby granted permission to locate up to 6 tables and 24 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 with no more than 4 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 8 chairs on the Delaware side of the restaurant.

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. Egnazio Casano and Vito's Pizza 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.

G. The outdoor dining area approved by this resolution shall not operate until Mr. Casano and Vito's Pizza has 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.

H. 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.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Mr. Casano or Vito's Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. 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								
Gnatt	X				Marciante	S			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-5.8, second by Council Member Marciante. Mr. Bliss asked that it be noted that by the form of the resolution it does not go into effect until the current certificate of insurance is delivered. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON

RESOLUTION 2014 – 5.9

RESOLUTION AUTHORIZING PAYMENT OF ROBERTS ENGINEERING GROUP FOR EXTRA WORK IN CONNECTION WITH COMPLETION OF DOWNTOWN STREETScape IMPROVEMENTS BY A&A CURBING, INC.

WHEREAS, Roberts Engineering Group has performed extra work in connection with completion of Downtown Streetscape Improvements by A&A Curbing, Inc.;

WHEREAS, the extra engineering work was necessitated by multiple deficiencies in A&A Curbing's performance of the project, resulting in delay and increased costs for inspections, both prior to the scheduled completion date for the project and after the time scheduled for completion;

WHEREAS, the amounts still owe to Roberts Engineering Group for this extra work through December 31, 2013 amount to \$18,612.25, as reflected in the Roberts' invoice dated January 13, 2014;

WHEREAS, funds are available for payment of this invoice from funds withheld from A&A Curbing, Inc. by reason of its delay, pursuant to Borough Council Resolutions Nos. 2013-12.7 and 2014-3.11;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment of \$18,612.25 to Roberts Engineering Group, in satisfaction of its invoice dated January 13, 2014, is hereby authorized; and the Borough Administrator is directed to takes such steps as necessary to effect payment.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-5.9, second by Council Member Gnatt. Mr. Griffiths asked if there is an offset of liquidated damages for this payment. Mr. Bliss stated that there has been roughly \$45,000 withheld from payments four and five to the contractor. Upon a roll call vote, all members present voted in favor.

Council Discussion

Complete Streets Policy – Mrs. Heinzel stated that the complete streets policy was brought to her attention by someone from the Greater Mercer TMA and he recommended that the Borough consider this policy and they discussed several options, some which are advisory and others that are more mandatory. Mrs. Heinzel stated that the bottom line is that if the Borough decides to adopt a Complete Streets Policy which essentially says that when the Borough develops and designs road improvements that all users of the road will be considered including bicycle riders, handicapped persons, pedestrians and transit vehicles. Mrs. Heinzel stated that if the Borough adopts a policy it will actually help with applications for grants such as the Safe Routes to Schools and Transportation Alternative grants. Mrs. Heinzel stated that Hopewell Borough has a policy and she distributed copies to council members. Mrs. Heinzel stated that she spoke to the administrator and they have been very happy with their plan. Mrs. Heinzel stated that this is something that we already do when road projects are designed. Mrs. Heinzel stated that she has spoken to the Borough Engineer who has indicated that she would like to take a look at the plan once it is developed. Mrs. Heinzel stated that the

Borough Engineer has recommended that Council consider a resolution and plan at the June meeting as the applications for Safe Routes to Schools and Transportation Alternatives are due by the end of June. Some discussion took place with regard to future road jobs and the importance of planning ahead for water main repairs.

Professional Reports

Mr. Bliss asked that an additional item be added to the Closed Session to discuss 422 South Main Street.

Public Comment

Mr. Erwin Harbat of 70 Woosamonsa Road commented on the idea of a pass through agreement with Hopewell Township for night coverage in the Police Department. Mayor Persichilli stated that the cost proposed by Hopewell Township is too high and it would be more cost effective to hire another police officer.

Mr. Harbat also inquired about the use of Borough funds to purchase open space in the Township. Mr. Griffiths stated that we are not using Borough funds, we are using Green Acres Funds.

Closed Session

AT, 8:26 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:

Settlement – Epstein Water Issue
422 South Main Street

Open Session

At 8:26 PM, Council returned to Open Session. Council Member Marciante made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk