

**Pennington Borough Council
Regular Meeting – February 5, 2018**

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, Griffiths, Lawver, Marciante and Mills in attendance. Mrs. Gnatt was absent.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Public Works Superintendent Rick Smith 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 made an announcement that Ordinance 2018-2 regarding grease interceptors, which appears on the agenda will not be considered for introduction at this meeting.

Mayor Persichilli asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

Mr. Ryan Frasier of 202 Burd Street came forward and stated that he and his family moved to Pennington Borough about two years ago. Mr. Frasier stated that he and his wife have two children. Mr. Frasier stated that they moved to Pennington for the great schools, the family town and safety and security of the town. Mr. Frasier stated that his job is currently as a lieutenant of police and his current assignment is running the office of Emergency Management for a State Agency where his job is to prepare, respond to, mitigate and recover against emergencies and disasters. Mr. Frasier stated that he is here tonight to discuss prevention of emergencies and his leadership role in emergency management is not much different than that of a father, meaning that his job is to protect the people that are under his watch. Mr. Frasier stated that two weeks ago he was putting his children to bed at around 7:30 pm, when it was pitch black outside, they received a knock at the door. Mr. Frasier stated that he and his wife were preparing to turn in for the night and when he answered the door, there was a solicitor with a scruffy appearance and no badge showing. Mr. Frasier stated that he told the person that he did not have time to speak with him at that time. Mr. Frasier stated that it is strange that the town allows soliciting in the dark here in Pennington. Mr. Frasier stated that his wife mentioned that this happened last year and she was home alone. Mr. Frasier stated that he works many hours a week and his wife stated that she was terrified last year when this happened. Mr. Frasier stated that in the past they have had solicitors that have been very aggressive and have started arguing about why they would not fund their specific cause. Mr. Frasier stated that in the handout that he distributed to Council there are two instances, one from the Hopewell Township facebook page and the other is from Somerset County Prosecutors Office. Mr. Frasier stated that the Somerset County notice indicates that a Police Chief's badge, uniforms and weapons were stolen from his house safe and the second page shows the two individuals that are suspect and that they may have been soliciting door to door from an unknown company on the morning of January 24th. Mr. Frasier stated that since he is limited on time he would not go through the two articles. Mr. Frasier stated that the Hopewell Township facebook post speaks to scams and issues an alert and warning about two subjects knocking on doors promoting driveway sealing. Mr. Frasier stated that one person then walks into the house asking to use the bathroom and then stealing some money from the resident.

Mr. Frasier stated that not everyone who is soliciting door to door is looking to commit a crime, but these types of things do not raise suspicion with the residents because soliciting is allowed and it is common. Mr. Frasier stated that no flags are raised when someone appears that the door after dark. Mr. Frasier stated that ideally he would be in favor of a No Soliciting practice, but he understands that the Borough cannot discriminate against organizations. Mr. Frasier stated that he would recommend limiting solicitation to daytime or sunlight hours only. Mr. Frasier stated that in his opinion this is a matter of public safety and if people are prohibited from going door to door after dark soliciting then perhaps when the neighbors see something it would create some suspicion and the local police can respond appropriately. Mr. Frasier thanked Mayor and Council for their time.

Mr. Marciante stated that there is an ordinance regarding the hours of solicitation on for council discussion later tonight. Mr. Marciante stated that he does not agree with solicitation after hours.

Mayor Persichilli stated that council will be discussing this problem later in the meeting.

Mr. Meytrott stated that he would suggest instead of listing specific hours for soliciting, other municipalities have used language such as "a half hour prior to sunset". Mr. Meytrott stated that the downside of that is that sunset changes. Mr. Frasier stated that Title 39 spells out the requirements for

motor vehicles and when headlights are required and that same type of language could be used in this instance.

Mayor Business

Mayor Persichilli announced that Susan Confry who was appointed to Parks and Recreation at the January meeting has declined the appointment due to family commitments.

Mayor Persichilli announced the he is designating Harry Compton as Chairman of the Environmental Commission.

Appointments (with Council Approval)

Mayor Persichilli announced the appointment of Stephen Molinelli as a Class D member of the Historic Preservation Commission for an unexpired term ending December 31, 2019. Council Member Chandler made a motion to approve the appointment, second by Council Member Mills with all members present voting in favor.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the January 8, 2018 Reorganization Meeting, second by Council Member Griffiths with all members present voting in favor.

Council Member Lawver made a motion to approve the minutes of the January 8, 2018 Regular Meeting, second by Council Member Chandler with all members present voting in favor.

Committee Reports

Planning & Zoning / Open Space – No report due to Mrs. Gnatt absence.

Public Safety / Personnel – Mr. Marciante stated that the Public Safety Committee has reviewed the budget for 2018 and after a couple changes they have passed it for approval.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that the Public Works Committee discussed the budget mainly with regard to engineering projects. Mr. Lawver stated that a subset of the projects is on for approval later in the meeting. Mr. Lawver asked everyone to think about ways to catch up on road projects because we are falling behind given that the Curlis and Weidel water main project has been pushed into 2018 making the road reconstruction project move into 2019. Mr. Lawver stated that means for 2019, the Borough would have the Curlis and Weidel road project, the Burd Street project and the Abey Drive project assuming that we get the grant that was applied for. Mr. Lawver stated that all of these projects are separate from any County paving projects that might be approved.

Mr. Lawver stated that the Shade Tree Committee continues to work on the Shade Tree Ordinance and the Senior Advisory Board has not met in quite a while. Mr. Lawver stated that the seniors are angry that there have been no meetings and from what he is hearing is that Hopewell Township wants to move the meetings to every other month but they have been canceled for three or four months in a row now.

Parks and Recreation – Mrs. Mills reported that Parks and Recreation has been talking to Boy Scout Troop 44 to organize a spring clean up on the loop trail and they will also be researching tree maintenance in the parks. Mrs. Mills stated that they are concerned that \$1,500 of the recreation budget, which was for tree work, was moved to the Shade Tree budget last year. Mrs. Mills stated that they will be checking on the balance in the Adopt-A-Flag account as they will be ordering flags in the spring. Mrs. Mills stated that the committee is looking into creating t-shirts so that committee members will be recognized at events during the year. Mrs. Mills stated that the committee is still looking for new members.

Mrs. Mills stated that Library is holding a Literary Lunch on the book Hidden Figures planned, the Big Read Grant Application was submitted on January 24th, and she will be speaking on this coming Sunday with two of her colleagues, the topic is A Proud Heritage. Mrs. Mills stated that the Library Board has reorganized their Board and they are looking to fill two vacancies. Mrs. Mills stated that Kathleen Nash has stepped into the role of board president.

Finance – Mr. Griffiths stated that the Finance Committee met to review preliminary expense items in the General Fund. Mr. Griffiths stated that no conclusions were met as the revenue numbers were not available. Mr. Griffiths stated that currently the expenses are increasing just short of three percent. Mr. Griffiths stated that some of the reasons are the need for a new server or moving information to the cloud, a new cleaning service, the handicap entry doors are in need of repair or replacement prior to the renovation project and HVAC maintenance. Mr. Griffiths stated that the committee discussed approaching PSE&G to discuss street lighting and whether LED lighting is available for street lights. Mr. Griffiths stated that the PFRS and PERS annual liability costs are up this year and that is beyond our control. Mr. Griffiths stated that First Aid expenses were discussed and he did a brief analysis of costs. Mr. Griffiths stated that should there be any other disruption in the First Aid Squad funding that was alluded to at the last meeting he wanted to be prepared with some numbers for discussion. Mr. Griffiths briefly discussed how the LOSAP points are earned with regard to redundancy in calls. Mr. Griffiths stated that under

Capital expenditures, the Public Works Department is requesting two new vehicles equipped with snow plows at about \$60,000 each. Mr. Griffiths stated that with regard to Water and Sewer, the good news is that revenue was 5.4 percent over forecast. Mr. Griffiths reminded Council that there were two rate increases last year. Mr. Griffiths stated that the 5.4 percent does not include one-time connection fees in the amount of \$82,000 from American Properties and it does not include \$147,000 in accounts receivable which is 12 percent of the revenue base with half of that amount owed by Brandywine. Mr. Griffiths stated that we might want to consider communicating to Brandywine that when they don't pay on time it forces the Borough to consider rate increases. Mr. Griffiths stated that based on the revenue collections in 2017, the committee does not see a need for a 2018 rate increase in the near future. Mr. Griffiths stated that we do need to review expenses; there is a \$33,000 increase for well equipment and \$10,000 for a application to the NJEIT for an Asset Management Plan. Mr. Griffiths stated that there are no water and sewer capital requests at this time. Mr. Griffiths stated that the Finance Committee will be meeting again once we have the revenue numbers.

Mrs. Chandler asked if there are any landfill expenses that might be incurred in 2018. Mr. Lawver stated that was a good question and asked if there is an update on the landfill. Mrs. Heinzl stated that there is a fee that needs to be paid in the amount of \$8,000. Mrs. Sterling stated that is it in the budget for 2018. Mrs. Heinzl stated that the Mike Morini has submitted the application and things are moving forward. Mrs. Chandler stated that assuming things do more forward and we get to the next step will we need to do another bond issue? Mr. Lawver stated that the next steps should be covered by the grant, however the planner might need to be funded in 2018 and depending on how the bond ordinance is written those charges might not have to hit the budget. Mr. Griffiths stated that the intent was to capitalize all of the expenses.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Board of Health did not meet.

Mrs. Chandler stated that the Environmental Commission met and Harry Compton will be taking over as the Chairman. Mrs. Chandler stated that she will report separately on the arboretum project.

Mrs. Chandler stated that Historic Preservation and Economic Development held their annual reception at the Sun Bank. Mrs. Chandler stated that the event has morphed into a volunteer reception and the Business of the Year was Sun National Bank. Mrs. Chandler stated that the Historic Preservation award was the Pennington African Cemetery. Mrs. Chandler stated that the event was well attended with members of the Green Team and the Hopewell Valley Historic Society.

Mrs. Chandler stated that the arboretum group met. Mrs. Chandler stated that the group is made up of a member from Shade Tree, Parks and Recreation, Environmental and Open Space. Mrs. Chandler stated that the group has a plan for the arboretum, they discussed handicap accessibility, how to keep deer out while allowing access to the public, what needs to be done with the ash trees that are dying out and now they are at the point where a meeting with the school is needed. Mrs. Chandler stated that nothing can be done without permission from the school district as this is school property. Mrs. Heinzl stated that the Principal and the School Business Administrator have been in the loop and they have been in support of the project. Mrs. Chandler stated that we need to determine whether moving forward this will be remain a school property with the Borough leasing the property or whether it will become municipal property because that affects the funding. Mrs. Chandler stated that municipal and open space funds cannot be used on school property.

Mrs. Chandler asked for an update on 63 North Main Street. Mrs. Heinzl stated that there were two bids submitted for the purchase of the property. Mrs. Heinzl stated that the bank representative who was urging quick submission of the bids has not been heard from. Mrs. Heinzl stated that she reached out to Health Officer Stephanie Carey and Construction Official John Hall. Mrs. Heinzl stated that Mr. Hall still feels comfortable with the fence up around the property and that the fence is doing the job of keeping people out. Mrs. Heinzl stated that satisfies the unsafe structure issue. Mrs. Heinzl stated that the hazard or nuisance of the property just looking like a mess is addressed by the Health Department. Mrs. Heinzl stated that she contacted Stephanie Carey and she will be sending someone out this week to put some pressure on the bank to pay more attention to this property and clean it up at a minimum. Mrs. Chandler asked if the vacant property ordinance has taken effect yet. Mrs. Heinzl stated that the ordinance requires vacant property owners to register with the Borough. Mr. Marcianti asked if the Borough could give the bank a deadline and if the property is not cleaned up by the deadline the Borough would send a crew in to clean it up and a bill would be sent to the bank. Mr. Griffiths agreed with Mr. Marcianti and also stated that if the Public Works Department is too busy, the Borough can just hire an external contractor and pass it through to the bank. Some discussion took place with regard to how to proceed. Mrs. Mills agreed with Mr. Marcianti that the Borough should set a deadline for the bank to clean up the property. Mr. Lawver stated that we don't want to be stuck with a cleaned up vacant property and it seems like there is a market for this property. Further discussion took place regarding demolishing or preserving the property. Mrs. Heinzl stated that having the Health Department involved and having them issue a notice of violation will force the bank to appear before the Judge. Mr. Griffiths stated that the more pressure the better. Mr. Bliss was asked to assist with the process.

Mrs. Chandler stated that she and Eric Holtermann will be going back to the Planning Board to discuss adding the African Cemetery to the Historic District prior to introduction of an ordinance in March.

Council Discussion

Ordinance Limiting Hours for House to House Soliciting –

**AN ORDINANCE LIMITING HOURS FOR HOUSE TO HOUSE SOLICITATIONS AND
AMENDING CHAPTER 147 OF THE BOROUGH CODE**

WHEREAS, the Borough presently regulates house to house and other solicitations in the Borough by the licensing of peddlers, hawkers, solicitors and canvassers, exempting only specific types of solicitations;

WHEREAS, Borough Council has come to recognize a need for limiting the hours of solicitation when done house to house, to permit residents to enjoy privacy during the early morning and later evening hours;

WHEREAS, Borough Council therefore seeks to amend and supplement Chapter 147 of the Borough Code, regulating Peddling and Soliciting in the Borough, to limit residential solicitations to the hours between 9 AM and 7 PM;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 147 of the Borough Code is hereby amended and supplemented to include the following new section 147-8A, which shall read as follows:

“147-8A. Limitation on Hours of House to House Solicitations.

House to house solicitations, whether by peddlers, hawkers, solicitors
or canvassers or by persons exempt from the licensure requirements
of this ordinance, shall not begin earlier than 9 A.M. or continue after 7 PM.”

BE IT FURTHER ORDAINED that this ordinance shall be effective immediately, upon passage and publication as provided by law.

Mayor Persichilli stated that this item was discussed earlier. Mr. Marciante stated that he would like the hours to be 9:00 am to sunset. Mr. Marciante stated that as long as there is no soliciting after dark he does not care. Mr. Marciante stated that he has a no-soliciting sign on his house and they still come after dark. Mr. Griffiths stated that he would rather the hours be 9:00 am to 3:00 pm. Mrs. Chandler did not agree with 3:00pm as no one is home. Mayor Persichilli recommended looking at what other towns are doing. Mrs. Heinzl stated that the reason for putting this on for discussion was to get a sense from Council and for Mr. Bliss to hear the discussion. Mr. Griffiths asked if the ordinance could include a limitation for non-profits. Mr. Bliss stated that first we need to figure out what the rationale is for the restriction, for instance is it safety or is it privacy. Mr. Bliss stated that if it is privacy then there should not be a distinction between profit and non-profit organizations. Mr. Bliss stated that there does not seem to be a basis for distinguishing. Mr. Bliss stated that the ordinance currently permits solicitation by non-profits without the need to obtain a license, but with the need to obey the hours. Mr. Lawver asked if everyone should be required to obtain a license so that we are aware of who is in town. Mr. Lawver stated that there should be requirements that if approved, solicitors would wear clearly visible ID badges with specific information and also display the license that is issued. Mrs. Heinzl stated that residents need to be aware that if someone comes to their door, they have a right to ask for identification and the license. Some discussion took place with regard to banning solicitors. Mr. Lawver suggested checking with other municipalities and the League of Municipalities for guidance. Mr. Lawver stated that the Borough should place reasonable restrictions but he does not think that 9:00 am to 3:00pm is the answer. Mrs. Heinzl asked for a sense of what Council would agree to and the consensus was sunset. Mr. Marciante asked if a no solicitor list could be kept on file. Mr. Bliss stated that he would further explore this issue. Mr. Bliss briefly spoke on No Trespassing or No Soliciting signs and enforcement. Mrs. Heinzl recapped that there are three things for consideration, the time limitation 9:00 am to 7:00pm or 30 minutes before sunset, creation of a do not solicit list in the Borough with language that violation of the homeowners request constitutes defiant trespass, subject to law enforcement, the requirement for a photo ID and license to be clearly visible and the ordinance would list the consequences for violation of the ordinance. Mr. Bliss stated that he would give some attention to case law that might be out there.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Paul T. Dermody, 446 Sked Street, Pennington, NJ, for a 2017 Veteran Tax Deduction approved by the Borough Tax Assessor on 01/08/2018, for Block 904, Lot 22, also known as 446 Sked Street in the amount of \$250.00.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box

14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block 301, Lot 37, also known as 30 Eglantine Avenue, in the amount of \$5,056.93.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block 304, Lot 26, also known as 131 East Delaware Avenue, in the amount of \$3,549.41.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block 403, Lot 16, also known as 3 Rockwell Green Drive, in the amount of \$4,458.63.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block703, Lot 29, also known as 248 South Main Street, in the amount of \$2,826.60.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block 1001, Lot 17, also known as 4 Maple Lane, in the amount of \$3,540.66.

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2018 first quarter taxes, Block 1002, Lot 18, also known as 8 East Welling Avenue, in the amount of \$4,111.36.

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

Council Member Griffiths made a motion to approve Resolution 2018-2.1, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 2.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$2,570,248.67 from the following accounts:

Current	\$ 2,470,076.53
W/S Operating	\$ 59,395.79
Developers Escrow	\$ 1,740.00
Animal Control Fund	\$ 525.00
General Capital	\$ 38,511.35
TOTAL	\$ 2,570,248.67

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				absent	Marciante	X			
Griffiths	S				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-2.2, second by council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018–2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2018 TEMPORARY BUDGET**

WHEREAS, the 2018 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 2018 Temporary Budget for the Current Account.

Legal	Other Expense	\$25,000.00
Engineering	Other Expense	\$14,000.00
Group Insurance – Active	Other Expense	\$30,000.00
Group Insurance – Retired	Other Expense	\$20,000.00
Police	Salaries	\$50,000.00
Police	Other Expense	\$25,000.00
Streets	Salaries	\$40,000.00
Streets	Other Expense	\$20,000.00
Trash	Salaries	\$20,000.00
Library	Salaries	\$15,000.00
Library	Other Expense	\$15,000.00
Electricity	Other Expense	\$15,000.00
Social Security	Other Expense	\$12,000.00
Interlocal – Health Services	Other Expense	\$60.00
Interlocal – Recycling	Other Expense	\$17,871.60
Municipal Court	Salaries	\$3,000.00
Municipal Court	Other Expense	\$2,000.00
DCRP	Other Expense	\$1,000.00
PERS	Other Expense	\$67,232.00
PFRS	Other Expense	\$76,552.00
Total		\$468,715.60

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2018 Temporary Budget for the Water and Sewer Fund:

Water Operating	Other Expense	\$82,000.00
Sewer Operating	Other Expense	\$12,000.00
SBRSA – Treatment Costs	Other Expense	\$100,000.00
Group Insurance – Active	Other Expense	\$15,000.00
Group Insurance – Retired	Other Expense	\$10,000.00
PERS	Other Expense	\$28,814.00
TOTAL		\$247,814.00

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2018-2.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 2.4**

**RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING
CHECKS**

WHEREAS the Municipal Court Administrator has requested permission to cancel certain outstanding checks from the Court’s accounts, as set forth on the attached listing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington that the Municipal Court Administrator is hereby authorized to cancel outstanding checks of the Municipal Court as set forth on the attached listing; and

BE IT FURTHER RESOLVED that a replacement check be issued to any individual that claims a check subsequent to its cancellation.

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				absent	Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-2.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018-2.5**

RESOLUTION AUTHORIZING CONTRACT WITH CITY CONNECTIONS, LLC

WHEREAS, the Borough of Pennington has need for WebPage development, storage and maintenance services;

WHEREAS, the Borough seeks to enter into contract with City Connections, LLC of Hazlet, New Jersey (“City Connections”) for provision of these services in 2018;

WHEREAS, the form of proposed contract entitled WebPage Development Agreement, is attached to this Resolution;

WHEREAS, the total fee for services under the Agreement shall not exceed \$2,040.00 without the prior written approval of Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available;

WHEREAS, City Connections shall comply with all applicable Anti-Discrimination and Affirmative Action laws as set forth in the annexed Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid WebPage Development Agreement with City Connections on behalf of the Borough.

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				Absent	Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-2.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 2.6**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.18 FOR
THE PENNINGTON SCHOOL PARENTS ASSOCIATION**

WHEREAS, the Pennington School Parents Association submitted raffle application RA: 1.18 on January 26, 2018 for a raffle to take place on February 24, 2018 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 February 2, 2018; and

WHEREAS, the Pennington School Parents Association 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, the Pennington School Parents Association, 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: 1.18 for the Pennington School Parents Association be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.18 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				absent	Marciante	X			
Griffiths	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2018-2.6, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 -2.7**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2018

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough’s potable water system;

WHEREAS, New Jersey Analytical Laboratories, having its office at 380 Scotch Road, Bldg. 2, Suite B, Ewing, NJ 08628, is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, New Jersey Analytical Laboratories has submitted a proposal for the work dated January 28, 2018, for a contract price of \$18,180.00 to be invoiced at \$1,515.00 per month each month of the calendar year 2018;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, a condition of any agreement must include a requirement that New Jersey Analytical Laboratories shall file all analytical reports with the appropriate regulatory agency within the time prescribed by law and shall be responsible for any untimely filings, including all fines and penalties;

WHEREAS, before the agreement may be effective, New Jersey Analytical Laboratories shall supply proof of general and contract liability insurance and professional liability insurance with minimum limits of \$1,000,000 respectively, naming the Borough of Pennington as an additional insured;

WHEREAS, approval of this contract complies with the Code of the Borough of Pennington as well as, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which prohibit the award of certain professional services contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

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

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

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

WHEREAS, New Jersey Analytical Laboratories shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A;

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

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by New Jersey Analytical Laboratories dated January 18, 2018 for a contract price not to exceed \$18,180.00.for the calendar year 2018, provided such agreement shall be further subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon, and provided further that such agreement shall state explicitly that New Jersey Analytical Laboratories shall indemnify and hold harmless the Borough from all negligent acts and omissions in connection with performance of the agreement by New Jersey Analytical Laboratories, including but not limited to the timely filing of all analytical reports required by law.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the official newspaper as required by law.

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				Absent	Marciante	X			
Griffiths	X				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-2.7, second by Council Member Chandler. Mr. Lawver asked if the amount has changed from last year. Mrs. Sterling stated that is up for this year due to additional testing that is required this year. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 2.8**

**RESOLUTION REQUESTING EXTENSION OF AWARD
DATE FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
IMPROVEMENTS TO EAST CURLIS AVENUE AND WEIDEL DRIVE UNDER THE 2016
ROAD IMPROVEMENT PROJECT**

WHEREAS, the New Jersey Department of Transportation (NJDOT) awarded funding for the 2016 fiscal year to the Borough of Pennington for a project consisting of improvements to East Curlis Avenue and Weidel Drive in the amount of \$240,000.00; and

WHEREAS, on June 6, 2016, the Borough entered into a grant agreement with the NJDOT accepting this award; and

WHEREAS, the NJDOT has advised that the construction contract must be awarded within 24 months from the date of the execution of the grant agreement, which will be June 6, 2018, and that failure to award a construction contract by that date would jeopardize the use of State funds on this project; and

WHEREAS, the Borough is requesting a six month extension of the award day to December 6, 2018; and

WHEREAS, Mayor and Council ask for this extension because the Borough is undertaking a project funded by the New Jersey Infrastructure Trust Fund (NJEIT) to upgrade the water mains on East Curlis Avenue and Weidel Drive in the spring of 2018; and

WHEREAS, Mayor and Council believe that repair and replacement of infrastructure under the road is a necessary part of the project;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough Council requests from the New Jersey Department of Transportation a six-month extension of the award date to December 6, 2018.

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				Absent	Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-2.8, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 - 2.9

RESOLUTION ACCEPTING DONATION OF VARIOUS
FURNITURE AND EQUIPMENT FROM MONTGOMERY
TOWNSHIP**

WHEREAS, the Township of Montgomery of 2261 Route 206, Belle Mead, NJ 08502 has offered to donate to the Borough of Pennington, for use throughout the Borough, the following items:

40 to 50	Conference Chairs
10	Chairs and/or File Cabinets
1	Ceiling Mounted Overhead Projector and Screen
1	Floor Buffer
1	Metal Cage for Outside Storage of Propane Tanks
1	Yellow Metal Storage Cabinet for Flammable Materials

WHEREAS, the Borough Administrator and the Superintendent of Public Works have inspected and recommend acceptance of the furniture and equipment of the above listed items; and

WHEREAS, Borough Council accepts this recommendation and determines that acceptance of these items will be in the public interest:

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that donation of the aforesaid items is hereby accepted.

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				absent	Marciante	X			
Griffiths	S				Mills	M			

Council Member Mills made a motion to approve Resolution 2018-2.9, second by Council Member Griffiths. Mrs. Heinzl gave some background on how this came about. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 2.10

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT AFFECTING USE,
MAINTENANCE AND CLEANING OF THE SENIOR CENTER**

WHEREAS, use of the Senior Center on Reading Street in the Borough of Pennington is shared by Hopewell Borough, Hopewell Township and Pennington Borough;

WHEREAS, responsibilities for maintenance of the Senior Center are also shared among the three municipalities;

WHEREAS, the three municipalities intend to enter into a shared services agreement for 2018, superceding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$4,776.00; Hopewell Borough will pay Pennington \$1,193.00 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building, as well as snow and ice removal from sidewalks and parking lots, HVAC maintenance, plumbing, painting and replacement of light bulbs;

WHEREAS, the proposed form of agreement is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the annexed agreement on behalf of Pennington Borough.

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

Council Member Marciante made a motion to approve Resolution 2018-2.10, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 - 2.11**

**RESOLUTION AUTHORIZING LETTER OF AGREEMENT WITH MONTGOMERY TOWNSHIP
FOR TOBACCO AGE OF SALE ENFORCEMENT IN THE
YEARS 2018 AND 2019**

WHEREAS, pursuant to Ordinance 2017-17, the Borough of Pennington has prohibited the conduct, maintenance or operation of a retail establishment that sells electronic smoking devices without first obtaining from the Health Department a license to do so;

WHEREAS, regulation of establishments selling electronic smoking devices includes, in addition to licensure, the inspection of licensed establishments and enforcement of requirements and prohibitions including complaints in Municipal Court;

WHEREAS, the Borough seeks to have its Health Officer serve as the principal enforcement authority for this regulatory program;

WHEREAS, the shared services agreement between the Borough and Montgomery Township by which the Township provides Public Health Services to the Borough expressly excludes from its scope Tobacco Age of Sale Enforcement (TASE), but provides further that TASE inspections may be added to the services performed by the Township pursuant to a separate letter of agreement for a rate of \$60 per establishment;

WHEREAS, the shared services agreement between the Borough and Montgomery Township is for three years, commencing January 1, 2017 and ending December 31, 2019, which would permit the addition of TASE inspection services by means of a separate letter of agreement in the years 2018 and 2019;

WHEREAS, the Borough seeks to enter into such an agreement at the rate of \$60 per year per establishment, recognizing that at the present time there is only one establishment in the Borough licensed to sell electronic smoking devices;

WHEREAS, the Chief Financial Officer of the Borough certifies that the funds required for this additional undertaking are available;

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 enter into a letter of agreement with Montgomery Township, in form approved by the Borough Attorney, retaining the Township to provide TASE services in the Borough in 2018 and 2019 at the rate of \$60 per establishment per year, provided that any increase in the scope of these TASE services above present levels be reported to Council and made the subject of further action.

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				Absent	Marciante	X			
Griffiths	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2018-2.11, second by Council Member Mills with all members present voting in favor with the exception of Mr. Lawver who voted No.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 2.12**

**RESOLUTION APPOINTING RICHARD SMITH LICENSED OPERATOR OF THE BOROUGH’S
WATER AND SEWER SYSTEM**

WHEREAS, the Borough of Pennington is required by law to have a Licensed Operator for the Borough’s Water and Sewer Utility, also known as the Pennington Water and Sewer Company (“Licensed Operator”);

WHEREAS, the Borough’s Superintendent of Public Works, Richard Smith, has qualified for and received licensure as Licensed Operator in accordance with the regulations of the New Jersey Department of Environmental Protection;

WHEREAS, Richard Smith has served as Licensed Operator for the Borough’s Water and Sewer Utility since March 21, 2017 and Borough Council now seeks to reappoint him in this capacity for another year;

WHEREAS, Mr. Smith’s compensation as Licensed Operator is controlled by the Borough Salary Ordinance;

WHEREAS, Mr. Smith will continue to perform all of the duties of the Superintendent of Public Works in the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Richard Smith is hereby reappointed the Licensed Operator of the Water and Sewer Utility of the Borough of Pennington, also known as the Pennington Water and Sewer Company, to serve in that capacity while also performing all of the duties of the Superintendent of Public Works.

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				absent	Marciante	X			
Griffiths	S				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-2.12, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-2.13**

**RESOLUTION APPROVING CERTAIN ENGINEERING PROJECTS
WITH BOROUGH ENGINEER FOR THE YEAR 2018**

WHEREAS, Borough Council seeks to approve certain engineering projects prior to the adoption of the budget so that the Borough Engineer can proceed with projects that have specific deadlines; and

WHEREAS, attached to this resolution is a Proposed Preliminary Project List identifying projects that the Borough Engineer represents, subject to approval by Borough Council, will be worked on within the first six months of the year; and

WHEREAS, in addition to the projects listed in the Proposed Preliminary Project list it appears that the Borough may be required to begin engineering services related to Building Renovations and the Generator Project, although the estimated costs of required services has not yet been determined; and

WHEREAS, although the proposed Project List identifies projects totaling \$14,000 payable from the Current Fund and \$56,900 payable from Water and Sewer, and additional amounts will be required for the Building Renovations and Generator projects, it is understood that there is no guarantee that all of these projects will be undertaken this year; and

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

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for these projects in the respective engineering budgets;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the attached Preliminary Project List is approved subject to specific authorization to proceed by the Borough Administrator as stated above; and

BE IT FURTHER RESOLVED that the Borough Administrator is authorized to add to the Preliminary Project List the engineering services required for the Building Renovation and Generator Projects.

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				absent	Marciante	S			
Griffiths	X				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-2.13, second by Council Member Marciante with all members present voting in favor.

Consent agenda for 2018-2.14 and 2018-2.15

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 2.14**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 TO
GLEN G. HALE, d.b.a. HALE BUILT FOR WORK COMPLETED ON THE IMPROVEMENTS TO
KING GEORGE ROAD PROJECT**

WHEREAS, Glen G. Hale, d.b.a. Hale Built has completed work pursuant to the contract for the Improvements to King George Road Project (VNHA File #: 43325-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed Hale Built’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 4 in the amount of \$10,901.04 less 2% retainage in the amount of \$ 218.02; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available from in Account #: G-02-44-956-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Hale Built in the net amount of \$ 10,683.02 pursuant to payment request No.4 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

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

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 2.15**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 TO
GLEN G. HALE, d.b.a. HALE BUILT FOR WORK COMPLETED ON THE IMPROVEMENTS TO
PARK AVENUE**

WHEREAS, Glen G. Hale, d.b.a. Hale Built has completed work pursuant to the contract for the Improvements to Park Avenue Project (VNHA File #: 43326-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed Hale Built’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 4 in the amount of \$7,643.54 less 2% retainage in the amount of \$ 152.87; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available in Account #: G-02-44-959-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Hale Built in the net amount of \$ 7,490.67 pursuant to payment request No.4 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

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

Council Member Marciante made a motion to approve Resolution 2018-2.14 and 2018-2.15, second by Council Member Lawver. Mrs. Chandler asked what is going on with the speed humps. Mr. Lawver stated that the speed humps have been brought up to specifications and Van Note Harvey has inspected the work. Mr. Lawver stated that there have not been any complaints from the neighbors. Mr. Smith stated that visually, the speed humps are doing the job. Mr. Lawver stated that these are not the final payments. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 - 2.16**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH APPRAISER
JOSEPH L. MAZOTAS, MAI, FOR SERVICES IN CONNECTION WITH PENDING TAX APPEAL
CONCERNING BLOCK 201, LOT 5 (MERCER INSURANCE COMPANY)**

Council Member Lawver made a motion to approve Resolution 2018-2.16, second by Council Member Chandler. Mr. Bliss asked that this resolution be held until after the closed session discussion.

Professional Reports

Mrs. Heinzl stated that she got a phone call from the President of the PTO and they are planning to hold a silent auction and he was asking if the Borough would be willing to donate two hours at Kunkel Park to be auctioned off at the silent auction. Mrs. Heinzl stated that she told him that she would bring it up at the meeting but she is not sure that the Borough can donate the park for this purpose. Mr. Lawver stated that he would not be in favor. Mr. Bliss stated that he thinks that there are legal issues in terms of giving away Borough resources for cash.

Mrs. Heinzl stated that the architect for the building renovation project, Ronica Brezenger, will be meeting with the Police Department tomorrow to go through their needs assessment, on Friday she will meet with the office staff and then next week the library. Mr. Lawver asked that Mrs. Heinzl check with Ronica Brezenger regarding the Senior Center estimate.

Mrs. Heinzl stated that the Borough has received approval to relocate the generator to Borough Hall, the next step is to request an extension of time as the current date for completion is May of 2018. Mrs. Heinzl stated that the reason for requesting the extension is so that the generator project can be tied in with the building renovation project.

Mrs. Heinzl asked for discussion of the Personnel Manual which was skipped over earlier in the meeting. Mayor Persichilli stated that he looked through the manual. Mayor Persichilli stated that a lot of work went into this, both Betty and Eileen, and he would suggest that Council review the manual and provide comments and recommendations. Mrs. Heinzl gave Council a high level overview of the manual and reviewed the new format which will be much easier to amend as needed. Mrs. Heinzl stated that the Personnel Committee met to review the document and Mr. Griffiths offered some concerns that have all been addressed. Mrs. Heinzl stated that a couple of meetings took place with Mr. Bliss and the document is ready to be finalized. Mrs. Heinzl stated that Betty has reached out to the Joint Insurance Fund for their input because a lot of these policies are requirements.

Mr. Bliss reminded Council of the need for a closed session.

Mr. Marciante stated that he is concerned about CFM bulbs going directly into the garbage as they contain mercury. Mr. Marciante stated that Home Depot is still selling them and that is a problem. Mrs. Heinzl stated that the bulbs can be taken to the Mercer County Hazardous Collection day. Mrs. Chandler stated that she would bring this up to the Environmental Commission. Some discussion took place regarding using the sticker program or alternative ways to dispose of certain items. Mr. Lawver was concerned about the public works employees being exposed to mercury from broken bulbs. Further discussion took place regarding using the newsletter to get information out to the public.

Public Comment

Mayor Persichilli asked that anyone wishing to speak to Council please come forward and state your name and address for the record and please limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Ryan Frasier of 202 Burd Street stated that after listening to the discussion of the hours for solicitation he feels compelled to further comment. Mr. Frasier stated that he put two examples of home invasions in front of Council tonight, but he could list many more examples. Mr. Frasier stated that there is a video on NJ.com regarding an incident in Milburn. Mr. Frasier stated that if the Borough is going to allow soliciting the enforcement should not be placed on the Police Department, it is a municipal ordinance and it would have to occur in the presence of the police or encompass a breach of the peace in order to involve the police. Mr. Frasier stated that he thinks that homeowners have a right to be safe and secure within their residence. Mr. Frasier stated that he appreciates the discussion and he appreciates Council's examination of the issue.

Closed Session

AT, 8:25 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Tax Appeal – Mercer Mutual

AT, 8:25 PM, Mayor and Council returned to open session.

Mayor Persichilli asked for a motion on Resolution 2018-2.16 following discussion in closed session.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 - 2.16**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH APPRAISER JOSEPH L. MAZOTAS, MAI, FOR SERVICES IN CONNECTION WITH PENDING TAX APPEAL CONCERNING BLOCK 201, LOT 5 (MERCER INSURANCE COMPANY)

WHEREAS, Mercer Insurance Company has filed an action in State Tax Court appealing the 2017 assessment of the property known as Block 201, Lot 5 on the Tax Map of the Borough of Pennington, also known as 10 Route 31 North in the Borough of Pennington, assessed at a total of \$5,319,500, including \$1,448,100 for land and \$3,871,400 for building;

WHEREAS, the Borough Tax Assessor requires the services of a professional appraiser to prepare and present the Borough’s position in the appeal;

WHEREAS, the Borough seeks to retain for this purpose Joseph L. Mazotas, MAI, 344 Nassau Street, Princeton, New Jersey 08540 (“Appraiser”), on an hourly basis, at the hourly rate of \$150 per hour plus reimbursement for out-of-pocket costs, provided total time and charges shall not exceed \$1,500.00 unless specifically authorized in writing by Borough Council;

WHEREAS, the necessary funds are available for these services as proposed;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, Borough Administrator and Borough Clerk are authorized to issue such purchase orders and contract documents as necessary to retain and pay for Appraiser’s services as set forth above.

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				Absent	Marciante	X			
Griffiths	X				Mills	X			

Mrs. Sterling stated that prior to the closed session there was a motion and a second on the Resolution. Mrs. Sterling asked Mr. Bliss if that still stands. Mr. Bliss asked for a new motion and second on Resolution 2018-2.16. Council Member Lawver made a motion to approve Resolution 2018-2.16, second by Council Member Chandler with all members present voting in favor.

Approval of Closed Session Minutes (for Content but not for Release)

Council Member Lawver made a motion to approve the January 8, 2018 Closed Session Minutes for content but not for release, second by Council Member Chandler with all members present voting in favor.

At 8:43pm, with no further business to come before Council the meeting Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk