

**Pennington Borough Council
Regular Meeting – January 5, 2009**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:15 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzl, Lawver, Ogren, and Tucker in attendance.

Also present were Borough Administrator, Eugene Dunworth, Public Works Superintendent, Jeff Wittkop, Public Safety Director, Bill Meytrott and Borough Attorney, Walter Bliss.

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

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 5 minutes.**

There were no comments from the public.

Mayor's Business

Mayor Persichilli read the following Proclamation:

PROCLAMATION

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and

WHEREAS, cardiovascular diseases (CVD) claim the lives of more the 460,000 American females (about one death per minute) each year; and

WHEREAS, each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and about 29,500 more females than males die from a stroke; and

WHEREAS, in 2009 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U.S. is estimated at \$431.8 billion; and

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers; and

WHEREAS, only 13 percent of women consider cardiovascular disease their greatest health risk; and

WHEREAS, February is designated as American Heart Month; and

WHEREAS, Go Red For Women is the American Heart Association's national movement to make women aware of their risk for heart disease – the leading cause of death for women – and to empower women to take action to reduce that risk;

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart CheckUp and by talking to their healthcare provider;

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 6, 2009 to be

“National Wear Red Day for Women”

in the Borough of Pennington and urge all citizens to “go red” for the day and wear red on February 6, 2009 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

Mayor Persichilli announced the resignation of Roxanne Douvos from the Library Board of Trustees.

Ordinances for Introduction

**BOROUGH OF PENNINGTON
ORDINANCE 2009-1**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW GARBAGE TRUCK IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$161,500 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 \$170,000, including the sum of \$8,500 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 \$161,500 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 a new garbage truck, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or 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 note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 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 ordinance, is 5 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 \$161,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

- (d) An aggregate amount not exceeding \$7,500 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. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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 "Rule") 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 Lawver made a motion to introduce Ordinance 2009-1, second by Council Member Griffiths with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzl reported that the Library Board will have their Reorganization Meeting in January; the budget will also be discussed.

Ms. Heinzl reported that the Planning Board continued a hearing on a use variance for the old barber shop, extensive testimony was heard and the variance was ultimately granted. Ms. Heinzl stated that the Planning Board also heard a request from George Ackerman to keep the addition on the Howe Commons brick instead of painting it white. Ms. Heinzl stated that the Planning Board agreed to allow the brick front.

Ms. Heinzl stated that the Environmental Commission met in December. Ms. Heinzl stated that Mr. Lawver attended the meeting to talk about water and solar issues. Ms. Heinzl stated that the Environmental Commission is going to be doing some community outreach in schools and other venues including a recycling forum to be held at Borough Hall.

Ms. Heinzl stated that she e-mailed Council Members a final copy of the Ad-Hoc committee appointed by the school board to review projects that might be put up for referendum. Ms. Heinzl stated that a hard copy is also on file in the Borough Clerk's office.

Public Works / Economic Development - Mr. Lawver gave the following report for Water and Trash for the month of December, 2008.

RE: COUNCIL REPORT FOR THE MONTH OF DECEMBER 2008

WATER

Water pumped for the month of December 2008-	8,189,000
Daily-	264,000

Water pumped for the month of December 2007- 8,675,000
Daily- 279,500

For the month of December 2008 we averaged 15,500 gallons less per day than 2007.

TRASH

89.67 tons of household trash for the month of December 2008 vs. 89.34 tons in December 2007

Leaves should now be placed in bags without any other debris and left open.

January 19th is a holiday and there will be no trash collection. The trash will be picked up the following day, Tuesday, January 20th.

Trash and recycling calendars will be distributed soon.

Mr. Lawver reported that the Public Works Committee met in December with two primary purposes, discussion of moving forward with getting Well 8 back on line and discussion of what to include in the stimulus package to present to Washington. Mr. Lawver reported the proposed projects included road work to complete the balance of King George Road and Park Avenue, a new water tower and water meter replacement. Mr. Lawver stated that the DEP is also looking for a list of projects and these same projects along with test wells will be submitted to the DEP. Mr. Lawver stated that the Borough has received the water report from Penelope Althoff and more information will be forthcoming on that. Mr. Ogren stated that the Streetscape project was also included with the stimulus package application.

Mr. Lawver reported that the Economic Development Commission met in December. Mr. Lawver stated that Will Dickey and Rachel Torpey will be stepping down as Co-Chairs.

Personnel - Mr. Ogren reported that the Personnel Committee did not meet in December.

Community Services – Ms. Chandler reported that Parks and Recreation did not meet in December, the Reorganization Meeting will be held in January. A discussion of the budget will take place at the meeting.

Public Safety – Mr. Tucker reported that Probationary Officer Daryl Burroughs has begun working and is assigned to the field officer training program. Mr. Tucker reported that Mr. Meytrott represented the Police Department at various meetings and events in December. Mr. Tucker reported that the Annual Holiday Walk sponsored by the Pennington Business and Professional Association was held on December 5th, 2008 with approximately 200 to 300 people in attendance. Mr. Tucker reported that the criminal investigation into the robbery at The Front Porch is continuing. Mr. Tucker reported that on December 27th, the Police Department participated with Hopewell Township in conducting a joint Driving Under the Influence road block at Route 31 and Ingleside Avenue. Mr. Tucker stated that Pennington Police supplied four officers and three violators were arrested, two of which were under the age of twenty-one. Mr. Tucker gave the following statistics for the month of December 2008:

116	Motor Vehicle Stops
48	Summonses Issued
14	Parking Summonses
1	DUI
60	Warnings
5	Male Enforcement Arrests
2	Female Enforcement Arrests

Finance – Mr. Griffiths stated that the Finance Committee did not meet in December. The Finance Committee will meet in January to begin working on the budget.

Mayor Persichilli took a moment to introduce State Senator Shirley Turner. Mayor Persichilli thanked Senator Turner for stopping in. Senator Turner wished everyone a Happy New Year and congratulated the newly sworn in Council Members.

New Business

Borough of Pennington Resolution #2009-1.9

RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE BOROUGH OF PENNINGTON

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, 26.25% of the total appropriations of the 2008 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 765,303.32 for the current fund budget and \$ 251,475.39 for the water and sewer utility fund;

NOW, THEREFORE, BE IT RESOLVED, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2009-1.9, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 1.10**

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 \$ 113,629.39 from the following accounts:

Current	\$ 65,300.69
W/S Operating	\$ 11,976.34
Grant Fund	\$ 36,030.36
Animal Control Fund	\$ 322.00
TOTAL	\$ 113,629.39

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	M				Ogren	X			
Heinzel	S				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2009-1.10, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution # 2009-1.11**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2008 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Streets – Other Expense	\$ 1,600.00	
Social Security		\$ 1,600.00
Total Current Fund	\$ 1,600.00	\$ 1,600.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2008 budget appropriations effective December 31, 2008, Nunc Pro Tunc.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2009-1.11, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution 2009-1.12**

**RESOLUTION APPOINTING EUGENE DUNWORTH AS
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2009**

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, it is the desire of the Mayor and Council to appoint Eugene Dunworth to that position, for the period of one year from January 1 through December 31, 2009;

NOW, THEREFORE, BE IT RESOLVED, that Eugene Dunworth is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2009 and ending December 31, 2009; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington, that Mr. Dunworth shall serve in this capacity without additional compensation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	M				Ogren	X			
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2009-1.13, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009 –1.13**

**RESOLUTION APPOINTING ALTERNATE
PROSECUTORS FOR THE YEAR 2009**

WHEREAS, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

WHEREAS, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor be designated and appointed by the municipality;

WHEREAS, Borough Council has appointed Craig Hubert as the Chief Municipal Prosecutor;
and

WHEREAS, the Borough seeks to appoint first, second and third alternate prosecutors to substitute in that order for the Chief Municipal Prosecutor when the Chief Municipal Prosecutor is not able to cover a court session; and

WHEREAS, it is understood that the municipal prosecutor and alternate prosecutors designated and appointed herein have not represented criminal defendants in any municipal court or superior court in Mercer County as of January 1, 2009;

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

1. Robert Yostembski is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Reed Gusciora is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Renee LaMarre-Summers is hereby appointed Third Alternate Prosecutor of Pennington Borough.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2009-1.13, second by Council Member Heinzel with all members present voting in favor.

**BOROUGH OF PENNINGTON
Resolution #2009-1.14**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENT WITH NEW JERSEY ANALYTICAL
LABORATORIES FOR CALENDAR YEAR 2009**

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 December 23, 2008, for a contract price of \$ 20,580, to be invoiced at \$1,715 per month each month of the calendar year 2009;

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, the Borough Administrator has determined and has certified in writing that the anticipated value of this contract for professional services, having a term of one (1) year, may exceed \$17,500;

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

WHEREAS, 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 because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or

candidate committee in the Borough of Pennington and shall not make any such contribution through the term of this contract.

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 Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with New Jersey Analytical Laboratories for a contract price not to exceed \$20,580.00 for the calendar year 2009, for the services described in the annexed proposal dated December 23, 2008, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

BE IT FURTHER RESOLVED, that the form of the professional services agreement shall be approved by the Borough Attorney;

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.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2009-1.14, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 1.15**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
INTERLOCAL SERVICES AGREEMENT WITH THE BOARD OF FIRE
COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1
FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES**

WHEREAS, the Borough of Pennington (the “Borough”), is responsible for providing Emergency Medical Services within the boundaries of the Borough; and

WHEREAS, pursuant to the Interlocal Services Act (N.J.S.A. 40:8A-1 et.seq.), the Borough desires to contract with the Board of Fire Commissioners of Hopewell Township Fire District No. 1 for the provision of Basic Life Support Services within the boundaries of the Borough;

WHEREAS, the proposed Interlocal Services Agreement, of which a copy is attached, is in substantially the same form as the 2008 agreement between these parties including the \$3,000 annual fee for the services;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough of Pennington is hereby authorized and directed to execute the attached Interlocal Services Agreement between the Borough of Pennington and the Board of Fire Commissioners of Hopewell Township Fire District No.1 for the provision of Basic Life Support Services within the boundaries of the Borough, subject to approval as to final form by the Borough Attorney of the Borough of Pennington.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Griffiths	X				Ogren	M			
Heinzel	X				Tucker	S			

Council Member Ogren made a motion to approve Resolution 2009-1.15, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009-1.16**

**RESOLUTION AUTHORIZING SOLICITATION OF QUOTATIONS FOR
PUBLIC WORKS MAINTENANCE AND EMERGENCY SERVICES CONTRACT**

WHEREAS, the Department of Public Works of the Borough of Pennington has a need for assistance in maintaining and performing routine and emergency repairs to the water distribution and sewage collection systems in the Borough as the need arises from time to time;

WHEREAS, the Borough seeks to retain a contractor to perform such projects and repairs on an as needed basis;

WHEREAS, the work in question must be performed in compliance with Borough specifications and be subject to review and approval by the Borough Engineer;

WHEREAS, the contract shall specify rates of compensation for labor, equipment and materials and other charges required to perform work which complies with all laws applicable to the work and with the Detailed Specifications for Maintenance and Emergency Services Quotation, Public Works, Year 2009, on file with the Borough Clerk;

WHEREAS, the term of the proposed contract shall not exceed one year;

WHEREAS, the aggregate amount payable to the contractor for maintenance and emergency repair work under the contract or otherwise during the contract year shall not exceed \$ 21,000.00, which is the legal limit for a contract not subject to public bidding, provided, however, that if the contractor is not in compliance with Prevailing Wage laws, as set forth in N.J.S.A. 34:11-56.25, et seq. and related regulations, the aggregate amount payable under the contract shall not exceed \$11,892;

WHEREAS, the contract shall provide that if the cost of work in connection with any maintenance or emergency repair project is expected to cause the aggregate amount payable under the contract to exceed the applicable limit, the project must be severed from the contract and contracted for separately in compliance with the Local Public Contracts Law and other applicable laws;

WHEREAS, the form of the contract shall conform with applicable law and be approved by the Borough Attorney;

WHEREAS, award of the contract shall be subject to the availability and appropriation of required funding by Borough Council;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to solicit quotations for the above-described contract in compliance with the Local Public Contracts Law.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Griffiths	X				Ogren	S			
Heinzel	X				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2009-1.16, second by Council Member Ogren. Mr. Lawver stated that in years past, the emergency services and repairs have been bundled in with water projects and a contract was awarded through the public bidding process. Mr. Lawver stated that this year, there should not be any significant water projects associated with the road jobs planned for this year, so rather than go through the expense of the public bidding process for a Maintenance and Repair contract, we will just be seeking bids on a rate basis for emergency repairs which will fall well under the bid threshold. Upon a roll call vote all members present voted in favor.

Administrator's Report

Mr. Dunworth had nothing further to report.

Professional Reports

Mr. Bliss thanked Borough Council for the opportunity to serve in 2009.

Public Comment Period

Mr. Mark O'Dea of 124 South Main Street stated that he has concerns with the interpretation of certain Borough Ordinances. Mr. O'Dea stated that he had put brush out at the curb to be picked up and that he was told that the Borough only picks up brush for residents and since Mr. O'Dea is a contractor that he is responsible for disposing of construction debris including brush. Mr. O'Dea stated that he is the property owner and he pays the taxes on the property at 124 South Main Street. Mayor Persichilli indicated that he had several discussions with Mr. O'Dea with regard to whether Mr. O'Dea is a contractor or a property

owner. Mayor Persichilli stated that he has indicated to Mr. O'Dea his feelings that Mr. O'Dea's history of purchasing a property, remodeling the property and then reselling the property makes him a contractor and any debris generated at the property is his responsibility. Mayor Persichilli asked Council for their input. Mr. O'Dea indicated that his concern is with the interpretation of the Ordinance which defines property owner. Mr. O'Dea stated that it does not matter if he lives in the home for thirty days or thirty years, if he is the owner and paying the property taxes, then the debris should be picked up. Mr. O'Dea explained that he is not living at 124 South Main Street since he took the heat out, however he would be living in the home as of August of 2005, had things not gone the way they have. Mr. O'Dea stated that throughout most of the town there is the reality that a homeowner might have to access a neighbor's property to work on their home. Mr. O'Dea stated that he was not seeking a decision tonight; he would just like Council to look at the existing ordinance and make a determination.

Closed Session

Mayor Persichilli indicated that there was no need for a closed session unless Council Members wanted to discuss the Closed Session minutes prior to approval. Mr. Tucker indicated that he had a minor correction to make. Council convened in closed session briefly, then reconvened in open session.

AT, 7:51 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:

Closed Session Minutes

AT, 7:55 PM, Mayor and Council returned to open session.

Open Session

Approval of Closed Session Minutes for Content But Not Release

- May 12, 2008 – Closed Session
- November 3, 2008 – Closed Session

Council Member Lawver made a motion to approve the May 12, 2008 and November 3, 2008 Closed Session Minutes for content but not for release, second by Council Member Heinzl with all members present voting in favor.

At 7:56 pm, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk