

**Pennington Borough Council
Regular Meeting – November 13, 2018**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00PM. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Lawver and Marciante in attendance. Council Member Mills was absent.

Also present were Borough Administrator Eileen Heinzl, Superintendent of Public Works Rick Smith, Sergeant Doug Pinelli and Borough Attorney Walter Bliss.

Mayor Persichilli 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.

Mayor Persichilli asked everyone to stand for the Flag Salute.

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 3 minutes.**

Mr. Dan Pace of 9 Railroad Place came forward to inquire when Stonybrook Sewer Authority would be making a presentation to the Borough Council on the expansion of the plant. Mrs. Heinzl stated that representatives did not come to the meeting but they will be coming next year. Mrs. Heinzl stated that Harry Compton prepared an update that she has if Mr. Pace would like to review it.

Mayor's Appointments

Mayor Persichilli announced the resignation of Tax Collector/Technical Assistant to Construction effective November 16, 2018. Mayor Persichilli stated that Mr. Blauth owns a business in town that requires more of his time. Mayor Persichilli stated that the Borough is advertising for two part-time positions.

Mayor Persichilli read the following Proclamation:

PROCLAMATION

WHEREAS, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 71,393 women, 13,717 children and 5,153 men. Additionally, Womanspace has assisted more than 277,877 hotline callers over the last 41 years; and

WHEREAS, the Borough of Pennington commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 3, 2018, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2018 will be used to fund vital services for victims of domestic violence, sexual assault and human trafficking.

NOW, THEREFORE, I, Anthony J. Persichilli, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 3, 2018, as

COMMUNITIES OF LIGHT DAY

and hereby honor Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Presentations

Mayor Persichilli invited Mary Grace Billek and Terry West from the County of Mercer to come forward and make a brief presentation.

Ms. Billek and Mr. Terry West came forward. Ms. Billek thanked Mayor and Council for inviting them and for allowing them time to make a presentation. Ms. Billek stated that in May of 2018 the Council Executive and the Freeholder Board made the decision to launch a campaign to end stigma. Ms. Billek stated that the intention is to decrease the use of language that is inappropriate for people who have mental health or substance abuse disorders. Ms. Billek reported some statistics and facts and stated that their intention is to get out in the community and start talking to children in the school and getting them to understand that the way they speak to or speak about someone can be detrimental to their well-being. Ms. Billek stated that everyone either has or knows someone with mental health issues and they want to make sure that they visit all municipalities and get out to all of the school districts in the County. Ms. Billek handed out t-shirts to Mayor and Council and asked that they wear these shirts to events related to mental health issues. Ms. Billek stated that they are willing to come out to events to get the word out and they would bring information and items to hand out to the public. Ms. Billek stated the County is funding all kinds of resources for people with mental health issues.

Mayor Persichilli read the following Proclamation:

PROCLAMATION

WHEREAS, there is a proven connection between good mental health and overall personal health; and

WHEREAS, mental illness affects almost every family in America; and

WHEREAS, people with mental illnesses recover if given the necessary services and supports in their communities; and

WHEREAS, people with mental illnesses make important contributions to our families and our communities; and

WHEREAS, millions of adults and children are disabled by mental illnesses every year; and

WHEREAS, only one out of two people with a serious form of mental illness seeks treatment for their mental illness; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness; and

WHEREAS, good mental health is critical to the well-being of our families, communities, schools and businesses; and

WHEREAS, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses;

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington, County of Mercer do hereby call upon all Pennington Borough citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illnesses.

Ms. Billek briefly explained how they are getting out into the school through peer leadership groups as kids seem to respond better to these issues when they hear it from their peers. Ms. Billek stated that Hopewell Valley has a very active Municipal Alliance which is also funded through Mercer County.

Mayor Persichilli stated that Ms. Kim Ha from the Pennington Public Library was scheduled for a presentation but she will be rescheduled for another meeting.

Mayor's Appointments

Mayor Persichilli announced the following appointments:

John Jackson on the Environmental Commission is moving from a Regular Meeting to Alternate 1 with a term ending December 31, 2019.

Mayor Persichilli announced the Harry Compton is being appointed as the Chair.

Kim Haren is appointed to the Environmental Commission for an unexpired term ending December 31, 2019.

Mayor's Appointments (with Council Approval)

Mayor Persichilli announced the appointment of Jack Davis to the Historic Preservation Commission for an unexpired term ending December 31, 2021. Council Member Chandler made a motion to approve the appointment, second by Council Member Gnatt with all members present voting in favor.

Approval of Minutes

Council Member Lawver made a motion to approve the minutes of the October 1, 2018 Regular Meeting, second by Council Member Chandler. Council Member Marciante stated that when Mark Blackwell attended that last meeting he asked about the status of the ladder truck which is sitting behind the building waiting to be auctioned and he would like that to be reflected in the minutes. Mrs. Sterling stated that it is reflected in the minutes. Upon a roll call vote all members present voted in favor.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt stated that she missed the last Planning Board meeting but thanks to Eileen she has a synopsis to report to Council. Mrs. Gnatt stated that there was one application on the agenda for Umberto Nini for a minor subdivision approval for three residential lots at 30 West Delaware Avenue. Mrs. Gnatt stated that the property is in the Town Center Buffer Zone and is also part of the Historic District. Mrs. Gnatt stated that one of the lots has an existing house that is in the process of being renovated that was reviewed and approved by the Historic Preservation Commission. Mrs. Gnatt stated that one of the proposed subdivided lots would front on West Delaware and the other would front on Burd Street. Mrs. Gnatt stated that the Board suggested some revisions to the rear lot line in order to make room for the driveway/garage for the proposed residence on Burd Street and the Board approved the subdivision as it is consistent with the zoning requirement in the Town Center Buffer Zone. Mrs. Gnatt stated that the new construction will be reviewed by the Historic Preservation Commission.

Mrs. Gnatt stated that Mr. Reilly announced that a sub-committee will be reviewing applications for the Borough Planner position and make a recommendation at the December meeting.

Mrs. Gnatt stated that the Open Space Committee did not meet this month but they will be meeting next week.

Mayor Persichilli asked Mrs. Heinzl if Borough Council should talk about the whole idea of Open Space and what the feeling is within the Open Space group. Mrs. Heinzl stated that she received an e-mail from Alan Hershey and he would like an opportunity to come back and speak to Borough Council about the Open Space Fund and if the Borough is not going to use these funds outside of the Borough that maybe a discussion take place regarding eliminating the Open Space Tax. Mrs. Heinzl stated that she suggested to Mr. Hershey that this be scheduled for some time in the new year.

Public Safety / Personnel – Mr. Marciante stated that Officer Yasunas is on solo patrol now and he is doing a great job. Mr. Marciante stated that the e-ticket system is up and running. Mr. Marciante stated that there were no incidents reported on Halloween.

Public Works/Shade Tree/ Senior Advisory – Mr. Lawver reported that the Senior Advisory Board met, final steps are being taken by the County to secure the grant for the renovation project and we are hoping that the County will approve the funding at their December 6th meeting. Mr. Lawver stated that once the funding is in place we can proceed with soliciting bids for the project early next year.

Mr. Lawver reported that the Shade Tree group is completing their annual tree inventory and coming up with a schedule to meet the grant deadlines.

Mr. Lawver stated that aside from the trash schedule for next year which will be discussed later, Public Works has mapped out the 2019 projects and begun the process of budgeting for the engineering.

Library / Parks and Recreation – No report due to Mrs. Mills absence.

Finance – Mr. Griffiths had no formal report, but stated that Council received a copy of the Moody's report in their packages and the Borough is stable with an above average rating. Mr. Griffiths stated that some complementary things were stated such as debt burden being exceptionally low, strong economy and operations far superior to the average United States median. Mr. Griffiths stated that the Borough maintains financial strength and the net of this is that it should shave a couple dozen basis points when we go to the bond market.

Mr. Griffiths stated that he has been working with Betty and Sandy reviewing year end exposure and the end result is that in December we will be borrowing 200,000 to 300,000 in short term Bond Anticipation Notes. Mr. Griffiths stated that the Chief Financial Officer, Sandy Webb is authorized to take out these notes but he would like to ask Mr. Bliss if Council should do a resolution acknowledging the borrowing of these funds. Mr. Griffiths stated that the CFO will also be recommending cancellation of several bond

ordinances that are obsolete.

Mayor Persichilli took a moment to thank Mr. Griffiths for his work with the finances of the Borough and for getting us where we are. Mayor Persichilli stated that understanding the finances is not easy and the fact that the Borough is in such a good shape at a time when it could be a lot worse is worth mentioning.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that some members of Historic Preservation had the opportunity to walk through 63 North Main Street to look at the structural integrity of the house and the new owner then attended the Historic Preservation meeting shortly thereafter. Mrs. Chandler stated that there was full house of neighbors who are interested in the plan for the house. Mrs. Chandler stated that the new owner presented a plan to demolish the house and replace it however there was conversation about keeping the front portion of the house and at the meeting she was given approval to demolish the back part of the house that is actually falling down. Mrs. Chandler stated that the owner was asked to seek an opinion from an engineer as to whether the front portion of the house is salvageable. Mrs. Chandler stated that they will be meeting with the owner tomorrow to find out the results of the meeting with the engineer. Mrs. Chandler stated that the general feeling from the Commission was that the old part of the house is salvageable and they would like to see it reused, but more information is needed. Mr. Marciante asked if it could be demolished and then built exactly as it is and Mrs. Chandler responded that idea did come up. Mrs. Chandler stated that it is not part of the ordinance to do that, but it was discussed.

Mrs. Chandler stated that Economic Development met and she thanked Mr. Lawver and Mr. Smith for attending the meeting. Mrs. Chandler stated that they had the opportunity to talk to a business owner who was interested in opening up a diner. Mrs. Chandler stated that she was hoping to get a sense from this person as to how Pennington compares to other towns in terms of the grease trap ordinance and other ordinances. Mrs. Chandler stated that it was very interesting meeting and she was happy to find out that in terms of doing business, we are really no different than anyone else and she did not think that our ordinances were overly burdensome. Mrs. Chandler stated that they viewed a video showing why we need to have grease traps.

Mrs. Chandler stated that the Environmental Commission met which was just an annual end of year meeting and they mainly discussed water quality.

Mayor Persichilli stated that in terms of the landfill, he and Eileen met with an interested party last week and some different ideas were discussed. Mayor Persichilli stated that the person that they spoke to is active in the community and it will be interesting to see what ideas he comes up with. Some discussion took place with regard to potential uses for the property.

Council Discussion

Trash Calendar / Collection – Mayor Persichilli stated that Council Members received a list of proposed trash calendar revisions in their packages. Mrs. Heinzel stated that this originated in the Public Works Committee meeting and she just summarized the changes that were discussed. Mr. Lawver stated that the motivation behind the changes is finding a way to make the Public Works department more efficient to be able to do more work in house rather than having to contract out. Mr. Lawver stated that we have done very well over the past few summers renting a hot patch machine for pot hole repairs during the month of August which we believe will extend the life of our roads and allow us to stay on top of road repairs. Mr. Lawver stated that there are other things that the department could do that require time and so we are looking for ways to free up time without being overly impactful to the residents.

Mrs. Chandler stated that she is happy to see that the one day a week collection will be extended to include July and she thinks that the Borough should slowly merge to a once a week trash pickup. Mr. Griffiths stated that he has been reviewing data about the cost of trash collection. Mr. Griffiths stated that there are two factors, one is labor and the other is depreciation of the vehicles. Mr. Griffiths stated that going to one day would almost cut in half the labor burden and theoretically cuts in half the depreciation schedule for the vehicle. Mr. Griffiths stated that net savings of going to once a week collection would be around \$750.00 per week and in addition it would free up the crew to do other work in town.

Mr. Marciante stated that the reason that this came before Council is that after the Public Works discussion he felt that the entire Council should be involved in the decision. Mr. Marciante stated that his concern would be if the Borough goes to once a week collection should we permit three cans. Mr. Griffiths stated that he does not think that three cans would affect his numbers. Mrs. Chandler stated that the Environmental Commission has been discussing ways to decrease the amount of trash that is collected through a program for food waste collection.

Mr. Lawver stated that the last couple of years during the August once a week collection, the department has had a “soft limit” on the two can limitation and they have noticed that not many residences are putting out the extra third can. Mr. Lawver stated that even if the Borough goes to once a week collection, which is not on the table right now, he thinks that the Borough could safely stay with the two can limitation.

Mrs. Heinzel stated that garbage collection in Pennington is a lot different than collection in other towns. Mr. Smith spoke briefly on the types of garbage cans, for instance cans with wheels and attached lids are more difficult when garbage is manually dumped. Mr. Smith stated that looking down the road if the

Borough is looking at larger cans with one day a week collection with automation the Borough should consider that the oldest truck is slated for replacement in 2020. Mr. Smith stated if the Borough is looking in the direction of automated collection now is the time to start looking into it. Some discussion took place as to locations in town where a one-armed collection truck would not work.

Mr. Lawver stated that just to be clear, the proposed changes are recommendations for 2019 only. Mr. Lawver stated that the changes are extending the once a week collection from August to July and August, the other two elements are that on snow days, there will be no trash collection and trash collection will fall on the next scheduled collection day and on weeks with a holiday on a regular collection day, pick up will be on the next regular scheduled collection day. Mr. Lawver stated that for weeks with a holiday on a Monday trash will be collected Thursday of that week. Mrs. Heinzl stated that the rule that the Borough is working towards is that collection is either Monday or Thursday except for July and August and if the holiday is Monday, collection will be Thursday. Mr. Marciante expressed some concerns about this. Mrs. Chandler stated that she is in favor of this, however she would like to make sure that the word gets out to the public. Mrs. Heinzl stated that these changes will all be incorporated into the calendar that goes out to every resident in January. Mrs. Chandler asked if a notice could be included in the May/June water bills reminding residents of the July and August once a week collection. Mr. Lawver stated that this needs more discussion because some residents only put trash out once a week on Mondays.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 11.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to LERETA LLC, Attn: Central Refunds, 1123 Park View Drive, Covina, CA 91724 , for refund of overpayment of 2018 fourth quarter taxes, Block 204, Lot 15, also known as 11 Brookside Avenue, in the amount of \$316.39.

BE IT RESOLVED, that a refund be issued to LERETA LLC, Attn: Central Refunds, 1123 Park View Drive, Covina, CA 91724 , for refund of overpayment of 2018 fourth quarter taxes, Block 301.01, Lot 2, also known as 29 East Delaware Avenue, in the amount of \$1,445.97

BE IT RESOLVED, that a refund be issued to LERETA LLC, Attn: Central Refunds, 1123 Park View Drive, Covina, CA 91724 , for refund of overpayment of 2018 fourth quarter taxes, Block 801, Lot 25, also known as 231 South Main Street, in the amount of \$450.00.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	M				Marciante	S			
Griffiths	X				Mills				absent

Council Member Gnatt made a motion to approve Resolution 2018-11.1, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 11.2**

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 \$ 1,458,988.04 from the following accounts:

Current	\$ 1,050,244.23
W/S Operating	\$ 131,348.44
Grant Fund	\$ 1,584.90
Animal Control Fund	\$ 13.80
Water/Sewer Capital	\$ 23,930.00
Developers Escrow	\$ 250,973.40

Unemployment Fund	\$	493.27
Other Trust Fund	\$	400.00
TOTAL		\$ 1,458,988.04

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Gnatt	X				Marciante	S			
Griffiths	X				Mills				absent

Council Member Lawver made a motion to approve Resolution 2018-11.2, second by Council Member Marciante. Mr. Lawver inquired about several bills on the bill list and Mr. Marciante asked about the PSE&G bill. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 11.3**

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>
Finance – Salaries	\$ 4,000.00	
Insurance – Liability & Other		\$ 1,000.00
Police - Salaries	\$45,000.00	
Police – Other Expense		\$10,000.00
Trash – Salaries	\$36,500.00	
Streets – Other Expense		\$25,000.00
Trash – Other Expense		\$20,000.00
Borough Property – Other Expense		\$15,000.00
Street Lighting – Other Expense		\$ 2,000.00
Administration – Other Expense		\$ 6,000.00
Municipal Clerk – Other Expense		\$ 4,000.00
Tax Collection – Other Expense		\$ 2,500.00
Total Current Fund	\$ 85,500.00	\$ 85,500.00

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	S				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	M				Mills				absent

Council Member Griffiths made a motion to approve Resolution 2018-11.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 11.4**

RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCES

WHEREAS, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

WHEREAS, the Borough’s Chief Financial Officer has reviewed all capital ordinances to verify

which projects are complete, but have balances remaining; and

WHEREAS, it is the recommendation of the Chief Financial Officer that the following capital ordinances be cancelled:

General Capital

Ordinance 2003-9	Garbage Truck/Compressor/Streetscape	\$520,479.51
Ordinance 2013-9	Office Furniture	\$ 321.49
Ordinance 2014-13	Police Radios	\$ 10,641.90
	DVD Recorders	\$ 5,731.00
	Generator	\$ 13,000.00
	Emergency Road Repair	\$371,399.10
Ordinance 2015-7	Mowers/Leaf Collectors	\$ 12,668.00
Ordinance 2017-15	Backhoe	\$ 2,580.36

Water/Sewer Capital

Ordinance 2003-8	Various Improvements W/S	\$ 9,897.42
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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Pennington authorize the Borough Chief Financial Officer to cancel the Ordinances to Deferred Charge to Future Taxation - Unfunded.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	S			
Gnatt	X				Marciante	X			
Griffiths	X				Mills				absent

Council Member Chandler made a motion to approve Resolution 2018-11.4, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 11.5**

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND COUNTY OF MERCER FOR FIRE DISPATCH SERVICES

WHEREAS, the Borough of Pennington desires to contract with Mercer County for the provision of fire dispatch services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction;

WHEREAS, the proposed shared services agreement will be substantially in the form annexed to this Resolution;

WHEREAS, pursuant to the authority N.J.S.A. 40:8A-1.11, the County and Borough have agreed to have the Mercer County Emergency Services Communications Center assist the Borough in providing telecommunication services for the period of January 2019 thru December 2022 unless the County or Municipality notifies the other, by certified mail, of its intentions to terminate the Agreement with a notice of time of at least sixty (60) days prior; and,

WHEREAS, it is understood that the parties are entering into this agreement in an effort to receive, without charge, transferred 9-1-1 calls, to assist in the dispatch of fire apparatus and provide operational communications for the fire service community in the Borough as needed; and,

WHEREAS, in exchange for receiving the within services without charge, the Borough agrees to indemnify and hold harmless the County for any liabilities which may arise out of using the services provided by the County’s Emergency Services Communications Center, except the County shall remain responsible for the negligent acts and omissions of its own agents, representatives, officers and employees; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with the County of Mercer for the provision of fire dispatching services during the period January 1, 2019 through December 31, 2022; and

BE IT FURTHER RESOLVED that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney as to form.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	S				Mills				absent

Council Member Chandler made a motion to approve Resolution 2018-11.5, second by Council Member Griffiths. Mr. Marciante and Sergeant Pinelli explained why this agreement is needed. Mr. Lawver asked Mr. Marciante to take this to the Public Safety Committee for further discussion. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 11.6**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on October 25, 2018, a lien was sold on Block 502, Lot 2, also known as 142 West Delaware Avenue, Pennington, NJ, for 2017 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-00001, was sold to CULMAC Investors Inc., for 0%, redemption fee and a \$46,000.00 premium: and,

WHEREAS, Santander Bank, N.A., has effected redemption of Certificate #17-00001 in the amount of \$20,403.42.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$20,403.42, payable to Santander, Mail Code 10-421-FB2, P.O. Box 12646, Reading, PA 19612-9942 for the redemption of Tax Sale Certificate #17-00001.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$46,000.00 (Premium) to the aforementioned lienholder.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	M				Mills				absent

Council Member Griffiths made a motion to approve Resolution 2018-11.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-11.7**

**RESOLUTION AUTHORIZING PURCHASE OF DUMP TRUCK FOR THE PUBLIC WORKS
DEPARTMENT IN ACCORDANCE WITH REVISED QUOTATION BY THE NATIONAL AUTO
FLEET GROUP. THROUGH SOURCEWELL, RESCINDING RESOLUTION 2018-10.13**

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a 2019 F-450 Dump Truck and related equipment; and

WHEREAS, the Superintendent of Public Works has determined that the required equipment is available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough's request to join and assigned Member # 132214 to the Borough; and

WHEREAS, National Auto Fleet Group ("Dealer") located in Watsonville, California is an authorized dealer for the desired vehicle and initially provided the Borough with Quote # 8145 dated September 6, 2018, by which it would sell to the Borough one (1) 2019 Ford Super Duty F-450 DRW (F4H) XL 4WD Regular Cab 145" WB 60" CA, Airflo 9"SS Dump Body and 8' Polycaster Spreader, in accordance with related written specifications ("Truck") for the price of \$54,333.00;

WHEREAS, by Resolution 2018-10.3, Borough Council authorized purchase of the Truck in accordance with this Quote and the Borough Administrator and Borough Clerk were thereby authorized to execute such purchase orders and other documents as are needed to effectuate the purchase;

WHEREAS, before a purchase order could be issued for the Truck, it was discovered that Quote #8145 was incomplete and required revision;

WHEREAS, the Dealer has submitted a revised quotation referred to as Quote #8145R2, also dated September 6, 2018, in the amount of \$65,275.00;

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase at the revised price through an appropriation in the 2018 Budget and through General Capital Ordinance 2014-013 and Water and Sewer Capital Ordinance 2007-9;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) 2019 Ford Super Duty F-450 DRW (F4H) XL 4WD Regular Cab 145" WB 60" CA, Airflo 9"SS Dump Body and 8' Polycaster Spreader for the Pennington Borough Public Works Department pursuant to the attached revised proposal from National Auto Fleet Group (Quote #8145R2 and related specifications) is hereby authorized; (b) the Borough Administrator and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase; and (c) the previous resolution of Borough Council on this subject, Resolution 2018-10.13, is hereby rescinded.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	X				Marciante	S			
Griffiths	M				Mills				absent

Council Member Griffiths made a motion to approve Resolution 2018-11.7, second by Council Member Marciante. Mr. Lawver asked what is driving the increase in price. Mr. Smith stated that the quote that was submitted in October did not include the cost of the dump body and he did not realize the oversight until after the resolution was approved. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-11.8**

**RESOLUTION APPOINTING SANDRA WEBB AS PART-TIME
TAX COLLECTOR FOR UNEXPIRED TERM**

WHEREAS, Wayne Blauth, who has served as the Tax Collector of the Borough of Pennington since May 2, 2011, and served his first four-year term as Tax Collector beginning January 1, 2012, has resigned his position effective November 16, 2018;

WHEREAS, Sandra Webb, the part-time Chief Financial Officer of the Borough, is State-certified as a tax collector and is willing to assume the responsibilities of Borough Tax Collector in addition to her CFO responsibilities on a part-time basis for the duration of Mr. Blauth's current unexpired term ending December 31, 2019;

WHEREAS, in past years Sandra Webb has served commendably as Tax Collector while also performing her CFO responsibilities, and the Borough has been fortunate to have the benefit of her extra services;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Sandra Webb is hereby appointed Tax Collector of the Borough of Pennington for the unexpired term of her predecessor commencing November 17, 2018 and ending December 31, 2019, to serve on a part-time basis for the hourly compensation provided in the Salary 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			
Gnatt	X				Marciante	M			
Griffiths	X				Mills				absent

Council Member Marciante made a motion to approve Resolution 2018-11.8, second by Council Member Chandler. Mrs. Heinzl stated that we have advertised for two part-time positions and so this appointment is until a Tax Collector is hired or until the end of Mr. Blauth's term. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2018-11.9**

**RESOLUTION TO AMEND PROCEDURE 6.2 OF THE BOROUGH POLICY AND PROCEDURES
MANUAL CONCERNING PERSONNEL MATTERS UNDER THE
OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (“JIF”) from time to time directs it member municipalities to amend their personnel manuals to incorporate policies recommended by the JIF’s Personnel Policy Committee based on recognized best practices, changes in applicable laws, and policies recommended by the members of the Fund;

WHEREAS, in response to the decision of the New Jersey Supreme Court in Kean Federation of Teachers v. Morell (June 2018), JIF has now directed modification of language in personnel manuals relating to the conduct of executive sessions and related notice requirements;

WHEREAS, the proposed change provides that guidance as to notification of employees and the right to have discussion of personnel matters in executive or open session should be discussed with and be based upon the guidance and advice of legal counsel and recent court decisions on a case by case basis;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Procedure 6.2 of the Borough of Pennington Personnel Policies and Procedures Manual and Employee Handbook, effective March 5, 2018, is amended as follows (new language underlined, deleted language crossed out):

Procedure 6.2. Open Public Meetings Act Procedure Concerning Personnel Matters.

Discussions by the governing body or any public body ~~of the Borough~~ concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee ~~shall may be held~~ in closed session, ~~with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person’s right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.~~ Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or open session should be discussed with and be based upon the guidance and advice of the legal counsel of the public entity and recent court decisions.

For the purpose of this Policy “public body” and “governing body” shall mean a public body as defined by the Open Public Meetings Act.

BE IT FURTHER RESOLVED, that these amendments shall be effective immediately.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	M			
Gnatt	X				Marciante	X			
Griffiths	S				Mills				absent

Council Member Lawver made a motion to approve Resolution 2018-11.9, second by Council Member Griffiths. Mr. Bliss explained that there was a lawsuit but the real confusion arose when the lower court ruled that any time an employee is affected by the discussion they have a right to be noticed and that would include employees that are affirmatively affected without adverse impact. Mr. Bliss stated that it opened up a very broad universe of employees who would have to be notified every time certain issues were discussed that might potentially affect them even though the decisions might not cause them harm. Mr. Bliss stated that the court narrowed that requirement to employees who were adversely affected and it clarified a number of the misconceptions about the Rice Notice procedure, made clear that a municipality need not hold personnel discussions in closed session depending on the circumstances. Mr. Bliss stated that because the circumstances are fact sensitive the Joint Insurance Fund thought it prudent that the policy allow for judgements on a case by case basis. Mr. Bliss stated that this decision relieved a lot of anxiety and confusion among Municipal Clerks and others in terms of who to send a notice to when a meeting is going to be held concerning a personnel matter. Upon a roll call vote all members present voted in favor.

Professional Reports

Mrs. Heinzl stated that the ease with which the Personnel Manual is amended is better than it used to be because with the new manual each policy has its own page and policy number.

Mrs. Heinzl stated that the Borough currently recognizes twelve holidays and Veteran’s Day is one of them. Mrs. Heinzl stated that it was suggested to eliminate the Veteran’s Day Holiday in exchange for having Christmas Eve off. Mrs. Heinzl asked for Council to consider the suggestion.

Mr. Smith stated that he is working on the trash calendar so a change to the holiday schedule would be important information to have.

Mr. Bliss reminded Council that a Closed Session is needed.

Mayor Persichilli stated that he would like to read a brief statement. Mayor Persichilli read a letter that was submitted to Mrs. Sterling.

Mayor Persichilli read:

“It is with considerable sadness that I have to announce that effective December 4th, 2018 I will be resigning as Mayor of Pennington Borough. After fourteen years, I believe that it is time for someone else to lead the Borough. It has been an incredible experience for me working with all the employees of the Borough, our residents and our professional consultants. The Pennington Borough Democratic Committee will be recommending a replacement or replacements before the next Council Meeting scheduled for December 3rd. Sincerely, Anthony Persichilli, Mayor of Pennington Borough”

Mayor Persichilli stated that he has kept this pretty quiet, but he has been saying for the last five years that it is time but it has been tough walking away from this. Mayor Persichilli stated that this is a great place and it is going to be tough. Mayor Persichilli stated that he is planning to stay involved possibly as an alternate on the Planning Board if approved and he is willing to stuff envelopes or do anything else he can to help out.

There were no other comments from professionals.

Public Comment

Mayor Persichilli 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.

There were no comments from the Public.

Closed Session

AT, 8:04 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:

- Negotiation of Cugino License Agreement for use of Borough Property

AT, 8:19 PM, Mayor and Council returned to open session.

At 8:19 pm, with no further business to come before the Borough the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk