

**Pennington Borough Council  
Regular Meeting – April 6, 2009**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:01 pm. Borough Clerk Betty Sterling called the roll with Council Members Griffiths, Heinzl, Lawver, Ogren, and Tucker in attendance. Council Member Chandler was absent.

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 and on the Borough Website according to the regulations of the Open Public Meetings Act.

**Flag Salute**

Mayor Persichilli asked everyone to stand for the Flag Salute.

**Approval of Minutes**

There were no minutes for approval.

**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 Proclamations:

**PROCLAMATION**

***WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and*

***WHEREAS**, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and*

***WHEREAS**, Arbor Day is now observed throughout the nation and the world, and*

***WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and*

***WHEREAS**, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and*

***WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and*

***WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal, and*

***WHEREAS**, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,*

***NOW, THEREFORE**, I Anthony J. Persichilli, Mayor of the Borough of Pennington do hereby proclaim Friday, April 24<sup>th</sup>, 2009 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and*

***FURTHER**, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.*

**EMS Week Proclamation**

*To designate the Week of May 17-23, 2009, as Emergency Medical Services Week*

**WHEREAS**, emergency medical services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, emergency medical dispatchers, educators, administrators and others; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, emergency medical services are provided to the residents of the Borough of Pennington by the Union Fire Company & Rescues Squad, the Pennington First Aid Squad, the Pennington Fire Company, the Hopewell Fire Department Emergency Medical Unit, and Hopewell Valley Emergency Services; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

**THEREFORE**, I Anthony J. Persichilli, Mayor, Borough of Pennington, New Jersey in recognition of this event do hereby proclaim the week of May 17-23, 2009, as

**EMERGENCY MEDICAL SERVICES WEEK**

*With the theme, EMS: A proud partner in your community.*

Mayor Persichilli recognized Zoning Officer, John Flemming to speak on the African American Cemetery. Mr. Flemming introduced Paul Roveda who is interested in doing an Eagle Scout Project for the Boy Scouts which involves improving and cleaning up the African American Cemetery. Mr. Flemming explained that as part of the project, Paul would like to put up a sign for the cemetery as there is a lot of history there. Mr. Flemming explained that the problem is that he can not approve the Zoning Application for the sign because under the ordinance he is only allowed to approve signs within a very limited range when it comes to residential property and secondly he can not approve the sign because the African American Cemetery Sign is not going to be on property owned by the cemetery. Mr. Flemming stated that the owner of the cemetery and the homeowner of the property where the sign will be placed have both given permission for the sign, however he can not approve the request. Mr. Flemming stated that he is seeking a way for Borough Council to approve the sign eliminating Paul having to go before the Planning Board which would involve application and escrow fees. Mr. Flemming stated that his recommendation would be to approve the request. Mr. Flemming stated that the sign will not be in violation of the site triangle, it will not pose any public threat and the public benefits speak for themselves. Mr. Flemming stated that the Borough placed signs at the entrances to Pennington Borough and they were not approved by the Zoning Officer. Those signs were put up by the Council, therefore setting a precedent. Mr. Bliss explained that Mr. Flemming's theory is that Pennington Borough would become the sponsor of the sign and therefore would not be subject to the Zoning Ordinance. Paul Roveda explained that maintenance and upkeep of the sign would be done by the Cemetery Association. Mr. Flemming stated that Paul has letters from the Cemetery Association which gives permission and support of the project. Mr. Flemming stated that the sign is only a small part of the project; however the sign encourages people to visit an important piece of Pennington history that presently very few people know about. Mr. Flemming answered questions from Council Members and upon a voice vote; all members present were in favor of allowing the sign.

**Oath of Office**

Mayor Persichilli asked Officer Joseph Maccaquano to come forward. Mayor Persichilli stated that Mr. Maccaquano is Pennington's newest Patrol Officer. Mr. Maccaquano had a number of family members in attendance, his mother held the Bible while Borough Attorney Walter Bliss administered the oath of office. Mayor Persichilli welcomed Officer Maccaquano and wished him well. Mr. Maccaquano thanked Mayor and Council for the opportunity.

Mr. Tucker recognized Officer Burroughs, Officer Offermann and Officer Steve Friedman who were also in attendance. Mr. Tucker stated that Officer Friedman has been with the Pennington Police Department for nineteen years. Mr. Tucker stated that as the Senior Officer, Officer Friedman will be named Acting Sergeant of the Pennington Police Department. Mr. Meytrott came forward to pin the Sergeant's badge on Officer Friedman.

**Presentations**

A presentation by the Hopewell Valley Veteran's Association was scheduled; however no one was in attendance.

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2009-5 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009-5**

**AN ORDINANCE PROVIDING FOR THE POSITIONS CHIEF  
FINANCIAL OFFICER/TAX COLLECTOR AND DEPUTY TAX COLLECTOR AND FURTHER  
AMENDING THE SALARY ORDINANCE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, on August 4, 2008, Borough Council of the Borough of Pennington adopted Ordinance 2008-7, entitled "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 2008," effective August 14, 2008 (hereafter "Salary Ordinance");

**WHEREAS**, the Salary Ordinance confirms the titles of officers and employees of the Borough and establishes their respective compensation, and the Ordinance remains in effect until amended or superceded;

**WHEREAS**, Borough Council now seeks to amend the Salary Ordinance effective on or after June 1, 2009 to consolidate the two existing positions of Municipal CFO(p/t) and Tax Collector into the position Municipal CFO/Tax Collector (p/t) but no change in hourly compensation is intended at this time;

**WHEREAS**, Borough Council further seeks to amend the Salary Ordinance effective on or after June 1, 2009 to create the new position of Deputy Tax Collector and to establish therefor the annual salary of \$16,000.;

**WHEREAS**, Borough Council also seeks to amend the Salary Ordinance effective on or after June 1, 2009 for the position of Utility Collector to change the salary for the position of Utility Collector to \$16,000;

**WHEREAS**, Borough Council further amends the Salary Ordinance effective on or after June 1, 2009 to make the existing position Technical Assistant to Construction a salaried position at the annual salary of \$10,000.;

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

1. The aforesaid Salary Ordinance is hereby amended and supplemented effective June 1, 2009 as follows:

A. The table of salaried positions in Section a. is amended to delete the position of "Tax Collector" and the related maximum annual salary of "18,386.36" and to substitute therefor the position of "Deputy Tax Collector" and the related maximum annual salary of "16,000.00."

B. The table of salaried positions in Section a. is amended to change the maximum annual salary for the position "Utility Collector" from "\$25,465.80" to "16,000.00."

C. The table of salaried positions in Section a. is further amended to change the compensation of "Technical Assistant to Construction" from "\$15.60/hour" to the maximum annual salary of "\$10,000.00."

D. The table of hourly employees in Section d. of the Salary Ordinance, under the caption "Finance," is amended to change the title "Municipal CFO(p/t)" to "Municipal CFO/Tax Collector(p/t)."

2. All other provisions of the aforesaid Salary Ordinance shall remain in full force and effect.

3. This ordinance shall take effect on June 1, 2009, after adoption and publication as provided by law.

Council Member Tucker made a motion to introduce Ordinance 2009-5, second by Council Member Ogren with all members present voting in favor.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2009-3 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009-3**

**AN ORDINANCE INCREASING FEES FOR USE OF PARK  
FACILITIES AND AMENDING CHAPTER 143 OF THE  
CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Chapter 143 of the Code of the Borough of Pennington regulates use of the Borough's parks, playgrounds and recreation areas;

**WHEREAS**, Chapter 143 provides that no organization (whether formal or informal) or group of people of 25 or more shall utilize park facilities without first obtaining a permit, that no person shall remain in any park between the hours of dusk and sunrise except by special permit, and no person shall sell or offer for sale any object or merchandise or any other thing within the park without first obtaining a permit;

**WHEREAS**, Chapter 143 further provides that permits shall be issued by the Borough Clerk in compliance with a specified procedure beginning with written application and payment of fees;

**WHEREAS**, Borough Council seeks to amend the permit fees for use of park facilities which have not been changed since 1974;

**WHEREAS**, pursuant to the amendment the fee for a basic permit will be increased from \$25 to \$50 and any additional fee for use of electricity will be eliminated;

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

1. Section 143-4, subsection B, providing for the payment of fees for park permits, is hereby amended to read as follows:<sup>1</sup>

“B. Permits shall be issued upon the payment of a fee of [\$25]50. [An additional fee of \$10 will be charged for the use of electricity.]”

2. This ordinance shall take effect upon final passage and publication as provided by law.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2009-3, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Heinzl. Mr. Ogren stated that since this Ordinance was introduced he has had some thoughts about whether the fee for community based non-profit organizations. Mr. Ogren stated that the increase to \$50.00 may be too steep of an increase. After some discussion as to who would determine whether or not the applicant should get the lesser fee, Council decided to leave the fee as proposed. Council Member Lawver made a motion to adopt Ordinance 2009-3, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Ogren who voted no.

Mayor Persichilli read Ordinance 2009-4 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009- 4**

**AN ORDINANCE CLARIFYING ENFORCEMENT OF MANDATORY SNOW REMOVAL BY  
PROPERTY OWNERS AND AMENDING ARTICLE I OF CHAPTER 177  
OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Article I of Chapter 177 of the Code of the Borough of Pennington requires property owners and tenants to remove snow and ice from the sidewalks in front of or bordering on their lands within 12 hours of daylight after same has fallen or formed ;

**WHEREAS**, the said Article I presently provides overlapping means of enforcement, one involving notice by Borough Police to the delinquent property owner or tenant directing removal of the snow and ice forthwith and upon failure of the owner or tenant to do so, clearance of the snow or ice by the Department of Public Works with a bill to the property owner for the cost, same to become a lien against the property; the other involving issuance of a summons to the owner or tenant and imposition of a fine or fines with each day the snow or ice remains to be considered a separate offense;

**WHEREAS**, Borough Council seeks to amend existing enforcement provisions to ensure that clearance of snow and ice by the Department of Public Works, albeit at the expense of the property owner,

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<sup>1</sup>Deletions are bracketed [ ]; new language is underlined \_\_\_\_

is optional on the Borough's part and does not relieve property owners and tenants from their obligations under the ordinance;

**WHEREAS**, Borough Council further amends existing enforcement provisions to relieve the Police Department of having to notify property owners and tenants before Public Works may remove snow or ice or Police may issue a summons to the owner or tenant for failing to remove snow and ice;

**WHEREAS**, Borough Council also intends to clarify the basis for reimbursement in the event the Department of Public Works must remove snow and ice that the owner or tenant is required to remove;

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

1. Section 177-2 of Article I of Chapter 177 of the Code of the Borough of Pennington is hereby amended as follows:<sup>2</sup>

In case such owner or owners, tenant or tenants of any land abutting or bordering upon any public street, avenue or highway in said borough shall neglect or refuse to remove such snow and ice within 12 hours of daylight after the same shall have fallen, or formed, or to spread the same with salt, ashes or sand as hereinbefore provided, [it shall be the duty of the Pennington Borough Police Department to notify, where possible, such owner or owners, tenant or tenants to forthwith remove said snow and ice from the sidewalk in front of or bordering on such land; and where impossible, to notify such owner or owners, tenant or tenants by reason of their non-residence or absence from said borough, or where, having given such notices such owner or owners, tenant or tenants, shall fail to forthwith comply with said notice,] the Department of Public Works [shall] may remove or cause to be removed such snow or ice from the sidewalk in front of or bordering on such land or to [be] spread or cause same to be spread with salt, ashes or sand as hereinbefore provided.

2. Section 177-3 of Article I of Chapter 177 is hereby amended as follows:

The cost paid and incurred by the borough for removing such snow and ice from any sidewalk or for spreading same with salt, ashes or sand, as the case may be, shall be certified to the Mayor and Council of the borough, which shall examine the certificate and, if found to be [current] reasonable, shall cause such costs to be charged against the abutting lands. The amounts so charged shall thereupon become a lien and tax upon such real estate and be added to and become a part of the taxes next to be levied and assessed thereon. Computation of charges shall be based on the following rates:

A. Equipment hourly rates, including the time required to mobilize and demobilize from the site, shall be as follows:

- (1) Snow blower: \$25.00
- (2) Service truck: \$60.80
- (3) Dump truck: \$60.80
- (4) Deicer: cost.

B. Labor hourly rates, including the time required to mobilize and demobilize from the site, shall be as follows:

- (1) Foreman: \$81.15
- (2) Operator: \$59.30
- (3) Laborer: \$59.30.

C. For overtime (OT), a multiplier will be applied to labor rates equal to the highest applicable multiplier from the following :

- (1) Work before 7:30 a.m.: 1.5
- (2) Work after 3:30 p.m.: 1.5
- (3) Work on Saturday: 1.5
- (4) Work on Sunday: 2.0
- (5) Work on Borough-recognized holidays: 2.0
- (6) Continuous work in excess of 12 hours.

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2009-4, second by Council Member Lawver. Mr. Bliss stated that Mr. Wittkop reviewed the Ordinance and made suggestions on how to improve the cost assessment feature of the Ordinance. Mr. Bliss stated that the language introduced at first reading has been modified based on Mr. Wittkop's recommendation that the fees be based on the approach used in the sewer ordinance where there are special charges imposed for municipal involvement. Mr. Bliss reviewed the changes made to the originally introduced Ordinance. Mr. Bliss

<sup>2</sup>Deletions are indicated by brackets [ ]; new language is underlined.

stated that because of these changes being made he would request that the public hearing on this Ordinance be carried to the May Borough Council meeting. Mr. Lawver stated by having charges imbedded in the ordinance it becomes a complicated process to make changes. Mr. Lawver asked if a chart of charges could be developed with a clause stating that the charges would be amended annually as part of the budget process. Mr. Lawver stated that any Ordinances done could refer to the chart of charges so that individual ordinances would not have to be amended, the chart could be amended possibly by resolution. Mr. Bliss stated that it could be done. Council agreed that a chart of charges would be a good idea. Mr. Lawver stated that the Public Works Committee could take a look at developing a chart of charges. Based on the discussion and the changes made to the Ordinance, it was agreed that the public hearing on Ordinance 2009-4 be carried to the May 4, 2009 meeting.

**Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Ms. Heinzl reported that the Library Board met on March 26<sup>th</sup>, to discuss the annual fundraiser hosted by the Friends of the Public Library, which will be held at the Hopewell Train Station on May 7<sup>th</sup>, 2009. Ms. Heinzl stated that this event will feature Pam Anderson, a local author. Ms. Heinzl stated that the volunteer tea will be held at the Library on April 24<sup>th</sup>, featuring the dedication of the kiosk in memory of Anne Hutchinson. Ms. Heinzl reported an increase in participation for the book group that meets once a month as well as an increase in children’s programs. Ms. Heinzl reported that April is amnesty month when all overdue fees are waived.

Ms. Heinzl reported that the Environmental Commission met on March 16<sup>th</sup> to discuss Pennington Day events, with the focus this year being on water conservation and recycling education. Ms. Heinzl reported that April 22<sup>nd</sup> is Earth Day and there are luminaries for sale at local area businesses. Ms. Heinzl stated that the proceeds of the sale will benefit the Hopewell Valley Green Market which will be in Hopewell Borough on Friday, April 17<sup>th</sup>, featuring a movie night followed by activities on Saturday, April 18<sup>th</sup> at the Train Station.

Ms. Heinzl reported that the Planning Board met on March 11<sup>th</sup> to hear a continuation of the Slover application at the corner of Academy and Burd Street. Ms. Heinzl stated that this application is to seek approval to build a shed in what is essentially their front yard. Ms. Heinzl stated that the Planning Board approved the application with two conditions. Ms. Heinzl stated that one of the conditions is that the Slover’s have a hold harmless agreement with the Borough regarding the trees that are planted, which are in the Public Right of Way.

**Public Works / Economic Development** – Mr. Lawver gave the following report for water and trash:

**PENNINGTON BOROUGH PUBLIC WORKS**

**TO:** Joseph Lawver, Chairman  
Public Works Committee

**FROM:** Jeff Wittkop, Superintendent

**DATE:** April 6, 2009

**RE:** **COUNCIL REPORT FOR THE MONTH OF MARCH 2009**

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**WATER**

Water pumped for the month of March 2009- 8,285,000  
Daily- 267,200

Water pumped for the month of March 2008- 8,362,000  
Daily- 269,700

For the month of March 2009 we averaged 2,500 gallons less/more per day than 2008.

**TRASH**

86.49 tons of household trash for the month of March 2009 vs. 70.90 tons in March 2008

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

Mr. Lawver stated that the Public Works Committee did meet in March to discuss a water filtration system for well 8. Mr. Lawver stated that the design prepared by Van Note Harvey was approved; the next step will be advertising for bids if the Resolution on the agenda for later is approved. Mr. Lawver stated that hopefully the water filtration system can be completed by August so that additional water will be available for peak usage. Mr. Lawver stated that the Public Works Committee continues to discuss the need for a new water tower and a new water source.

Ms Heinzel asked why leaves have to be bagged this time of year. Mr. Wittkop explained that the leaf vacuum can only pick up pure leaves and this time of year when residents are cleaning up their yards there is a lot of other debris mixed in with the leaves.

Mr. Lawver encouraged all residents to consider what chemicals are being used on lawns and flower beds. Mr. Lawver stated that Pennington Borough is dependent on ground water as all of our water comes from wells. Mr. Lawver stated that well contamination from over fertilization would be very costly for Pennington Borough. Mr. Lawver encouraged the use of organic or natural fertilizers.

A brief discussion took place with regard to instituting seasonal billing for water.

**Personnel** – Mr. Ogren stated that the Personnel Committee did not meet. Mr. Ogren updated Council on the proposed extension of the Lawrence-Hopewell Trail. Mr. Ogren stated that he had a meeting with the Hopewell Township Administrator and representatives from Bristol Myers Squibb, along with DEP, and representatives from the Lawrence- Hopewell Trail to discuss permitting. Mr. Ogren stated that permitting will be a major hurdle for this project. Mr. Ogren stated that a follow up meeting will be held this month.

**Community Services** – Ms. Chandler was not in attendance.

**Public Safety** – Mr. Tucker reported that Director Meytrott has represented the Borough at various events this past month. Mr. Tucker reported that Mr. Meytrott has been attending meetings of the Pennington Day Committee. Mr. Tucker reported that the location of Pennington Day has been shifted to the south between Academy and Welling Avenue. Mr. Tucker stated that West Delaware Avenue will be open to vehicular traffic all day.

Mr. Tucker reported the following statistics for the month of March:

215	Motor Vehicle Stops
93	Warnings issued
12	Parking Summonses Issued
0	DUI Summonses
122	Motor Vehicle Summonses
2	Adult Male Arrests
3	Adult Female Arrests
1	Juvenile Arrest

**Finance** – Mr. Griffiths reported that the Finance Committee is close to finalizing the budget for 2009, keeping any tax increase minimal. Mr. Griffiths stated that some minor items need to be resolved. Mr. Griffiths stated that the Public Works Union negotiation is the single largest outstanding variable that needs resolution.

**New Business**

**Borough of Pennington  
Resolution #2009-4.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be made to Recreation Foundation of Hopewell Valley, Inc., PO Box 491, Pennington, NJ 08534 for a balance of escrow for work related to the Back Timberlane Fields, in the amount of \$3,369.42.

**BE IT RESOLVED**, that a refund be made to East Welling Ave Real Estate, LLC, c/o Jay Tauber, 43 East Welling Avenue, for an escrow balance for engineering inspections on property located on Block 1004, Lot 2, 43 East Welling Avenue, in the amount of \$305.00.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2009-4.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2009 – 4.2**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,069,523.12 from the following accounts:

Current	\$ 805,862.61
W/S Operating	\$ 180,694.84
Grant Fund	\$ 19,815.08
Animal Control Fund	\$ 314.00
Trust Fund	\$ 200.00
Developers' Escrow	\$ 57,229.93
COAH Trust Fund	\$ 105.00
Water/Sewer Capital	\$ 5,059.66
Recreation	\$ 242.00
<b>TOTAL</b>	<b>\$ 1,069,523.12</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2009-4.2, second by Council Member Lawver. Council Member raised questions on specific bills on the bill list. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2009-4.4**

**RESOLUTION AUTHORIZING ADVERTISEMENT  
FOR PUBLIC BIDS FOR WELL 8 WATER  
TREATMENT SYSTEM CONTRACT**

**WHEREAS**, the Borough of Pennington seeks to construct a complete, functioning water treatment system at existing Well 8 in the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the Borough Clerk is hereby authorized to advertise for public bids for the construction of the said water treatment system at Well 8 pursuant to plans and specifications for the project prepared by Van Note Harvey Associates in compliance with applicable law.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-4.4, second by Council Member Ogren with all members present voting in favor.

**Borough of Pennington  
Resolution #2009-4.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE  
2009 TEMPORARY BUDGET**

**WHEREAS**, the 2009 Budget for the Borough of Pennington has not been adopted; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made in the 2009 Temporary Budget for the Current Account.

Administration	Salaries	\$ 2,500.00
Administration	Other Expense	\$ 1,000.00
Municipal Clerk	Salaries	\$ 10,000.00
Finance	Salaries	\$ 7,500.00
Tax Collection	Salaries	\$ 7,000.00
Tax Collection	Other Expense	\$ 1,000.00
Tax Assessment	Salaries	\$ 5,000.00
Legal Services	Other Expense	\$ 15,000.00
Engineering Services	Other Expense	\$ 20,000.00
Planning Board	Salaries	\$ 10,000.00
Construction	Salaries	\$ 7,500.00
Group Insurance	Other Expense	\$ 50,000.00
Police	Salaries	\$ 75,000.00
Prosecutor	Salaries	\$ 1,000.00
Streets	Salaries	\$ 35,000.00
Streets	Other Expense	\$ 25,000.00
Trash	Salaries	\$ 20,000.00
Trash	Other Expense	\$ 20,000.00
Shade Tree	Salaries	\$ 1,500.00
Recreation	Salaries	\$ 3,000.00
Library	Salaries	\$ 25,000.00
Library	Other Expense	\$ 25,000.00
Electricity	Other Expense	\$ 4,000.00
Street Lighting	Other Expense	\$ 5,000.00
Telephone	Other Expense	\$ 1,000.00
Gas (Natural/Propane)	Other Expense	\$ 6,000.00
Gas, Fuel, Lubricants	Other Expense	\$ 5,000.00
Social Security	Other Expense	\$ 15,000.00
Municipal Court	Salaries	\$ 6,000.00
<b>Total</b>		<b>\$ 409,000.00</b>

**BE IT FURTHER RESOLVED**, that the following additional funds be appropriated for the 2009 Temporary Budget for the Water and Sewer Fund:

Water	Salaries	\$ 20,000.00
Water	Other Expense	\$ 35,000.00
Sewer	Salaries	\$ 20,000.00
Group Insurance	Other Expense	\$ 50,000.00
<b>TOTAL</b>		<b>\$ 125,000.00</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2009-4.3, second by Council Member Ogren with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2009-4.5**

**RESOLUTION AUTHORIZING ESCROW AGREEMENT FOR  
HOUSING TRUST FUND WITH THE BANK OF PRINCETON  
AND THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, the Borough of Pennington may impose, collect and spend development fees and establish an affordable housing trust fund (hereafter "Affordable Housing Trust Fund") that includes such

fees and other funds collected in connection with the Borough's affordable housing program in accordance with P.L.2008, c.46 and the regulations of COAH at N.J.A.C. 5:97-8.1, et seq.;

**WHEREAS**, the Borough of Pennington seeks to enter into an agreement with The Bank of Princeton, 2 Highway 31 South, Pennington, New Jersey ("the Bank") establishing the requirements for its Affordable Housing Trust Fund, pursuant to an escrow agreement in the form prescribed by COAH, to be approved and entered into by the Borough, the Bank and COAH;

**WHEREAS**, the proposed form of such agreement, entitled "Escrow Agreement for Development Fees," is annexed hereto;

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

1. The attached "Escrow Agreement for Development Fees" is hereby approved by the Borough, and the Mayor of the Borough, with the attestation of the Clerk, is hereby authorized to enter into that Agreement on behalf of the Borough.

2. The aforesaid "Escrow Agreement for Development Fees" shall be executed in triplicate by all parties.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2009-4.5, second by Council Member Heinzel. Mr. Tucker asked if the Escrow account was included when the Borough consolidated all accounts into one bank. Mr. Griffiths explained that when the Borough requested proposals for banking services, the escrow account was not included as the Borough was satisfied with the services provided by Bank of America. Mr. Tucker asked if banking services were being reviewed periodically. Mr. Griffiths stated that the administrative labor involved with changing banks is great and it would not be a good idea to change banks unless there were very distinct advantages. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli stated that Resolution 2009-4.6 would be discussed in closed session.

**Borough of Pennington  
Resolution #2009-4.7**

**RESOLUTION APPROVING RAFFLE LICENSE RA:1-09 FOR  
ST. MATTHEWS EPISCOPAL CHURCH**

**WHEREAS**, St. Matthews Episcopal Church submitted a raffle application on March 27<sup>th</sup>, 2009 for a raffle to take place on May 19, 2009 and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period is satisfied on April 3, 2009; and

**WHEREAS**, St. Matthews Episcopal Church meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, St. Matthews Episcopal Church in accordance with law, will submit the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA:1-09 for St. Matthews Episcopal Church be approved; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk will forward the annexed Findings and Determinations for RA:1-09 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-4.7, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington  
Resolution #2009 – 4.8**

**RESOLUTION APPOINTING CHARLES T. WATSON AS REPRESENTATIVE TO THE  
STONYBROOK SEWERAGE AUTHORITY**

**WHEREAS**, Eric Wilkinson has resigned as Pennington Borough’s representative to the Stonybrook Sewerage Authority; and

**WHEREAS**, it is the desire of Mayor Anthony Persichilli to appoint Charles T. Watson, Jr. to serve as representative to the Stonybrook Sewerage Authority;

**NOW, THEREFORE BE IT RESOLVED**, by Borough Council of the Borough of Pennington that the Mayor’s appointment of Charles T. Watson, Jr. to serve as representative to the Stonybrook Sewerage Authority be ratified and confirmed.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-4.8, second by Council Member Heinzel. Mr. Lawver stated that Mr. Watson has agreed to serve on a trial basis. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington  
Resolution #2009 – 4.9**

**A RESOLUTION AUTHORIZING FINAL PAYMENT REQUEST (PAYMENT REQUEST NO. 4)  
TO DESANTIS CONSTRUCTION, INC., FOR WORK COMPLETED ON THE BROOKSIDE  
AVENUE RECONSTRUCTION CONTRACT**

**WHEREAS**, DeSantis Construction, Inc. has completed all work pursuant to the Brookside Avenue Reconstruction Contract (VNHA #36354-500-52) relating to storm sewers, concrete curbs, sidewalks and aprons and bituminous concrete paving on Brookside Avenue; and

**WHEREAS**, Van Note Harvey Associates, P.C. has previously approved payments for same pursuant to the Contractor’s Requests for Payments No. 1 through 3 (\$131,748.24) less two percent (2%) retainage (\$2,634.95), the net paid therefore amounting to \$129,113.29; and

**WHEREAS**, pursuant to Resolution 2009-3.8, Borough Council has authorized Change Order No. 2 increasing the contract price by \$800.00 for extra work performed; and

**WHEREAS**, Van Note Harvey Associates, P.C. has inspected and approved the improvements that have been constructed and has determined that work is 100% complete and has recommended that final payment be made equal to the retainage (\$2,634.95) and Change Order No. 2 (\$800.00); and

**WHEREAS**, this is the final payment under the contract;

**WHEREAS**, funds are available in account #: G-02-44-931-000-250

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that final payment to DeSantis Construction, Inc. in the amount of \$3,434.95 pursuant to payment request No. 4 is hereby authorized.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2009-4.9, second by Council Member Ogren Tucker with all members present voting in favor.

**Council Discussion**

There were no items for Council discussion.

## **Administrator's Report**

**Lyme Disease Program** – Mr. Dunworth reported that the Health Department will be holding a Lyme Disease awareness program on April 21<sup>st</sup> at 6:30 at Hopewell Township Municipal Building.

**12 North Main Letter on Parking Lot** – Mr. Dunworth stated that the owners of 12 North Main Street, across the parking lot, have written a letter complaining about the parking lot. Mr. Dunworth stated that he went over to look at the parking lot to see the problem. Mr. Dunworth stated that the lip where the parking lot meets their entryway to the building has a fairly wide gap which they have identified as a trip hazard. Mr. Dunworth stated that there is also a fairly decent crack in the pavement. Mr. Lawver stated that he will look at the cracks with Jeff and see if it is something that the Borough can repair.

**Outdoor Dining** – Mr. Dunworth stated that the Borough has three potential locations for outdoor dining, Emily's, Cup of Joe and Vito's. Mr. Dunworth reminded Borough Council that an ordinance was passed last year regulating outdoor dining in the public right of way. Mr. Dunworth stated that letters have gone out to each location and providing the establishments get their paperwork in to the Borough Clerk in time, a resolution can be done at the next meeting.

**Edmunds & Associates** – Mr. Dunworth stated that each year Edmunds and Associates offers a program to raise funds for the Crohn's and Colitis Foundation. Mr. Dunworth stated that the request is for a contribution of \$250.00 which would then be deducted from a future invoice for software support. Mr. Dunworth stated that the Borough has done this for the past several years. Discussion took place as to whether the Borough should make contributions. Mr. Ogren questioned whether the Borough could legally make a contribution such as this one. Mr. Dunworth stated that Borough Auditor, Bob Morrison, has approved this in past years. Mr. Dunworth stated that it has also been approved in other municipalities where he has worked. After some discussion, Council Member Lawver made a motion to make a \$250 contribution, second by Council Member Griffiths with all members present voting in favor with the exception of Mr. Ogren who voted no.

Mr. Dunworth stated that Mr. Wittkop entered the building on a Sunday night and every light in the Council room was on. Mr. Dunworth stated that Irene comes in early each day and after meetings, court etc. the lights are left on all night. Mr. Dunworth stated that he is trying to spread the word that if a function is held in the Borough Council room at night, that someone turn out the lights. Mr. Dunworth stated that he has posted a sign over the light switch asking that the lights be turned off. Discussion took place with regard to installing infrared sensors on light switches.

Mr. Dunworth stated that he has contacted the new representative for PSE & G, to discuss solar concepts. Mr. Dunworth asked Council Members to let him know if they are interested in attending the meeting.

Mr. Dunworth stated that last week a cable television station came in and used the Council Room to film a documentary. Mr. Dunworth stated that this prompted a discussion of whether there should be a charge for using the Council Room. Mr. Bliss stated that there was no violation of law in allowing use of the building. Mr. Bliss stated that the only issue was evenhandedness toward those who would want to use the building. Mr. Bliss stated that the problem with a past practice that lets people use the building is that eventually there will be a user that causes some concerns. Mr. Bliss explained that it would be better to have a policy in place that applies to everyone and may or may not include fees. Mr. Dunworth stated that the Discovery Channel that used the room last week is a profit making entity as this documentary would be aired on television. Mr. Bliss stated that there may be non-profits such as religious groups that would like to have services or activities. Mr. Bliss stated that there could be any number of situations. Mr. Bliss stated that it is not a good idea to let groups use the room unless there is a policy regulating usage of the room.

Ms. Heinzel stated that the Library wanted to hold a jewelry event in the Library, with fifty percent of the profits being made on the sale of jewelry being given as a donation to the Library. Ms. Heinzel stated that after speaking with Mr. Dunworth and Mr. Bliss it was determined that it would not be a good idea.

Mr. Dunworth stated he would check with the League of Municipalities and Mr. Bliss suggested Princeton Borough for policies use of public buildings.

## **Professional Reports**

Mr. Meytrott stated that Joseph Maccaquano's family had very nice comments about their son working in such a nice town.

## **Public Comment Period**

There were no comments from the public.

## **Closed Session**

**AT, 8:33 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:

Personnel – Municipal Judge

AT, 8:52 PM, Mayor and Council returned to open session.

**Borough of Pennington  
Resolution #2009 – 4.6**

**RESOLUTION APPOINTING MUNICIPAL COURT JUDGE**

**WHEREAS**, Judge Robert C. Billmeier was appointed Municipal Court Judge for a three year term beginning January 1, 2007; and

**WHEREAS**, Judge Billmeier resigned as Municipal Court Judge effective March 16, 2009; and

**WHEREAS**, it is now the desire of the Mayor of the Borough to appoint Eric M. Perkins to complete the unexpired term of Municipal Court Judge through December 31, 2009;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the appointment of Eric M. Perkins as Municipal Court Judge for a term commencing immediately and ending December 31, 2009 is hereby approved; and it is

**FURTHER RESOLVED**, that the annual salary for the Municipal Court Judge for the term commencing immediately and ending December 31, 2009 shall be \$10,384.47 per year.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler				absent	Lawver	X			
Griffiths	X				Ogren	X			
Heinzel	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2009-4.6, second by Council Member Heinzel with all members present voting in favor.

At 8:55 pm, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Lawver.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk