

**Pennington Borough Council
Regular Meeting – December 27, 2018**

Council President Joseph Lawver called the Regular Meeting of the Borough Council to order at 3:00PM. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Lawver, Marciante and Mills in attendance. Council Member Griffiths was absent.

Also present were Borough Administrator Eileen Heinzl, Superintendent of Public Works Rick Smith, Public Safety Director Bill Meytrott and Borough Attorney Walter Bliss.

Mr. Lawver announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times 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.

Mr. Lawver asked everyone to stand for the Flag Salute.

Mr. Lawver announced the addition of Resolution 2018-12.10 authorizing refunds.

Open to the Public – Agenda Items Only

Mr. Lawver 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 3 minutes.**

There were no comments from the public.

At 3:02, Mr. Lawver excused himself from the meeting and turned the gavel over to Mrs. Gnatt.

APPOINTMENT OF MAYOR TO FILL VACANCY

Mrs. Gnatt announced that the Democratic Committee submitted the following names to fill the vacancy:

Arthur Firestone
Reba Holley
Joseph Lawver

Council Member Chandler made a motion to nominate Joseph Lawver, second by Council Member Mills with all members present voting in favor.

Mr. Lawver returned to the meeting.

Oath of Office

Mr. Bliss administered the Oath of Office to Mr. Lawver while his family held the bible.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION 2018-12.6**

**RESOLUTION MEMORIALIZING ELECTION OF MAYOR TO FILL VACANCY CREATED BY
RESIGNATION OF THE HONORABLE ANTHONY PERSICHILLI, IN ACCORDANCE WITH
MUNICIPAL VACANCY LAW**

WHEREAS, The Honorable Anthony Persichilli, who has served the Borough of Pennington with distinction for more than ten years, believed to be the longest record of service of any Mayor in the history of Pennington, has resigned his position;

WHEREAS, Borough Council seeks to fill the vacancy left by this resignation in accordance with the requirements of the Municipal Vacancy Law, N.J.S.A. 40A:16-1, et seq;

WHEREAS, Mayor Persichilli filed a letter of resignation with the Borough Clerk effective December 4, 2018, thereby creating a vacancy in the office of Mayor as of that date;

WHEREAS, Mayor Persichilli was last elected Mayor as a nominee of the Democratic Party in November 2014, for a 4-year term to end on December 31, 2019 and until a successor shall have qualified;

WHEREAS, Mayor Persichilli's resignation comes after September 1 of the next-to-last year of his term and the office may therefore be filled for its unexpired term by appointment of the governing body;

WHEREAS, on December 10, 2018, within 15 days after the occurrence of the vacancy as required by law, the Democratic Municipal Committee of Pennington presented the names of three nominees for the selection of a successor to fill the vacancy, including (1) Arthur Firestone, (2) Reba Holley, and (3) Joseph Lawver, all of whom are qualified to serve;

WHEREAS, on December 27, 2018, within 30 days after the occurrence of the vacancy as required by law, and with gratitude for the willingness of all of the nominees to step up to serve, Borough Council, by a majority vote of its entire membership, appointed to the office of Mayor through December 31, 2019 and until a successor shall have qualified, Joseph Lawver;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the election of Joseph Lawver as Mayor of Pennington for the unexpired term ending December 31, 2019 and until a successor shall have qualified is hereby confirmed and memorialized: and be it

FURTHER RESOLVED, that Joseph Lawver shall take office effective immediately.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	S								
Gnatt	X				Marciante	M			
Griffiths	X				Mills	X			

Council Member Marciante made a motion to approve Resolution 2018-12.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 12.7**

RESOLUTION 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 \$ 204,363.05 from the following accounts:

Current	\$ 139,635.92
W/S Operating	\$ 14,496.73
Other Trust Fund	\$ 46,150.00
Developers Escrow	\$ 4,007.43
Water/Sewer Capital	\$ 72.97
TOTAL	\$ 204,363.05

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X								
Gnatt	S				Marciante	M			
Griffiths	X				Mills	X			

Council Member Marciante made a motion to approve Resolution 2018-12.7, second by Council Member Gnatt with all members present voting in favor.

**PENNINGTON BOROUGH
RESOLUTION NO. 2018 – 12.8**

RESOLUTION AUTHORIZING ADDITIONAL COSTS FOR SERVICES OF BOROUGH ATTORNEY

WHEREAS, by Resolution 2018-1.4 adopted on January 8, 2018, Borough Council appointed Walter R. Bliss, Jr. as Borough Attorney subject to a professional services agreement which provided that he be compensated for his services at the hourly rate of \$120 per hour together with reimbursement for certain out-of-pocket costs;

WHEREAS, the contract for professional services between Mr. Bliss and the Borough further provided that total fees for his legal services, including reimbursed costs, not exceed in the aggregate

\$40,000. without the prior written approval of Borough Council;

WHEREAS, fees and reimbursements paid to Mr. Bliss through November 2018 total \$38,924.00;

WHEREAS, Mr. Bliss’ fees in December, 2018, are expected to require additional sums not to exceed \$1,500.00;

WHEREAS, this cost overrun is attributable in substantial part to the Mercer Insurance tax appeals in State Tax Court, which was litigation handled by Mr. Bliss during 2018 in addition to his regular general counsel services;

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2018 Legal budget line #8-01-20-155-000-261;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that an increase in the total annual expenditures for the services and expenses of the Borough Attorney are hereby authorized in the amount of \$1,500.00.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M								
Gnatt	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-12.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 12.9**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, and capital improvement fund or interest and redemption charges;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2018 budget appropriations:

<u>Appropriations:</u>	<u>To:</u>	<u>From:</u>
Electricity	\$ 5,000.00	
Telephone	\$ 4,000.00	
Gas, Fuel, Lubricants	\$ 1,500.00	
Social Security	\$ 6,400.00	
DCRP	\$ 500.00	
Group Insurance		\$ 17,400.00
Total Current Fund	\$ 17,400.00	\$ 17,400.00

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M								
Gnatt	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-12.9, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 12.10**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund in the amount of \$100.00 be issued to Mark and Susan Promislo, 8 Mallard Drive, Pennington, NJ 08534 for a Sidewalk Permit which was paid but not required.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M								
Gnatt	X				Marciante	X			
Griffiths	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2018-12.10, second by Council Member Mills with all members present voting in favor.

Council Discussion

Affordable Unit – 114 Woolsey Court – Hardship Waiver – Mayor Lawver stated that Council has before them a request to grant a waiver for an affordable housing unit that has not sold at the defined listed price to a low income potential resident. Mayor Lawver stated that the seller cannot reduce the price so there are three options, the Borough can buy the unit and try to resell it at the set price of \$118,965 to an income eligible person, the Borough can identify an income eligible person or the Borough may waive the right to purchase or identify someone and allow the owner to sell to a household that is not income-qualified. Mr. Bliss stated that the deed restriction and affordability controls remain in effect. Mrs. Heinzel stated that the owner of the property is requesting a waiver so that he can sell the unit. Mrs. Heinzel stated that the agency feels that they have done all that they can do to try to sell the unit. Mrs. Heinzel stated that this would be a one-time waiver and the unit will remain an affordable unit. Mr. Marciante stated that he would like to try to find an income qualified buyer. After some discussion about the options, Council requested that Mrs. Heinzel request an additional thirty days to respond to the request for a waiver.

Public Comment

Mayor Lawver asked anyone wishing to speak to come forward and state their name and address for the record and to limit comments to the Governing Body to a maximum of 3 minutes.

At 3:20 pm, with no further business to come before the Borough the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk