

**Pennington Borough Council
Regular Meeting – February 3, 2014**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll; all members were present with the exception of Council Members Heinzl and Tucker.

Also present were Public Works Superintendent Jeff Wittkop, and Borough Attorney, Walter Bliss.

Mayor Persichilli announced that notice of this meeting has been given to the Hopewell Valley News, The Times of Trenton and was posted on the bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mayor Persichilli asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

Meeting open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public.

Mayor's Business

Mayor Persichilli stated that due to the weather he would be trying to speed the meeting along so everyone could get home safely. Mayor Persichilli stated that a couple of items scheduled for this meeting have been rescheduled for the March meeting.

Mayor Persichilli announced the resignation of Borough Administrator, Tim Matheny. Mayor Persichilli stated that the Personnel Committee has met to discuss how to proceed with finding a replacement.

Mayor Persichilli invited representatives from Pennington Day to come forward. Gretchen Oberheiser of 25 East Curlis Avenue and Rachel Donington of 312 Burd Street came forward. Ms. Oberheiser stated that Andy Parsons, Chair of Pennington Day was unable to attend tonight's meeting. Ms. Oberheiser stated that Pennington Day will be held this year on May 17th and they would like to make sure that there are no issues, concerns or conflicts with the date. Mayor Persichilli stated that he is not aware of any concerns.

Mayor's Appointments

Mayor Persichilli announced the following appointments to the Open Space Commission:

Dan Pace appointed to a 3 year term ending December 31, 2016
Alan Hersey appointed to a 3 year term ending December 31, 2016

Appointments (w/Council Approval)

Mayor Persichilli announced the following appointment to the Parks and Recreation Committee:

Douglas Stover appointed to a 3 year term ending December 31, 2016

Council Member Davy made a motion to approve the appointment, second by Council Member Marcianti with all members present voting in favor.

Presentations

Mayor Persichilli announced that several presentations were scheduled for this evening and the following have been rescheduled for the March meeting: Curbside Organics Program and Historic Preservation Annual Report.

Mayor Persichilli invited Kathleen O'Connor to come forward and speak on Elementary Enrollment and Toll Gate. Ms. O'Connor of 13 East Welling Avenue stated that she wanted to bring this issue to the attention of Council. Ms. O'Connor thanked those Council Members who were able to attend the meeting held at the Toll Gate School to hear Dr. Smith's presentation last week. Ms. O'Connor stated that for Council Members who are not aware, the issue that is before the school board right now is that Dr. Smith has presented some data indicating that enrollment is down across the whole school district. Ms. O'Connor stated that although this data has been known for some time, right now he would like to take some action on it. Ms. O'Connor stated that specifically he wants to do this at the elementary level and what has been rolled out at these presentations is his desire to put together some committees that over the next couple of months will meet, put

together an action plan and then next fall bring that plan to him for implementation over the next school year. Ms. O'Connor stated that Dr. Smith indicated that he is looking at four potential possibilities; one of them is to do nothing, another choice was to redistrict. Ms. O'Connor stated that what concerns her greatly is the other two options that Dr. Smith has presented, one of which is to close an elementary school. Ms. O'Connor stated that closing the Toll Gate School would be detrimental to this community. Ms. O'Connor stated that the other option that Dr. Smith is talking about that this committee should consider is moving away from a community based education model at the elementary level and moving to something that would be more like a K through 2 and then a 3 through 5 school, though very little data was provided on this at the presentations. Ms. O'Connor stated that she feels that this last option is as detrimental to the community as closing Toll Gate would be. Ms. O'Connor stated that she is asking Council to pass a resolution indicating how detrimental it would be for the school board to either close Toll Gate School or to move away from the community based elementary education model.

Mayor Persichilli stated that he would be meeting with Dr. Smith a some of the school board members in the morning to discuss this. Mayor Persichilli stated that he thinks that Ms. O'Connor's sentiment is felt all throughout the town and if there is something that Council can do to ensure that options 3 and 4 don't happen, we will certainly provide some input as well as ask people to be involved in these committees as we go along. Ms. O'Connor stated that the committees are her other biggest concern.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-3 by title:

BOROUGH OF PENNINGTON ORDINANCE 2014-3

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

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

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

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

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

1. Section I.a of Borough of Pennington Ordinance No. 2013-5 ("AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2013," as amended by Pennington Ordinance No. 2013-11 and Pennington Ordinance No. 2014-2) is hereby amended to provide for the following maximum annual salary for the position of Borough Administrator:

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

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

Council Member Davy made a motion to introduce Ordinance 2014-3, second by Council Member Dunn with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-4 by title:

**BOROUGH OF PENNINGTON
ORDINANCE 2014-4**

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

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

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

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

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

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

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

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

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

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

Council Member Davy made a motion to introduce Ordinance 2014-4, second by Council Member Marciante. Mayor Persichilli stated that one of the reasons for this ordinance is that the current ordinance calls for four years administrative experience and what this is proposing is a change to read and/or equivalent experience which will provide greater flexibility. Upon a roll call vote, all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2014-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-1**

**AN ORDINANCE CONCERNING THE DUTIES
AND QUALIFICATIONS OF THE SUPERINTENDENT
OF PUBLIC WORKS AND AMENDING THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Borough seeks to clarify the duties and qualifications of the Superintendent of Public Works to remove from this position responsibilities for the Borough's water and sewer systems, in keeping with the separate certification and licensing requirements for these responsibilities;

WHEREAS, the Borough also intends to update the codified duties of the Superintendent of Public Works to align them with current practice;

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

1. Chapter 39, Article I, Section 39-3 of the Code of the Borough of Pennington, concerning Qualifications, is hereby amended as follows (with brackets indicating deletions and underling denoting new language):

“A person [shall be] appointed Superintendent of Public Works [unless qualified to operate a public waterworks and has secured and holds all] **shall be certified by the State of New Jersey as a Certified Public Workers Manager and have such other** certificates, licenses and permits required by state law and regulations and municipal ordinances.”

2. Chapter 39, Article I, Section 39-5, concerning Duties, is hereby amended as follows (with brackets indicating deletions and underling denoting new language):

“The Superintendent of Public Works shall:

- A. Perform all the duties [heretofore performed by the Superintendent of the Water Department and Superintendent of Streets] **of the Superintendent of Public Works required by Borough ordinances and other applicable laws and regulations.**
- [B. Supervise, care for, operate and maintain the public waterworks and distribution system.]
- [C] **B.** Supervise the care and maintenance of the Borough streets, roads, avenues, public buildings, public places, [sewers and] **storm** drains, the [Borough landfill] **motor vehicles of the Borough** and the collection and disposal of garbage, [and] trash, **brush and snow.**
- D. [Perform such other duties as from time to time directed.] **Manage the Department of Public Works and all functions necessary for its effective operation, in accordance with applicable laws and regulations.**
- E. Advise the Shade Tree Commission in connection with the planting and removal of trees.**
- F. Serve as Certified Recycling Professional for the Borough.**
- G. Respond to complaints and inquiries from residents.**
- H. Report to the Borough Administrator and interface with Mayor and Council, the Borough Engineer and other Borough professionals as necessary.**
- I. Be on call 24 hours per day, 365 days per year.**

J. Work in connection with the water and sewer systems of the Borough under the supervision of appropriately licensed personnel.

K. Perform such other duties as from time to time directed.

3. This ordinance shall be effective upon passage and publication as required by law.

Council Member Davy made a motion to open the Public Hearing on Ordinance 2014-1, second by Council Member Dunn. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing on Ordinance 2014-1, second by Council Member Marciante with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-1, second by Council Member Dunn with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-2 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-2**

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

WHEREAS, in anticipation of the retirement of the Superintendent of Public Works in the Summer of 2014, Borough Council has need to appoint an Assistant Superintendent of Public Works, on a temporary basis, to work with the Superintendent until his retirement, then, after satisfactory performance while serving in this position, as determined by the Borough Administrator, step up to become Superintendent;

WHEREAS, the Assistant Superintendent of Public Works shall be certified by the State of New Jersey as a Certified Public Works Manager and have the qualifications otherwise necessary to serve as Superintendent;

WHEREAS, the salary of the Superintendent of Public Works is also to be amended in keeping with the responsibilities of the position;

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

1. Section I.a of Borough of Pennington Ordinance No. 2013-5 (“AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2013,” as amended by Pennington Ordinance No. 2013-11) is hereby amended to provide for the following annual salary for the position of Assistant Superintendent of Public Works:

“Assistant Superintendent of Public Works -- \$65,000.00”

2. The same Section I.a of Pennington Ordinance No. 2013-5 is amended to increase the maximum annual salary for the position of Superintendent of Public Works, as follows:

“Supt. of Public Works -- \$[54,498.70] **75,000.00**”

3. This amendatory ordinance shall be effective upon passage and publication as provided by law.

Council Member Dunn made a motion to open the Public Hearing on Ordinance 2014-2, second by Council Member Griffiths. There were no comments from the public. Council Member Davy made a motion to close the Public Hearing on Ordinance 2014-2, second by Council Member Griffiths with all members present voting in favor. Council Member Davy made a motion to adopt Ordinance 2014-2, second by Council Member Dunn with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – No report due to Mrs. Heinzel's absence.

Public Works/Shade Tree – Mrs. Dunn reported that the Public Works Committee met and some of the items that were discussed were the painting of the water tower. Mrs. Dunn stated that the bid has been awarded and the start date is estimated as sometime in March or April. Mrs. Dunn stated that the project will take about four weeks and flyers and notifications will need to be distributed to alert property owners about the parking situation. Mrs. Dunn stated that the committee discussed the Streetscape project and the details that still need to be taken care of. Mrs. Dunn stated that one of the concerns was replacement of the mailbox and she reached out to the Borough Engineer to see if that was an option or if there was an alternative location. Mrs. Dunn stated that she found out that the Borough would have to reach out to the post office about relocation of the mailbox. Mrs. Dunn stated that she will follow up with the post office.

Mrs. Dunn stated that they discussed the compost pilot program and the use of grant funds for this project.

Mrs. Dunn stated that the Lower King George/West Curlis project is due to start in late March or early April. Mrs. Dunn stated that the contract has not been signed yet as there are still some paperwork issues that need to be resolved.

Mrs. Dunn stated that they spoke about the engineering budget request for 2014 from both Roberts Engineering and also Van Note Harvey.

Mrs. Dunn stated that Mr. Meytrott and Mr. Wittkop are discussing with the County the possibility of having them take over maintenance and operation of the crosswalk lights that were installed under the Safe Routes to Schools Project.

Mrs. Dunn stated that water usage figures for 2013 are in and have been graphed and the good news is that the pumped to used ratio is down to about 17.9 percent. Mrs. Dunn stated that it appears that more water was used this year than last year. Mrs. Dunn stated that overall usage is up slightly versus pumped. Mrs. Dunn stated that she has all the years since 2010 graphed and she would provide copies to Council Members.

Mrs. Dunn stated that the reimbursements for the Lawrence Hopewell Trail Project are in progress.

Mrs. Dunn stated that they also talked about the need for two new public works vehicles in 2014.

Personnel/Parks and Recreation /Economic Development – Mr. Davy reported that the Personnel Committee is busy working on filling the Borough Administrator position and also working on finding someone to fill the Water/Sewer Superintendent position. Mr. Davy stated that they are also in the process of seeking to fill the Public Works Laborer position. Mr. Davy stated that the search for a police officer is also ongoing.

Mr. Davy stated that later in the meeting a resolution will be considered for the Assistant Superintendent of Public Works position and he will talk more about that when we get to it.

Public Safety/Senior Services – No report due to Mr. Tucker's absence.

Finance – Mr. Griffiths reported that no formal meeting was held, we are waiting for the Annual Financial Statement from the auditor. Mrs. Sterling stated that she and CFO Sandra Webb have finished closing out 2013 and provided figures and reports to the auditor so hopefully we should be getting the AFS soon. Mr. Griffiths stated that historically the budget process begins once we receive the Annual Financial Statement from the auditor. Mr. Griffiths stated that the AFS is a summary of revenue and expenses for the current fund and also for the water/sewer utility. Mr. Griffiths stated that he is hoping to begin meeting during the third week in February with a target of introducing the budget at the April meeting.

Mr. Griffiths stated that he is aware that there has been a suggestion to open this process up to the public. Mr. Griffiths stated that he is in receipt of a memo from Mr. Davy suggesting a series of meetings involving the public. Mr. Griffiths stated that the process that the Borough has followed for the last eight years is essentially transparent. Mr. Griffiths stated that over the past eight years we have adopted a process that respects in the case of the department heads, their professional ability to propose and manage a budget. Mr. Griffiths stated that typically those budgets fall within the same parameters as the year before in other words no increase except for salaries and unusual items that have to be addressed going forward. Mr. Griffiths stated that Mr. Wittkop and Mr. Meytrott have done an exceptional job with managing their budgets. Mr. Griffiths stated that when he first started on this process, the department heads were micromanaged to the point where we would spend eight hours over the course of several weeks going through the budget line by line and nickel and diming them. Mr. Griffiths stated that we have since gotten away from that and every year the department heads have brought the budgets in or below what was projected. Mr. Griffiths stated that both Mr. Wittkop and Mr. Meytrott are aware that the committee will consider all requests that are presented. Mr. Griffiths stated that he is hesitant to stop this process as it is working well.

Mr. Davy stated that what he is proposing is a little different and he is not saying that the current process is wrong or produces a bad product, he is just saying that it might be worthwhile this year for the sake of transparency to engage in some meetings before we actually start putting the numbers together. Mr. Davy stated that he is not suggesting going through the budget line item by line item but he is saying lets meet with the people who run each department, that are involved in our government, that chair boards and

committees and hear from them what their priorities are for the year. Mr. Davy stated that it would not change anything that Mr. Griffiths is saying. Mr. Griffiths stated that it doesn't make any sense because no department will be getting an increase. Mr. Griffiths stated that it does present the risk of raising false hopes and it has the risk of elected officials injecting themselves into the business of professionals who are paid to manage the budget. Mr. Griffiths stated that in the past when elected officials have injected themselves into the process there have been severe consequences. Mr. Griffiths stated that elected officials are not professional managers of public works or building projects or street projects. Mr. Griffiths stated that we are facing a \$100,000 overrun on the Streetscape project because an elected official chose to become involved with change orders. Mr. Griffiths stated that opening the process to the public should not happen without a full run down of the forty-one items in the States Best Practices List. Mr. Griffiths stated that the public needs to understand that this is a largely controlled process and is not an open or flexible process. Mr. Griffiths stated that this is a process where we have to live within severe constraints imposed by the State. Mr. Griffiths stated that for these reasons he is not in favor of opening up the process to the public for transparency reasons because the transparency of the budget has never been compromised. Mr. Griffiths stated that another point is that this would involve four extra nights with a Chief Financial Officer who is part time and contributes generously to the Borough. Mr. Griffiths stated that anyone who wants access to the budget has ample opportunity.

Mayor Persichilli stated that we are not talking about getting down to minute details and he does not think that department heads are interested in getting that detailed. Mayor Persichilli stated that like any other organization, Council has responsibility to set priorities on work that needs to be done. Mayor Persichilli stated that residents don't realize certain things about the budget for instance that we use grant funds for road projects and not tax dollars. Mayor Persichilli stated that there is an education piece that needs to be communicated to the public. Mayor Persichilli stated that will maybe a couple of people will show up for the meeting. Mayor Persichilli stated that we have tried on numerous occasions to involve the public when there have been complaints about the budget and when things are explained they walk away with a better understanding. Mayor Persichilli stated that it is a combination of getting a list of priorities together and informing the public at a very high level what is available and what projects will be undertaken. Mr. Marciante suggested inviting the public in for one night to hear a high level discussion of the budget and to be able to ask questions. Mr. Griffiths stated that he would agree to one night to invite the public in for a very high level discussion of the budget. Further discussion took place with regard to what types of high level items should be discussed at a public meeting. Mayor Persichilli stated that after the finance committee has a chance to discuss things, then we can revisit the idea of holding a public meeting. Mr. Griffiths stated that he would like to begin the process in the third week of February as we have in the past and hopefully be in a position to introduce the budget at the April meeting.

Historic Preservation – Mrs. Dunn stated that the scheduled meeting was cancelled due to snow. Mrs. Dunn stated that Mr. Holtermann was scheduled to come to the meeting tonight to present the annual report, but he has been rescheduled for the March meeting. Mrs. Dunn stated that the Pennington School is preparing for the relocation of Loweldon Hall, the new foundation has been constructed and the porch and rear additions have been removed from the house. Mrs. Dunn stated that the move is scheduled to take place over the March holiday when students are off campus.

New Business

**Borough of Pennington
Resolution #2014 – 2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$1,091.46 to Craig & Antonia Lewis, 20 East Welling Avenue, Pennington, NJ 08534, for a 2012/2013 added Tax Appeal Judgment in the amount of \$1,078.71 plus interest in the amount of \$12.75 for 20 East Welling Avenue, Block 1002, Lot 23.

BE IT RESOLVED, that a refund be issued in the amount of \$135.50 to Peter Eaton, 105 Cleveland Road, Princeton, NJ 08540, for a balance of escrow funds (acct #: 90-0046).

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-2.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 2.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,052,606.48 from the following accounts:

Current	\$ 1,576,355.98
W/S Operating	\$ 162,049.46
Grant Fund	\$ 117,899.00
Water/Sewer Capital	\$ 42,059.75
Open Space Fund	\$ 144,166.60
Unemployment Trust	\$ 30.89
Trust Fund	\$ 2,081.42
Recreation Trust	\$ 11.33
Developers' Escrow	\$ 1,628.50
General Capital	\$ 2,853.18
Animal Control Fund	\$ 3,470.37
TOTAL	\$ 2,052,606.48

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-2.2, second by Council Member Marciante with all members present voting in favor.

**Borough of Pennington
Resolution #2014-2.3**

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

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

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

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

Municipal Clerk	Other Expense	\$ 3,000.00
Finance	Other Expense	\$ 6,000.00
Tax Collection	Other Expense	\$ 2,500.00
Planning Board	Salaries	\$ 4,000.00
Construction	Salaries	\$ 4,000.00
Group Insurance	Other Expense	\$ 50,000.00
Streets	Salaries	\$ 25,000.00
Streets	Other Expense	\$ 15,000.00
Borough Property	Other Expense	\$ 10,000.00
Library	Salaries	\$ 6,000.00
Library	Other Expense	\$ 10,000.00
Gas, Fuel, Lubricants	Other Expense	\$ 5,000.00
Social Security	Other Expense	\$ 15,000.00
Total		\$ 155,500.00

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

Water	Other Expense	\$ 20,000.00
Sewer	Other Expense	\$ 10,000.00
Insurance	Other Expense	\$ 20,000.00
TOTAL		\$ 50,000.00

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2014-2.3, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 2.4**

RESOLUTION ADOPTING A CASH MANAGEMENT PLAN

WHEREAS, the State of New Jersey amended the State laws concerning investment of local government funds with the adoption of Chapter 148, P.L. 1997, and

WHEREAS, these new laws expand the responsibility of the Governing Body and the role of the Chief Financial Officer in cash management, and

WHEREAS, these new laws require the adoption of a Cash Management Plan, and

WHEREAS, the Chief Financial Officer has reviewed the new laws and drafted a Cash Management Plan to conform to those laws and to the current banking and investment practices of the Borough,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the attached Cash Management Plan is hereby adopted, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to present this resolution and adopted Cash Management Plan to the State of New Jersey and to all designated depositories and asset managers in accordance with the requirements of the applicable State laws.

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2014-2.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 - 2.5**

RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2014

WHEREAS, under New Jersey State Statute 40/a:5-43 and New Jersey Administrative Code 5:30-9.1 through 5:30-9.10, local municipal units are permitted to offer residents electronic payments; and

WHEREAS, subject to those provisions the Borough of Pennington seeks to offer to its residents on-line payment for tax and utility charges in the form of on-line banking and credit cards; and

WHEREAS, the Borough’s current tax and utility software provider, Edmunds & Associates, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,200.00 per billing module, for a total of \$2,400.00 per year, and

WHEREAS, The Bank of Princeton has agreed to reimburse the Borough the fees charged by Edmunds & Associates, as described above; and

WHEREAS, under the provisions of the aforementioned statute and administrative code, Edmunds & Associates has named Links2Gov as their secured payment provider; and

WHEREAS, the charges paid by the property owner to the provider will be \$1.05 per banking transaction, and up to 2.95% on each credit card transaction; and

WHEREAS, this agreement shall be in place for one year;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer and the Tax and Utility Collector.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-2.5, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-2.6**

**RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY
AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Pennington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Pennington is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington has determined that Pennington Borough should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington, Mercer County, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant Application.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-2.6, second by Council Member Marciante with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 2.7**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 5 TO
DESANTIS CONSTRUCTION, INC. FOR WORK COMPLETED ON THE PENNINGTON
CONNECTION TO LAWRENCE HOPEWELL TRAIL PROJECT**

WHEREAS, DeSantis Construction, Inc. has completed certain work pursuant to the contract for the Pennington Connection to the Lawrence Hopewell Trail Project (Van Cleef Engineering Associates Project No. VCEA File No. 7071); and

WHEREAS, Van Cleef Engineering Associates has reviewed the application and recommends payment under the contract pursuant to the Contractor's Request for Payment No. 5 (\$64,589.55) less two percent (2%) retainage (\$1,291.79), the net due therefore amounting to \$63,297.76; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available in Account #: T-03-00-850-850-255;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment request No. 5 to DeSantis Construction Inc. in the amount of \$63,297.76 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-2.7, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-2.8**

RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE HOPEWELL VALLEY MUNICIPAL ALLIANCE GRANT FOR THE FISCAL YEAR 2014

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance; and

WHEREAS, the Borough of Pennington further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Mercer; and

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey hereby recognizes the following:

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for the fiscal year 2014 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00
In-Kind	\$20,000.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-2.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 2.9**

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

WHEREAS, pursuant to Section 177-1 of the Code of the Borough of Pennington, the owners of

lands abutting or bordering upon the sidewalks of the public streets in the Borough must clear all snow and ice from the sidewalks abutting their lands within 12 hours of daylight after the same shall be formed or fall thereon;

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

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

WHEREAS, on January 23, 2014, the owner of 404 Burd Street in the Borough, also known as Block 905, Lot 15 on the Borough Tax Map, had failed to remove snow and ice from the abutting sidewalk as required by the Borough Code;

WHEREAS, on that date the Department of Public Works cleared the snow from this sidewalk and incurred costs totaling \$336.00 as set forth in the attached certification by Jeff Wittkop, Superintendent of Public Works;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$336.00 shall be charged against Block 905, Lot 15 and shall become a lien and tax thereon and be added to and become part of the taxes next to be levied and assessed against such property, pursuant to Section 177-3 of the Pennington Borough Code.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-2.9, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-2.10**

**A RESOLUTION AMENDING RESOLUTION 2014-1.5
TO DELETE FORMER ADMINISTRATOR AS
OFFICIAL SIGNATORY FOR THE BOROUGH**

WHEREAS, Borough Council, at its reorganization meeting, adopted Resolution 2014-1.5 which, among other things, appointed the Borough Administrator at that time, Timothy Matheny, an official signatory for the Borough;

WHEREAS, Mr. Matheny has resigned from his position as Borough Administrator effective January 23, 2014;

WHEREAS, Borough Council now seeks to amend Resolution 2014-1.5 to delete Timothy Matheny as an official signatory for the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Resolution 2014-1.5 is hereby amended to delete Timothy Matheny as an official signatory for the Borough, effective upon his resignation on January 23, 2014, *nunc pro tunc*.

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2014-2.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014-2.11**

**RESOLUTION AUTHORIZING THE HIRING
 OF RICHARD SMITH AS ASSISTANT SUPERINTENDENT OF PUBLIC WORKS**

WHEREAS, the Borough of Pennington has need for an Assistant Superintendent of Public Works and is scheduled on this date to adopt an amendment to the Borough Salary Ordinance providing for this position;

WHEREAS, the Borough Administrator has recommended the hiring of Richard Smith to fill the position of Assistant Superintendent of Public Works;

WHEREAS, upon hiring, Mr. Smith will be paid a salary of \$65,000 per year subject to the conditions of conditional hire set forth in the letter from former Borough Administrator Timothy L. Matheny to Richard Smith dated January 8, 2014 (“Letter of Conditional Hire”), which is incorporated herein by reference;

WHEREAS, inspection of the Letter of Conditional Hire is available through the Office of the Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the hiring of Richard Smith as Assistant Superintendent of Public Works is hereby approved and ratified in accordance with the aforesaid Letter of Conditional Hire, except the effective start date shall be February 4, 2014.

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2014-2.11, second by Council Member Davy. Mrs. Dunn introduced Mr. Smith who was in attendance at the meeting. Mrs. Dunn stated that she is very happy to have Ricky on board and she encouraged Council members to get to know him. Mrs. Dunn stated that the entire Public Works Committee was very impressed with Mr. Smith during the interview process. Mrs. Dunn stated that Mr. Smith has been employed by Hopewell Borough since 2000. Mrs. Dunn stated that Mr. Smith began has a laborer and moved up to Foreman and then to Assistant Director of Public Works. Mrs. Dunn stated that Mr. Smith holds several licenses including CPWM, Certified Recycling Coordinator, and on the Shade Tree Commission he put into place a Forestry Management Plan. Mrs. Dunn welcomed Ricky to Pennington Borough and thanked him for coming out despite the snow. Upon a roll call vote, all members present voted in favor.

Council Discussion

CODE RED Proposal – Mr. Marciante stated that a packet of information has been distributed to Council Members. Mr. Marciante stated that after the hurricane it was apparent that the Borough did not have a good way of contacting residents. Mr. Marciante stated that a friend of his in Bel Mawr told him that they have the Code Red System in place. Mr. Marciante stated the system can be used in many ways and would be very good in case of an emergency. Mr. Marciante stated that the proposed cost is \$2,500 annually. Mayor Persichilli stated that he would like to have Council Members who were not at the original presentation see the system and how it works.

Professional Reports

Mr. Bliss stated that he would be willing to postpone the closed session items.

Public Comment

Mayor Persichilli read the following statement for anyone interested in speaking before Council: Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of three (3) minutes.

There were no comments from the public.

AT 7:56 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Davy.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk