

**Pennington Borough Council
Reorganization Meeting – January 4, 2010**

Mayor Persichilli called the Reorganization Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Heinzl, Lawver, Ogren, and Tucker in attendance.

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

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

Invocation - Mayor Persichilli asked Reverend Myungim Kim of the Pennington United Methodist Church to come forward for the Invocation.

Pledge of Allegiance

Mayor Persichilli asked everyone to stand for the Flag Salute.

Mayor Persichilli introduced Freeholder Anthony Carabelli, Freeholder Pasquale "Pat" Colavita, Mercer County Clerk, Paula Sollami Covelli and Princeton Borough Council Member Andrew Kuhns.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:
Meeting open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 5 minutes.**

There were no comments from the public.

Election Results

Borough Clerk Betty Sterling announced the following election results.

Joseph R. Lawver reelected to a term to expire December 31, 2012.
Eileen Heinzl reelected to a term to expire December 31, 2012.

Adjournment of 2009 Council

Council Member Chandler made a motion to adjourn the 2009 Council, second by Council Member Heinzl with all member present voting in favor.

Oaths of Office

Borough Attorney Walter Bliss administered the Oath of Office to Mr. Lawver and Mrs. Heinzl.

Roll Call of 2010 Council

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

Election of Council President

Council Member Heinzl made a motion to nominate Edwin Weed Tucker as Council President, second by Council Member Lawver with all members present voting in favor.

Annual Resolutions

Mayor Persichilli asked for consent agenda for Resolutions 2010-1.1 through 2010-1.9. There were no comments or questions on any of the Resolutions. Council Member Tucker made a motion to approve Resolutions 2010-1.1 through 2010-1.9, second by Council Member Chandler with all members present voting in favor.

**PENNINGTON BOROUGH
Resolution No. 2010-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON
AS BOROUGH AUDITOR FOR THE YEAR 2010**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing in the year 2010;

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

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

WHEREAS, such political contributions are permitted by the new statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council makes this appointment without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, approval of this contract also complies with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by professional business entities regardless of the value of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, Hodulik and Morrison, P.A. has served as Borough Auditor and proposes to continue to serve in this capacity for fees not to exceed in the aggregate \$ 24,300.00 for the following services: annual audit of the Borough (\$17,000.00); preparation of annual financial statement (\$3,900.00); preparation of annual debt statement (\$1,000.00); audit of the Pennington Library (\$2,400.00);

WHEREAS, Hodulik and Morrison shall perform such additional professional services as may be requested from time to time by the Borough at the following hourly rates: principal - \$130.00; senior accountant - \$110.00; junior accountant - \$90.00; and as further set forth in the attached letter of engagement dated December 28, 2009;

WHEREAS, Hodulik and Morrison has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has made and shall make no political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

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

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Hodulik and Morrison by accepting the annexed letter of engagement dated December 28, 2009;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE
YEAR 2010**

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

WHEREAS, funds are available for this purpose; and

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

WHEREAS, the Borough Administrator has determined and has certified in writing that the anticipated value of this contract for professional services, having a term of one year, shall not exceed \$17,500;

WHEREAS, Mr. McManimon has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

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

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

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

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010 – 1.3**

**RESOLUTION APPOINTING CRAIG J. HUBERT AS CHIEF MUNICIPAL PROSECUTOR FOR
THE YEAR 2010**

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

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

WHEREAS, Borough Council seeks to designate and appoint Craig Hubert as the Chief Municipal Prosecutor;

WHEREAS, Mr. Hubert has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Craig J. Hubert is hereby designated and appointed Chief Municipal Prosecutor of Pennington Borough for the year 2010.

Record of Council Vote on Passage

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

**PENNINGTON BOROUGH
Resolution No. 2010-1.4**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.
AS BOROUGH ATTORNEY FOR THE YEAR 2010**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 2010;

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

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

WHEREAS, such political contributions are permitted by the new statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council makes this appointment without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, approval of this contract also complies with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by professional business entities regardless of the value of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

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

WHEREAS, Mr. Bliss has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made nor shall make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that Walter R. Bliss, Jr. be appointed as Borough Attorney of the Borough of Pennington for a period of one year in compliance with applicable law;

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

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010 – 1.5**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2010**

BE IT RESOLVED:

That The Bank of Princeton, Wachovia Bank, PNC Bank, Bank of America, Hopewell Valley Community Bank, Commerce Bank, Sun Bank, and Sovereign Bank, be declared official depositories of the Borough of Pennington for 2010 provided any such bank receiving Borough funds first submit a sworn statement that it has not made political contributions in violation of Chapter 15, Article 1 of the Code of the Borough of Pennington regarding pay-to-play;.

BE IT RESOLVED:

That the Hopewell Valley News be designated as the official weekly publication for the Borough of Pennington for 2010, and as is required by law.

BE IT RESOLVED:

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

BE IT RESOLVED:

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

BE IT RESOLVED:

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

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

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010 – 1.6**

RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH COUNCIL FOR THE YEAR 2010

WHEREAS, in 2010 the Pennington Borough Council will meet at Borough Hall for their Regular Meetings on the first Monday of each month starting at 7:00 PM unless otherwise noted;

January 4, 2010 (Reorganization and Regular Meetings)

February 1, 2010

March 1, 2010

April 5, 2010

May 3, 2010

June 7, 2010

July 6, 2010 (Tuesday)

August 2, 2010

September 7, 2010 (Tuesday)

October 4, 2010

November 1, 2010

December 6, 2010

December 30, 2010 (Thursday @ 3:00 pm)

- Reorganization meeting to be held on Tuesday, January 4th, 2011, immediately followed by the Regular Council Meeting;

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

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010 – 1.7**

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

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

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

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

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

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

Record of Council Vote on Passage

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

**Borough of Pennington
Resolution #2010 – 1.8**

RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2010

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

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

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

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

2. One member of Council shall serve as liaison to the following Boards:
 - a. Planning and Zoning Board
 - b. Senior Advisory Board
 - c. Library Board

3. The chairpersons and members of the above committees and the above liaisons shall be appointed by the Mayor with the advice and consent of Council.
4. Appointments and assignments by the Mayor for 2010 are set forth in the attached list. All such appointments and assignments are hereby approved.

Record of Council Vote on Passage

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

**BOROUGH OF PENNINGTON
RESOLUTION 2010-1.9**

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

WHEREAS, Eric M. Perkins has completed the unexpired term of Municipal Court Judge through December 31, 2009;

WHEREAS, it is the desire of the Mayor of the Borough to appoint Mr. Perkins Municipal Court Judge for a full three year term commencing January 1, 2010;

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 January 1, 2010 and ending December 31, 2012, is hereby approved; and it is

FURTHER RESOLVED, that the annual salary for the Municipal Court Judge shall be as provided by ordinance.

Record of Council Vote on Passage

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

Appointments / Re-Appointments to Local Boards

Mayor Persichilli announced the appointments as indicated below and asked for a consent agenda vote for the appointments requiring Council approval. Mayor Persichilli explained the designation of Tom Ogren under the Planning Board appointments. Mr. Bliss explained that statute provides for the designation of a representative to the Planning Board, in the absence of the Mayor. Mayor Persichilli stated that he has been regularly attending the Planning Board meetings, but there may be a time when he is unable to attend and he wanted to be sure that someone could attend in his absence.

Planning Board

- Designation of Tom Ogren as Mayor's designee in the absence of the Mayor pursuant to N.J.S.A. 40:55D-23
- Borough Official - William Meytrott – Term ending 12/31/2010
- Council Representative – Eileen Heinzel – Term ending 12/31/2010

Economic Development

- Council Representative – Joe Lawver – Term ending 12/31/2010
- Michael Rothwell – Reappointed – 1 year Term ending 12/31/2010
- Chris Murphy – Reappointed – 1 year Term 12/31/2010
- J. Michael Townsend III – 1 year Term ending 12/31/2010

Environmental Commission

- Council Representative – Eileen Heinzel – Term Ending 12/31/2010
- Harry Compton – 3 year Term ending 12/31/2012
- Joann Held – 3 year Term ending 12/31/2012

Board of Health (w/Council Approval)

- Council Representative – Weed Tucker – Term ending 12/31/2010

Library Board of Trustees (w/Council Approval)

- Council Representative – Eileen Heinzel – Term ending 12/31/2010
- Kerri Ward – 5 year Term ending 12/31/2014

Shade Tree Commission (w/Council Approval)

- Council Representative – Tom Ogren Term ending 12/31/2010

Senior Advisory Board (w/Council Approval)

- Council Representative – Weed Tucker – Term ending 12/31/2010

Parks and Recreation (w/Council Approval)

- Council Representative – Kit Chandler – Term ending 12/31/2010
- Michelle Needham – 3 year Term ending 12/31/2012
- Ned Fletcher – 3 year Term ending 12/31/2012

Council Member Tucker made a motion to approve the appointments to the Board of Health, the Library Board of Trustees, the Shade Tree Commission, the Senior Advisory Board and the Parks and Recreation Commission by consent agenda, second by Council Member Heinzl with all members present voting in favor.

Council Member Chandler made a motion to adjourn the January 4th, Reorganization Meeting, second by Council Member Tucker with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk