

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

Council President Joseph Lawver 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. Mayor Persichilli and Mrs. Gnatt were absent.

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

Mr. Lawver announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

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

**Open to the Public – Agenda Items Only**

Mr. Lawver read the following statement.

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

There were no comments from the public.

**Closed Session**

**AT, 7:01 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

Mr. Lawver asked members of the audience to step out of the room until after the closed session.

AT, 7:25 PM, Council returned to open session.

**Mayor Business**

Mr. Lawver announced the resignation of Diana Deane from the Library Board of Trustees and the resignation of Sean Burns from the Shade Tree Commission.

**Appointments (with Council Approval)**

Mr. Lawver announced the following appointments:

Kathryn Rosko – Library Board of Trustees – Unexpired Term to December 31, 2019  
Diane Zompa – Library Board of Trustees (Mayor’s Representative) – 1 Year Term to December 31, 2018  
Tom Flood – Parks and Recreation – Unexpired Term to December 31, 2020

Council Member Chandler made a motion to approve the appointments, second by Council Member Griffiths 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 reported that the Public Safety Committee will be meeting on March 13<sup>th</sup> for a demonstration on e-tickets. Mr. Marciante stated that the speed tracker will be back out on the road once the weather breaks. Mr. Marciante asked about the status of the amendments to the solicitor’s ordinance. Mrs. Heinzl stated that we are looking at various requirements including the idea of having a “no knock” list for residents who wish to register. Mrs. Heinzl stated that we will be reviewing the Hamilton Township ordinance as a model and it will be on the agenda for April.

**Public Works/ Library / Shade Tree / Senior Advisory** – Mr. Lawver stated that the Senior Advisory Board met and they will continue to meet once a month. Mr. Lawver stated that we have received a cost estimate on the renovations to the Senior Center, there are some revisions that need to be addressed, but the cost is \$250,000. Mr. Lawver stated that now people are wondering why we would spend that kind of money to fix the building. Mr. Lawver stated that once the cost is finalized, Eileen Heinzl and the Mayor will circulate a copy of the estimate with a proposal that the three municipalities share the cost not covered

by Mercer County proportionate to the centers usage. Mr. Lawver stated that once we hear back from Hopewell Township and Hopewell Borough negotiations will commence. Mrs. Chandler asked how the costs will be divided. Mr. Lawver stated that Mercer County will contribute half of the total cost but it is a matching grant so the three municipalities have to come up with the other half. Mr. Lawver stated that the match can be cash or in-kind contributions so for instance the asphalt that was donated by Trap Rock to pave the parking lot can be used towards the match. Mr. Lawver stated that the bottom line is that the three municipalities will have to share about \$120,000. Mr. Lawver stated that he is proposing that Hopewell Township would cover 75% of the cost, Hopewell Borough would cover 10% and Pennington Borough would cover 15% and that is based on actual usage. Mrs. Chandler stated that about a year ago, Borough Council decided not to support the building without major repairs and agreed to close the center at the end of the year. Mrs. Chandler stated that letters were sent out to everyone who uses the building stating that they would need to find a new place at the end of the year. Mrs. Chandler stated that Mercer County was unable to find a place to host the nutrition program and the County asked the Borough to consider keeping the building open to house the nutrition program. Mrs. Chandler stated that she recognizes that a place is needed for the lunch program, but Council decided to close the building so why are we contributing funds. Mrs. Chandler stated that the County should pay for the renovations since they are the ones who requested that the building remain open. Mr. Lawver stated that Mercer County is contributing half of the costs with the thinking being that the building will be usable for the next ten years until another solution can be found. Mrs. Chandler stated that she does not understand why the Borough would put money into a structure that we don't even want open. Mr. Lawver stated that we have no other place to host Senior Services in the Hopewell Valley. Mr. Lawver stated that many locations were considered but there was nowhere else. Mrs. Chandler stated that there does not seem to be any incentive to find another location once we decide to put money into the building. Mr. Lawver stated that the programs that are held at the senior center, in particular the lunch program, are the most valuable to the seniors. Mrs. Chandler stated that she understands that and she wants a better place for them to meet and it seems that we just keep limping along trying to keep the building open. Mr. Lawver stated that the renovations will get us out of the limp along phase and bring the building up to today's standards. Mr. Lawver stated that the building at its current size will be clean, comfortable and efficient. Mr. Griffiths stated that what really caught his attention is that if the building is preserved and Hopewell builds a senior center, we are not obligated to participate because we will have a viable building. Mr. Griffiths stated that the \$27,000 cost is not a lot if the Borough is not obligated to participate down the road. Mrs. Chandler asked if the seniors are satisfied with this solution. Mr. Lawver stated that the seniors are not satisfied with regard to the size of the building which they would like doubled. Mr. Lawver stated that right now they are excited and pleased that they will have a space locked up for the next ten years. Mr. Lawver stated that there is a lot to discuss before a decision will be made on the renovations. Mrs. Heinzl stated that back when the decision was made to close the senior center, the three mayors met with County Executive Brian Hughes and they all agreed together to use the County funding to do repairs to the building even though what the Township really wanted was to use the funding towards building a new community center. Mrs. Heinzl stated that the three Mayors agreed to tap some of the funding in order to do these renovations so that the current senior center could be kept open during the time that the community center is being developed. Mr. Marciante asked if the building would then be used for groups other than the seniors such as the Boy Scouts or Girl Scouts. Mr. Lawver stated that the Borough closed the building to outside organizations because the building was being left in poor condition by groups. Mr. Lawver stated that theoretically the Borough could look into renting out the building after the renovations to generate income. Mr. Lawver stated that the front has been softened by Hopewell Borough because they have made it abundantly clear that they have no interest in participating in the community center.

**Parks and Recreation** – Mrs. Mills stated that she did not have anything to report.

**Finance** – Mr. Griffiths stated that the Annual Financial Statement was received today and the good news is that the Borough is up 9.6% on the reserve from \$708,000 to \$776,000. Mr. Griffiths stated that Betty Sterling and Sandy Webb will review the numbers more closely and then the finance committee will convene to match revenue to expense and recommend a budget.

Mr. Marciante asked if the Borough received a windfall from prepayment of taxes. Mr. Griffiths stated that there was no windfall and to the degree that there was incremental income it was the one percent of interest on the deposits which does not add up to much. Mr. Griffiths stated that any funds collected are applied as prepayments to the tax revenue for 2018. Mr. Griffiths stated that prepayments are always accepted and there really is no advantage to the Borough.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler reported that the Board of Health met. Mrs. Chandler stated that the free rabies clinic will be held at the Pennington Public Works building on April 14<sup>th</sup>.

Mrs. Chandler stated that Economic Development met but there was nothing to report.

Mrs. Chandler stated that the Environmental Commission met with Eileen Heinzl, Bill Meytrott and Robert Colavita from the school district to discuss the "no idling" initiative and they were very receptive as they are working on their own "no idling" initiative. Mrs. Chandler stated that they also talked about the proposed arboretum in the woods behind Tollgate. Mrs. Chandler stated that the school district was surprised to find out that they own that property and again they were very receptive to the idea. Mrs. Chandler stated that Mr. Colavita will be bringing it before the School Board to have further discussion.

Mrs. Chandler stated that Historic Preservation did not meet but they will be meeting next month.

**Council Discussion**

Mr. Lawver announced that Pennington Day is scheduled for May 19, 2018 from 10am to 4pm.

Mr. Lawver stated that council members received information about on-line training for the MEL. Mr. Lawver asked that everyone complete the training as the Borough gets money back each year for each member who does the training.

Mr. Lawver stated that a letter from PSE&G spelling out the lease payments for the solar panels is also included in the Council packages. Mr. Lawver stated that this is good news and he pointed out that as the lease goes forward the revenue for the Borough increases.

Mrs. Heinzl stated that she has a call into PSE&G with regard to the backup generator at Public Works. Mrs. Heinzl stated that during the recent power outage the backup generator did not work. Mrs. Heinzl stated that she will follow up with PSE&G and let everyone know when this is resolved.

Mr. Lawver stated that the next topic is Civil Rights Compliance. Mr. Bliss stated that the Division of Local Government is requiring that before the budget can be introduced, every member of Council must certify that they have reviewed the government issued information on EEOC Enforcement Guidance. Mr. Bliss stated that this pertains to consideration of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act. Mr. Bliss stated that in the packet is a resolution that he prepared that says that members of Council have reviewed the document and have determined that based on the information provided that Borough complies with the referenced enforcement guidance on use of arrest and conviction records in employment decisions. Mr. Bliss stated that this is extraordinary because it requires council members to each review the enforcement guidance and swear that they read it. Mr. Bliss stated that one of the documents provided is the affidavit that each member will sign. Mr. Bliss stated that we have been wrestling with how to comply with this requirement and how members should prepare to make this affidavit that the State is requiring. Mr. Bliss stated that the downside as stated in the Local Finance Notice is that if each member does not sign the affidavit then the budget will not be considered. Mr. Bliss stated that he and Betty Sterling have chatted about the procedure and at a minimum each member should read the EEOC Enforcement Guidance and secondly become familiar with the Borough's hiring practices as they pertain to consideration of individual criminal history and that will require a briefing on the subject. Mr. Bliss stated that combination will be sufficient to permit council members to sign the affidavit. Mrs. Heinzl suggested the council members read through the EEOC Enforcement Guidelines and at the next meeting we can be prepared with a briefing on the Borough hiring practices. Mr. Lawver asked that council be provided with the hiring practices in advance of the next meeting.

**New Business**

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 3.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Mark O’Dea, P.O. Box 380, Pennington, NJ 08534, for the balance of Planning Board escrow account P05-006 regarding Block 505, Lot 16, also known as 124 S. Main Street, in the amount of \$160.64.

**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	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-3.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 3.2**

**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 \$ 1,948,809.66 from the following accounts:

Current	\$ 1,624,279.69
W/S Operating	\$ 168,987.26

Developers Escrow	\$	52,850.85
Grant Fund	\$	37,471.52
General Capital	\$	61,892.64
Other Trust Fund	\$	200.00
Water/Sewer Capital	\$	3,127.70
<b>TOTAL</b>		<b>\$ 1,948,809.66</b>

**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	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-3.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018-3.3**

**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.

Administration	Salaries	\$5,000.00
Administration	Other Expense	\$2,000.00
Municipal Clerk	Salaries	\$5,000.00
Finance	Other Expense	\$2,000.00
Tax Assessment	Salaries	\$2,000.00
Tax Assessment	Other Expense	\$2,000.00
Legal	Other Expense	\$5,000.00
Engineering	Other Expense	\$98,000.00
Planning Board	Salaries	\$5,000.00
Construction	Salaries	\$5,000.00
Borough Property	Other Expense	\$5,000.00
Recreation	Other Expense	\$2,000.00
Shade Tree	Other Expense	\$2,000.00
Library	Salaries	\$5,000.00
Library	Other Expense	\$5,000.00
Telephone	Other Expense	\$7,000.00
Gas, Fuel, Lubricants	Other Expense	\$5,000.00
Social Security	Other Expense	\$5,000.00
DCRP	Other Expense	\$1,000.00
Shared Services – EMS Dispatch	Other Expense	\$2,710.00
Municipal Court	Salaries	\$5,000.00
Municipal Court	Other Expense	\$2,000.00
	<b>Total</b>	<b>\$177,710.00</b>

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

Water	Other Expense	\$30,000.00
Sewer	Other Expense	\$10,000.00
Group Insurance	Other Expense	\$25,000.00
	<b>TOTAL</b>	<b>\$65,000.00</b>

**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 2018-3.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 3.4**

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

**WHEREAS**, at the Borough Tax Sale held on October 29, 2015, a lien was sold on Block 503.06, Lot 3.04, also known as 12 South Main Street, Unit 1L, Pennington, NJ, for 2014 delinquent water & sewer charges; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #14-00002, was sold to U.S. Bank Cust for Pro Cap 4, for 18%, and redemption fee and,

**WHEREAS**, Investors Bank, 101 JFK Parkway, Short Hills, NJ 07078, has effected redemption of Certificate #14-00002 in the amount of \$1,587.93.

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,587.93, payable to U.S. Bank Cust for Pro Cap 4, U.S. Bank Global Trust, 50 South 16<sup>th</sup> St.-Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #14-00002.

**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 2018-3.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 3.5**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.18 FOR  
THE TRENTON CYRUS FOUNDATION, INC**

**WHEREAS**, the Trenton Cyrus Foundation, Inc. submitted raffle application RA: 2.18 on February 16, 2018 for a raffle to take place on October 13, 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 23, 2018; and

**WHEREAS**, Trenton Cyrus Foundation, Inc. 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, Inc., 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: 2.18 for Trenton Cyrus Foundation, Inc. be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.18 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	X				Lawver	X			
Gnatt				absent	Marciante	M			
Griffiths	X				Mills	S			

Council Member Marciante made a motion to approve Resolution 2018-3.5, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018-3.6**

**RESOLUTION AUTHORIZING AN AMENDED LIST OF  
 ENGINEERING PROJECTS APPROVED PRIOR TO ADOPTION OF THE BUDGET FOR THE  
 YEAR 2018**

**WHEREAS**, Borough Council has approved 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**, Borough Council now seeks to amend the list of projects approved prior to final budget adoption and to supersede with the attached list the Preliminary Project list previously adopted;

**WHEREAS**, the attached document entitled Engineering Projects Approved Prior to Final Budget Adoption specifies projects requiring expenditures up to \$137,000 from the Current Fund and \$45,900. from the Water and Sewer Fund;

**WHEREAS**, it continues to be understood and agreed that there is no guarantee that all of these projects will be undertaken this year and 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 list of Engineering Projects Approved Prior to Final Budget Adoption is hereby approved, subject to specific authorizations to proceed as stated above.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2018-3.6, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 – 3.7**

**RESOLUTION AUTHORIZING VAN NOTE - HARVEYASSOCIATES TO REVIEW, APPROVE  
 AND SIGN AS APPROPRIATE REQUEST FOR MODIFICATION TO TREATMENT WORKS  
 APPROVAL FOR AMERICAN PROPERTIES – HERITAGE AT PENNINGTON**

**WHEREAS**, American Properties – Heritage at Pennington (“American Properties”) is requesting modification to its Treatment Works Approval #16-0491a in order to provide for a more efficient construction sequence for this phased project;

**WHEREAS**, the NJDEP issued Treatment Works Approval #16-0491a on February 15, 2017 authorizing the construction and operation of a certain sanitary sewer extension to serve 44 residential units (Phase 1 of the project), and the approval is valid until January 12, 2019;

**WHEREAS**, American Properties seeks to modify the Approval for the construction of an additional length of PVC pipe to provide future sanitary sewer service to Phase 2 of the Heritage at Pennington project;

**WHEREAS**, no additional flows are proposed with the modification and in the view of American Properties no approval by Stony Brook Regional Sewerage Authority is required and Phase 2 flows will require separate Treatment Works Approval;

**WHEREAS**, American Properties has submitted relevant documentation for approval of the requested modification by letter to Van Note-Harvey dated February 2, 2018, of which a copy is annexed to this resolution;

**WHEREAS**, the request for modification requires review and, if appropriate, approval by Van Note-Harvey Associates, together with endorsements on the original Statements of Consent and a resolution of Borough Council authorizing signature;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that

1. Borough Engineer Norman Nelson and Van Note-Harvey Associates are hereby authorized to undertake the review of the described American Properties application and, upon approval, sign the required Statements of Consent and such other documents as may be necessary to effect Borough consent to the application for Modification of Treatment Works Approval #16-0491a; and
2. the Borough Clerk shall deliver a certified copy of this Resolution to Van Note-Harvey Associates for submission by them as required.

**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	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-3.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 3.8**

**RESOLUTION AUTHORIZING APPROVAL OF THE APPLICATION OF AMERICAN PROPERTIES – HERITAGE AT PENNINGTON FOR CONDITIONAL ACCEPTANCE OF THE WATER SYSTEM IN PHASE 1 OF THE PROJECT**

**WHEREAS**, American Properties – Heritage at Pennington has applied to the Borough for conditional acceptance of the water system in Phase 1 to provide for fire protection during construction;

**WHEREAS**, the Borough Engineer and Van Note-Harvey Associates have prepared a document specifying the steps required for American Properties to obtain this conditional approval and, upon approval, the rules with which American Properties must comply in the operation of the water system until Certificates of Occupancy are issued for Phase 1;

**WHEREAS**, a copy of this document, entitled Conditional Water System Acceptance, (“Conditional Acceptance”), dated January 30, 2018 and revised February 2, 2018, is attached to this Resolution;

**WHEREAS**, Van Note Harvey Associates represents that American Properties has satisfied each of the steps required for conditional acceptance of its water system and that by signing the Conditional Acceptance it has agreed to comply with all the related rules of operation (“understandings”) set forth in that document;

**WHEREAS**, Van Note-Harvey Associates has reviewed and approved the test results for the affected water mains as appropriate for fire protection, and these test results have been accepted by the Borough Superintendent of Public Works as well;

**WHEREAS**, Van Note-Harvey Associates recommends Borough approval of the Conditional Acceptance by executing the attached document;

**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 sign the attached Conditional Water System Acceptance on behalf of the Borough signifying Borough approval of the conditional acceptance of American Properties water system for Phase 1 of Heritage at Pennington on the conditions described.

**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	M			
Griffiths	S				Mills	X			

Council Member Marciante made a motion to approve Resolution 2018-3.8, second by Council Member Griffiths with all members present voting n favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 - 3.9**

**RESOLUTION ADOPTING A REVISED PERSONNEL MANUAL**

**WHEREAS**, the Borough Administrator and the Borough Clerk, in consultation with the Personnel Committee of Borough Council, have prepared comprehensive revisions to the Borough’s Personnel Policies and Procedures Manual and Employee Handbook (“Personnel Manual”);

**WHEREAS**, the proposed revisions incorporate previously uncodified resolutions which have amended and supplemented the Personnel Manual from time to time, update and simplify codified policies, and assemble all provisions in a new format for the Manual which will simplify the process of making future changes;

**WHEREAS**, upon adoption of this revised Personnel Manual, it must be distributed to all Borough employees;

**WHEREAS**, the proposed Personnel Manual provides guidelines only and shall not be construed to create an employment contract, and the Borough reserves the right, with or without notice, in an individual case or generally, to change any of the Manual’s guidelines, policies, practices, working conditions or benefits at any time;

**WHEREAS**, as provided in the Personnel Manual, no one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or arrangement is in writing and is signed by the Borough Administrator;

**WHEREAS**, employment with the Borough shall continue to be at-will, meaning employment may be terminated at any time, with or without cause or notice, by the employee or by the Borough;

**WHEREAS**, the proposed Personnel Manual replaces and supersedes all prior manuals and handbooks but does not supersede the provisions of any bargaining unit agreement and does not purport to modify the requirements of State or Federal law;

**WHEREAS**, a copy of the proposed Personnel Manual shall be made available for inspection by employees and the public in the office of the Borough Clerk during normal business hours;

**WHEREAS**, the proposed Personnel Manual, which is attached, is proposed to be effective on March 5, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the attached Personnel Policies and Procedures Manual and Employee Handbook is hereby adopted effective March 5, 2018, replacing and superseding all prior personnel manuals and handbooks and subject to the understandings set forth above.

**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 2018-3.9, second by Council Member Griffiths. Mrs. Chandler stated that she thought that council just adopted a new personnel manual. Mrs. Heinzl stated that at the last meeting copies of the proposed manual were distributed but there were still a couple of provisions that Mr. Bliss was working on. Mr. Marciante asked about job descriptions. Mrs. Heinzl stated that this is the Personnel Policies and Procedures Manual and the job descriptions is a different subject. Mrs. Heinzl stated that she would like to point out that all employees of the Borough will receive a binder that can be easily updated when changes are made. Mrs. Heinzl stated that Betty Sterling and Walter Bliss did a great job pulling this manual together so that it can be easily updated. Upon a roll call vote all members present voted in favor of the resolution.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 - 3.10**

**RESOLUTION AUTHORIZING ASSESSMENT FOR  
 CLEAN-UP COSTS AT 63 NORTH MAIN STREET**

**WHEREAS**, Section 136-3 of the Code of the Borough of Pennington provides that any matter, thing or condition which after investigation by the Health Officer or other enforcing official is deemed to be injurious, detrimental or a menace to the public health or environment or is deemed to be an annoyance or interfere with the comfort or well-being of the inhabitants of the Borough is declared to be a nuisance;

**WHEREAS**, the dilapidated, partially collapsed and overgrown vacant residential property at 63 North Main Street in Pennington, also known as Block 301, Lot 16.01 on the Borough Tax Map, has been determined to be such a nuisance by the Borough's enforcing authorities, beginning with the issuance of a Notice of Unsafe Structure by the Construction Code Official on May 17, 2017;

**WHEREAS**, this property was the subject of previous Council Resolution No. 2017-10.10, adopted on October 10, 2017, which recited the history of this and subsequent notices of violation pertaining to the property and directed that against a history of inaction by the owner in responding to these notices, Borough officials were directed to retain a contractor to construct of fence around the dwelling on the property and take such additional steps as may be necessary both to make the property safe and to address environmental exposures on the property;

**WHEREAS**, upon notice of the actions to be taken by the Borough, the owner's agent Altisource Solutions, Inc., based in Atlanta, Georgia but represented locally by its employee Mark Childs, had a chain link fence installed around the property using its own contractor or crew in lieu of a Borough contractor, and, because demolition of the house would require compliance with the Historic Preservation Ordinance, communicated with the Borough's Historic Preservation Commission concerning the future of the house;

**WHEREAS**, after these events no further remedial actions were taken and the owner allowed the house to deteriorate further, presenting an ever more severe eyesore for the community and a hazard to neighboring properties;

**WHEREAS**, on February 7., 2018, Altisource Solutions, Inc. was sent by email and regular mail (to the attention of Mr. Childs) a Notice of Violation issued by the Department of Health which cited ongoing violations on the property which, despite notice, Altisource had failed to abate, including a large amount of debris and junk on the property, in violation of Chapter 136 of the Pennington Borough Code and creating a public health notice;

**WHEREAS**, the Notice of Violation from the Department of Health directed that the cited conditions be removed within 10 days;

**WHEREAS**, on February 9, 2018 the Borough Administrator advised Mr. Childs of Altisource by email that with his consent the Borough Department of Public Works would enter the grounds and clean up the most conspicuous problems on the exterior, but Mr. Childs declined the offer and insisted instead that he would send out a crew;

**WHEREAS**, later on February 9, 2018, an Altisource crew went to the 63 North Main Street property and, working in the dark, cleaned up some of the junk lying about, but failed to get the job done;

**WHEREAS**, on February 14, 2018 the Borough Attorney wrote to Mr. Childs, served by email, certified and regular mail, complaining about the failure of Altisource to get the work done and demanding immediate action, citing by way of example a large swath of materials hanging from the roof over the front porch, a side door hanging off its hinges and overgrowth now in the form of dry brush left untouched around the house;

**WHEREAS**, on February 27, 2018, the Borough Administrator had an in-person conversation with Mark Childs of Altisource, explaining that the Borough's Department of Public Works was ready to do the exterior clean-up and bill the property owner, and Mr. Childs consented;

**WHEREAS**, on February 28, 2018, a work crew from the Borough's Department of Public Works entered the grounds at 63 N. Main Street and cleaned up trash and overgrowth, including the dangling roofing materials in the front of the house;

**WHEREAS**, the Department's crew required a cumulative 11.5 hours of labor to effect the clean-up, using the Borough dump truck and an assortment of other Borough tools and equipment;

**WHEREAS**, the Department of Public Works has prepared the attached invoice for the work, totaling \$1,176 for labor, equipment and trash disposal fee, using applicable fees and charges set forth in Chapter 98 of the Borough Code;

**WHEREAS**, pursuant to Section 136-8 of the Code, if a property owner has not complied with a notice of violation and has not abated or removed the nuisance within the time prescribed, costs incurred by the Borough in abating or removing the nuisance may be recovered, and upon certification to the Tax Collector shall become part of the taxes next assessed against the premises on which the nuisance was located;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$1,176.00 is hereby certified to the Tax Collector and shall be charged against 63 N. Main Street, Block 301, Lot 16.01 in the Borough of Pennington and shall become part of the taxes next assessed against that property.

**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 2018-3.10, second by Council Member Griffiths. Mr. Griffiths stated that property looks much better than it did. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 3.11**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND COUNTY OF MERCER FOR EMS DISPATCH SERVICES FOR THE YEAR 2018**

**WHEREAS**, beginning July 1, 2014, EMS dispatch services for the greater Mercer County area became available through Mercer County, and Mercer County began providing EMS dispatch services to Pennington under a shared services agreement;

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., permits local units of government to enter into a contract with any other local unit for the joint provision within their combined jurisdiction of any service which any party to the agreement is empowered to render within its own jurisdiction;

**WHEREAS**, under the proposed shared services agreement, Mercer County would arrange for and provide EMS dispatch services, including emergency medical dispatch and community support services, for the Borough of Pennington;

**WHEREAS**, the term of the proposed agreement is one (1) year from January 1, 2018 through December 31, 2018;

**WHEREAS**, Pennington would pay for these services through an annual assessment representing the cost of calls made to and received by the County for EMS dispatch services within Pennington’s boundaries;

**WHEREAS**, based on the annual assessment the annual cost for Pennington Borough for the year 2018 will be \$2,710.00 as set forth in the attached agreement;

**WHEREAS**, a copy of the proposed shared services agreement is attached to this Resolution;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2018 budget:

**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 the annexed Shared Services Agreement with Mercer County for the provision of EMS dispatch services as described therein, subject to approval as to form by the Borough Attorney. .

**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 2018-3.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION # 2018 – 3.12**

**RESOLUTION AUTHORIZING APPLICATION FOR RECYCLING TONNAGE GRANT BASED ON 2017 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 2017 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	X			
Gnatt				Absent	Marciante	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-3.12, second by Council Member Chandler with all members. Mr. Marciante asked how much money the Borough can expect. Mrs. Sterling stated that it is usually between \$5,000 and \$7,000. Upon a roll call vote all members present voted in favor.

**Professional Reports**

Mrs. Heinzl stated that she would like to commend the Public Safety and Public Works Departments for their efforts during the snow storm over the weekend.

**Public Comment**

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

Mr. Ryan Frasier of 202 Burd Street thanked Council for looking into the concerns he has regarding solicitors. Mr. Frasier stated that since the last meeting, Hopewell Township Police posted another incident to their Facebook page. Mr. Frasier stated that he quickly looked at the Hamilton Township ordinance and the hours for solicitation are 10:00am to dusk, Monday through Saturday with no soliciting on Sunday.

Mr. Lawver reminded everyone to review the EEOC Guidelines before the next meeting.

At 8:04pm, with no further business to come before Council the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk