

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

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:05 pm. Borough Clerk Betty Sterling called the roll with Council Members Heinzl, Lawver, and Tucker in attendance. Council Member Ogren and Chandler were absent and Council Member Griffiths arrived at 7:12pm.

Also present were Borough Administrator, Eugene Dunworth, Borough Auditor Bob Morrison, 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.

Mayor Persichilli stated that Mr. Griffiths was on his way to the meeting but would be about another ten minutes. Ms. Sterling advised Mayor Persichilli to skip to Committee Reports as Mr. Griffiths presence was required to make a quorum for the meeting and to vote on agenda items requiring action.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzl reported that the Library Board did not meet in June. Ms. Heinzl reported that a reception/memorial was held in memory of Nora Ducharme on June 6th. Ms. Heinzl stated that memorial donations made in Nora Ducharmes name enabled the Library to buy new computers for the public to use. Ms. Heinzl reported that the Library Summer Reading Program kicked off July 1st and will run every Wednesday for the month of July. Ms. Heinzl stated that the Library will also be holding Middle School book discussion held in the Library on July 24th and August 21st.

Ms. Heinzl stated that the Planning Board met on June 10th. Ms. Heinzl stated that an extension of time was granted for a variance application at 129 East Delaware. Ms. Heinzl stated that an application was heard for the new business that opened at 10 North Main Street, Transform Crossfit. Ms. Heinzl stated that the question before the board was whether the use of the space was within the Town Center Ordinance and the Planning Board determined that the business does fit within the permitted uses in the Town Center. Ms. Heinzl briefly described that nature of the business owned by Tracy Garito. Ms. Heinzl stated that the application was approved and the Board found that a variance was not necessary. Ms. Heinzl stated that the Planning Board will meet again on July 8th and there are three applications on the agenda.

Ms. Heinzl stated that the Environmental Commission met on June 15th to discuss ongoing projects including education outreach to be held at the Pennington Farmers Market which is going very well. Ms. Heinzl stated that the Farmers Market is held every Saturday and will run through October.

Public Works / Economic Development – Mr. Lawver reported that the Public Works Committee met on June 18th to discuss several items. Mr. Lawver stated that the Public Works Committee has authorized Van Note Harvey to proceed with the design work for Lower King George Road and for the Delaware and Green Street and the Main and Curlis Crossings that are part of the Safe Routes to Schools Grant Program. Mr. Lawver stated that the Burd Street project will begin on or about June 29th. Mr. Lawver stated that a meeting was held on June 27th with the contractor and the DOT and then a meeting with residents was held in the evening that same day. Mr. Lawver stated that work on water lines is completed and the contractor is aware of the tight schedule in order to finish the work prior to Labor Day. Mr. Lawver reported that the Well 8 project is still on hold awaiting DEP approval. Mr. Lawver stated that the rain during the month of June has been helpful and the Borough also has contingency plans in place to pump some of the other wells harder than in the past, as well as to implement water conservation measures if necessary. Mr. Lawver reported that work continues with commercial property owners to replace large meters in an attempt to decrease unaccounted for water issues, however some commercial property owners have not been as responsive as the Borough would like and issuance of violation letters will be the next step. Mr. Lawver stated that new groundwater/stormwater regulations have been issued by the State and the Borough will be preparing standard operating procedures to comply with new regulations. Mr. Lawver stated that later tonight a resolution will be presented in support of an energy audit for the Borough. Mr. Lawver stated that the Borough has chased down the last of the stimulus dollars that were available and sadly the Borough will be receiving zero dollars from stimulus funds. Mr. Lawver stated that none of the Borough's street projects or energy conservation projects were eligible for funding as Pennington is too small. Mr. Lawver stated that the Solar Array Project will be turned over to the Finance Committee to determine if funds are available through the budget. Mr. Lawver stated that the Borough has authorized PSE & G to replace some of the old mercury vapor lights with new induction lighting. Mr. Lawver stated that somewhere around forty lights will be replaced. Mr. Lawver stated that residents may notice that the new lights are a little bit brighter. Mr. Lawver stated that the Borough will save about \$700.00 per year. Mr. Lawver stated that the biggest draw on energy is the 100 to 150 incandescent lights in the Borough, which PSE & G has no plans for replacement at this time.

Mr. Lawver reported that the Economic Development Commission met and they will be going around to businesses with another round of questions regarding parking. Mr. Lawver stated that the Economic Development Commission is trying to find a way to encourage merchants to have their employees park

farther away from downtown in an effort to free up more spaces downtown and in the Borough parking lot for customers. Mr. Dunworth stated that the parking lot has become very problematic in the morning and it is getting really hard for Borough employees to find long term places to park. Discussion took place with regard to whether 12 North Main is fully occupied. Acting Sergeant Friedman pointed out that many of the long term parking spaces are utilized by the employees of the dentist across the street. Mr. Dunworth stated that on Wednesdays when the Library holds the children's program the parking lot is impossible. Mr. Lawver stated that he strongly encourages the Borough Employees to find spots up North Main Street because additional Borough owned parking is not in the foreseeable future. Mr. Lawver stated that the Borough needs to find ways to free up spots in the Borough lot and the only way to do that is to encourage employees who park all day long to find other places to park. Mr. Lawver explained the process of performing a detailed parking analysis which would involve either a large time commitment from a volunteer or group of volunteers or a large expenditure to have an outside company perform the analysis. Mr. Lawver stated that the easy answer to the parking problem is to put up more parking, though that may not solve the problems. Mr. Lawver stated that other alternatives are to install parking meters, change timing on parking spots, etc. Mr. Lawver stated that a study would help determine what is needed, but the Borough does not have the resources to conduct such a study. Mr. Lawver stated that employee parking is the "low hanging fruit". Mr. Lawver stated that it is known that employees are parking in the lot and that spaces are tied up for six or eight hours a day. Mr. Lawver stated that getting employees to park elsewhere would free up spots for people coming into shop. Mr. Dunworth stated that not to push the issue to far, he is compelled to say that he has talked to people who work here in the Borough Hall and there is a feeling that this is a municipal building, built by the municipality and the employees of the municipality should be able to park relatively close to the municipal building. Mr. Lawver stated that he understands that, but he also knows that the owners of businesses on Main Street think that having employees park elsewhere would free up spots in the lot for customers. Mr. Lawver stated that there is a limited resource and the lot is not going to get any better. Mr. Tucker inquired as to the status of the parking across the street at the Dentist office. Ms. Heinzl stated that the time to appeal the decision of the appellate division has passed, so the Dentist office should be able to proceed with their project. Mr. Lawver stated that the employees of the Dentist office currently park in the municipal lot. Mr. Lawver also stated that they are only constructing nine parking spaces. Mayor Persichilli stated that he is still talking to parties in town to try to work out something for more parking spaces.

Mayor Persichilli stated that as everyone is aware, Mr. Ogren was instrumental in obtaining a grant in the amount of \$240,000 as part of the Safe Routes to Schools Program. Mayor Persichilli explained that these funds would be used to make some repairs at intersections near the Tollgate Grammer School and The Pennington School. Mayor Persichilli stated that two weeks ago he sent out letters to both The Pennington School and to the Superintendent of the Hopewell Valley Regional Schools saying that improvements would be made to these intersections which would benefit the two schools. Mayor Persichilli stated that in the letter he pointed out that these improvements would require engineering work that is not covered under the grant. Mayor Persichilli stated that he asked both the Pennington School and the Superintendent to help out the Borough with the engineering costs for this project. Mayor Persichilli stated that he will continue to talk to both parties.

Mr. Lawver gave the following report for Trash and Water for the month of June 2009:

PENNINGTON BOROUGH PUBLIC WORKS

TO: Joseph Lawver, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: July 2, 2009

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

WATER

Water pumped for the month of June 2009-		8,441,000
Daily-		281,367
Water pumped for the month of June 2008-		9,316,000
Daily-		310,500

For the month of June 2009 we averaged 29,000 gallons less per day than June 2008.

TRASH

90.57 tons of household trash for the month of June 2009 vs. 81.90 tons in June 2008

Leaves should now be placed in bags without any other debris and left open. CCR (Consumer Confidence Reports) for 2009 have been distributed.

Personnel – Mr. Ogren was absent, no report given.

Community Services – Ms. Chandler was absent. Ms. Heinzl reported that there was a great turnout for the July 4th races held at the Pennington School. Ms. Heinzl thanked Murray Peyton for taking charge of this event for that last 21 years.

Public Safety – Mr. Tucker reported that Officer Burroughs is attending EMT Training this month at the First Aid Squad and the Department is currently looking to schedule Officer Maccaquano for a course in the fall of 2009. Mr. Tucker reported that the purchase of new portable radios for the Police Department funded primarily from two sources; trust funds and funds from the Mercer County Prosecutors Forfeiture account. Mr. Tucker reported that on May 30th, the Pennington School held its annual graduation ceremony and on June 22nd, the Hopewell Valley High School held its graduation ceremony with no police issues reported at either event.

Mr. Tucker reported that a very successful Veteran's Program was held by the Hopewell Valley Veteran's Association. Mr. Tucker thanked Mr. Bill Meytrott and Mr. Ken Baker for their participation and hard work. Mr. Tucker stated that similar events are being planned for sometime in the future.

Mr. Tucker reported that Pennington Borough hosted the Mercer County Freeholders Meeting on June 25th. Mr. Tucker stated that the County Freeholders are taking their meetings on the road this year. Mr. Tucker stated that Mr. Meytrott was recognized at the meeting for his work with the Veteran's and others. Mr. Tucker thanked Mr. Meytrott for his service.

Mr. Tucker reported that Pennington Fire Company has assisted with several fires; one on Hallett Drive in Hopewell Township and one today on the corner of Main and Ingleside. Mr. Tucker stated that we are fortunate here in the Borough to have fire hydrants and water available. Mr. Tucker stated that one of the reasons that the fire on Hallett Drive was so disastrous was the lack of fire hydrants in the area.

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

136	Motor Vehicle Stops
65	Warnings Issued
86	Motor Vehicle Summonses
3	Adult Male Enforcement Arrests
3	Adult Female Enforcement Arrests
1	Juvenile Enforcement Arrest

Finance – Mr. Griffiths reported that the budget is scheduled for adoption later in the meeting. Mr. Griffiths reported that the increase represents 1.4 percent which amounts to a municipal tax rate of 42.2 cents. Mr. Griffiths stated that would represent an increase of \$31.62 per average household. Mr. Griffiths stated that he is working on a spreadsheet on capital expenses. Mr. Griffiths stated that the Borough has a very high level of debt relative to the historical and potential future situations and there are three major projects on the horizon; water meters, a new well and a new water tower. Mr. Griffiths stated that he has had discussions with Borough Auditor, Bob Morrison and until the year 2016, the Borough is better off trying to pay down debt. Mr. Griffiths stated that as of the year 2016 things look pretty good. Mr. Griffiths stated that smaller capital expenditures such as vehicle replacements are easier to absorb. Mr. Griffiths explained that construction of the new Public Works Facility has lead to the Borough having to be more careful about capital spending. Mr. Griffiths stated that the Finance Committee will be working on strategies on when and how aggressively the Borough will engage in capital expenses in excess of \$100,000 to \$200,000.

Approval of Minutes

Council Member Tucker made a motion to approve the minutes of the Regular Meeting of June 1st, 2009, second by Council Member Heinzl with all members present voting in favor.

Open to the Public – Agenda Items Only

Mayor Persichilli 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

Mayor Persichilli had no report.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2009-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2009-9**

**AN ORDINANCE DESIGNATING SOUTHBOUND BURD STREET A “STOP” STREET AT
INGLESIDE AVENUE (COUNTY ROUTE 631), AND AMENDING CHAPTER 200 OF THE
CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Borough of Pennington has requested Mercer County to eliminate existing “Yield” control facing westbound Ingleside Avenue traffic and erecting “Stop” signs on southbound Burd Street where it intersects Ingleside Avenue (County Route 631);

WHEREAS, the County Engineer has determined that in the interest of safety and the expeditious flow of traffic, Burd Street should be designated the “Stop” street and the existing “Yield” control on eastbound Ingleside Avenue should be removed;

WHEREAS, the Mercer County Board of Chosen Freeholders has adopted Resolution 2009-220 designating Ingleside Avenue between Main Street (County Route 640) and New Jersey Route 31 a “through street”, directing that the Yield signs facing westbound Ingleside traffic at Burd Street be removed and that Stop signs installed on the southbound Burd Street approach be installed, and these changes are in accordance with law;

WHEREAS, Article II of Chapter 200 of the Code of the Borough of Pennington (“Code”) designate stop intersections and the location of stop signs in the Borough;

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

1. Article II of the Code at Section 200-6 is hereby amended to add to the intersections designated as stop intersections and the locations of stop signs the following:

Intersection	Stop Sign on
Ingleside Avenue and Burd Street	Burd Street (southbound)

2. This ordinance shall be effective upon adoption and publication as provided by law.

Council Member Heinzl made a motion to introduce Ordinance 2009-9, second by Council Member Tucker. Mr. Lawver inquired as to how people would be educated on this change. Mr. Meytrott stated that the County will put up two signs indicating a new traffic pattern after the Yield Sign is removed and replaced with a Stop Sign. Upon a roll call vote, all members present voted in favor of Introduction of Ordinance 2009-9.

Ordinances for Public Hearing and Adoption

Mayor Persichilli 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 open the Public Hearing on Ordinance 2009-7, second by Council Member Lawver. There were no comments from the public. Council Member Lawver made a

motion to close the Public Hearing on Ordinance 2009-7, second by Council Member Tucker with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2009-7, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli 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 open the Public Hearing on Ordinance 2009-8, 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 2009-8, second by Council Member Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2009-8, second by Council Member Lawver with all members present voting in favor.

Public Hearing and Adoption of 2009 Budget

**Borough of Pennington
Resolution #2009-7.3**

**A RESOLUTION AUTHORIZING A SELF-EXAMINATION OF THE
2009 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PENNINGTON**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7-2 through 7-5, the Borough of Pennington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief

Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Pennington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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				absent
Heinzel	X				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2009-7.3, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009-7.4**

RESOLUTION TO ADOPT BUDGET FOR 2009

BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount:

- (a) \$2,212,047.00 - (item 2 below) for municipal purposes, and
- (b) - (item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation, and
- (c) - (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenue and appropriations.
- (d) \$ 52,434.87 - (sheet 43) Open Space, Recreation, Farmland & Historic Preservation Trust Fund Levy.

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	\$ 254,200.00	
Miscellaneous Revenue Anticipated	\$1,333,464.60	
Receipts from Delinquent Taxes	\$ 90,000.00	
2. Amount to be Raised by Taxation for Municipal Purposes (item 6(a), Sheet 11)		\$2,212,047.00
3. Amount to be Raised by Taxation for Schools in Type I School Districts Only: Item 6, Sheet 42		
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
Total Amount to be Raised by Taxation for Schools In Type 1 School Districts Only		
4. To be added to the Certificate for Amount to Be Raised by Taxation in Type II School Districts Only: Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
Total Revenues		\$ 3,889,711.60

SUMMARY OF APPROPRIATIONS

5. General Appropriations:
 Within "CAPS"
 (a&b) Operations Including Contingent \$ 1,887,325.21
 (e) Deferred Charges and Statutory Charges – Municipal \$ 179,852.50
 (f) Judgements
- Excluded from "CAPS"
 (a) Operations – Total Operations Excluded from "CAPS" \$ 843,533.89
 (c) Capital Improvements \$ 364,500.00
 (d) Municipal Debt Service \$ 374,500.00
 (e) Deferred Charges – Municipal \$ 20,000.00
 (n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)
 (g) Cash Deficit
 (k) For Local District School Purposes
 (m) Reserve for Uncollected Taxes (Include other Reserves) \$ 220,000.00
6. School Appropriations – Type I School Districts Only (N.J.S. 40A:4-13)
- Total Appropriations \$ 3,889,711.60

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				absent
Heinzel	X				Tucker	S			

Council Member Lawver made a motion to open the Public Hearing on the Budget for 2009, second by Council Member Tucker. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on the Budget for 2009, second by Council Member Tucker with all members present voting in favor. Council Member Lawver made a motion to approve Resolution 2009-7.4, second by Council Member Tucker. Mr. Tucker congratulated Glen Griffiths and the Borough Staff for coming up with a good budget during a very tough year. Mayor Persichilli seconded Mr. Tucker's comments and stated that he has heard good comments about the way people in this town run the budget in comparison to some other towns. Mr. Dunworth stated that it is important to mention that the budget includes the entire pension payment amount; the Borough did not take the State offer of deferring pension costs. Mr. Morrison stated that pension deferral is something you do only if you have to because it will end up costing twice as much in the long run. Upon a roll call vote, all members present voted in favor of adoption of the Budget for 2009.

New Business

**Borough of Pennington
Resolution #2009-7.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Hilda Poinsett of 7 George Street, Lawrenceville, NJ 08648 in the amount of \$25.00 for cancellation of Kunkel Park reservation.

BE IT RESOLVED, that a refund be issued to Tracey Garito, 1 Gregory Drive, Hamilton, NJ 08690 in the amount of \$200.00 for a refund for fees for Planning/Zoning Board application for property located on 10 North Main Street, Pennington, Block 205, Lot 23.

Record of Council Vote on Passage

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

Council Member Heinzel made a motion to approve Resolution 2009-7.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 7.2**

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 \$ 2,842,544.80 from the following accounts:

Current	\$ 909,686.97
W/S Operating	\$ 129,858.50
Animal Control	\$ 231.60
Developers' Escrow	\$ 2,832.23
COAH Trust Fund	\$ 70.00
General Capital	\$ 1,793,900.00
Water/Sewer Capital	\$ 5,965.50
TOTAL	\$ 2,842,544.80

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				absent
Heinzel	S				Tucker				abstain

Council Member Griffiths made a motion to approve Resolution 2009-7.2, second by Council Member Heinzel. Mr. Tucker stated that he would abstain from voting on the bill list as there is a payment to Pennington Point for reimbursement of snow removal services. Mr. Tucker stated that he serves on the Board of Directors for Pennington Point and it would be appropriate for him to abstain. Mr. Lawver had a question regarding a payment to George Conley. Mr. Dunworth explained that Mr. Conley fills in for inspectors in the Construction Office as needed. Upon a roll call vote all members present voted in favor of Resolution 2009-7.2.

**Borough of Pennington
Resolution #2009-7.5**

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO DETERMINE
AN EXTENSION OF THE GRACE PERIOD FOR 3RD QUARTER 2009
TAX PAYMENTS**

BE IT RESOLVED, that the Pennington Borough Council hereby authorizes an extension of the grace period for third quarter 2009 tax payments; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to determine the extension period upon receipt of the 2009 Final Tax Bills, said period not to exceed 30 days beyond the mailing date of the bills.

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				absent
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2009-7.5, second by Council Member Heinzel with all members present voting in favor.

Mayor Persichilli asked for a consent agenda for Resolutions 2009-7.6, 7.7 and 7.8.

**Borough of Pennington
Resolution #2009-7.6**

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND
EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE BURD STREET II RECONSTRUCTION PROJECT**

WHEREAS, the State of New Jersey, Department of Transportation has announced that applications for 2010 NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit Programs are being accepted through July 12, 2009; and

WHEREAS, the Borough of Pennington has made an application under these programs to the State of New Jersey utilizing the on-line SAGE (System for Administering Grants Electronically) system;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Borough Engineer in accordance with the recommendations of Borough Council is hereby authorized to submit an electronic grant application identified as MA-2010-Pennington Borough-00591 to the New Jersey Department of Transportation on behalf of the Borough of Pennington; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Pennington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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				absent
Heinzel	S				Tucker	X			

**Borough of Pennington
Resolution #2009-7.7**

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND
EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE GREEN AVENUE RECONSTRUCTION PROJECT**

WHEREAS, the State of New Jersey, Department of Transportation has announced that applications for 2010 NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit Programs are being accepted through July 12, 2009; and

WHEREAS, the Borough of Pennington has made an application under these programs to the State of New Jersey utilizing the on-line SAGE (System for Administering Grants Electronically) system;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Borough Engineer in accordance with the recommendations of Borough Council is hereby authorized to submit an electronic grant application identified as MA-2010-Pennington Borough-00400 to the New Jersey Department of Transportation on behalf of the Borough of Pennington; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Pennington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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				absent
Heinzel	S				Tucker	X			

**Borough of Pennington
Resolution #2009-7.8**

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR
PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM OF THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and

WHEREAS, the Governing Body of the Borough of Pennington has decided to participate in the Local Government Energy Audit Program; and

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Borough of Pennington, are served by a New Jersey regulated public utility, and that the Borough of Pennington has not already reserved \$100,000 in the Program this year as of this application; and

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to received incentive funds; and

WHEREAS, upon acceptance into the Program, the Borough of Pennington will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and

WHEREAS, the Borough of Pennington understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

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				absent
Heinzel	S				Tucker	X			

Council Member Lawver made a motion to approve Resolutions 2009-7.6, 2009-7.7 and 2009-7.8 as a consent agenda, second by Council Member Heinzel. Upon a roll call vote, all members present voted in favor of the three resolutions.

**Borough of Pennington
Resolution #2009-7.9**

**RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH
HOPEWELL TOWNSHIP FOR MUNICIPAL ALLIANCE**

WHEREAS, an application was filed with the County of Mercer to apply for funding in the Municipal Alliance Program by a consortium consisting of Hopewell Township, Hopewell Borough and Pennington Borough;

WHEREAS, all three municipalities have executed agreements to participate each year and have jointly signed and submitted for the grant renewal each year; and

WHEREAS, the municipalities have agreed to provide proportionate shares based on the enrollment of students in the Hopewell Valley school system, and Pennington's proportionate share for 2009 is \$1,360.00; and

WHEREAS, funds are available in account #9-01-42-104-000-267, Interlocal Agreements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Clerk are hereby authorized to execute the agreement with Hopewell Township for Municipal Alliance for 2009.

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				absent
Heinzel	M				Tucker	S			

Council Member Heinzel made a motion to approve Resolution 2009-7.9, second by Council Member Tucker with all members present voting in favor

Council Discussion

Purchase of 2009 Dodge Durango for Police Department – Mr. Meytrott asked that this item be pulled from the agenda as there are some logistical and budgetary issues. Mr. Meytrott stated that discussion took place at a budget meeting early in the year regarding the purchase of a Jeep Grand Cherokee for the Police Department to replace the existing Jeep. Mr. Meytrott stated that after looking into the purchase it was found that it would cost the Borough too much money to equip the Jeep in a way that is needed. Mr. Meytrott stated that the ancillary equipment required would need to be custom made and that would cost too much. Mr. Meytrott stated that while he is looking at a Dodge Durango which is a State Bid Police vehicle, there are only a couple left in New Jersey and the price is a little too much for the budget. Mr. Meytrott stated that he is now looking at a front wheel drive sedan that should provide the same type of service at a much lower price. Mr. Meytrott stated that he should have more specific information for the August meeting.

Administrator's Report

Mr. Dunworth reported that tomorrow, July 7th at 11:00am, bids will be received and opened for the Garbage Truck.

Professional Reports

There were no comments from professionals.

Public Comment Period

Ms. Heinzel 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.

Closed Session

Mayor Persichilli read the following resolution to convene in Closed Session.

AT, 7:55 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 – Potential Litigation

AT, 8:27 PM, Mayor and Council returned to open session.

Council Member Tucker made a motion to adjourn the meeting, second by Council Member Heinzl.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk