

**Pennington Borough Council
Regular Meeting – May 4, 2015**

Council President Lawver called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll. Council Members Chandler, Davy, Griffiths, Lawver and Marciante were present. Mayor Persichilli was absent and Council Member Gnatt arrived at 7:05 pm.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Superintendent of Public Works Rick Smith and Jean Durbin for Borough Attorney Walter Bliss.

Mr. Lawver announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times 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.

Mr. Lawver asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mr. Lawver 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.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the April 13, 2015 Regular Meeting, second by Council Member Chandler with all members present voting in favor. Mrs. Gnatt was not present for the vote.

Ordinances for Public Hearing and Adoption

Mr. Lawver read Ordinance 2015-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2015 -6**

**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 2015**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

Borough Administrator	\$ 50,000.00
Borough Clerk	\$ 40,116.40
Treasurer	\$ 63,638.48
Tax Collector	\$ 28,821.78
Utility Collector	\$ 28,821.78
Technical Assistant to Construction	\$ 11,206.43
Tax Assessor	\$ 12,240.00
Zoning Officer	\$ 8,283.12
Land Use Admin/Admin Asst.	\$ 48,277.06
Deputy Registrar	\$ 2,086.05
Supt. Of Public Works – Effective August 1, 2014	\$ 75,000.00

Judge of Municipal Court	\$ 11,637.28
Court Administrator	\$ 16,263.97
Prosecutor - (Flat Fee per Court Session)	\$ 300. 00
Public Defender – (Flat Fee per Court Session)	\$ 200.00
Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,698.75
Plumbing Sub-Code	\$ 38.02 / hour
Fire Sub-Code	\$ 38.59 / hour
Electric Sub-Code	\$ 10,286.25
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.
- d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 77.47
Police Department:		
Crossing Guards	\$ 15.00	\$ 24.74
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 35.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2015.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2015-6, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2015-6, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2015-6, second by Council Member Chandler with all members present voting in favor.

Mr. Lawver read Ordinance 2015-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2015-7**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$91,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$86,450
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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$91,000, including the sum of \$4,550 as the down payment required by the Local Bond Law. The down payment is now 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 improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$86,450 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of equipment, consisting of leaf collectors with leaf box containers and lawn mowers, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 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 \$86,450, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,100 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 purpose or improvement.

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 described in Section 3(a) 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 purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 Chandler made a motion to open the Public Hearing on Ordinance 2015-7, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2015-7, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to approve Ordinance 2015-7, second by Council Member Chandler with all members present voting in favor.

Committee Reports

Public Works / Personnel – Mr. Davy had no report.

Public Safety – Mr. Marciante reported that the first contract negotiation meeting was held and went well. Mr. Marciante stated that interviews were conducted to fill the vacancies in the Police Department. Mr. Marciante stated that further discussion will take place in Closed Session.

Finance – Mr. Griffiths had no report.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler reported that the Environmental Committee held a Recycling Forum on April 22nd. Mrs. Chandler asked Mr. Smith to report on the event. Mr. Smith stated that attendance was low for the event, but it went pretty well. Mrs. Chandler stated that on May 9th a shredding event will be held at the Public Works facility from 12 to 3pm. Mrs. Chandler stated that a question came up at the Environmental Commission meeting regarding whether the Shade Tree Commission reviews plans submitted to the Planning Board. Mrs. Heinzl stated that Mr. Ogren sits on the Planning Board and typically he weighs in on behalf of the Shade Tree Commission. Mrs. Heinzl stated that to her knowledge the Shade Tree Commission does not review applications. Mr. Lawver asked what their concern was and Mrs. Chandler stated that they were just looking to make sure the all relevant parties were examining and speaking to prospective plans. Mr. Lawver stated that the Shade Tree Commission will be meeting tomorrow and he will bring it up to them. Mrs. Chandler stated that there are still two vacancies on the Environmental Commission.

Planning & Zoning / Open Space – Mrs. Gnatt had no report.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver stated that the Shade Tree Commission hosted a successful Arbor Day celebration at the Toll Gate School. Mr. Lawver stated that Morris Fabian and Gabe Rosko did a great job. Mr. Lawver stated that the Shade Tree Commission will have a table at Pennington Day again this year.

Mr. Lawver stated that the Senior Advisory Board did not meet.

Mr. Lawver reported that flags are in the process of being throughout town. Mr. Lawver asked that residents be reminded that the Parks and Recreation Commission accepts sponsorships and donations through the Adopt-a-Flag program and forms are available on the website or in Borough Hall. Mr. Lawver stated that plans for the Memorial Day Parade are in full swing, two musical entities have been added this

year, one is a drum and bugle corp and the other is bagpipes. Mr. Lawver stated that no additional dignitaries beyond previous Mayor and Council members and the Grand Marshalls. Mr. Lawver stated that Mrs. Needham would like to know if she should reach out to other dignitaries or if that will be done through the 125th Committee. Mrs. Chandler stated that there has been some communications on that. Mr. Lawver stated that Parks and Recreation is working with the Economic Development Commission and the Pennington Business Association and they are planning three summer concerts on the third Thursday of each month in the evening.

Mr. Lawver stated that the Library had a very successful Busy Town with 125 preschool and kindergarten children in attendance. Mr. Lawver stated that Mayor Persichilli was once again resplendent in his tuxedo and sash. Mr. Lawver stated that the Library website architecture has been approved and the content is being drafted and polled to begin populating the site.

Mr. Marciante asked who decides what is planted in the center islands coming into town. Mr. Lawver stated that the Shade Tree Commission does. Mr. Marciante asked why the beautiful red cherry trees in one section were replaced with “weeds” that have no color to them. Mrs. Chandler stated that decision was made a number of years ago when the Shade Tree Commission at the time decided to replace the cherry trees with the white bushes and then as things go and the Shade Tree members change there was a transition back to the cherry trees. Mr. Marciante asked if there is a plan to return this particular section back to cherry trees and if not could funds be allocated to replace the bushes. Mr. Lawver stated that there is a plan to replace 12 to 15 shade trees in town this year. Mr. Smith stated that he has several of the trees in the yard awaiting a decision on where they are to be planted. Mr. Smith stated that there are all different kinds of trees, but he does not think any of them are for the island. Mr. Marciante asked what needs to be done to get the process started to replace the “weeds”. Mrs. Chandler stated that a tree was planted to commemorate Pennington’s 100th Anniversary and it was discussed that a tree be planted to commemorate the 125th Anniversary.

Mrs. Chandler stated that she is also concerned about the dirth of trees on Main Street. Mr. Lawver stated that the Shade Tree Commission is working on getting Mercer County to address the absence of trees on South Main Street.

New Business

**Borough of Pennington
Resolution #2015 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to LERETA, LLC or Pentagon Federal Credit Union, c/o LERETA Attn: Central Refunds, 1123 Park View Drive, Covina, CA 91724, for refund of 2015 2nd quarter taxes, Block 906, Lot 4, 421 Burd Street, in the amount of \$4,008.38.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-5.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2015 – 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 \$ 989,015.42 from the following accounts:

Current	\$ 940,883.69
W/S Operating	\$ 40,002.56
Developers Escrow	\$ 366.36

Grant Fund	\$ 5,762.81
Unemployment Trust	\$ 2,000.00
TOTAL	\$ 989,015.42

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2015-5.2, second by Council Member Marciante. Mr. Lawver asked if street lights could be included in the proposal for solar panels at the Public Works site. Mr. Lawver stated that the street lights in town are being billed at different rates depending on the type of bulb and some of them are billed at the higher rate. Mrs. Heinzl stated that she will work on that. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2015 – 5.3**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
 MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE
 PUBLIC RIGHT- OF- WAY IN 2015**

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 outdoor 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, 2015.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-5.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-5.4**

RESOLUTION AUTHORIZING PREPARATION OF BID DOCUMENTS AND ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF SOLAR ELECTRIC GENERATING SYSTEM ON BOROUGH PUBLIC WORKS LANDS

WHEREAS, Pennington Borough seeks to lease a portion of its lands in Hopewell Township used by the Borough Department of Public Works (Block 46, Lot 13 on the Hopewell Township Tax Map) (“the Property”) for construction of solar voltaic arrays to generate solar energy for conversion to electricity, including but not limited to generation of electricity for use by the Department of Public Works and the Borough’s Water and Sewer Utility;

WHEREAS, the desired lease will be a long-term lease of roof and/or ground space on the Property providing for lease payments to the Borough based on the annual kWh of energy produced by the solar system and also ensuring that installation, operation and maintenance of the system shall be at no cost to the Borough;

WHEREAS, the successful bidder must have the experience and capacity required to develop and operate a quality, certified solar electric generating system;

WHEREAS, the successful bidder shall also be the best able to offer the Borough the best rate per annual kWh of energy produced by the solar electric generating system;

WHEREAS, the successful bidder shall participate in negotiations with the Borough with respect to the contemplated lease agreement, which shall provide for lease payments based on the annual kWh of energy produced by the system;

WHEREAS, the proposed leasing arrangement and solar energy system shall be subject to necessary government approvals;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to prepare or direct the preparation of bid documents and to advertise for bids for lease of a portion of the Property for construction, operation and maintenance of a solar electric generating system pursuant to the terms set forth above.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-5.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 5.5**

**RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT
AS A CONDITION OF HIRING OF NEW POLICE OFFICERS**

Mr. Marciante asked that this resolution be held until after the Closed Session discussion.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 - 5.6**

**RESOLUTION AUTHORIZING RETENTION OF HERITAGE CONSULTING FOR SURVEY OF
BROWN PROPERTY (BLOCK 92, LOTS 1.01 AND 1.03, HOPEWELL TOWNSHIP)**

WHEREAS, the Borough of Pennington seeks to acquire certain open space lands in Hopewell Township, designated as Block 92, Lots 1.01 and 1.03 on the Hopewell Township Tax Map and commonly known as the Brown Property;

WHEREAS, the proposed acquisition is to be funded by grants from Green Acres and the County of Mercer supplemented by funds from the Friends of Hopewell Valley Open Space;

WHEREAS, in connection with this acquisition, Green Acres requires a Survey and metes and bounds description of the Property together with related deliverables;

WHEREAS, after solicitation of proposals, it has been determined that Heritage Consulting, located in Doylestown, PA (“Heritage”), is able to perform the work at a reasonable cost in conformance with the requirements of the Green Acres Program;

WHEREAS, a copy of the proposal of Heritage dated May 1, 2015 (“the Proposal”) is attached to this Resolution, indicating a cost of \$3,250. for performing the services described in the Proposal;

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

WHEREAS, it is further understood that the costs incurred by the Borough’s Open Space Fund for these acquisition-related services are eligible for reimbursement by the Friends of Hopewell Valley Open Space and the County of Mercer;

WHEREAS, retention of the services of Heritage constitutes a contract for professional services as that term is defined by the Local Public Contracts Law;

WHEREAS, Heritage Consulting has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

WHEREAS, Heritage understands that it must comply with New Jersey law concerning equal employment opportunity as set forth in the annexed Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue a purchase order accepting the attached Proposal of Heritage Consulting on behalf of the Borough, and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to submit to the Friends of Hopewell Valley Open Space an invoice for reimbursement of the charges for this service as per the attached letter dated March 25, 2014 from the Friends of Hopewell Valley Open Space.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2015-5.6, second by Council Member Gnatt. Mr. Davy stated that he thought it should be clear in the resolution that this amount will be reimbursed by the Friends of Hopewell Valley Open Space. Mr. Davy suggested an amendment to the Now Therefore Be It Resolved authorizing the Borough Administrator to submit to FOHOS for reimbursement. Mrs. Heinzl

suggested that the letter from FOHOS be referenced and attached to the resolution. Upon a roll call vote, all members present voted in favor of the resolution as amended.

Council Discussion

Sidewalks – Mrs. Heinzl stated that sidewalks were discussed at the last meeting and since that meeting she has been working with Walter Bliss on three sidewalk situations and they have all been addressed by way of letters to the property owners. Mrs. Heinzl stated that a draft letter is ready to go and the sidewalk list has been finalized. Mr. Lawver clarified that there are two letters, one that addresses sidewalk repairs and one that addresses overgrowth. Mrs. Heinzl stated that the list of sidewalks with overgrowth has not been finalized yet.

Professional Reports

Mr. Smith stated that he wanted to point out that his report indicates some results of the yard waste conversion. Mr. Smith stated that he would like to recognize two members of his staff, Morris Fabian for his participation in Busy Town and Arbor Day and also Ken Smith for rescuing a dog off the railroad track and safety returning him to his owner.

Mrs. Heinzl stated that CodeRed is up on the Borough website, a press release is ready to go out and a notice will be included in the upcoming water bills. Mrs. Heinzl stated that Mr. Meytrott delivered applications to the Senior Center for people who want to register but do not have access to a computer. Mrs. Heinzl stated that the Friends of Hopewell Valley Open Space would like to plant a triangle garden in each of the three municipalities and they have selected the Senior Center for Pennington Borough. Mrs. Heinzl stated that the Pennington Farmers Market will be opening on Saturday, May 23rd at Rosedale Mills. Mrs. Heinzl stated that a letter was received today regarding the Infrastructure Trust Loan Application with a list of items that need to be addressed. Mrs. Heinzl stated that Carmela Roberts has indicated that the requested items are not unusual and can be addressed quite easily.

There were no other comments from professionals.

Public Comment

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

Mr. John Tredrea of the Hopewell Valley News asked for some details regarding the land lease for solar panels. Mr. Davy stated that the fine details are still being worked out but it will be similar to the arrangement that the school district has with PSE & G. Mr. Davy stated that it will be grounds lease for the solar panels that will power the public works facility under an emergency situation. Mr. Davy stated that the income for the Borough will come from the lease of the ground.

Closed Session

AT, 7:25 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:

- Potential Litigation - COAH
- Contract Negotiations – Police

Mrs. Heinzl stated that she got a call from Borough Planner, Mike Bolan this afternoon and he is unable to attend tonight so the COAH discussion scheduled for closed session will be rescheduled for the June Meeting.

Open Session

AT, 8:10 PM, Mayor and Council returned to open session.

Mr. Lawver asked if Resolution 2015-5.5 would remain tabled after the discussion in Closed Session. Council Member Marciante stated yes the resolution will remain tabled at this time.

BOROUGH OF PENNINGTON RESOLUTION 2015 – 5.5

RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT AS A CONDITION OF HIRING OF NEW POLICE OFFICERS

WHEREAS, as part of the hiring process of new police officers the Borough is required to expend substantial sums for examination, hiring and training;

WHEREAS, if a newly hired police officer voluntarily leaves the employment of the Borough

early in the employment, certainly if the departure is before completion of the officer's probationary period, the Borough is deprived of the benefit of its expenditures for examination, hiring and training and incurs a substantial loss;

WHEREAS, the costs of examination, hiring and training include any base salary received by the employee while attending any required police training course, fees incurred by the Borough for any such police training course, the costs of the employee's uniforms, the costs of examinations and tests required to qualify the employee for employment, the costs of public advertising in connection with employee's examination and hiring, and other related expenditures;

WHEREAS, if the reason for the early departure is employment by another law enforcement agency, there exists a statutory right to recover reimbursement of certain costs from the new employer but enforcement of this right can be problematical;

WHEREAS, as a result, the Borough seeks to require that every candidate to be offered employment sign, as a condition of employment, a certain reimbursement agreement, which requires the new officer to reimburse the Borough for all examination, hiring and training costs if he or she voluntarily leaves the Borough within one year of his or her official start date;

WHEREAS, the proposed reimbursement agreement requires the departing officer to reimburse the Borough in full within 30 days of receipt of an invoice from the Borough for the subject costs, provided the officer receive credit for any sums actually received by the Borough from a new employer when and if received;

WHEREAS, a copy of the proposed Reimbursement Agreement is attached to this resolution;

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

1. Borough Council hereby authorizes use of the attached Reimbursement Agreement as part of the hiring process for new police officers;
2. Borough Council further authorizes requiring candidates for hire as police officers to sign the attached Reimbursement Agreement as a condition for hiring.

Approval of Closed Session Minutes for Content But Not Release

Council Member Chandler made a motion to approve the minutes of the April 13, 2015 closed session meeting for content but not for release, second by Council Member Griffiths with all members present voting in favor.

At 8:12 PM, Council Member Marciante made a motion to adjourn the meeting, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk