

**Pennington Borough Council
Regular Meeting – March 6, 2017**

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

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Chief Financial Officer Sandy Webb, 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.**

There were no comments from the public.

Presentations

Mayor Persichilli invited Eric Holtermann to come forward for the annual Historic Preservation report. Mr. Holtermann distributed samples from the Historic Preservation Survey for Council to review. Mr. Holtermann stated that this year there were very few applications which is not a problem it just means that the ordinance is working in the way that it was intended. Mr. Holtermann stated that the goal was to not hassle people with a lot of little changes and this year there were not a lot of applications for major work in the Historic District. Mr. Holtermann stated that there are five houses in the Historic District that have not been demolished but instead have been restored and that is due to the ordinance. Mr. Holtermann stated that in addition to houses specifically in the district they have moved forward with some other preservation related issues. Mr. Holtermann stated that a district survey, website updates, zoning changes, awards, assistance to homeowners and other outreach have also taken place.

Mr. Holtermann stated that in terms of applications at the beginning of 2016, 212 South Main Street was approved and that property while under construction actually changed hands and the new owners are continuing to work on the house. Mr. Holtermann stated that the Commission made some suggestions about the design and all of those suggestions were taken up under the new owner.

Mr. Holtermann stated that 63 North Main Street was purchased through a sheriff sale and he is anticipating an application for that property. Mr. Holtermann stated that they do not know what the plan is for the property and there is a for sale sign currently out front.

Mr. Holtermann stated that with regard to applications there has been an increase in questions regarding solar panels and in some towns the Historic Commission does not allow solar panels, but we actually encourage them.

Mr. Holtermann stated that a few weeks ago the annual awards event was held. Mr. Holtermann stated that MGW Development was given an award for their work at 149 South Main Street. Mr. Holtermann stated that Honorable Mention was given to Ken Baker for his house on Main Street. Mr. Holtermann stated that Mr. Baker never put in an application but he did a spectacular job completely rebuilding a built in gutter.

Mr. Holtermann stated that two new people joined the commission as alternates and Emily Matticoli has indicated that she will be resigning shortly.

Mr. Holtermann stated that the pages that he distributed earlier are from the Historic Survey that was done. Mr. Holtermann stated that this year they were able to hire a student to take all of the 1985 survey forms which are about 160 houses and transfer the information digitally on to the forms that were handed out. Mr. Holtermann stated that we now have a 360 page document with all kinds of survey information. Mr. Holtermann stated that the data has been uploaded and needs to be updated but new photographs have been added to each one. Mr. Holtermann stated that this survey will be beneficial in acquiring grants and the like. Mr. Holtermann stated that they are looking at putting the information on the Borough website so that residents can actually look up their own properties online. Mr. Holtermann stated that the survey that was done in 1985 was very thorough.

Mr. Holtermann stated that the Historic Preservation Commission met with the Planning Board about some

zoning requirements in the current code that worked against what the Historic Preservation Ordinance was trying to achieve. Mr. Holtermann stated that the Planning Board agreed that the Slope Ordinance was not needed as there were additions to the code including FAR, Lot Coverage and things that further controlled the size of the houses that could be built and the slope ordinance was having an unfortunate effect on projects. Mr. Holtermann stated that the Planning Board agreed to eliminate the slope ordinance. Mr. Holtermann stated that a language change was made to allow averaging with regard to front yard setback and side yard requirements for narrow lots.

Mr. Holtermann stated that a couple of other things came up on other properties that the Historic Preservation Commission had interest in. Mr. Holtermann stated that the house at 417 South Main Street which is the house by the African American Cemetery, as part of the Planning Board Approval would be subject to future review by the Historic Preservation Commission. Mr. Holtermann stated that another property that came up that is outside the district is the train station on Railroad Place. Mr. Holtermann stated that the owner contacted him that the low skirt roof that runs around the building was in very bad shape and needed repair. Mr. Holtermann stated that the estimates were quite high and the commission was able to work with them to come up with a more affordable method and the work has been done.

Mr. Holtermann stated that in terms of outreach, a few weeks ago he gave a talk here at Borough Hall about additions to historic houses and for a Sunday afternoon it was pretty well attended.

Mayor Persichilli stated that as the only person on Council who objected to the formation of the Historic Preservation Commission he is happy with the way things have worked out. Mayor Persichilli complemented Mr. Holtermann and the Commission on the work that they have done. Mayor Persichilli stated that the perception was that the commission would make it difficult for residents in the district when it is obvious that has not happened.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2017-5 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2017-5

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

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 .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 next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2017 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,

NOW THEREFORE BE IT ORDAINED, by the Mayor and 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 2017 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$88,745.37, said amount being \$76,067.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2017 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines 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.

BE IT FURTHER ORDAINED, that any 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 Griffiths made a motion to introduce Ordinance 2017-5, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli read Ordinance 2017-6 by title.

**BOROUGH OF PENNINGTON
COUNTY OF MERCER**

ORDINANCE NO. 2017-6

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF
THE BOROUGH OF PENNINGTON**

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):

§ 206-1. Base and usage charges.

Base and usage charges for water and sewer customers and related provisions are set forth in Section 98-41 of the Code.

[A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
Less than 1	\$29.66 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)
1	\$45.28 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)
2	\$129.36 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)
3	\$288.57 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)
4	\$424.09 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)
6	\$792.43 (+2.0%)	\$6.99 (+2.0%)	\$7.41 (+2.0%)	\$8.14 (+2.0%)	\$9.52 (+2.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
\$32.86 (+2.0%)	\$7.46 (+2.0%)	\$7.98 (+2.0%)	\$8.57 (+2.0%)	\$9.23 (+2.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.]

2. Section 98-41 of the Code, concerning water and sewer charges, is hereby amended as follows:

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
Less than 1	[\$29.66] <u>\$30.40</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)
1	[\$45.28] <u>\$46.41</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)
2	[\$129.36] <u>\$132.59</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)
3	[\$288.57] <u>\$295.78</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)
4	[\$424.09] <u>\$434.69</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)
6	[\$792.43] <u>\$812.24</u> (+[2]2.5%)	[\$6.99] <u>\$7.16</u> (+[2]2.5%)	[\$7.41] <u>\$7.60</u> (+[2]2.5%)	[\$8.14] <u>\$8.34</u> (+[2]2.5%)	[\$9.52] <u>\$9.76</u> (+[2]2.5%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
[\$32.86] <u>\$34.50</u> (+[2]5.0%)	[\$7.46] <u>\$7.83</u> (+[2]5.0%)	[\$7.98] <u>\$8.38</u> (+[2]5.0%)	[\$8.57] <u>\$9.00</u> (+[2]5.0%)	[\$9.23] <u>\$9.69</u> (+[2]5.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough,

sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1, except in 2017 the billing date for the first quarter water/sewer bills is extended to April 3, 2017 and the due date for the first quarter water/sewer bills is extended to May 1, 2017.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2017-6, second by Council Member Griffiths. Mr. Griffiths stated that the proposed rate increase is 2 percent for water and 5 percent for sewer which is a weighted average of 3.8 percent. Mr. Griffiths stated that the purpose of raising the sewer rates a little higher is that we have several customers who use the sewer service and lines but do not use the water lines. Mr. Griffiths stated that in general the increase is infrastructure and engineering related as well as the fact that we have under projected our revenue over the last several years. Mr. Lawver stated that it has been forty years since sewer lines were installed and we have not really done anything to them so we know it is time to spend a little more time and energy on the sewer system. Upon a roll call vote all members present voted in favor of introduction.

Mayor Persichilli read Ordinance 2017-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-7**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$22,000 FOR THE
ACQUISITION OF A GENERATOR IN AND BY THE BOROUGH OF PENNINGTON, IN THE
COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$20,500
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$22,000, such sum being in addition to the \$85,000 appropriated therefor by Bond Ordinance #2016-3 of the Borough, finally adopted March 2, 2016 (the "Original Bond Ordinance"), which included a \$75,000 grant from the Federal Emergency Management Agency Hazard Mitigation Grant Program, and including the sum of \$1,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$20,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a generator, as described in the Original Bond Ordinance, including engineering expenses and further including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$101,250, including the \$80,750 authorized by the Original Bond Ordinance and the \$20,500 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$107,000, including the \$85,000 appropriated by the Original Bond Ordinance and the \$22,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of

the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$20,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$24,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$2,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$22,000 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Lawver made a motion to introduce Ordinance 2017-7, second by Council Member Mills. Mr. Lawver asked why this ordinance is being done now and not in connection with the Borough Hall upgrades. Mrs. Sterling stated that the original ordinance for the generator did not include the engineering and rather than amend the current ordinance this ordinance will fund the difference. Mrs.

Sterling stated that all this does is put the funding in place. Mr. Griffiths stated that this ordinance might not even incur additional debt service as it can be funded out of cash on hand or short term financing. Upon a roll call vote all members present voted in favor.

Mayor Persichilli read Ordinance 2017-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2017 – 8**

**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 2017**

**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	\$ 51,226.88
Borough Clerk	\$ 41,737.10
Treasurer / Assistant Chief Financial Officer	\$ 71,309.48
Tax Collector	\$ 29,986.18
Utility Collector	\$ 29,986.18
Technical Assistant to Construction	\$ 11,659.17
Tax Assessor	\$ 12,734.50
Zoning Officer	\$ 8,617.76
Land Use Admin/Admin Asst.	\$ 50,227.45
Deputy Registrar	\$ 2,170.33
Supt. of Public Works	\$125,643.60
Judge of Municipal Court	\$ 12,107.43
Court Administrator	\$ 16,921.04
Prosecutor - (Flat Fee per Court Session)	\$ 300. 00
Public Defender – (Flat Fee per Court Session)	\$ 200.00
Public Safety Director	\$ 55,831.85
Construction Official	\$ 26,736.98
Plumbing Sub-Code	\$ 39.56 / hour
Fire Sub-Code	\$ 40.15 / hour
Electric Sub-Code	\$38.76 / 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 salary amount shown in Section a. for Supt. of Public Works is a maximum amount expected to be paid when the incumbent obtains all licensure required for management of water distribution and treatment and sanitary sewer collection. The present salary of \$85,680. shall be increased by increments of \$7,500. upon qualification for each of the following licenses, respectively: W-1, Water Distribution; T-1, Water Treatment; C-2, Sanitary Sewer Collection – Level 2; W-2, Water Distribution – Level 2; and T-2, Water Treatment – Level 2.
- e. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 80.60

Police Department:		
Crossing Guards	\$ 15.00	\$ 26.00
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 45.00

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, 2017.

Council Member Lawver made a motion to introduce Ordinance 2017-8, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2017-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2017 - 9**

**ORDINANCE AMENDING CHAPTER 98 OF THE CODE
OF THE BOROUGH OF PENNINGTON CONCERNING FEES**

WHEREAS, Borough Council seeks to amend certain of the fees set forth in Chapter 98 of the Code of the Borough of Pennington;

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

1. Section 98-34, concerning trash pickup, is amended as follows:

98-34. Trash pickup.

Fees for bulk household trash and additional non-bulk trash as required by §172-11 of this Code shall be:

* * * *

- A. Bulk trash stickers: one sticker per 40 pounds/\$[3]4 each.
- B. Non-bulk trash pickup in excess of two thirty-gallon trash containers on any one collection day: one sticker per container/\$[3]4 each. No container may exceed 40 pounds.

2. Subsections A and B of Section 98-35, concerning trash pickup for adjacent properties, is amended as follows:

98-35. Adjacent properties.

Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to

Section 172-13 of this Code shall be:

- A. Per year for two thirty-gallon containers twice/week: \$[350]400. No container may exceed 40 pounds.
 - B. Bulk trash stickers and stickers for pickup in excess of two thirty-gallon containers on any one collection day: one sticker per 40 pounds of bulk items and one sticker per excess container/\$[3]4 each. No container may exceed 40 pounds.
3. This Ordinance shall be effective upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2017-9, second by Council Member Mills with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2017-3 by title:

**BOROUGH OF PENNINGTON
ORDINANCE 2017-3**

**AN ORDINANCE AMENDING CHAPTER 215 OF THE CODE OF THE BOROUGH OF
PENNINGTON, CONCERNING ZONING, TO CLARIFY PROVISIONS AND TO ELIMINATE
REGULATION OF ROOFTOP SLOPES**

WHEREAS, Borough Council, on the recommendation of the Application Review Committee of the Borough Planning Board, seeks to amend Chapter 215 of the Borough Code, concerning Zoning, to clarify various provisions and to eliminate regulation of rooftop slopes;

WHEREAS, the recommendations of the Application Review Committee reflect the advice of the Borough Planner and, with respect to rooftop slopes, the Historic Preservation Commission as well;

WHEREAS, the intent of the clarifying provisions is to: (1) eliminate surplus words from the definition of “floor area” and explicitly exclude from “floor area” the under-roof areas of sheds and gazebos; (2) eliminate from the definition of “story” the redundant and confusing explanation of “ceiling;” and (3) merge the yard area requirements in Code Section 215-50 into a consolidated Section 215-15, so that the requirements concerning yards are in one place;

WHEREAS, eliminating the regulation of rooftop slopes is grounded on the premise that the standards imposed by the Code, Section 215-16 (“the Slopes Ordinance”), frustrate good design without substantially accomplishing their purpose;

WHEREAS, the purpose of the Slopes Ordinance is to preserve light and air in the side yards and minimize the impact of the height of a residential structure on neighbors, but the architectural adjustments required by the ordinance provide only a minimal effect and the purpose is better served by other provisions of the Code regulating the bulk of structures, including restrictions on floor area ratio, setbacks, height limitations, maximum house size, maximum size of detached garage, number of structures permitted on a lot and impervious coverage limitations, and the benefit of minimizing regulation of roof slopes is an evolving mix of architectural styles

WHEREAS, in the amendments which follow, brackets [] denote deleted language and underlining indicates new language;

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

1. Section 215-8 of the Code, concerning Definitions, is hereby amended with respect to the definitions of “Floor Area, Gross (G.F.A.) or Total” and “Story,” as follows:

“Floor Area[, Gross G.F.A. or Total]. The sum of the gross horizontal area of each full story of a building, as ‘story’ is defined herein [on a lot], measured from the exterior face of the exterior walls, provided that any under-roof parking area and any under-roof area of a shed or gazebo[,] shall not be included in the [G.F.A.] floor area calculation. For attached dwelling units/buildings, the [gross] floor area shall be measured from the center line of a wall separating the two dwelling units/buildings.”

“Story. The vertical distance between the finished surface of a floor and the finished surface of the floor above it. Or, if there is no floor above, then the vertical distance between the finished surface of a floor and the ceiling above it. For the purpose of this chapter:

- [A. The underside of a roof shall not be considered a ceiling; rather, the underside of the

highest horizontal surface separating the area above from the remainder of the structure below shall be considered the ceiling.】

A[B]. Cellars and basements ordinarily shall not be considered stories when considering the height of a building except, however, that:

(1) A finished basement and/or cellar in nonresidential buildings shall be considered a story for the purposes of the height, floor area and parking requirements of this chapter unless used and restricted solely for ancillary storage.

(2) A basement in a nonresidential or residential building, whether finished or not, shall be considered a story for the purposes of the height, floor area and parking requirements of this chapter when the distance from the undisturbed natural grade to the finished surface of the floor above the basement is more than three feet for more than 50% of the total perimeter of the building or is more than eight feet at any point.

B[C]. A half-story is the area under a pitched roof at the top of a building, the floor of which is at least three feet, but no more than six feet, below the line of intersection of the roof and wall face.

C[D]. The attic or area under a pitched roof at the top of a building shall be considered a full story for the purposes of this chapter when the head room or ceiling at a height of seven feet or more above the attic floor is more than 1/3 of the total area of the floor directly beneath and has access via code-compliant stairway for habitable space from the floor below.”

2. Section 215-15 of the Code, concerning Yard requirements, is amended by relocating paragraphs A and B of Section 215-50 to this section, designating them new paragraphs E and F, as follows:

“215-15. Yard requirements.

A. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located. Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets, for both principal and accessory buildings.

B. Where a building lot has frontage on a street which the Master Plan or the Official Map of the Borough indicates is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.

C. No front yard shall be used for open storage of boats, vehicles or any other equipment. This subsection should not be construed to prohibit the parking of a motor vehicle on a driveway located in a front yard.

D. In the R-80 Zone, at least 50% of the front yard shall be lawn or landscaped and shall not be used for the parking of cars or other vehicles. In the R-100 Zone, at least 70% of the front yard shall be lawn or landscaped and shall not be used for the parking of cars or other vehicles.

E. Front yards. In any residential zone where 50% or more of the lots within a distance of 500 feet on the same side of the street are developed, the front yard requirements for any lot within such area shall be the average of the existing front yards on the developed lots.

F. Side yards. In the case of lots upon which an existing structure is located, the combined total side yard requirements shall be reduced by six inches for each foot by which a lot is less than the minimum requirement for the zone in which located. In any case, the side yard width for either side yard shall not be reduced to less than 50% of the requirement of said zone.”

3. Section 215-16 of the Code, concerning regulation of the Slopes of rooftops, is hereby deleted in its entirety, as follows:

【“Section 215-16. Slopes.

A. All points of any building on a lot shall lie below planes sloping inward and upward from the property lines and having horizontal to vertical slopes as specified below for the respective zones:

(1) R-80: 1.0 to 1.5.

(2) R-100, R-A and O-R: 1.0 to 1.0.

(3) TC: no requirement; see Schedule of Area, Yard and Building Regulations.

(4) B-H and O-B: 3.0 to 1.

B. The foregoing notwithstanding, the dimensions shown in the Schedule, Column Nos. 6 through No. 9, inclusive, shall be held to be the absolute minimum yard requirements regardless of building height.”】

4. Section 215-50 of the Code, concerning Permitted yard area modifications, its substance having been relocated to Section 215-15 as set forth above, is hereby deleted in its entirety, as follows:

【“215-50. Permitted yard area modifications.

A. Front yards. In any residential zone where 50% or more of the lots within a distance of 500 feet on the same side of the street are developed, the front yard requirements for any lot

within such area shall be the average of the existing front yards on the developed lots.

- B. Side yards. In the case of lots upon which an existing structure is located, the combined total side yard requirements shall be reduced by six inches for each foot by which a lot is less than the minimum requirement for the zone in which located. In any case, the side yard width for either side yard shall not be reduced to less than 50% of the requirement of said zone.”]

5. This Ordinance shall be effective upon passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2017-3, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Lawver with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2017-3, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli rea Ordinance 2017-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-4**

BOND ORDINANCE PROVIDING FOR PRELIMINARY PLANNING, ENVIRONMENTAL AND INVESTIGATIVE ANALYSIS AND ANY NECESSARY WORK OR IMPROVEMENTS IN CONNECTION WITH THE BOROUGH-OWNED LANDFILL AND ANY OTHER RELATED PROPERTIES FOR POTENTIAL REDEVELOPMENT PURPOSES IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$125,000. No down payment is required pursuant to N.J.S.A. 40A:12A-37(c) as this bond ordinance authorizes obligations for the purpose of aiding a redevelopment entity with respect to a redevelopment project within the Borough.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$125,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is preliminary planning, enviromental and investigative analysis and any necessary work or improvements in connection with the Borough-owned landfill and any other related properties for potential redevelopment purposes, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary

capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$125,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2017-4, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2017-4, second by Council Member Lawver with all members present voting in favor.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt thanked Council for approving the ordinance eliminating the slope ordinance. Mrs. Gnatt stated that at the last Planning Board meeting, a draft of the developer's agreement for Heritage at Pennington was discussed. Mrs. Gnatt stated that this comprehensive document was reviewed by the Planning Board and certain revisions were recommended. Mrs. Gnatt stated that many professionals have been working on this agreement and once it is finalized it will come before Council for approval. Mr. Marcianti asked if there will be a way for residents in that development to safely cross the train tracks. Mrs. Heinzl stated that came up during one of the hearings and there was

concern about the tracks not having a fence but it was not something that the developer was prepared to address in terms of putting up a fence. Mr. Marciante asked if the tunnel that was there but has been filled in could be opened back up and maybe that should be looked into. Mrs. Heinzl stated that it did come up at the hearing and there were some people that expressed concern from a safety perspective but that property is owned by CSX and so the developer would not be responsible for putting up a fence. Mr. Lawver stated that we should monitor the area and see if it becomes a problem. Mr. Meytrott stated that there are really only a couple of locations where you could easily cross over the tracks, one is down towards Pennington Point where it is pretty flat and the other is up by Franklin Avenue. Mr. Meytrott stated that in between where the station is there is a gigantic dip and it is very difficult to walk across there. Mr. Lawver stated that there is also a location on the Pennington School property where all the high school kids cross.

Public Safety / Personnel – Mr. Marciante stated that we took possession of our new Ford Interceptor SUV and a new Crossing Guard has been hired for Delaware and Main in the afternoon.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that he has been asked by the Pennington Day Committee to remind everyone that Pennington Day will be held Saturday, May 20th, 2017. Mr. Lawver stated that the Pennington Day committee has asked that the Borough provide the usual services for the event.

Mr. Lawver reported that the new Senior Coordinator has quickly taken control of the senior activities. Mr. Lawver stated that a Capital Health Nurse is available at the Hopewell Township Municipal Building addressing senior health issues. Mr. Lawver stated that a meeting is scheduled for tomorrow with the County Executives to discuss the Senior Center.

Mr. Lawver reported that the Public Works Committee met and discussed the engineering budget and how to sequence the road and water projects coming up this summer.

Parks and Recreation – Mrs. Mills reported that she was unable to attend the recent meeting but she understands that the upcoming events for 2017 were discussed including Memorial Day, Summer Concerts, Movie Nights, Trail Day and the Easter Egg Hunt. Mrs. Mills reported that the committee is still looking for additional members. Mrs. Mills stated that they discussed the budget for 2017 and they also discussed how to promote the events that they schedule.

Mrs. Mills reported that the Library Board welcomed their new member Rose Yacavone who is also the liaison to the Friends of the Library. Mrs. Mills stated that the Book Bike has been sponsored and it will be available at local events. Mrs. Mills stated that the Library was awarded a grant to provide a book advisory service which means that as a free service they can recommend books to people and they will be promoting that through postcards. Mrs. Mills stated that the Library allocation for 2017 is down by \$3,264.00. Mrs. Mills stated that their revenues are \$171,603 but their expenses are \$188,603 so they have a \$17,000 shortfall and the Library Board discussed how to address the shortfall.

Finance – Mr. Griffiths stated that the 2017 Budget is scheduled for introduction later in the meeting. Mr. Griffiths stated that thanks to the work of Kit Chandler, Joe Lawver, Betty Sterling, Eileen Heinzl and Sandy Webb we can recommend a budget that requires \$2.142 million in tax revenue which is an increase of \$33,000 or 1.6 percent over 2016. Mr. Griffiths stated that this is a modest increase considering that inflation for that period was 2.5 percent. Mr. Griffiths stated that we encountered \$84,000 in additional expenses which is largely salaries and ongoing costs of equipment for the Police and Public Works Departments. Mr. Griffiths stated that we are spending a little more in engineering which reflects ambitious road projects and a road survey to track and evaluate the life span of our infrastructure. Mr. Griffiths stated that as for revenue increases the highlight is that we can project \$10,000 more in code enforcement revenue and we can also project higher franchise fees and municipal court revenue. Mr. Griffiths stated that in total we are faced with a \$33,000 increase which is 1.6 percent over last year. Mr. Griffiths thanked everyone who worked on the budget. Mayor Persichilli also thanked everyone for their hard work, there is a lot involved in putting the budget together and we have come a long way over the years. Mr. Griffiths stated that we are also looking at capital expenses although they are not reflected in the operating budget. Mr. Griffiths stated that we are facing \$300 to \$400,000 in renovation expenses for this building which will make the space more efficient but more importantly the roof, HVAC system and the windows need to be replaced. Mr. Griffiths stated that we also have some safety compliance issues that will also be dealt with all at once. Mr. Griffiths stated that all of this will tie in with the generator installation. Mr. Griffiths stated that the numbers are still being quantified. Mr. Griffiths stated that this is the first time in the ten or twelve years that he has been on Council that he can actually look forward to spending money that this Council has authorized rather than paying for legacy debt. Mr. Griffiths stated that the Borough has come a long way in terms of management of our budget and capital expenses and he is very pleased to report that. Mr. Griffiths stated that Council has already discussed the landfill and that project has the potential to be a game changer for the Borough.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that she had nothing to add to Mr. Holtermann's earlier presentation for Historic Preservation. Mrs. Chandler stated that she has no report for the Environmental Commission or for Economic Development.

Mrs. Chandler stated that she would like to bring to Council's attention the Board of Health report that was provided in the packages. Mrs. Chandler stated that on Saturday, April 1st, Pennington Borough will host a free Rabies Clinic at the Public Works Garage from 9 to 11am.

Budget Introduction

Mayor Persichilli asked if anyone had any questions regarding the budget that has been provided to Council Members. Mr. Griffiths stated that he did not have any further comments but he would be happy to address any questions from Council. Chief Financial Officer, Sandy Webb stated that there is a change that needs to be made to the budget that we did not find out about until late today. Mrs. Webb stated that we were able to get confirmation on the NJ Environmental Infrastructure Trust debt service payments and she would like to recommend an increase of \$5,500.00 to the Debt Service figure in the Water/Sewer Budget. Mrs. Webb stated that if that number is a little high the balance will be canceled to surplus at the end of the year.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.14**

RESOLUTION TO INTRODUCE BUDGET FOR 2017

Section 1.

Municipal Budget of the Borough of Pennington, County of Mercer for the Fiscal Year 2017.

BE IT RESOLVED, that the attached statement of revenues and appropriations shall constitute the Municipal Budget for the year 2017;

BE IT FURTHER RESOLVED, that said Budget be published in The Hopewell Valley News in the issue of March 10, 2017.

The Governing Body of the Borough of Pennington does hereby approve the following as the Budget for the year 2017.

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Pennington, County of Mercer, on March 6, 2017. A hearing on the Budget and Tax Resolution will be held at the Borough Hall, on April 3, 2017 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

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	X			

Council Member Lawver made a motion to introduce the 2017 Budget, second by Council Member Griffiths with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Blackwell Memorial Home, 21 North Main Street, Pennington, NJ 08534, in the amount of \$40.00 for certified copy fees collected in error.

BE IT RESOLVED, that a refund be issued to Dovenmuehle Mortgage c/o CoreLogic Real Estate Tax Service, Attn: Refund Department, PO Box 961250, Fort Worth, TX 76161-9858, for refund of 2017 first quarter taxes, Block 704, Lot 1, also known as 11 West Welling Avenue, in the amount of \$3,810.13.

BE IT RESOLVED, that a refund be issued to Dovenmuehle Mortgage c/o CoreLogic Real Estate Tax Service, Attn: Refund Department, PO Box 961250, Fort Worth, TX 76161-9858, for refund of 2017 first quarter taxes, Block 301, Lot 9, also known as 39 North Main Street, in the amount of \$4,782.71.

BE IT RESOLVED, that a refund be issued to Martha Akers, 6 Baldwin Street, Pennington, NJ 08534 for Dog License #D17-000121 in the amount of \$16.20.

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	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-3.1, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.2**

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 \$ 1,623,653.07 from the following accounts:

Current	\$ 1,536,529.47
W/S Operating	\$ 74,250.20
Developers Escrow	\$ 11,994.40
Grant Fund	\$ 879.00
TOTAL	\$ 1,623,653.07

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	X			

Council Member Lawver made a motion to approve Resolution 2017-7.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017–3.3**

RESOLUTION AUTHORIZING AMENDMENTS TO THE 2017 TEMPORARY BUDGET

WHEREAS, the 2017 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2017 Temporary Budget for the Current Account.

Administration	Salaries	\$10,000.00
Administration	Other Expense	\$5,000.00
Municipal Clerk	Salaries	\$10,000.00
Tax Collection	Salaries	\$5,000.00
Tax Assessment	Salaries	\$2,000.00
Tax Assessment	Other Expense	\$2,000.00
Legal Services	Other Expense	\$10,000.00
Engineering	Other Expense	\$31,500.00
Planning Board	Salaries	\$5,000.00
Construction	Salaries	\$7,000.00
Police	Salaries	\$50,000.00
Police	Other Expense	\$15,000.00
Streets	Salaries	\$30,000.00
Streets	Other Expense	\$20,000.00
Trash	Salaries	\$15,000.00
Trash	Other Expense	\$20,000.00
Borough Property	Salaries	\$2,000.00
Historic Preservation	Other Expense	\$500.00
Economic Development	Other Expense	\$300.00
Library	Salaries	\$10,000.00
Library	Other Expense	\$10,000.00
Electricity	Other Expense	\$5,000.00
Telephone	Other Expense	\$5,000.00
Gas/ Fuel/Lubricants	Other Expense	\$5,000.00
Social Security	Other Expense	\$10,000.00

Municipal Court	Salaries	\$5,000.00
Municipal Court	Other Expense	\$2,000.00
Total		\$292,300.00

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2017 Temporary Budget for the Water and Sewer Fund:

Water/Sewer	Salaries	\$30,000.00
Water/Sewer	Other Expense	\$60,000.00
SBRSA	Other Expense	\$80,000.00
Group Insurance	Other Expense	\$20,000.00
Social Security	Other Expense	\$5,000.00
TOTAL		\$195,000.00

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	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2017-3.3, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2017 – 3.4**

**RESOLUTION AWARDING NEW PLENARY RETAIL
CONSUMPTION LICENSE SUBJECT TO CONDITIONS**

WHEREAS, the Borough of Pennington has the authority to issue a new Plenary Retail Consumption License for the sale of alcoholic beverages (“License”); and

WHEREAS, by Resolution 2016-9.8, adopted on September 7, 2016 (“ Resolution 2016-9.8”), Borough Council authorized advertisement for bids for purchase of the License and established a process for the receipt and review of submissions by prospective bidders;

WHEREAS, on September 23 and September 30, 2016, the Borough Clerk published notice to prospective bidders in the Times of Trenton and in the Hopewell Valley News in accordance with law, providing that applications for prequalification of bidders be submitted to the Borough Clerk no later than 4:00 pm on Tuesday, November 15, 2016;

WHEREAS, by the date and time for the receipt of applications, one application was received, submitted by Cugino’s Holding LLC, 147-149 W. Delaware Avenue, Pennington, New Jersey 08534 (“Cugino’s);

WHEREAS, after the principals of Cugino’s were subject to criminal background investigation by the Pennington Borough Police, as required by law, Borough Council determined by Resolution 2017-2.11 that Cugino’s was the sole qualified bidder to submit a bid for the License;

WHEREAS, on the adjourned date and time for receipt and opening of bids, March 6, 2016, at 3:30 PM, the bid from Cugino’s was opened and determined to provide a bid amount of \$175,000.00 and required 20% deposit in the amount of \$35,000.00, in conformance with Resolution 2016-9.8;

WHEREAS, Cugino’s has therefore made the highest qualified bid for the License;

WHEREAS, further in conformance with Resolution 2016-9.8, the bidder who is determined by the Borough to have made the highest qualified bid shall pay the remainder of the bid price in the form of a cashier’s check, certified check or money order payable to the Borough of Pennington and shall deliver the payment to the Borough Clerk no later than 4:00 PM of the second business day after the opening of bids;

WHEREAS, this amount together with the deposit provided with the bid shall be held in escrow by the Borough pending satisfaction of all further requirements for issuance of the License;

WHEREAS, additional steps required by law include payment of any outstanding annual State and municipal licensing fees, satisfactory outcome of an investigation of the applicant’s source of funds and criminal background checks, compliance with all regulations concerning issuance of the License in N.J.A.C. 13:2-2.1 et seq., such as consideration of the proposed location for the License and publication and hearing if there are objections;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington, in the County of Mercer, State of New Jersey, that the Borough Council of Pennington

hereby:

1. accepts the bid of Cugino’s as the highest qualified bid for the License; and
2. awards the License to Cugino’s subject to satisfaction of the following requirements for issuance of the license:
 - a. payment of the balance of the bid price;
 - b. payment of any annual State and municipal licensing fees not already paid;
 - c. satisfactory outcome of an investigation of the source of funds and criminal background checks;
 - d. compliance with all regulations concerning issuance of a License in N.J.A.C. 13:2-2.1, et seq., including but not limited to publication and a hearing if there be objections;
 - e. satisfaction of conditions for licensure set forth in Resolution 2016-9.8 pertaining to additional criteria for licensed premises;
 - f. approval of proposed location for the License and any changes in the premises proposed for licensure following initial application and before issuance of the License; and
 - g. establishment of permissible hours of operation and such other special conditions as permitted by law.

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	X			

Council Member Chandler made a motion to approve Resolution 2017-3.4, second by Council Member Lawver. Mr. Bliss stated that the bid was opened at 3:30pm today and this resolution does not have the numbers filled in yet. Mr. Bliss asked that the bid amount of \$175,000 and the deposit amount of \$35,000 be inserted into the blanks in the 6th whereas. Mr. Marciante asked if this would have any effect on the budget. Mr. Griffiths stated that we cannot recognize the revenue until it is received. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.5**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.17 FOR
F & AM TRENTON CYRUS LODGE NO. 5**

WHEREAS, F & AM Trenton Cyrus Lodge No. 5 submitted raffle application RA: 1.17 on February 23, 2017 for a raffle to take place on May 29, 2017 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on March 2, 2017; and

WHEREAS, F & AM Trenton Cyrus Lodge No. 5 meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, F & AM Trenton Cyrus Lodge No. 5, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 1.17 for F & AM Trenton Cyrus Lodge No. 5 be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.17 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-3.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.6**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.17 FOR
TRENTON CYRUS FOUNDATION**

WHEREAS, Trenton Cyrus Foundation submitted raffle application RA: 2.17 on February 24, 2017 for a raffle to take place on October 14, 2017 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on March 3, 2017; and

WHEREAS, Trenton Cyrus Foundation meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Trenton Cyrus Foundation, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.17 for Trenton Cyrus Foundation be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.17 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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

Council Member Chandler made a motion to approve Resolution 2017-3.6, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2017-3.7**

**RESOLUTION AUTHORIZING AGREEMENT WITH EXCEL ENVIRONMENTAL RESOURCES,
INC. FOR PRELIMINARY ENVIRONMENTAL ASSESSMENT OF PROPERTY SURROUNDING
BOROUGH LANDFILL, AND RELATED SERVICES**

WHEREAS, the Borough of Pennington seeks professional services in devising redevelopment strategies for the Borough’s property known as Block 206, Lots 4, 5 and 12, which is bounded by West Delaware Avenue, Broemel Place, the railroad right of way and commercial properties on Route 31, and includes the closed municipal landfill on West Delaware Avenue (“the Property”);

WHEREAS, the Borough requires as a first step in any larger strategy an environmental assessment of the Property, known as a Preliminary Assessment (“PA”), to determine whether there are potential or actual environmental conditions on the Property, known as Areas of Concern (“AOC”), that warrant further investigation;

WHEREAS, the findings of the Preliminary Assessment will determine the extent of next steps required to prepare the Property for redevelopment;

WHEREAS, the firm of Excel Environmental Resources, Inc. (“Excel”) has submitted a proposal by which it would perform the Preliminary Assessment for the Borough, as set forth in the letter dated January 13, 2017 and related documents, including Detailed Cost Estimate, which are attached to this Resolution;

WHEREAS, as reflected in the Detailed Cost Estimate, the Preliminary Assessment will include review of historical and title documents related to the Property, site inspection and interviews with site personnel, and data interpretation, report preparation and technical consulting, at a total estimated project cost of \$7,145, with the stipulation that Excel will only bill for actual hours expended and costs incurred at the hourly rates indicated and it will not exceed the cost estimate without advance written authorization;

WHEREAS, included in the project proposal, also included in the Detailed Cost Estimate, is a proposal for preparation and submission of an application to the Hazardous Discharge Site Remediation Fund (HDSRF) for funding to cover the costs of the Preliminary Assessment as well as the cost of any subsequent Site Investigation (“SI”) or Remedial Investigation (“RI”) which may be indicated;

WHEREAS, preparation of the HDSRF application will be without charge to the Borough, with the understanding that Excel would be awarded the funded work, although the Detailed Cost Estimate indicates that there is a \$500 NJEDA Application fee and NJDEP Annual Remediation Fees, which are based on the number of contaminated AOC’s and media impacts;

WHEREAS, the Excel proposal includes Standard Terms and Conditions and Rate Schedule;

WHEREAS, Excel is believed to be well qualified to perform the work and has multiple licensed site remediation experts on staff;

WHEREAS, the Chief Financial Officer of the Borough has certified that Borough funds are available to support acceptance of the Excel proposal;

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 accept the Excel proposal on behalf of the Borough, which shall include the elective HDSRF application, subject to approval of the Borough Attorney as to the form of the contract documents..

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

Council Member Lawver made a motion to approve Resolution 2017-3.8, second by Council Member Chandler. Mrs. Heinzl stated that she would just like to add that information was obtained late today with respect to the NJDEP annual remediation fees. Mrs. Heinzl stated that the fee is \$9,600 and we asked Bond Counsel if that fee could be charged to the bond ordinance and they said that it could. Mrs. Chandler asked what the fee is for. Mrs. Heinzl read from an e-mail received from bond counsel “when an LSRP is hired and they register with the DEP the first annual remediation fee will be due which is \$9,600 within 45 days. The fee will be due annually until either the LSRP issues a restricted action outcome or the Borough determines to stop actively investigating the site.” Mrs. Heinzl stated that the estimated project cost per the resolution is \$7,145 and that is based on all of the information that was provided at the time. Mrs. Heinzl stated that this amount covers the Preliminary Assessment and as part of this Excel will apply for grant funding under the Hazardous Discharge Site Remediation Fund. Mr. Bliss stated that there is an insurance provision that is going to be amended and the resolution references a contract subject to approval by the Borough Attorney. Mr. Bliss stated that the insurance will be increased to \$10,000,000 and he believes that is acceptable. Upon a roll call vote all members present voted in favor.

Mr. Bliss stated that Resolution 2017-3.8, appointing an intern for the Public Works Department which was to be provided today was pulled from the agenda.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-3.9**

**RESOLUTION FURTHER AMENDING PROFESSIONAL SERVICES AGREEMENT WITH
BOROUGH ENGINEER**

WHEREAS, Resolution 2017-1.10 appointed Norman Nelson of Van Note-Harvey Associates the Municipal Engineer for the Borough of Pennington under a temporary professional services agreement subject to negotiation of a final agreement upon determination of a permanent budget for the position;

WHEREAS, by Resolution 2017-2.14, Borough Council increased the temporary budget for the position from \$25,000 to \$100,000 but did not finalize the agreement;

WHEREAS, Borough Council now seeks to finalize the agreement with Norm Nelson and Van Note-Harvey Associates by incorporating in it the Project Budget attached to this Resolution (entitled “Van Note-Harvey – Approved Project Budget – 2017”);

WHEREAS, although the proposed Budget identifies approved projects totaling \$223,300., it is understood that there is no guarantee that all of the budgeted projects will be undertaken this year;

WHEREAS, accordingly, it is further understood and agreed that the Engineer shall not begin work on any project without explicit written direction from the Borough Administrator;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the permanent agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Resolution 2017-1.10 is hereby further amended to incorporate the attached Project Budget

and the recited amendments to agreement set forth above, it being further understood that the form of permanent agreement shall be subject to approval as to form by the Borough Attorney and all other provisions of Resolution 2017-1.10 are to remain the same.

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	X			

Council Member Lawver made a motion to approve Resolution 2017-3.9, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2017 – 3.10**

**RESOLUTION AUTHORIZING CORRECTIVE REAL PROPERTY TAX APPEAL FOR THE
PROPERTY KNOWN AS 105 WEST FRANKLIN AVENUE, BLOCK 102, LOT 1, IN THE
BOROUGH OF PENNINGTON**

WHEREAS, the property known as Block 102, Lot 1 on the Tax Map of the Borough of Pennington, also known as 105 West Franklin Avenue in the Borough of Pennington, consists of approximately 12.88 acres of land and improvements owned by Helene Fuld Medical Center (hereafter “the Property”);

WHEREAS, effective July 13, 2016, upon the application of American Properties at Pennington, LLC, the Pennington Borough Planning Board has granted the Property conditional preliminary and final major site plan and subdivision and related approvals for the development of 80 residential units including 16 units of affordable housing (“Approvals”);

WHEREAS, the Property is currently assessed for real estate tax purposes at \$2,231,800., including \$1,980,200 for land and \$251,600 for improvements;

WHEREAS, on the recommendation of the Borough Tax Assessor, the Borough has retained professional appraisal services to assist in determination of the correct assessment of the property for tax purposes in light of the Approvals;

WHEREAS, further on the recommendation of the Borough Tax Assessor, it is determined that as a result of the Approvals the assessment of the Property for tax purposes is substantially below market value and corrective appeal of that assessment by the Borough is warranted;

NOW, THEREFORE , BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Tax Assessor, assisted by the Borough Attorney, is hereby authorized to file a corrective tax appeal with the Mercer County Board of Taxation or the New Jersey Tax Court as appropriate to seek an increase in the assessment of the Property to market value.

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	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-3.10, second by Council Member Gnatt. Mr. Lawver asked if there is a time frame for this and Mr. Bliss responded before April 1, 2017. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 3.11**

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

WHEREAS, at the Borough Tax Sale held on October 17, 2012, a lien was sold on Block 403, Lot 8, also known as 20 Park Avenue, Pennington, NJ, for 2011 delinquent taxes and water & sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00001, was sold to Vasyl or Maria Kavatsiuk, for 0%, redemption fee and a \$12,000.00 premium: and,

WHEREAS, Steele R. Chadwell, 20 Park Avenue, Pennington, NJ 08534, has effected redemption

of Certificate #12-00001 in the amount of \$87,954.93.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$87,954.93, payable to Vasyi or Maria Kavatsiuk, 449 Mountain Avenue, Berkeley Heights, NY 07922 for the redemption of Tax Sale Certificate #12-00001.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$12,000.00(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	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-3.11, second by Council Member Griffiths. Mr. Lawver asked for an explanation on this resolution. Mrs. Sterling stated that this has to do with a tax sale certificate that is being redeemed. Mrs. Sterling stated the funds have come in and now we are going to refund them to the lienholder. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2017 – 3.12**

**RESOLUTION AUTHORIZING APPLICATION FOR
RECYCLING TONNAGE GRANT BASED ON 2016 RECYCLING**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, this resolution, authorizing this municipality to apply for a tonnage grant based on calendar year 2016 recycling, will memorialize the commitment of this municipality to recycling and to meeting the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, this resolution must designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Council of Pennington Borough that Pennington Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection;

BE IT FURTHER RESOLVED, that Richard Smith, a Certified Recycling Coordinator, is hereby designated to ensure that the application is properly completed and timely filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Council Member Lawver made a motion to approve Resolution 2017-3.12, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-3.13**

**RESOLUTION AUTHORIZING PURCHASE OF WATCHGUARD VISTA HD WI-FI EXTENDED
CAPACITY WEARABLE CAMERAS WITH OPTIONS UNDER STATE
CONTRACT #A81300/T-0106**

WHEREAS, the Pennington Borough Police Department is required to provide Body Cameras to each sworn officer; and

WHEREAS, the Public Safety Director has determined that the required equipment is available under the State Contract known as Watch Guard – Advanced Electronics Design d/b/a Patrol PC, (Contract #: A81300/T-0106); and

WHEREAS, the Public Safety Director has obtained a quote for the required equipment from Watch Guard located at 415 Century Parkway, Allen, Texas 75013; and

WHEREAS, Watch Guard Digital is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase of five (5) Vista HD Wi-Fi Extended Capacity Wearable Cameras with Options is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the proposal from Watch Guard in the amount of \$10,683.75 is attached to this Resolution; and

WHEREAS, purchase of the equipment on State Contract as proposed 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 in the Grant Fund and in the Other Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the acquisition of five (5) Vista HD WI-FI Extended Capacity Wearable Cameras for the Pennington Borough Police Department pursuant to the attached proposal from Watch Guard is hereby authorized, and the Borough Administrator and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

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	M			
Griffiths	S				Mills	X			

Council Member Marciante made a motion to approve Resolution 2017-3.13, second by Council Member Griffiths. Mrs. Chandler asked if we are required to do this. Mr. Meytrott stated that there is no particular State requirement at this time but it is highly recommended by the Attorney General’s Office. Mr. Lawver asked what happens to the data that is generated by the cameras. Mr. Meytrott stated that it will be kept in house and this system will be integrated with the in car systems and that is why they went with WatchGuard. Mr. Meytrott stated that the Attorney General’s Office is working on guidelines for how long different items will need to be kept. Mr. Meytrott stated that there will be a schedule for each type of record. Some discussion took place with regard to whether there is a need for the cameras in Pennington. Mr. Meytrott stated that he thinks that this will be a positive thing and he has not heard any reservations expressed by the current officers. Upon a roll call vote all members present voted in favor.

Council Discussion

Borough Hall Renovations – Mr. Lawver stated that when we finally confronted that we need to replace the HVAC system and the best way to replace the HVAC system is to access it through the roof and therefore replace the roof it started a snowball effect and other wear and tear items that we are seeing in the building after twenty years came up. Mr. Lawver stated that he had very casual conversations with just about everyone in the building and in a nutshell there is a need to better utilize some of the dead space that we have, to create more storage and in the case of the Police Department which is the most heavily used space do a significant overhaul of that space. Mr. Lawver stated that other than that the building seems to be holding up rather well although the kitchenette areas and the bathrooms are in need of updating. Mr. Lawver stated that he wanted to bring this to Council to find out if everyone is on board before we take the next steps which would be to talk to Eric Holtermann since his firm designed the building and to figure out a timeline and costs for doing a full needs analysis, design and estimates for the renovations.

Mayor Persichilli stated that he thinks that this is due and for many years we were concerned about spending \$10,000 so that the office staff would not get injured on the laminate that was peeling off of the desks which has been fixed, but we really should look at the entire building and tackle everything all at once. Mr. Lawver

stated that the list he presented is a comprehensive wish list but we don't want to start with the HVAC system and run into other structural problems that could have been addressed first. Mr. Lawver stated that there are ways to make this building more efficient that will be looked into as well such as solar panels on the roof or in the parking lot. Mr. Lawver stated that he has exhausted his knowledge of renovations and it is now time to consult with a professional. Council Members were in agreement to move forward with the project. Mr. Lawver stated that he would like to get this far enough along so that we can get the HVAC system work started. Mrs. Heinzel asked if the next step is to get some proposals from architects. Mr. Lawver stated that he would suggest talking to Eric Holtermann because his firm designed the building. Mrs. Chandler stated that on a walk through Mr. Holtermann could give advice on what can or cannot be done and then after that an architect would be needed. Mr. Bliss stated that Council would have to decide what process to take for selection of professionals.

Professional Reports

Mrs. Heinzel stated that she spoke with Andy Powers of PSE&G today and they have their Resolution of Approval for the solar panels at the Public Works Facility. Mrs. Heinzel stated that once the lease is signed they anticipate starting construction of the panels in July. Mrs. Heinzel stated that as part of the process PSE&G will be providing trees to buffer the solar panels and the trees will either be planted in the spring or the late fall. Mrs. Heinzel stated that the battery backup is going to be a Tesla battery which is going to be larger in size and may actually power the entire building.

Mrs. Heinzel reminded everyone that it is Restaurant Week.

Mrs. Heinzel stated that we will need to have a special meeting later this month. Mrs. Heinzel asked Council Members if they would be available on March 20th. Mrs. Heinzel stated that the meeting will be for public hearing and adoption of the water/sewer rate ordinance that was introduced tonight. Mrs. Heinzel stated that this needs to be done at a special meeting so that the first quarter bills can go out as they are already delayed. Council Members Griffiths, Gnatt, Chandler and Mills were all available. Mayor Persichilli, Mr. Lawver and Mr. Marciante were unavailable that day. Mrs. Heinzel stated that she would send a reminder.

Mr. Meytrott stated that he should probably mention that one of the reasons that we are proceeding ahead with the body cameras at this time is that the Prosecutors Office has advised us that if we do not commit to spend the grant funds this week we would have to return them. Mr. Meytrott stated that the grant amount is \$2,500.00

Mr. Meytrott stated that an event will be going on this Saturday from 7am to 9pm at the Pennington School and they expect 2,400 people to attend. Mr. Meytrott stated that they have arranged for additional off-site parking however with the weather forecast of snow there may be some issues. Mr. Meytrott stated that they have not requested any paid detail officers but he does not really expect any issues because of the nature of the event except for the fact that there will be pedestrian traffic and traffic on the streets. Mr. Meytrott stated that they are also going to put up some emergency no parking signs over by the school.

Approval of Closed Session Minutes (for content but not for release)

Council Member Chandler made a motion to approve the December 12, 2016 Closed Session minutes for content but not for release, second by Council Member Lawver with all members present voting in favor.

At 8:07pm with no further business to come before Council the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk