

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

Mayor Persichilli called the Reorganization Meeting of the Borough Council to order at 7:00 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.

Invocation - Mayor Persichilli asked Deacon Sam Sciarrotta of St. James Church to come forward for the Invocation.

Pledge of Allegiance

Mayor Persichilli introduced Freeholders Pat Colavita and Anthony Carabelli.

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.

Election Results

Borough Clerk Betty Sterling announced the following election results.

Edwin Weed Tucker elected to a term to expire December 31, 2011
Glen E. Griffiths elected to a term to expire December 31, 2011

Adjournment of 2008 Council

Council Member Tucker made a motion to adjourn the 2008 Council, second by Council Member Heinzl with all member present voting in favor.

Oaths of Office

Borough Attorney Walter Bliss administered the Oath of Office to Mr. Tucker and Mr. Griffiths.

Roll Call of 2009 Council

Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzl, Lawver, Ogren, Tucker and Mayor Persichilli all in attendance.

Election of Council President

Council Member Tucker made a motion to nominate Eileen Heinzl as Council President, second by Council Member Lawver. Upon a voice vote, all members present voted in favor.

Professional Services Appointments

Mayor Persichilli called for consent agenda for Resolutions 2009-1.1 through 2009-1.4. There were no comments or questions on any of the Resolutions. Council Member Tucker made a motion to approve Resolutions 2009-1.1 through 2009-1.4, second by Council Member Chandler with all members present voting in favor.

**PENNINGTON BOROUGH
Resolution No. 2009-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON
AS BOROUGH AUDITOR FOR THE YEAR 2009**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing in the year 2009;

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, will 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 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 new 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 makes this appointment 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, Hodulik and Morrison, P.A. has served as Borough Auditor and proposes to continue to serve in this capacity for fees not to exceed in the aggregate \$ 24,025.00 for the following services: annual audit of the Borough (\$16,840); preparation of annual financial statement (\$3,740); preparation of annual debt statement (\$1,045); audit of the Pennington Library (\$2,400);

WHEREAS, Hodulik and Morrison shall perform such additional professional services as may be requested from time to time by the Borough at the following hourly rates: principal - \$130.00; senior accountant - \$110.00; junior accountant - \$90.00; and as further set forth in the attached letter of engagement dated December 14, 2008;

WHEREAS, Hodulik and Morrison 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 the 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 the Borough Council of the Borough of Pennington, that Hodulik and Morrison, P.A. be appointed as Borough Auditor of the Borough of Pennington for a period of one year in compliance with applicable law;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Hodulik and Morrison by accepting the annexed letter of engagement dated December 14, 2008;

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	S				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

**Borough of Pennington
Resolution #2009-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE
YEAR 2009**

WHEREAS, there exist the need for the appointment of Bond Counsel; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised;

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 year, shall not exceed \$17,500;

WHEREAS, Mr. McManimon has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Pennington Borough Council that Edward J. McManimon is hereby appointed as Bond Counsel for a period of one year or in accordance with the appropriate New Jersey statutes; and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of such specifications or the receipt of competitive bids;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by Law within ten days of its passage.

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2009 – 1.3**

RESOLUTION APPOINTING CRAIG J. HUBERT AS CHIEF MUNICIPAL PROSECUTOR 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 seeks to designate and appoint Craig Hubert as the Chief Municipal Prosecutor;

WHEREAS, Mr. Hubert has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the contract;

WHEREAS, Mr. Hubert shall be compensated as Chief Prosecutor pursuant to the annual Salary Ordinance of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Craig J. Hubert is hereby designated and appointed Chief Municipal Prosecutor of Pennington Borough for the year 2009.

Record of Council Vote on Passage

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

**PENNINGTON BOROUGH
Resolution No. 2009-1.4**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.
AS BOROUGH ATTORNEY FOR THE YEAR 2009**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 2009;

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, will 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

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 new 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 makes this appointment 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, Walter R. Bliss, Jr. has served as Borough Attorney and proposes to continue to serve in this capacity in both litigation and non-litigation matters at his previous billing rate of \$120 per hour, plus reimbursement for reasonable out-of-pocket expenses;

WHEREAS, Mr. Bliss has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the 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 the Borough Council of the Borough of Pennington that Walter R. Bliss, Jr. be appointed as Borough Attorney of the Borough of Pennington for a period of one year in compliance with applicable law;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Walter R. Bliss, Jr. in the form annexed hereto;

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	S				Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	X				Tucker	M			

Annual Resolutions

Mayor Persichilli called for consent agenda for Resolutions 2009-1.5 through 2009-1.8. There were no comments or questions on any of the Resolutions. Council Member Tucker made a motion to approve Resolutions 2009-1.5 through 2009-1.8, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 1.5**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2009**

BE IT RESOLVED:

That The Bank of Princeton, Wachovia Bank, PNC Bank, Bank of America, Hopewell Valley Community Bank, Commerce Bank, Sun Bank, and Sovereign Bank, having all submitted certified statements that they have not made campaign contributions in violation of the Borough Pay To Play Ordinance, Ord. 2007-3, effective March 22, 2007, be declared official depositories for the Borough of Pennington for 2009.

BE IT RESOLVED:

That the Hopewell Valley News be designated as the official weekly publication for the Borough of Pennington for 2009, and as is required by law.

BE IT RESOLVED:

That the Hopewell Valley News, Pennington Post, Trenton Times and Trentonian be designated for notification purposes when required under the Open Public Meetings Act for the Borough of Pennington.

BE IT RESOLVED:

That Mayor Anthony Persichilli and the Borough Administrator be and hereby are designated as the authorized representatives of the Borough of Pennington to sign for and on behalf of the Borough in all application matters to the Federal and State governments, as well as any other matters.

BE IT RESOLVED:

That the following individuals are designated as official signatories for the Borough of Pennington:

- 1 Mayor Anthony Persichilli
- 2 Borough Administrator - Eugene Dunworth
- 3 Finance Officer - Sandra Webb
- 4 Council President – Eileen Heinzl

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2009 – 1.6**

RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH COUNCIL FOR THE YEAR 2009

WHEREAS, in 2009 the Pennington Borough Council will meet at Borough Hall for their Regular Meetings on the first Monday of each month starting at 7:00 PM unless noted below:

January 5, 2009 (Reorganization and Regular Meetings)

February 2, 2009

March 2, 2009

April 6, 2009

May 4, 2009

June 1, 2009

July 6, 2009

August 3, 2009

September 14, 2009

October 5, 2009

November 2, 2009

December 7, 2009

December 28, 2009

- Reorganization meeting to be held on Monday, January 4th, 2010, immediately followed by the Regular Council Meeting;

NOW THEREFORE BE IT RESOLVED that the meeting schedule for the Borough Council of the Borough of Pennington is set forth as stated above.

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2009 – 1.7**

**RESOLUTION FIXING THE RATE OF INTEREST AND YEAR-END PENALTY FOR
DELINQUENT REAL ESTATE TAX PAYMENTS**

WHEREAS, R.S. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes or assessments on or before the date when they would become delinquent, subject to maximum rates provided by law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, that property taxes shall be due and payable quarterly on February 1st, May 1st, August 1st, and November 1st of each year with a ten-day grace period, after which such taxes, if remaining unpaid, shall become delinquent and interest shall be charged thereon from the date the tax was first payable to the date of actual payment, at the following rates: eight percent (8%) per annum on the first \$1,500 of the delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.; and

BE IT FURTHER RESOLVED, that payments on delinquent accounts shall be credited first to the first \$1,500 of the delinquency and then to the balance of the delinquency, and once the first \$1,500 of the delinquency has been paid, the interest rate shall be eighteen percent (18%) on the balance of the delinquency regardless of the amount of such balance; and

BE IT FURTHER RESOLVED, that a year-end penalty of six percent (6%) shall be assessed on the last day of the fiscal year on the full amount of delinquent accounts with delinquencies in excess of \$10,000.; and

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Borough Auditor.

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2009 – 1.8**

RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2009

WHEREAS, Pennington Borough Council elects to establish for its members certain committees of Council as will assist it in the coming year; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The following committees of Council are hereby created, each to consist of 3 members, of whom one shall be chair and two shall be Committee members:
 - a. Personnel
 - b. Public Safety
 - c. Public Works
 - d. Finance
 - e. Community Service

Each such committee shall monitor the functioning of Borough Government within its subject area and shall report regularly thereon to Council, making such recommendations for action by the governing body as the committee deems appropriate. No such committee shall have decision-making powers with respect to any administrative or policy matter.

2. One member of Council shall serve as liaison to the following Boards:
 - a. Planning and Zoning Board
 - b. Senior Advisory Board
 - c. Library Board
3. The chairpersons and members of the above committees and the above liaisons shall be appointed by the Mayor with the advice and consent of Council.
4. Appointments and assignments by the Mayor for 2009 are set forth in the attached list. All such appointments and assignments are hereby approved.

Record of Council Vote on Passage

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

Appointments / Re-Appointments to Local Boards

Planning Board

- Borough Official - William Meytrott – Term – 1/1/2009 to 12/31/09
- Council Representative – Eileen Heinzel – Term – 1/1/2009 to 12/31/09

Economic Development

- Rachel Donington-Torpey – Reappointed – Term 1/1/2009 to 12/31/2013
- Michael Rothwell – Reappointed – Term 1/1/2009 to 12/31/2009
- Chris Murphy – Reappointed – Term 1/1/2009 to 12/31/2009
- J. Michael Townsend III – Reappointed Term 1/1/2009 to 12/31/2009

Environmental Commission

- Council Representative – Eileen Heinzel – Term – 1/1/2009 to 12/31/2009

Board of Health (w/Council Approval)

- Council Representative – Weed Tucker – Term – 1/1/2009 to 12/31/2009

Library Board of Trustees (w/Council Approval)

- Council Representative – Eileen Heinzel – Term 1/1/2009 to 12/31/2009
- Tamara Alito – Unexpired Term to December 31,2011

Shade Tree Commission (w/Council Approval)

- Sean Burns – Reappointed – Term 1/1/2009 to 12/31/2013
- Gabe Rosko – Reappointed – Term 1/1/2009 to 12/31/2013
- Council Representative – Tom Ogren Term 1/1/2009 to 12/31/2009

Senior Advisory Board (w/Council Approval)

- Robert Riley – Reappointed – Term 1/1/2008 to 12/31/2010

Parks and Recreation (w/Council Approval)

- Council Representative – Kit Chandler – Term 1/1/2009 to 12/31/2009

Council Member Tucker made a motion to approve appointments to the Library Board of Trustees, second by Council Member Lawver with all members present voting in favor.

Council Member Heinzel made a motion to approve appointments to the Shade Tree Commission, second by Council Member Lawver with all members present voting in favor.

Council Member Tucker made a motion to approve appointments to the Senior Advisory Board, second by Council Member Heinzel with all members present voting in favor.

Council Member Tucker made a motion to approve appointments to the Parks and Recreation Commission, second by Council Member Heinzel with all members present voting in favor.

Council Member Tucker made a motion to adjourn the Reorganization Meeting, second by Council Member Chandler with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk