

**Pennington Borough Council
Regular Meeting – June 1, 2009**

Council President, Eileen Heinzl called the Regular Meeting of the Borough Council to order at 7:04 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzl, Lawver, Ogren, and Tucker in attendance. Mayor Persichilli was absent.

Also present were Borough Administrator, Eugene Dunworth and Borough Attorney, Walter Bliss.

Ms. Heinzl 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

Ms. Heinzl asked everyone to stand for the Flag Salute.

Approval of Minutes

Council Member Tucker made a motion to approve the minutes of the April 6, 2009, Regular Meeting, second by Council Member Ogren. Upon a roll call vote all members present voted in favor of approving the minutes.

Council Member Tucker made a motion to approve the minutes of the May 4, 2009, Regular Meeting, second by Council Member Chandler. Mr. Ogren clarified a statement that he made referenced on page 6 of the minutes. Upon a roll call vote, all members present voted in favor of approving the minutes as corrected.

Council Member Tucker made a motion to approve the minutes of the May 11, 2009, Special Meeting, second by Council Member Lawver. Upon a roll call vote, all members present voted in favor of approving the minutes.

Open to the Public – Agenda Items Only

Ms. Heinzl read the following statement:

The meeting is now 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 on agenda items.

Mayor's Business

Ms. Heinzl stated that Mayor Persichilli would have liked to be here to recognize Irene Billings upon her retirement. Ms. Heinzl stated that on behalf of the Mayor, she would like to read a Proclamation honoring Irene for her 25 years of service with the Borough. Ms. Heinzl announced the Irene Billings has retired effective today, June 1, 2009.

Ms. Heinzl read the following proclamation:

**Proclamation by the Mayor and Borough Council
Of Pennington, New Jersey
Recognizing and Honoring
Irene Billings**

WHEREAS; Irene Billings, began her work for Pennington Borough in May 1984 and will be retiring effective June 1, 2009; and

WHEREAS; Irene Billings has held numerous positions including Tax Collector, Utility Collector, Deputy Clerk, Registrar, Construction Assistant, and Court Recorder, and

WHEREAS; during this time she has worked with many different Mayors, Borough Council Members, Administrators and staff, all working to make Pennington Borough what it is today; and

WHEREAS; Irene Billings has been greeting and serving the residents of Pennington Borough at the front desk in Borough Hall for 25 years; and

WHEREAS; all in the Pennington Community have come into contact with Irene Billings whether by phone or in person in one way or another; and

WHEREAS; in all areas of her life and work, Irene Billings has established a standard of excellence and a work ethic to which others might strive.

NOW, THEREFORE, BE IT PROCLAIMED THAT, the Mayor and Council of the Borough of Pennington hereby express their thanks and congratulations to Irene Billings. We also wish to extend to her our community's best wishes for happiness and good health on this the 1st day of June 2009.

Ms. Heinzl announced the resignation of Dan Pace from his position on the Open Space Committee.

Ms. Heinzl announced that the Borough has received notice of a Safe Routes to Schools grant award in the amount of \$220,000. Ms. Heinzl asked Mr. Ogren to summarize what the components of the project will be. Mr. Ogren stated that the grant will be used for construction costs for improvements primarily at two key intersections used by students, Main and Curlis and West Delaware and Green Street. Mr. Ogren stated that there is a third intersection that will also have some improvements and that is Burd and Curlis. Mr. Ogren stated that students attending the Tollgate School will benefit from the improvements to Main and Curlis and students attending both the Pennington School and the Middle and High Schools will benefit from improvements to West Delaware and Green. Mr. Ogren stated that the improvements will include improvements and realignment of curbs which will shorten the distance pedestrians have to travel and hopefully slow down the traffic. Mr. Ogren stated that the key feature of the project will be pedestrian activated walk signals that will stop traffic at Main and Curlis and at West Delaware and Green Street. Ms. Heinzl asked if Mr. Ogren could give an idea of a timeline for this project. Mr. Ogren stated that he would have a better idea of that after a meeting with DOT on June 13th. Mr. Tucker congratulated and thanked Mr. Ogren for his work on this grant.

Presentations

Ms. Heinzl asked Kim Bruno of the Youth Advisory Board to come forward to make a presentation on a proposed Teen Center. Ms. Bruno introduced Sarah Richert and Sophie Howard. Ms. Bruno gave some background on the Youth Advisory Board and what they have been working on. Ms. Bruno explained that the Youth Advisory Board was formed and works under an ordinance enacted by Hopewell Township. Ms. Bruno stated that there are twelve high school age members who are chosen through an application process. Ms. Bruno explained that his particular project has been a two-year project. Ms. Bruno stated that when the Youth Advisory Board was first formed in 2006, teens were asked what they felt was needed in Hopewell Valley and the response was a Teen Center. Ms. Bruno stated that the Board then began to research what would be involved. Ms. Bruno stated that some research was done in 1996 through the Municipal Alliance that identified needs in Hopewell Valley, one need being a Teen Center. Ms. Bruno stated that in 2006 a survey was created by the Board to see if other teens were interested in a Teen Center and the results were shared with Hopewell Township in 2007. Ms. Bruno stated that Hopewell Township asked the Board to go out and do further research and come back with what a model Teen Center would look like for Hopewell Valley. Ms. Bruno stated that for the last two years that is what the Youth Advisory Board has been working on. Ms. Bruno along with Sarah and Sophie, presented a power point presentation to Borough Council outlining the work they have done, estimated costs, and funding sources. Ms. Bruno explained that this is the first step towards reaching their goal and they are making this same presentation to Hopewell Borough and Hopewell Township seeking municipal support. Ms. Bruno answered questions from Borough Council Members. Ms. Heinzl thanked the Youth Advisory Board members for a well done presentation.

Ordinances for Introduction

Ms. Heinzl read Ordinance 2009-7 by title.

BOROUGH OF PENNINGTON ORDINANCE #2009-7

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 2009

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

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

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

Borough Administrator – Part Time	\$ 15,000.00
Borough Clerk	\$35,797.68
Treasurer	\$56,787.52
Tax Collector – Jan 1, 2009 – May 31, 2009	\$18,754.09
Deputy Clerk	\$17,046.58
Utility Collector – Jan 1, 2009 – May 31, 2009	\$25,975.12
Deputy Tax Collector – Eff. June 1, 2009	\$16,000.00
Utility Collector – Eff. June 1, 2009	\$ 16,000.00
Technical Assistant to Construction –Eff. June 1, 2009	\$ 10,000.00

Tax Assessor	\$13,293.44
Zoning Officer	\$7,391.40
Land Use Admin/Admin Asst.	\$43,079.80
Deputy Registrar	\$1,861.48
Supt. of Public Works	\$50,596.39
Supt. of Water Dept.	\$21,530.21
Supt. of Sewer Dept.	\$21,530.21
Judge of Municipal Court – Jan 1, 2009 to March 16, 2009	\$10,592.16
Judge of Municipal Court – April 1, 2009	\$10,384.47
Prosecutor	\$3,520.80
Court Administrator	\$14,513.07
Public Safety Director	\$51,834.09
Construction Official	\$22,932.18
Plumbing Sub-Code	\$34.43/hour
Fire Sub-Code	\$34.43/hour
Electric Sub-Code	\$9,178.89
Technical Assistant to Construction – Jan 1, 2009 to May 31, 2009	\$15.91/hour

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

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$25.00	\$69.14
Municipal Tax Collector (p/t)		
Effective June 1, 2009	\$25.00	\$69.14
Police Department:		
Crossing Guards	\$15.00	\$22.06
Special Police	\$16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$8.00	\$19.85
Part Time/Temporary/Licensed	up to a maximum of	\$33.75

SECTION II: Employee/Personnel Manual.

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

SECTION III:

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

SECTION IV:

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

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2009.

Council Member Tucker made a motion to introduce Ordinance 2009-7, second by Council Member Griffiths with all members present voting in favor.

Ms. Heinzl read Ordinance 2009-8 by title.

**BOROUGH OF PENNINGTON
COUNTY OF MERCER**

ORDINANCE NO. 2009-8

**CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and

WHEREAS, the Mayor and Borough Council of the Borough of Pennington in the County of Mercer finds it advisable and necessary to increase its CY 2009 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$21,138.39 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary, and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pennington, in the County of Mercer a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$73,984.35 and that the CY 2009 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Council Member Tucker made a motion to introduce Ordinance 2009-8, second by Council Member Chandler. Mr. Ogren asked the reason for doing this ordinance since we are not exceeding the 2.5 percent cap. Mr. Dunworth stated that the general theory behind this ordinance is that it allows the Borough more flexibility with the cap by establishing a cap bank. Mr. Dunworth stated that it does not necessarily mean that the Borough will spend the money but it allows the Borough to increase the cap bank. Mr. Dunworth explained that this is a pro-forma ordinance that the Borough does each year. Upon a roll call vote all members present voted in favor of introduction of the Ordinance.

Ordinances for Public Hearing and Adoption

Ms. Heinzl read Ordinance 2009-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2009-6**

**ORDINANCE EXCLUDING POSITION OF MUNICIPAL COURT ADMINISTRATOR FROM
DCRP MEMBERSHIP, RECOGNIZING IT AS A PERS POSITION AND AMENDING CHAPTER
49 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the State Legislature has adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1, et seq.) to create the Defined Contribution Retirement Program ("DCRP") to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each municipality to adopt an ordinance to identify the positions in that municipality which shall be eligible for participation and shall be required to participate in the DCRP pursuant to the criteria set forth in that statute and related guidelines issued by the Local Finance Board in the Department of Community Affairs;

WHEREAS, N.J.S. 43:15C-2 requires to participate in the DCRP any person who commences service on or after the effective date of the statute (July 1, 2007) in any employment, office or position or in any agency, board, commission, authority or instrumentality of the municipality pursuant to an appointment by an elected official or elected governing body that requires the specific consent or approval of the elected governing body of the municipality that is substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State;

WHEREAS, explicitly excluded from the coverage of the statute, among others, are persons otherwise eligible for membership in the Police and Firemen's Retirement System, persons employed or appointed in the normal course pursuant to routine employment and appointment procedures, persons who hold a professional license or certificate to perform and are performing as a certified health officer, tax assessor, tax collector, municipal planner, chief financial officer, registered municipal clerk, construction code official, licensed uniform subcode inspector, qualified purchasing agent, or certified public works manager, persons with a base salary of less than \$1,500. per year, and persons receiving a benefit as a retiree from any other State or locally-administered pension fund or retirement system established in New Jersey;

WHEREAS, in December 2008 Borough Council adopted an ordinance specifying the positions deemed to be eligible for and required to participate in the Defined Contribution Retirement Program;

WHEREAS, that ordinance, now having been codified as Article I of Chapter 49 of the Code of the Borough of Pennington, specifies that the position of Municipal Court Administrator is required to participate in DCRP;

WHEREAS, the Division of Local Government Services of the New Jersey Department of Community Affairs has determined that, contrary to its guidance heretofore, the position of Municipal Court Administrator should not be required to participate in DCRP and should be recognized as a PERS position;

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

1. Section 49-1 of Article I of Chapter 49 of the Code of the Borough of Pennington, specifying Eligible Positions, is hereby amended as follows:¹

“Pursuant to the criteria prescribed by law, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Borough Administrator;
- b. Municipal Prosecutor;
- c. Municipal Court Judge[;]
- d. [Municipal Court Administrator].

2. Section 49-2 of Article I of Chapter 49 of the Code, specifying Exempt Positions, is hereby amended as follows:

“Pursuant to the prescribed criteria, individuals serving in the following Borough positions are exempt from membership in the Defined Contribution Retirement Program:

- a. Tax Collector;
- b. Chief Financial Officer;
- c. Construction Code Official;
- d. Tax Assessor;
- e. Municipal Clerk;
- f. Uniform Subcode Inspectors;
- g. Superintendent of Public Works[.];
- h. Municipal Court Administrator.”

3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1, et seq.) as may be amended from time to time, and any regulations or guidelines issued by the Local Finance Board in the Department of Community Affairs or the Division of Pensions and Benefits in the Department of Treasury.

4. Should any part of this ordinance be held to be invalid by any court of competent jurisdiction, such invalidity shall only affect the part or parts of the ordinance held to be invalid and all other parts shall remain in effect.

5. A copy of this ordinance shall be filed with the Director of the Division of Pensions and Benefits of the New Jersey Department of Treasury.

6. This ordinance shall take effect upon its passage and publication as required by law.

¹As used herein, brackets [] denoted language or punctuation to be deleted; underlining _____ denotes new language or punctuation.

Council Member Tucker made a motion to open the public hearing on Ordinance 2009-6, second by Council Member Lawver. There were no comments from the public. Council Member Tucker made a motion to close the public hearing on Ordinance 2009-6, second by Council Member Lawver. Council Member Tucker made a motion to adopt Ordinance 2009-6, second by Council Member Lawver with all members present voting in favor.

Introduction of 2009 Budget

Ms. Heinzel stated that next on the agenda is Resolution 2009-6.4, a resolution to introduce the 2009 budget. Council Member Griffiths made a motion to introduce the budget, second by Council Member Tucker. Mr. Griffiths explained that the introduced budget is comprised of \$3.3 million in operating expense excluding DOT projects and \$1.254 in operating expense for water and sewer. Mr. Griffiths stated that the Borough will be receiving \$572,000 in grants. Mr. Griffiths stated that the total non-tax revenue projected is \$1.1 million and tax revenue anticipated is \$2.2 million. Mr. Griffiths explained that the net of all these numbers is a tax rate of 42.2 cents that will produce a 1.4 percent increase in taxes which is equivalent to \$33.00 per household for the year or .64 cents per week. Mr. Griffiths stated that the Borough was able to keep this budget as low as it is with a minimal increase because of the Borough staff that help to keep the budgets in line. Mr. Griffiths stated that there are no reductions in staff, no enforced furloughs or layoffs, no service cuts despite the loss of \$8,000 in State Aid and several unfavorable tax appeal rulings, not to mention the worst economy in about 70 years. Mr. Griffiths stated that going forward the focus will be on expense management, debt reduction and cost management and cost reduction related to shared services. Mr. Griffiths stated that at the next meeting a 30 year/\$7 million plan will be presented for managing capital expenses with the goal being to retire existing debt as soon as possible. Mr. Griffiths stated that the plan will include planned replacement of existing infrastructure and equipment, significant upgrades to infrastructure including a new well and water tower and solar arrays will also be discussed. Mr. Griffiths stated that the idea of the 30 year plan will be to sequence these expenses so that we introduce them as we pay down debt so that we can avoid excessive tax consequences in a given year. Mr. Ogren thanked Mr. Griffiths for his excellent guidance and leadership on this budget. Mr. Ogren stated that the budget is very reasonable given the circumstances. Upon a roll call vote, all members present voted in favor of introduction of the budget. Ms. Heinzel announced that the Public Hearing and Adoption of the budget is scheduled for the July 6th Meeting.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzel reported that the Library Board met on May 28th to discuss events that the Library has hosted in the past month including an author's event and Pennington Day. Ms. Heinzel reported that upcoming events include a reception to be held Saturday, June 6th in honor of Nora Ducharme, a long time Library volunteer who passed away this past year. Ms. Heinzel stated that the Library received memorial donations in memory of Nora Ducharme and with the money the Library was able to purchase new computers and some upgrades to the children's area. Ms. Heinzel stated that plans for the Summer Children's program are underway. Ms. Heinzel stated that the children's program will meet every Wednesday for the month of July.

Ms. Heinzel reported that the Planning Board did not meet in May, but is scheduled to meet on June 10th.

Ms. Heinzel reported that the Environmental Commission met in May to discuss Pennington Day. Ms. Heinzel stated that the presentation by the Environmental Commission at Pennington Day focused on water conservation and recycling education. Ms. Heinzel stated that the Environmental Commission will be participating at the Pennington Farmers Market. Ms. Heinzel stated that the grand opening of the Farmers Market will be June 6th and the Farmers Market will continue every Saturday for the next 22 weeks from 9 to 1 at the Pennington Quality Market.

Public Works / Economic Development – Mr. Lawver reported that the Economic Development Commission met in May and they will also be represented at the Pennington Farmers Market with a new "Shop Pennington" brochure to hand out. Mr. Lawver stated that a presentation by Liz Muoio of the Mercer County Economic Development Office was heard. Mr. Lawver stated that Ms. Muoio shared information that the Economic Development Commission can share with local businesses in town relating to small business loan programs and other grant and assistance programs that are available.

Mr. Lawver stated that the Public Works Committee has not met in a while, but will be scheduling a meeting soon. Mr. Lawver stated that one issue that is continuing to percolate is Well 8 which was awarded at the last meeting. Mr. Lawver stated that the DEP is still holding up the needed permits so as of yet a notice to proceed has not been issued to the contractor.

Mr. Lawver stated that he has begun working with the Senior Advisory Board as well as Hopewell Township and Hopewell Borough on developing a survey that will look to dig deeper into the needs of the senior community. Mr. Lawver stated that the survey is being funded by Hopewell Township and hopefully results of the survey will be available by year end.

Mr. Lawver stated that unofficially he has been told that Bob Riley will be resigning from the Senior Advisory Board, so the Borough will be looking for a replacement to fill that vacancy.

Personnel – Mr. Ogren reported that the Personnel Committee met to initiate a discussion of retiree health benefits and discussion will continue at a meeting to be held this week.

Mr. Ogren reported that this Saturday, June 6th is National Trails Day after attending the Farmers Market he would encourage residents to head over to Kunkel Park to follow the Pennington Loop Trail. Mr. Ogren stated that newly printed trail guides will be available at the entrance to the trail.

Community Services – Ms. Chandler reported that Pennington Parks and Recreation met on May 12th to finalize plans for the Memorial Day Parade which was held on May 25th and was a big success. Ms. Chandler stated that the summer calendar of events is out and the next event to be held will be the July 4th races at the Pennington School track.

Public Safety – Mr. Tucker reported that no incidents were reported for Pennington Day or Memorial Day. Mr. Tucker stated that all of Pennington’s Police Officers were present for Pennington Day. Mr. Tucker stated that by and large, Pennington Day was a great success. Mr. Tucker congratulated the chairs of Pennington Day along with the scores of volunteers who worked on all phases of the event. Mr. Tucker also congratulated Pennington Parks and Recreation on another successful Memorial Day Parade.

Mr. Tucker reported that the Hopewell Valley Veteran’s event was held and included a fly over this year. Mr. Tucker congratulated the Veteran’s Association on a job well done.

Mr. Tucker reported that Pennington First Aid Squad held an open house; several Pennington and Hopewell Township Police Officers attended.

Mr. Tucker reported the following statistics for the Month of May:

- 244 Motor Vehicle Stops
- 36 Parking Summonses Issued
- 116 Warnings Issued
- 2 Thefts
- 1 Domestic Violence Reports
- 2 Adult Male Enforcement Arrests
- 3 Adult Female Enforcement Arrests

Finance – Mr. Griffiths had no further report.

New Business

**Borough of Pennington
Resolution #2009-6.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Aaron Stover, 411 Hale Street, Pennington, NJ 08534 for an overpayment of second quarter 2009 taxes in the amount of \$2,414.88 for Block 904, Lot 4.

BE IT RESOLVED, that a refund be issued to National City, c/o First American R/E Tax Services, P.O. Box 961250, Fort Worth, TX 76161-9887 for an overpayment of second quarter 2009 taxes in the amount of \$4,878.26 for Block 403, Lot 40.

BE IT RESOLVED, that a refund be issued to Washington Mutual Home Loans Inc., c/o First American R/E Tax Services, P.O. Box 961250, Fort Worth, TX 76161-9887 for an overpayment of second quarter 2009 taxes in the amount of \$2,428.29 for Block 503, Lot 6.

BE IT RESOLVED, that a refund be issued to American Home Mortgage Servicing, Inc. P.O. Box 13919, Durham, NC 27709 for an overpayment of second quarter 2009 taxes in the amount of \$151.51 for Block 403, Lot 29.

BE IT RESOLVED, that a refund be issued to American Home Mortgage Servicing, Inc. P.O. Box 13919, Durham, NC 27709 for an overpayment of second quarter 2009 taxes in the amount of \$77.01 for Block 301, Lot 19.

BE IT RESOLVED, that a refund be issued to American Home Mortgage Servicing, Inc. P.O. Box 13919, Durham, NC 27709 for an overpayment of second quarter 2009 taxes in the amount of \$117.69 for Block 905, Lot 27.

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	M				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2009-6.1, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 6.2**

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 \$ 256,069.70 from the following accounts:

Current	\$ 165,041.11
W/S Operating	\$ 83,727.88
Grant Fund	\$ 4,017.81
Trust Fund	\$ 200.00
Developers' Escrow	\$ 2,250.50
COAH Trust Fund	\$ 232.40
General Capital	\$ 600.00
TOTAL	\$ 256,069.70

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	M				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2009-6.2, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2009–6.3**

**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.

Municipal Clerk	Salaries	\$ 5,000.00
Tax Collection	Salaries	\$ 2,000.00
Planning Board	Salaries	\$ 2,000.00
Construction	Salaries	\$ 2,500.00
Police	Salaries	\$ 25,000.00
LOSAP	Other Expense	\$ 1,105.00
Streets	Salaries	\$ 12,000.00
Municipal Court	Salaries	\$ 5,000.00
Total		\$ 54,605.00

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

Water	Salaries	\$ 15,000.00
Sewer	Salaries	\$ 15,000.00
TOTAL		\$ 30,000.00

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	M				Ogren	X			
Heinzel	X				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2009-6.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2009-6.5**

**RESOLUTION APPOINTING TAX COLLECTOR
AND DEPUTY TAX COLLECTOR**

WHEREAS, Irene Billings will retire as Tax Collector of the Borough of Pennington effective June 1, 2009, after many years of distinguished service;

WHEREAS, Sandra Webb, currently the Chief Financial Officer of the Borough, is a State-certified tax collector qualified to serve as Tax Collector while also performing her other duties for the Borough;

WHEREAS, Sandra Webb is willing to serve as Tax Collector on a part-time basis, and the Borough would be fortunate to have the benefit of her services in this capacity;

WHEREAS, Wayne Blauth is currently in training to become certified as a Tax Collector and is able and willing to support Sandra Webb in the performance of her tax collection functions, reserving to her all duties and decision-making which are the sole responsibility of the Tax Collector according to law;

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

1. Sandra Webb is hereby appointed Tax Collector of the Borough of Pennington for the unexpired term of her predecessor commencing June 1, 2009 and expiring December 31, 2011, to serve on a part-time basis for the compensation provided in the Borough Salary Ordinance.
2. Wayne Blauth is hereby appointed Deputy Tax Collector of the Borough of Pennington effective June 1, 2009, to serve in that position part-time, without prescribed term, in support of the Tax Collector, for the compensation provided in the Salary Ordinance.
3. The duties of the Deputy Tax Collector shall be limited to the performance of support functions, reserving to the Tax Collector all duties and decision-making which are the sole responsibility of the Tax Collector under New Jersey law.
4. The Deputy Tax Collector shall not be authorized to act for or in the place of the Tax Collector in her absence.

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	M			
Heinzel	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2009-6.5, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2009-6.6**

**RESOLUTION APPROVING RAFFLE LICENSE RA:2-09 FOR
THE PENNINGTON SCHOOL PARENTS ASSOCIATION**

WHEREAS, The Pennington School Parents Association submitted a raffle application on May 15th, 2009 for a raffle to take place on November 14, 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 May 22, 2009; and

WHEREAS, The Pennington School Parents Association 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, The Pennington School Parents Association 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:2-09 for The Pennington School Parents Association be approved; and

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward the annexed Findings and Determinations for RA:2-09 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	X				Lawver	X			
Griffiths	X				Ogren	S			
Heinzel	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2009-6.6, second by Council Member Ogren with all members present voting in favor.

Council Discussion

Fence Agreement – 400 Reading Street – Mr. Bliss stated that this was discussed at the last meeting and he has prepared an agreement for the potential new owners similar to the one that the Borough had with the Vanderschaafs. Mr. Bliss referred to the draft agreement and resolution. Ms. Sterling stated that she inadvertently omitted the copies of the proposed Resolution and agreement from the Borough Council packets. Mr. Bliss stated that this was for discussion only and will not be acted on until the new owners close on the property. Council Members were in favor of entering into an agreement with the new owners when the time comes.

Liquor License Follow-up Discussion – Mr. Lawver stated that prior to spending time moving forward on sale of a liquor license, he wanted to get a sense from Borough Council as to whether or not it made sense to proceed. Ms. Chandler stated that at the open forum meeting held on May 11th there was a sense that residents are more in favor of a restaurant as opposed to a bar, so that should be considered very carefully. Ms. Chandler stated that the other concern was the amount of money the Borough would receive from the sale of a liquor license and the fact that if the license did not sell for the benchmark amount than there really was no point in going forward. Ms. Chandler stated that she felt that Mr. Reuter made a good point with regard to what value with a liquor give to the town other than the dollar value. Ms. Chandler stated that this is also a concern that she has. Ms. Heinzel stated that she agrees that the non-economic benefits also need to be considered with regard to how this would change the feel of the town. Mr. Ogren pointed out that though this might be a one time revenue source, if the funds were used to retire outstanding debt as planned than the impact would be felt over many years. Ms. Heinzel stated that the forum that was held was well done and she was pleased with the amount of residents that came to the meeting and mostly what was heard was overwhelming support for sale of a license. Mr. Ogren stated that some of the concerns expressed could be addressed through the requirements that the Borough can set on the license. Mr. Lawver stated that he would contact and meet with Mr. Bliss to begin the process.

Engineering Costs – Safe Routes to Schools – Mr. Lawver stated that this concern has been resolved and funds will be available in the Engineering budget. Mr. Lawver stated that letters have gone out to Hopewell Valley Regional School Board and to the Pennington School asking for assistance with engineering costs for this project.

Ms. Chandler stated that the crosswalk at Main and Academy has yet to be addressed and would anything be happening with that intersection. Ms. Chandler stated that she thought that several years ago there was talk of putting pedestrian crossing markers in the crosswalk to remind motorists that they need to stop at a crossroad. Ms. Chandler asked if these markers could be included in this project. Ms. Heinzel stated that as she recalled there was some concern expressed by Mercer County. Mr. Lawver stated that Mercer County said that the Borough could put up the markers, but the Borough would have to buy, install and maintain the markers. Ms. Chandler stated that it is important to heighten awareness about the crosswalk at Main and Academy and others and if possible include them in this project. Mr. Ogren stated that he would look into it.

Administrator’s Report

Comp Time Request – Mr. Dunworth stated that Mr. Wittkop has submitted his bi-annual request for payment of comp time as per his court settlement. Mr. Dunworth stated that this request is for the period of December 2008 through May 2009. Mr. Dunworth stated that during that period Mr. Wittkop accrued 188 hours of comp time which at his hourly rate of \$44.14 amounts to \$5,208.52. Mr. Dunworth stated that the majority of the work during this period was for pumps and meters and snow removal. Ms. Chandler asked how often these requests come before Council and how many years the Borough has been doing this. Mr. Dunworth stated that the requests are made twice a year and have been going on since before he became Administrator. Ms. Chandler asked if there were any way to evaluate the requests and come up with an annual amount so that Borough Council could eliminate this procedure. Mr. Dunworth stated that the terms of payment are outlined in the settlement agreement. Mr. Dunworth stated that there was some discussion a couple years ago about a possible solution to this problem that fell apart before an agreement could be reached. Mr. Lawver stated that going forward the amount of Mr. Wittkop’s comp time hours will change because the Borough will shortly have a third licensed operator who will be paid overtime through the payroll. Mr. Lawver stated that this conversation comes up every two or three years and at this point we should just understand that this will continue until Mr. Wittkop retires at which point the Borough will more carefully construct a contract. Mr. Tucker made a motion to approve payment of comp time to Mr. Wittkop in the amount of 188 hours at \$44.14, second by Council Member Lawver with all members present voting in favor.

Senior Center Bathroom – Mr. Dunworth stated that Mr. Bill Farmer came into the office regarding the issue of bringing the bathroom at the Senior Center into compliance with handicap requirements. Mr. Dunworth stated that this has been a topic of discussion for some time. Mr. Dunworth stated that several projects have been completed at the Senior Center and this is the last one that needs to be done. Mr. Dunworth stated that Mr. Farmer has obtained three quotes. Mr. Dunworth stated that he thinks the quotes are rather high. Mr. Dunworth stated that there is a balance of approximately \$3,200 in an old grant account that could be used towards this project. Mr. Dunworth stated that the quotes are significantly higher than the \$3,200 so Mr. Farmer will be back after he finds a funding source for the balance of the estimate.

Note Sale – Mr. Dunworth stated that this past week the Borough had a bond note sale to roll-over Bond Anticipation Notes for one year. Mr. Dunworth stated that the amount is around \$1.8 million and the interest rate received is 1.7 percent. Mr. Dunworth stated that the paperwork will be completed this week.

Professional Reports

There were no comments from professionals.

Public Comment Period

Ms. Heinzl asked anyone wishing to speak to come forward and state their name and address for the record and to limit comments to a maximum of five minutes.

There were no comments from the public.

At 8:42 pm, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Lawver.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk