

**Pennington Borough Council
Regular Meeting – May 7, 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, Gnatt, Griffiths, Lawver, Marciante and Mills in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Public Works Superintendent Rick Smith, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

Mayor Persichilli announced that an item has been added to the agenda under Council Discussion, cost sharing agreement for Senior Center repairs.

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

Mayor Persichilli asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement.

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

There were no comments from the public.

Mayor Business

Mayor Persichilli stated that Council President Joe Lawver volunteered to read the following Proclamation. Mayor Persichilli invited Ms. Reba Holley to come forward.

***PROCLAMATION
DECLARING June 1st TO BE NATIONAL
GUN VIOLENCE AWARENESS DAY***

***WHEREAS**, this proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Pennington, to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and*

***WHEREAS**, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and*

***WHEREAS**, Americans are 25 times more likely to be killed with guns than people in other developed countries; and*

***WHEREAS**, protecting public safety in the communities they serve is the highest responsibility for the Mayor; and*

***WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and*

***WHEREAS**, Mayors and Law Enforcement Officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and*

***WHEREAS**, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should now be celebrating her 21st birthday; and*

***WHEREAS**, to help honor Hadiya and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day, a national coalition of organizations has designated June 1st, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and*

***WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and*

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 1st, the first Friday in June 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1st, 2018, Americans will raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington, County of Mercer do hereby proclaim the first Friday in June, June 1st, 2018, National Gun Violence Awareness Day in Pennington Borough and encourage all citizens to support their local community efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Mayor Persichilli presented Ms. Holley with the Proclamation. Ms. Holley invited others in the audience to come forward for a group photo. Ms. Holley thanked Mayor and Council for the Proclamation declaring National Gun Violence Awareness Day. Ms. Holley stated that she is a resident of Pennington and a member of the Mercer County Group of Mom's Demand Action for gun sense in America. Ms. Holley explained that this group was originally modelled after Mothers Against Drunk Driving, Mom's Demand Action is a non-partisan, grass roots movement that began shortly after the Sandy Hook school shooting in 2012. Ms. Holley stated that though they support the right to own firearms, their goal is to reduce the 36,000 deaths each year through sensible legislation, raising awareness and promoting gun safety.

Ms. Holley explained the reason for Wear Orange Day, stating that it is a celebration of life but also a call to action to save lives from gun fire. Ms. Holley stated that June 1st of this year is Wear Orange day and she invited everyone to wear orange to help spread the word about the importance of remembering and honoring all victims of gun violence. Ms. Holley also invited everyone to participate in a rally on the train and march across the Brooklyn Bridge on June 2nd.

Mayor Persichilli asked Mr. Weed Tucker, former Mayor of the Borough to come forward for the reading of the following Proclamation:

***Proclamation by the Mayor and Borough Council of Pennington
Honoring Edwin Weed Tucker***

WHEREAS; Edwin Weed Tucker has resided in Pennington Borough since 1956, settling here when his father, the Rev. Canon Edwin W. Tucker, was appointed vicar and later the first rector of St. Matthew's Episcopal Church; and

WHEREAS; Edwin Weed Tucker's professional career, first in the United States Army and later in the fields of journalism, education and government affairs, set the course for his commitment to civic duty, open government and free speech that has been evident in all that he does; and

WHEREAS; Edwin Weed Tucker served on the Borough Planning Board from 1965 to 2000, including service as Chairman of the Board; and

WHEREAS; Edwin Weed Tucker was first elected to public office in 1976 as Mayor of Pennington Borough for a four year term during which time he was instrumental in the construction of the Borough sewer system, re-construction of the Borough water tower, upgrade of the Borough water lines, and revision of the zoning Master Plan; and

WHEREAS; Edwin Weed Tucker, running campaigns always with the unwritten slogan "Take Nothing for Granted, Leave Nothing to Chance", was next elected to the Pennington Borough Council in 2003 and re-elected thereafter to three additional 3 year terms, serving several terms as Council President and serving on nearly every council committee; and

WHEREAS; Edwin Weed Tucker's service unfailingly balanced the contending interests of his constituents (whether they voted for him or not) to achieve results; and

WHEREAS; Edwin Weed Tucker has served the Borough of Pennington in many other ways, among them as a member of the Pennington Centennial Committee, the Historic Preservation Committee, the Pennington Day Sites Committee, the Pennington Streetscape Committee, the Friends of the Pennington Public Library, the Pennington Business and Professional Association, the Pennington 125th Anniversary Committee and the Pennington Point Condominium Association; and

WHEREAS; Edwin Weed Tucker has also served the greater Hopewell Valley community in many ways, among them as a member of the Hopewell Valley Jaycees, the Hopewell Valley Historical Society, the Hopewell Valley Veterans Association, the Hopewell Valley Democratic Club, the Hopewell Valley Senior Advisory Board, the Mercer County Solid Waste Advisory Council, the Mercer County Mayors' Advisory Council, and the St. Matthew's Church Vestry; and

WHEREAS; Edwin Weed Tucker throughout his life has demonstrated that the finest public service

is selfless, assiduous and always in the best interest of the public; and

WHEREAS; *Edwin Weed Tucker has demonstrated in countless ways dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages;*

NOW, THEREFORE, BE IT PROCLAIMED THAT, *in honor of his long and distinguished career serving the people of Pennington Borough and the greater Hopewell Valley, the newly established road in the Heritage at Pennington development shall be dedicated and known hereafter as "Tucker Way".*

Mayor Persichilli presented Mr. Tucker with a framed Proclamation and photos were taken. Mr. Tucker stated that this is a humbling honor to have a street named after him. Mr. Tucker spoke briefly about the dedication of Bixby Way when he was Mayor and how it opened the door for retail business and development of Pennington Point. Mr. Tucker stated that as the Proclamation states he was involved in many things but he was not alone. Mr. Tucker stated that his family moved to Pennington from Beverly in 1956 when his father became Rector of St Matthews Episcopal Church which led to him meeting his wife Beverly who was the choir director at the time. Mr. Tucker stated that coming from Beverly and meeting Beverly how could he not have fallen in love and in 1958 he married Beverly at St. Matthews Church and they have been working on their trial marriage for nearly 60 years. Mr. Tucker stated that all he is comes from all that Beverly has done for him and also this great community. Mr. Tucker stated that it is an honor and privilege to serve with you and for you.

Mayor Persichilli announced the resignation of David Glogoff from Economic Development.

Mayor's Appointments

Mayor Persichilli announced the appointment of Jason Meyer as a member of the Economic Development Committee for an unexpired term ending December 31, 2019 and the appointment of Dan Pace as Pennington Borough Representative to the Joint Open Space Advisory Committee for 2018.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the April 2, 2018 Regular Meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Presentations

Health Department Annual Report

Mayor Persichilli invited Health Officer, Stephanie Carey to come forward to present the 2017 Health Department Annual Report. Mrs. Carey stated that she is please present the report for the Montgomery Township Health Department serving Montgomery and the Boroughs of Pennington, Hopewell and Rocky Hill. Mrs. Carey stated that she distributed two versions of the report to Mayor and Council, the full report and then the short highlight version. Mrs. Carey stated that report will be posted on the Borough website and will be available in the Library for residents who want to read the report in detail.

Mrs. Carey reported that 2017 was a year of milestones for Pennington Borough Health Department. Mrs. Carey stated that we hosted Mental Health First Aid for first responders, 50 first responder from throughout Mercer and Somerset County attended the training in how to help people who are experiencing crisis. Mrs. Carey stated that they have increased their public health nursing capacity to better investigate communicable disease outbreaks and vaccine preventable disease outbreaks.

Mrs. Carey stated that they submitted over 400 documents to the National Public Health Accreditation Board and they are on track to be one of the first five Health Departments in the State of New Jersey to achieve National Accreditation and Pennington's Board of Health has played a key leadership role in that effort. Mrs. Carey stated that the work being done by some of the Pennington Board of Health volunteers was highlighted at a sharing session at the Nation Association of County and City Health Officials in Pittsburgh. Mrs. Carey stated that she would like to thank Steve Papenberg for both traveling to Pittsburgh to help teach other Health Departments how to engage their Boards of Health and for his and other board members countless hours of work to help meet the goals to improve the health of the community.

Mrs. Carey stated that 2017 was particularly focused on mental health awareness which fits in with gun violence that was discussed earlier. Mrs. Carey stated that the most common way to die from a gun is with a family owned gun in a moment of despair. Mrs. Carey stated that as bad as the homicide concerns are, far more people take their own lives with their own gun and that is a mental health issue that we all need to talk about. Mrs. Carey stated that mental health and substance abuse disorders need to be desensitized to help people seek treatment and to get them in touch with resources. Mrs. Carey stated that they are partnering with the Municipal Alliance to get conversations started and to do what can be done to address the underlying needs.

Mrs. Carey stated that one area of substance abuse that has come to the forefront in 2017 is Vaping and Electronic Cigarettes. Mrs. Carey stated that this is creating a literal cloud over today's youth and is well on its way to creating a new generation of nicotine addicts which we know has long term health impacts.

Mrs. Carey stated that in June of 2017 the Health Department hosted a community forum on Vaping and You and the purpose was to educate parents and stakeholders and to identify what the community values and priorities are on this issue. Mrs. Carey stated that we know that there are issues with vaping in the schools and we know that there are issues with underage sales of tobacco and vape products. Mrs. Carey stated in November of last year, New Jersey was the third state in the Country to raise the age of sale to twenty-one. Mrs. Carey stated that the Health Department and Pennington Borough worked together and the Borough adopted an ordinance requiring the licensing of people who are selling electronic smoking devices and she is grateful to the Borough Council for adopting that ordinance. Mrs. Carey stated that they have already starting licensing organizations and vendors and they are doing an educational launch this quarter moving into full age of sale enforcement to make sure that these products do not fall into the wrong hands.

Mrs. Carey reported that their nurse reported 28 reportable disease cases, they have inspected 34 retail food establishments, issued 21 temporary food licenses, and 9 public health nuisance complaints were investigated. Mrs. Carey stated that they vaccinated 20 senior citizens against the flu, audited all 6 of the preschools in town to make sure that all of the children are properly vaccinated against communicable disease and they also vaccinated 17 pets against rabies and responded to 18 animal nuisance complaints.

Mrs. Carey reported that some of their special programs are visiting local preschools and offering the Healthy Kids Education Program which is a fun interactive program where children get to learn how to wash their hands properly. Mrs. Carey stated that they are working in partnership with the Environmental Commission on their anti-idling campaign because we know that automobile particulates are a key trigger for childhood asthma and that program will continue through 2018.

Mrs. Carey stated that the Pennington Board and the Pennington Community has been very supportive of Public Health efforts and the efforts go beyond just the municipality and the county because we know that health knows no boundaries. Mrs. Carey stated that they welcomed Marjorie Kaplan has a member of the Board of Health and she presented a program on the impacts of climate change on public health. Mrs. Carey stated that both Steve Papenberg and Toni Lewis have been very active in the Greater Mercer Public Health Partnership helping to set priorities for our community health needs assessment and the community health improvement plan in partnership with Capital Health, Robert Wood Johnson at Hamilton, St. Francis and St. Lawrence Hospitals.

Mrs. Carey stated that Steve Papenberg has also been active in the multifunctional accreditation support sub-committee where members from the four communities that Montgomery serves come together to help increase transparency and accountability and to make sure that the Board is following evidence based practices. Mrs. Carey stated that simply put it means that what is being done for the community is actually working.

Mrs. Carey stated that the Board is strategizing to improve health eating and active living and gauging the community to prevent infectious and chronic diseases and to work towards destigmatizing mental health and make sure the everyone has access to services while continuing to handle administrative tasks, regulatory enforcement, keeping the community safe and be sustainable with spending of the taxpayers dollar. Mrs. Carey stated that they will be working towards the goal of achieving accreditation by the end of this year which requires a lot of documentation. Mrs. Carey stated that they will be getting a site visit in July and she will be inviting many of the community partners to participate in the site visit and provide feedback.

Mrs. Carey thanked Kit Chandler for her support to the Board of Health, Steven Papenberg for all of his work with the Board of Health and all of the members of the Board. Mrs. Carey asked if there were any questions. Mr. Griffiths stated that he would like to compliment Mrs. Carey and that contracting with Montgomery Township was one of the best decisions that Council made. Mayor Persichilli agreed with Mr. Griffiths and stated that a few years ago the Borough was at a crossroad with what to do about health services and the decision was to contract with Montgomery and we could not be more pleased with the results.

Fair and Welcoming Community

Mayor Persichilli invited Jasmine Ueng-McHale to come forward. Dr. McHale stated that she lives and works in Pennington Borough and she thanked Mayor Persichilli and Public Safety Director Bill Meytrott, Eileen Heinzel and the Borough Council for allowing her to make this presentation. Dr. McHale stated that several other people in attendance and Director Meytrott would also be speaking on this subject. Dr. McHale stated that they will be discussing a Fair and Welcoming Resolution and their thoughts on immigration issues today. Dr. McHale stated that this is a topic that triggers a lot of strong feelings and she is hoping that she can provide some clarity and reassurance regarding fears that come from encountering people who are different and from how immigrants are portrayed by some leaders and the media right now. Dr. McHale stated that they are asking the Borough Council to adopt a fair and welcoming resolution both as an affirmation of values and as a way to preserve the traditional separation between Federal and Local agencies. Dr. McHale stated that there are common misperceptions about fair and welcoming resolutions. Dr. McHale spoke in length about what becoming a fair and welcoming community involves and what it does not involve. Dr. McHale stated that traditionally immigration enforcement has been handled on the Federal level which is important because it reserves local police and local resources for local needs. Dr. McHale stated that it is also important for residents to view the local police as separate from ICE. Dr. McHale stated that a resolution would mean that the Borough respects the traditional separation of these enforcement roles. Dr. McHale stated that State Law directs local law

enforcement not to ask about immigration status except for indictable crimes and DUI's where immigration would then be informed of undocumented status. Dr. McHale spoke about immigration and civil rights over the years and the changes that have taken place. Dr. McHale stated that she is also here because immigration enforcement has changed becoming much more aggressive with little oversight. Dr. McHale stated that enforcement used to focus on undocumented residents who had committed crimes but this is no longer the case. Dr. McHale stated children are living in fear that they or their parents will be deported. Dr. McHale stated that the welfare of children is important to her as she focused on the treatment of trauma early in her career. Dr. McHale stated that over 700 children have been separated from their parents in the last six months by ICE. Dr. McHale stated that in New Jersey alone in 2017 there were over 1200 children involved in deportation proceedings. Dr. McHale stated that it is important that we do not stay silent on this issue and the community needs to work together for the common good. Dr. McHale asked Jean Pinto to come forward.

Mayor Persichilli requested that further comments be brief as presentations are generally ten to fifteen minutes and Dr. McHale mentioned that Director Meytrott would also be speaking.

Jean Benefield Pinto stated that she is a resident of Pennington and she is here to speak in favor of Pennington Borough choosing to be a welcoming community. Ms. Pinto spoke about the history of Pennington and the struggle to preserve democracy. Ms. Pinto spoke about the immigration of her family over the years and the treatment of immigrants over the years. Ms. Pinto stated that we are in a new era of profiling and she is proud that Pennington Borough is considering being a light to the world by declaring itself a welcoming community and that members of our community will be judged not by their immigration status or by their country of origin but by their character.

Mayor Persichilli stated that several discussions have taken place with Dr. McHale, Eileen Heinzl and Director Meytrott. Mayor Persichilli asked Mr. Meytrott if he would like to comment. Mr. Meytrott stated that he has met with Dr. McHale on several occasions and it is important for everyone to understand exactly what Pennington Police Officers have done with regard to immigration issues in the past. Mr. Meytrott stated that basically what Pennington Police have done is nothing, as we are not involved in immigration issues. Mr. Meytrott stated that when an officer stops a motor vehicle, the officer asks for a driver's license, registration and insurance card and nothing to do with immigration status, Mr. Meytrott stated that he has been here for 20 years and in law enforcement for 50 years and in his experience immigration status has never been requested. Mr. Meytrott stated that it is important to understand that Pennington Police Department as all departments in New Jersey work for the County Prosecutor's Office who work for the New Jersey State Attorney General's Office and directives come from either of those offices. Mr. Meytrott stated that a directive was issued in 2007 that addresses the issue and specifically prohibits police officers from asking people about their immigration status except for indictable offences and DUI offences. Mr. Meytrott stated that until another directive comes out they will continue to operate as they have been. Mr. Meytrott stated that there might be some confusion and people might have heard that police departments are assisting immigration in the service of warrants. Mr. Meytrott stated that this is not happening in Pennington and residents should be aware that the police department is only doing that for criminal warrants. Mr. Meytrott stated that the police department has no responsibility with assisting with or serving civil warrants. Mr. Meytrott stated that it has not come up in Pennington, but if it did they would not get involved.

Dr. McHale stated that there are two other people who wanted to comment but they would be willing to hold their comments. Mayor Persichilli stated in the interest of time that would be best.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt reported that she had no report for Open Space. Mrs. Gnatt reported that the Planning Board met jointly with the Historic Preservation Commission to discuss adding the African American Cemetery to the Historic District. Mrs. Gnatt stated that the Historic Preservation Ordinance authorizes the commission to make recommendations. Mrs. Gnatt stated that Eric Holtermann explained that the cemetery and the historic district relate to similar historic periods and there are 245 burials identified in the cemetery beginning in the 1850's and continuing efforts are being made to identify additional graves. Mrs. Gnatt stated that inclusion of this significant historic site in the town's historic district would make it eligible for certain grants and protection and expand opportunities for education and research. Mrs. Gnatt stated that the Historic Commission voted to add the cemetery to the Historic District by way of amendment to the ordinance. Mrs. Gnatt stated that the Planning Board approved a motion to make this recommendation to Borough Council.

Mrs. Gnatt stated that the Planning Board previously asked the Application Review Committee to undertake a review of the Town Center Zone and the Town Center Buffer Zone of the Borough Code and a meeting was held with Borough Planner Mike Bolan who recommended that this issue should be looked at as part of a re-examination of the Master Plan. Mrs. Gnatt stated that the last revision was done in 2013 and it is usually done every five to ten years.

Public Safety / Personnel – Mr. Marciante stated that the Stalker radar is back on Main Street monitoring speeds on Main Street. Mr. Marciante stated that the Public Safety Committee met and discussed future needs of the Borough Police Department. Mr. Marciante stated that they have decided to ask Borough Council approval to hire a consultant to make sure that we are getting the best "bang for our buck" and what improvements can be made to our Police Department. Mr. Griffiths asked how much the consultant

would cost. Mrs. Chandler stated they don't know. Mr. Griffiths stated that the budget is closed as of tonight and there is no room for additional expenses. Mr. Griffiths stated that we are already using 80% of surplus. Mr. Griffiths stated that he fully supporting efforts to improve any public service but the timing is bad. Mr. Marciante asked for \$5,000. Mr. Lawver stated that we don't know what a consultant would cost. Mr. Griffiths stated that we can't create a line item on the fly. Mayor Persichilli stated that he and Mr. Meytrott have talked about this over the last ten years off and on. Mayor Persichilli asked if there was ever a point where it was decided to bring someone in to look at the structure of the department. Mr. Meytrott stated that the last estimate we got was \$30,000. Mr. Griffiths stated that is 1.5 % of tax revenue. Mr. Marciante stated that a situation is brewing and the department may be losing an officer. Mr. Marciante stated that we will be back to training another officer and is it worth it for the Borough or should be try to determine if we are getting the "best bang for our buck". Mr. Lawver stated that after hearing the comments the Public Safety Committee should meet and come back with a more fully formed option. Mr. Lawver stated that the committee wanted Council to be aware that this is something that has been talked about for the last 10 years or so. Mr. Lawver stated that the people on Council don't know enough about police operations to make an informed decision for the future. Mr. Lawver stated that the committee felt that outside expertise is needed but it is very early in the process. Mr. Griffiths stated that there is plenty of room in the 2019 budget to consider this request.

Public Works/ Library / Shade Tree / Senior Advisory –Parks and Recreation – Mr. Lawver stated that the Public Works Committee is meeting later this week and they will have five options for how to rebuild Weidel Drive. Mr. Lawver stated that negotiations are ongoing with the Teamsters.

Mr. Lawver stated that Arbor Day was forced to move inside due to the weather so the Shade Tree Committee is looking to have a better and brighter impact on Pennington Day.

Mr. Lawver stated that he would report on the Senior Advisory Board later.

Parks & Recreation – Mrs. Mills stated that Parks and Recreation discussed the logistics and responsibilities for the Memorial Day Parade and everything is in order. Mrs. Mills stated that they welcomed a new member, Kristen Friedlich. Mrs. Mills stated that Nancy Willever has made a request for a bench to be placed at Kunkel Park in memory of Kathleen McIlvane. Mrs. Mills stated that the committee discussed the requested and it was agreed that if a bench was to be done it should match the others in the park. Mrs. Mills stated that it was decided that more research needs to be done. Mrs. Mills stated that the committee also discussed the possibility of new playground equipment in Kunkel Park.

Mrs. Mills reported that the Library will hold a volunteer reception on May 16th from 5:30 to 7:30 and everyone is invited. Mrs. Mills reported on upcoming summer programs. Mrs. Mills stated that the Library was awarded a grant from NEA in the amount of \$5,000 for The Big Read. Mrs. Mills stated that a formal announcement will take place in June. Mrs. Mills stated that this is a four to five week program that will start in March of 2019 with activities revolving around the book True Grit.

Finance – Mr. Griffiths stated that Council will be voting to adopt the budget tonight. Mr. Griffiths stated that the budget process usually begins in January and all requests are taken into consideration and that is the practice that has been in place for a while. Mr. Griffiths stated that a topic will be discussed in executive session that may affect the budget.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that she has nothing to add to Stephanie Carey's report for the Board of Health. Mrs. Chandler stated that the Environmental Commission received the "No Idling" signs and they were not the right ones. Mrs. Sterling stated that replacement signs have been ordered. Mrs. Chandler reported that the Environmental Commission members participated in the Stormwater Management training.

Mrs. Chandler stated that Historic Preservation met jointly with the Planning Board to discuss inclusion of the African Cemetery in the Historic District. Mrs. Chandler stated that the Historic District has submitted paperwork to the New Jersey Historic Trust Grant Program to be considered for a certificate of eligibility which if approved would make the district eligible for some funding. Mrs. Chandler stated that this is different from the CLG funding.

Mrs. Chandler reported that the Economic Development Commission is working on a Borough inventory including which locations have grease interceptors for prospective business owners.

Mrs. Chandler stated that the Landfill Committee had their first meeting to get the ball rolling. Mrs. Chandler stated that a grant has been awarded to complete the site and remedial investigations and the expected completion date for that is April of 2019. Mrs. Chandler stated that the committee reviewed the process for declaring the site an area in need of redevelopment and briefly discussed the options for scoping the work. Mrs. Chandler stated that the committee agreed that the next steps are to develop a request for information proposal which Mr. Griffiths is working on and to meet with some developers to hear their ideas on what is possible on the site. Mrs. Chandler stated that they also planned to meet with the Borough Planner and Bond Counsel and they hope to have a public input session to get ideas from the community.

Council Discussion

Tow Away Zones in No Parking Areas on Municipal Streets – Mr. Meytrott stated that he was given a request by the Fire Commission for specifically Green Street. Mr. Meytrott stated that there is a no parking zone near Broemel Place that has been there for a number of years and cars continue to park there from time to time and they are issued a summons, but the problem is that the cars are still there after they get a summons and the fire trucks can't get around the corner. Mr. Meytrott stated that the Fire Commission has asked if the Borough can put a tow-away zone there. Mr. Meytrott stated that in looking at that situation it was discussed that maybe this should be considered for other municipal streets where there are ordinances for no parking other than Broemel Place. Mr. Meytrott stated that he talked with Mr. Marciante and it was determined that it should be discussed at this meeting to get input from Council. Mr. Marciante stated that he personally thinks it is just Green Street. Mrs. Chandler asked where cars would be towed to. Mr. Meytrott stated that there is a rotating tow list. Mrs. Chandler asked how the list is created. Mr. Meytrott state that the list they use now is the list used by Hopewell Township. Mr. Marciante stated that he has been on the truck when they have tried to turn the corner and it is an issue. Mr. Meytrott stated that the Police issue up to seven parking summonses there. Mr. Lawver stated that he agrees with Mr. Marciante that this should be considered for Green Street. Mayor Persichilli stated that the Pennington School should be notified that the Borough is going to consider this.

Block Party – May 19th, 2018 – North Riding/Walking Purchase – Mayor Persichilli asked if there were any concerns with the request for a Block Party. There were no concerns.

MS4 – Stormwater Training – Mrs. Heinzl stated that as part of the Stormwater Permit process, the Governing Body, the Planning Board and the Environmental Commission are required to watch a webinar by July of 2018. Mrs. Heinzl stated that the Planning Board will be holding this training as part of their meeting. Mrs. Heinzl stated that the webinar can be done at any time and she will e-mail the link to everyone. Mrs. Heinzl asked that each Council Member should stop in and sign a certification so that we have it on file.

Cost Sharing Agreement – Senior Center Repairs – Mr. Lawver stated that a meeting of the three municipalities was held on April 12th and an agreement was made that the cost sharing agreement would match the actual usage numbers. Mr. Lawver stated that Mercer County will pay one-half of the cost and of the remaining half, Hopewell Township will pick up 75%, Pennington Borough will pick up 15%, and Hopewell Borough will pick up 10%. Mr. Lawver stated that Hopewell Borough has indicated that they are generally in agreement and we have not heard back from Hopewell Township. Mr. Lawver stated that the rough cost estimate is between \$250,000 and \$350,000. Mr. Lawver stated that Hopewell Township has volunteered their engineer to go back through the cost estimate and hopefully the costs will come down a bit. Mr. Lawver stated that in-kind contributions count towards each municipalities match so we are hoping to come up with some in-kind contributions. Mr. Lawver stated that the next step is to come up with a cost sharing agreement and resolution that each municipality would approve.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2018-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2018-1**

**AN ORDINANCE PERTAINING TO PEDDLING AND SOLICITING AND AMENDING CHAPTER
147 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Pennington Borough Council seeks to revise and supersede the present provisions of Chapter 147 of the Code of the Borough of Pennington, governing peddling and soliciting, with a view toward simplifying and improving regulation to better protect the safety and privacy of residents;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 147 of the Borough Code is hereby deleted in its entirety and replaced by the following:

1. **Purpose.** The purpose of this chapter is to protect the persons, property, privacy and wellbeing of Borough residents. The regulations contained in this chapter are intended to accomplish this purpose by ensuring that before entering upon the properties of residents or approaching them in their homes all peddlers, solicitors and canvassers, whether commercial or non-profit, have a permit to do so. The regulations seek to promote the privacy of residents by enabling them to register their residence on a “do-not-solicit” list maintained by the Borough. Commercial vendors are also required to obtain a permit to approach residents in the streets or other public places of the Borough or to work from a stationary location in a public place.

2. **Definitions.** As used in this chapter, the following terms have the meanings indicated.

A. “Peddling” means the selling or attempted selling of goods or services by a commercial vendor when done from a stationary location on a street or other public place

or by traveling from house to house, place to place or street to street. A “Peddler” is an individual engaged in peddling.

B. “Soliciting” means the taking or attempted taking of orders by a commercial vendor for the sale of goods or services to be delivered or performed at a future time when done from a stationary location on a street or other public place or by traveling from house to house, place to place or street to street. A “Solicitor” is an individual engaged in soliciting.

C. “Canvassing” means communicating or attempting to communicate with residents to promote, distribute information about, seek support or solicit money for any religious, charitable, educational, civic, fraternal, political or other not-for-profit organization or cause, when done by traveling from house to house. A “Canvasser” is one engaged in house-to-house canvassing.

D. “Commercial Vendor” means any person providing goods or services whose normal business involves the sale, rental, lease or provision of those goods or services.

3. **Permit Required.**

A. It shall be unlawful for any individual to engage in peddling or soliciting in the Borough of Pennington without first obtaining a permit for that purpose as further provided in this chapter. The permit shall be common for both peddlers and solicitors and be known as a “Solicitor’s Permit.” The only exceptions to this requirement shall be individuals possessing a peddler or similar license pursuant to New Jersey statute, N.J.S.A. 45:24-1, et seq..

B. It shall be unlawful for any individual to engage in canvassing house-to-house in the Borough without first obtaining a permit for that purpose as further provided in this chapter. The permit shall be common for all canvassers and be known as a “Canvasser’s Permit.”

4. **Application Procedure for Solicitor’s Permit.** An individual seeking a solicitor’s permit under this chapter shall file an application with the Borough Clerk on the applicable form supplied by the Borough Clerk or found on the Borough website. The application shall contain (a) the applicant’s name and current address, (b) contact information, (c) any previous name or alias, (d) age, weight, eye color and hair color, (e) date of birth, (f) driver’s license number and state of licensure, (g) vehicle registration and state of registration, if applicable, (h) purpose of requested permit, including nature of business and goods and services to be sold, rented, leased or otherwise provided, (i) name, address and contact information for applicant’s employer, if applicable, (j) name, address and contact information for at least two character references, (k) disclosure whether applicant has ever been convicted of any crime, misdemeanor or disorderly persons offense, with description of the nature, location and date of same, if applicable, (l) social security number and (m) a signed statement under oath swearing to or affirming the truth of the supplied information. The completed application form shall be submitted together with a two-inch square photograph of the applicant, a letter or other written statement from any individual, firm or organization represented by the applicant certifying that the applicant is authorized to act as its representative, and the appropriate permit fee as set forth in Article VI of Chapter 98 of the Code.

5. **Investigation.** The original application for solicitor’s permit and related documents shall be referred to the Pennington Borough Police Department for investigation. The application shall be approved or disapproved by the Director of Public Safety of the Borough or his designee within fourteen (14) days, except the application may be disapproved only if the Director or his designee makes one or more of the following findings with respect to the applicant: (a) conviction of a crime of moral turpitude; (b) prior violation of an ordinance or law pertaining to peddlers, solicitors or canvassers; (c) previous fraudulent acts or conduct; (d) record of breaches of solicited contracts; or (e) concrete evidence of bad character.

6. **Application Procedure for Canvasser’s Permit.** An individual seeking a canvasser’s permit under this chapter shall file an application with the Borough Clerk on the applicable form supplied by the Borough Clerk or found on the Borough website. The application shall contain (a) the applicant’s name and current address, (b) contact information, (c) purpose of the canvass and a description of any goods or services to be sold or given away as part of the canvass, (d) name, address and contact information for applicant’s employer, if applicable, and (e) a signed statement under oath swearing to or affirming the truth of the supplied information. The completed application form shall be submitted together with a two-inch square photograph of the applicant and a letter or other written statement from any individual, firm or organization represented by the applicant certifying that the applicant is authorized to act as its representative. There shall be no fee for a Canvasser’s Permit and no investigation required for approval of a Canvasser’s Permit.

7. **Display of Approved Permit Upon Request.** Any person to whom a permit has been issued shall carry the same at all times while acting as or carrying on the business of a peddler, solicitor or canvasser and shall display the same upon request.

8. **Expiration of Permits.** All permits issued pursuant to this chapter shall expire on December 31 next succeeding the date of issuance.

9. **Revocation of Permit.** Any permit issued pursuant to this chapter may be revoked by the Director of Public Safety or his designee for conviction of a crime of moral turpitude, falsification of statements made in the application process, violation of any of the terms of this chapter, misrepresentations or fraudulent conduct while engaged in activities authorized by the permit, and other unlawful activity bearing on the safety or privacy of residents.

10. **Appeals of Denial or Revocation of Permit.** An applicant or holder of a permit may appeal the denial or revocation of a permit to Borough Council, which shall hold an informal hearing to resolve the appeal no later than its next regular meeting.

11. **Permitted Hours of Peddling, Solicitation and Canvassing.** No activity permitted in accordance with this chapter shall occur (a) before 9:00 A.M. or after 5:00 P.M. during the period of November 1 through April 30; and (b) before 9:00 A.M. or after 7:00 P.M. during the period of May 1 through October 31.

12. **Do Not Solicit List.**

A. All residents of the Borough may register their name and address with the Borough Clerk together with a request to be placed on one of two "Do-Not-Solicit" lists to be maintained by the Borough. One list shall register residents who do not wish to be approached at their residence or within the perimeter of their property by any Peddler, Solicitor or Canvasser without exception. The second list shall register residents who do not wish to be approached at their residence or within the perimeter of their property by any Peddler or Solicitor only.

B. It shall be unlawful for the holder of a permit to approach or seek personal contact with the occupant of any residence either at the residence or within the perimeter of the property if the residence is registered on a Do-Not-Solicit list applicable to that permittee.

C. Residents shall remain on the Do-Not-Solicit list until they request to be removed or move from the registered address.

D. The Borough Clerk shall maintain copies of the two "Do-Not-Solicit" lists and provide them to all individuals who obtain a Solicitor's or Canvasser's permit.

E. The Borough Clerk shall also maintain copies of the lists on the Borough website.

F. The Borough Clerk shall forward copies of the lists and list updates to the Director of Public Safety for enforcement purposes.

13. **Enforcement.** Enforcement of this chapter, with respect to both soliciting or canvassing without a permit and soliciting or canvassing- at residences on a Do-Not-Solicit list shall be the responsibility of the Pennington Police Department.

14. **Violations and Penalties.** Any individual violating any of the provisions of this chapter shall, upon conviction, be subject to a fine:

- a. First violation - \$50.00
- b. Second violation - \$100.00
- c. Third violation - \$100.00 and prohibition from all future peddling, soliciting and canvassing.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be severable, such that if any provision is deemed invalid the remaining provisions shall remain fully effective.

AND BE IT FURTHER ORDAINED that Chapter 98 of the Code, at Article VI, Section 98.30, Miscellaneous Fees, is hereby amended as set forth below.

1. Sub-Section 98-30. B is amended as follows:

"Solicitor's Permit as required by Chapter 147 of this Code: \$100.

AND BE IT FURTHER ORDAINED that this Ordinance shall be effective upon passage and publication as provided by law.

Council Member Lawver made a motion to introduce Ordinance 2018-1, second by Council Member Marciante. Mr. Marciante stated that the decals have been removed from this version of the ordinance and he thinks that they should be added back in. Mr. Lawver stated that he is still not happy with this ordinance and he is going to ask that the ordinance be revised with regard to number 4, 5, 6 and 8. Mr. Lawver stated that his concerns basically come down to background checks. Mr. Lawver stated that in the current ordinance the Borough does a background check of violations against local ordinances. Mr.

Lawver stated that there are problems with the way that is done and that needs to be solved. Mrs. Chandler stated that she is only comfortable with number 11 down. Mrs. Chandler stated that she would like to see hours for soliciting and a do not solicit list and anything more than that seems onerous to her. Mayor Persichilli asked if changes are being made tonight. Mr. Lawver stated that he agrees with Mrs. Chandler and if Council does nothing tonight all of the things that he and Mrs. Chandler do not like are already in the current ordinance. Mr. Lawver stated that he would suggest introducing the ordinance tonight because it does implement the hours and it does implement the do not solicit list and then come back and figure out how to fix the rest of the ordinance. Mr. Lawver stated that he does not think that we should be background checking vendors. Mr. Chandler stated that the Police Department is already overtaxed with things to do. Mrs. Mills stated that she has had a problem with this from the very beginning and in her experience she does not have a lot of solicitors coming to her door and this ordinance is a lot for Pennington. Mr. Marciante stated that he likes the decals to deter people from coming to the door. Mr. Lawver stated that he thinks Council should introduce this ordinance tonight, adopt at the next meeting to get the hours and the no knock list in place and then come back and amend the ordinance in a couple months once it is determined if the Borough wants to do background checks or not. Mrs. Chandler asked for clarification of peddlers, solicitors and canvassers. Mr. Bliss stated that peddlers and solicitors will receive fall under a common licenses known as a solicitor's license. Mrs. Chandler asked if the investigation would apply to non-profits. Mr. Bliss stated that non-profits do not get investigated they simply register as per paragraph 6. Mr. Bliss stated that we do not inspect tax credentials relating to non-profits however the ordinance does relate to the nature of the enterprise. Mr. Bliss stated that canvassing is communicating or attempting to communicate with residents to promote, distribute information about, seek support, or solicit money for any religious, charitable, educational, civic, fraternal, political or other non for profit organizations or cause when done by traveling from house to house. Mr. Bliss stated that only house to house canvassers would be required to register, people on the street are not required. Mr. Griffiths asked if the investigation could be farmed out to an outside agency. Mr. Meytrott stated that the investigations that are currently being done in the police department are very cursory. Mr. Meytrott stated they involve a regular name check and to see if they have a record in Pennington Borough. Mr. Meytrott stated that beyond that the police department cannot investigate further without requiring fingerprinting. Mr. Marciante stated that would be burdensome on the applicant. Mr. Griffiths stated that he errs on the side of caution regarding solicitors and if someone is in business soliciting and selling to make money, there may be an expense that you are obligated to incur to prove that you are a bonafide business person. Mr. Meytrott stated that this group had looked at requiring fingerprinting for everyone except non-profit groups. Mr. Meytrott stated that anyone selling a product to make a profit would be required to be fingerprinted and the police department would receive a copy of the record. Mr. Meytrott stated that police department would not be doing the investigation. Mr. Meytrott stated that the fingerprint requirement was removed from the proposed ordinance. Mr. Griffiths stated that his distinction would be between a for profit enterprise and in that case a background check would be considered a cost of doing business and he does not have any hesitations about imposing that obligation because the industries that tend to do business door to door would not typically qualify as A++ agencies under the Better Business Bureau. Mr. Griffiths stated that he is all for imposing stricter rules and fees. Mrs. Chandler asked why a new ordinance is being considered and not just an amendment to the current ordinance. Mr. Bliss stated that the request for change was not to change the current ordinance but to add to the current ordinance. Mr. Bliss stated that canvassers have been added so that non-profits are now registered consistent with the overall intent of protecting privacy and security. Mr. Bliss stated that we have also added the "No Solicit List". Mrs. Chandler asked why this could not be added to the old ordinance so it was all in one package. Mr. Bliss stated that it is all in one package because to design an efficient, effective ordinance required so many cuts and scratches to the old ordinance that it made more sense to draft a new ordinance and replace the old ordinance. Mrs. Heinzl stated that Hopewell Township regulates their commercial solicitors and peddlers and makes them get licensing and they do a fingerprint background check but they do nothing with regard to canvassers. Mrs. Heinzl stated that the reason that the Borough would want to do this is so that canvassers will be registered and receive a no solicit list. Mr. Lawver stated that in his opinion the two things that are needed in Pennington are the hours and the no solicit list. Upon a roll call vote all members present voted in favor of introduction.

Mayor Persichilli read Ordinance 2018-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2018-6**

**AN ORDINANCE CONCERNING SHADE TREES AND THE
BOROUGH SHADE TREE COMMITTEE**

WHEREAS, shade trees are an important part of the quality of life in the Borough of Pennington and the Borough Shade Tree Committee provides invaluable assistance to Borough Council in the care and management of trees and the enhancement of the urban forest in this municipality;

WHEREAS, Borough Council seeks to clarify certain provisions of the Borough Code with respect to the advisory responsibilities of the Shade Tree Committee, the management of trees, particularly in or near the public right-of-way, and obligations of the Borough and property owners with respect to them;

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

1. **Article I of Chapter 13 of the Code of the Borough of Pennington, concerning the-Shade Tree**

Committee, is hereby repealed and the following ordinance substituted:

Section 13-1. Establishment, membership and purpose.

- A. The Shade Tree Committee has been established by ordinance effective December 2, 1985, amended April 4, 2016. It shall consist of seven members who shall be residents of this municipality and, when feasible, have experience or expertise in the area of arboriculture or related fields.
- B. The purpose of the Shade Tree Committee is to advise Borough Council in the exercise of its authority over the regulation, planting, care and removal of shade and ornamental trees and shrubbery upon and in the streets, highways, public right-of-way and public property of the Borough of Pennington. This authority shall not extend to state highways unless the State Highway Department shall assent thereto, or to county highways, roads, parks and parkways unless a County Shade Tree Commission is operative and gives assent thereto.

Section 13-1.1 . Definitions.

- A. "Care" as used herein shall include trimming, spraying, watering, mulching and other measures calculated to protect the public safety or the health and well-being of the tree or shrubbery.
- B. "Trees and shrubbery upon and in the public right-of-way and public property of the Borough" shall mean any tree or shrub whose trunk at ground level is wholly or partially in the public right-of-way or on public property.
- C. "Trees and shrubbery on private property" shall mean any tree or shrub whose trunk at ground level is not in the public right-of-way or on public property in whole or in part.
- D. "Public right-of-way" or "right-of-way" is the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. The street lines are parallel to each other equidistant from the center of the street, in conformance with prescribed street widths as displayed on the Borough Tax Map.
- E. "Urban forest" shall mean all of the trees and other vegetation in and around our cities and towns. It includes trees in home landscapes, schoolyards, parks and greenbelts, utility rights-of-way and cemeteries. It also includes trees along streets and streams and anywhere else that trees can grow in and around a community.
- F. "Community Forestry Management Plan" shall mean a plan developed by a municipality that outlines the goals and objectives for managing trees on municipal property with the intent of minimizing liability to the municipality and maximizing the useful life of the tree resource. The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service.

Section 13-2. Initial appointment; terms.

The first Shade Tree Committee members were appointed by the Borough Council within 60 days after December 2, 1985 for the respective periods of one, two and three years. All appointments, except to fill vacancies, made on or after January 1, 2017, shall be for the full term of three years.

Section 13-3. Organization; expenses.

The Shade Tree Committee shall organize annually by the election of one of its members as Chair, and the appointment of a Secretary who need not be a member.

Section 13-4. Vacancies.

Any vacancies occurring by reason of the death, resignation or removal of any Shade Tree Committee member shall be filled for the unexpired term by the Borough Council.

Section 13-5. Scope of Responsibilities.

The Shade Tree Committee in its advisory capacity may:

- A. Recommend to Borough Council legislation and other appropriate action governing the regulation, care and removal of trees and shrubbery upon and in the public right-of-way and public property of the Borough, and use of the ground surrounding them, so far as may be necessary for their growth, care and protection. All such recommendations shall be with notice to the Borough's Superintendent of Public Works and subject to such conditions as the Committee deems appropriate consistent with the purposes of this ordinance, after weighing the following considerations:

- (a) the safety of the public;
- (b) the condition or health of the tree;
- (c) the appropriateness of the location of the tree or shrub;
- (d) the significance of the tree for preservation of the urban forest;
- (e) opportunities for planting replacement trees or shrubbery conforming with Shade Tree Committee specifications;
- (f) the immediacy of the need for action;
- (g) the availability of public or private financing for the action contemplated; and
- (h) other factors favoring removal or non-removal of the tree in the best interests of the Borough and its residents.

B Recommend to Borough Council with notice to the Superintendent of Public Works legislation and other appropriate action to enhance and protect the public property of the Borough and the public right-of-way, including:

- 1. the planting of trees and shrubbery upon or in the public right-of-way or public property; and
- 2. the care or removal of roots, limbs, branches and other growth extending from trees and shrubbery on private property into or over public property or the public right-of-way.

Recommendations for the planting of trees shall be made after visiting the potential site and consulting the list of shade trees recommended for the Borough to identify the type or types of trees and the location and size that may be appropriate. When the potential site is in a public right-of-way adjoining private property, the Committee shall review the list of recommended shade trees in consultation with the adjoining property owner.

C. Recommend to Borough Council, with notice to the Borough's Superintendent of Public Works, the care, treatment or removal of any tree on private property which is believed to harbor a disease or insect harmful to trees or other vegetation readily communicable to neighboring healthy trees or other vegetation in the care of the municipality, and recommend to Borough Council entry upon the private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by a certificate issued by or on behalf of the New Jersey Department of Agriculture.

D. Develop and maintain a list of trees recommended for shade tree plantings in the Borough. The list shall provide a variety of options, taking into consideration the regional climate, the size of the tree and its root systems, and the available space for a planting. Advise the Borough in the crafting and implementation of its "Community Forestry Management Plan."

E. Encourage private property owners to plant, care for and maintain shade trees, ornamental trees and ornamental shrubs on their property as part of the urban forest.

Section 13-6. Payment for planting or removal of trees.

A. The planting, care and removal of trees and shrubbery upon and in the public right-of way and public property of the Borough shall be paid for by the Borough provided the work is: (a) included in the annual budget for the Shade Tree Committee approved by Borough Council; (b) authorized by separate action of Borough Council in its sole discretion even when budgeted; and (c) conducted by the Department of Public Works or a contractor retained by the Borough in conformance with the Local Public Contracts Law.

B. The removal of all or part of the roots extending from trees and shrubbery on private property onto public property or into the public right-of-way as needed to protect the public safety or public infrastructure shall also be paid for by the Borough, subject to the same conditions as set forth in the preceding subsection.

C. In other instances involving care or removal of trees and shrubbery on private property pursuant to this ordinance or the Borough Code, the work shall be paid for by the property owner. These instances include the removal of parts of trees and shrubbery on private property extending over public property or into the public right-of-way and the removal of trees determined to be diseased or otherwise dangerous to the public safety. The work in each case shall be performed by the Department of Public Works or a contractor retained by the Borough except with respect to work required to be performed by the property owner pursuant to Section 177-21 of the Code.

D. When the Shade Tree Committee determines that a tree on private property requires removal in whole or in part because it is diseased or otherwise dangerous to the public safety, the Committee shall give the property owner 10 days' notice that it intends to recommend removal of all or part of the tree to Borough Council. Within that ten-day period the property owner may request a hearing before the Shade Tree Committee and the Committee shall report the property owner's objections to Borough Council. If the public safety requires immediate removal of the tree, no notice shall be necessary.

E. The property owner shall also be responsible for the cost of tree removal in the public right-

of-way for which the owner has agreed to provide private financing as part of the review process described in Section 13-5.A.

F. When the expense of the planting, care or removal of a tree or shrubbery, including the purchase of trees and shrubbery and replacement trees and shrubbery, is to be charged to a property owner pursuant to this article, the following provisions apply.

1. When the work is performed by the Borough Department of Public Works, the charges for the work, in addition to out-of-pocket costs, shall be computed according to the pertinent charges for labor and equipment provided in Chapter 98 of the Code, concerning fees.
2. When the work is performed by a contractor retained by the Borough, in accordance with the Local Public Contracts Law, the charge for the work shall be the charges and reimbursements incurred by the Borough, in addition to its out-of-pocket costs.
3. Charges for replacement trees will be at actual cost plus 10%.
4. The amount due for the work and out-of-pocket costs, unless earlier paid directly to the Borough by the property owner, shall be certified by Borough Council to the collector of taxes of the Borough and shall thereupon become a lien upon the affected real estate and be included in the next tax bill rendered to the owner or owners thereof and be collected in the same manner as other taxes against that property.

G. The planting of trees under the Pennington Memorial Tree planting program shall be at the expense of the applicant.

Section 13-7. Public improvements affecting trees.

No statute giving any person or state, county or municipal board, body or official the power or authority to lay any sidewalk along or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to trees and shrubbery upon and in the public right of way and public property of the Borough without the consent of the Borough Council. In all cases, the Borough Council shall reasonably cooperate with such person, board, body or official for the general public good. If such action causes injury to or demise of the tree, the person or state, county or municipal board, body or official responsible shall pay for a replacement tree meeting the specifications of the Shade Tree Committee pursuant to § 177-6 of the Borough Code.

Section 13-8. Procedure and payment for planting or removal of trees.

- A. During the month of October in each year, the Shade Tree Committee shall certify to the Borough Council the estimated sum necessary for the proper conduct of work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made ~~for~~:
- (1) Expenses of Shade Tree Committee members in discharging official duties, including expenses incident to attendance at professional meetings.
 - (2) Purchase and installation of trees and shrubbery.
 - (3) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work
 - (4) Expense of tree maintenance and removal.
- B. The Borough Council shall annually appropriate such sum as it may deem necessary for these purposes.

Section 13-9. Rules of procedure; meetings.

The Shade Tree Committee shall adopt rules or procedures, which shall provide for a regular public meeting each month.

Section 13-10. Development of Master Plan for planting of trees.

The Shade Tree Committee shall develop and recommend to the Borough Council a Borough Master Plan, setting forth those areas of the Borough in need of shade trees along the public right-of-way, the types of tree which should be planted and the approximate locations. The Master Plan should consider the type of zoning, the climate, soil conditions and other factors necessary to evaluate and develop such a plan. Upon completion of the Master Plan, any recommendations for the planting of trees made pursuant to this section should make reference to this plan, and any variance from the plan should be explained.

Section 13-11. Prohibition Against Removal of Trees on Public Property or in the Public Right of Way.

A. No person shall remove any tree or shrubbery or part of a tree or shrubbery upon or in the streets, highways, public right-of-way or public property of the Borough unless expressly authorized by Borough Council in accordance with this article or otherwise pursuant to the Borough Code.

B. Any person violating this prohibition shall, upon conviction thereof, be subject to a fine not exceeding \$1,000. Such person also shall be required to pay for correction of the work as necessary to bring it into compliance with applicable specifications and requirements.

2. This ordinance shall be effective upon passage and final publication as provided by law.

Council Member Lawver made a motion to introduce 2018-6, second by Council Member Mills. Mrs. Heinzl stated that everyone received a copy of the current ordinance and the new ordinance in their packages and to make it a readable exercise she prepared a memo outlining the changes. Mrs. Heinzl corrected an error in the memo that went out. Upon a roll call vote all members present voted in favor of introduction.

Mayor Persichilli read Ordinance 2018-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2018-7**

**AN ORDINANCE BY THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF
NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-13(B)(4) AUTHORIZING THE CONVEYANCE TO
THE HERITAGE AT PENNINGTON CONDOMINIUM ASSOCIATION, INC. OF EASEMENTS.**

WHEREAS, American Properties at Pennington, LLC has received approval from the Pennington Planning Board to construct an 80-unit community known as Heritage at Pennington; and

WHEREAS, within said community there are four sidewalk/parking easements which have been conveyed to the Borough of Pennington but which benefit the community's homeowner's association and are not a part of sidewalk and roadway easements which benefit the general public within said community; and

WHEREAS, American Properties at Pennington, LLC has requested that said sidewalk and parking easements be conveyed by the Borough of Pennington to the Heritage at Pennington Condominium Association, Inc. since said sidewalk and parking easements benefit the homeowners association only; and

WHEREAS, the New Jersey Local Lands and Buildings Law, *N.J.S.A. 40A:12-13(b)(4)* allow for the conveyance by the Borough of Pennington of said easements if the Borough determines to release the public rights in said easement for the benefit of the aforementioned homeowner's association; and

WHEREAS, the Borough's Planning Board attorney has reviewed the American Properties at Pennington, LLC approved development plans last revised May 22, 2017 and as a result of said review recommends to the Pennington Borough Council the conveyance of said sidewalk and parking easements from the Borough to the Heritage of Pennington Condominium Association, Inc. in order to be consistent with the aforementioned approved plans.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to enter into easement agreements whereby the following sidewalk and parking easements are conveyed by the Borough of Pennington to the Heritage at Pennington Condominium Association, Inc.:
 - a) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 27; (Block 102, Part of Lot 1.67); and
 - b) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 8 (Block 102, Part of Lot 1.66); and
 - c) Sidewalk easement dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 21 (Block 102, Part of Lot 1.41); and
 - d) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 15 (Block 102, Part of Lot 1.68).
2. The Borough Council of the Borough of Pennington hereby finds that said easements are not necessary or required for any public purpose other than internal circulation and parking within the Heritage at Pennington Community and should be properly owned and maintained by the Community's homeowner's association.

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

Council Member Marciante made a motion to introduce Ordinance 2018-7, second by Council Member Lawver. There was no discussion. Upon a roll call vote all members present voted in favor.

Mayor Persichilli read Ordinance 2018-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2018 - 8**

AN ORDINANCE BY THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-13(B)(4) AUTHORIZING THE ACCEPTANCE OF A SIDEWALK EASEMENT ON BLOCK 202, PART OF LOT 1 PENNINGTON BOROUGH TAX MAP.

WHEREAS, American Properties at Pennington, LLC has received approval from the Pennington Planning Board to construct an 80-unit community known as Heritage at Pennington on property located adjacent to the northerly side of West Franklin Avenue; and

WHEREAS, a condition of said approval involves the installation of a sidewalk on West Franklin Avenue from Knowles Street towards New Jersey State Highway Route No. 31; and

WHEREAS, American Properties at Pennington, LLC in consultation with the Pennington Borough Police Director has agreed that for public pedestrian safety purposes a portion of the aforementioned sidewalk should be installed on the southerly side of West Franklin Avenue at the expense of American Properties at Pennington, LLC so that said sidewalk can be connected to the sidewalk system for the Shoppes at Pennington Complex; and

WHEREAS, the owners of said complex, Pennington Investments, LLC, have consented to the installation of a portion of the sidewalk on their above-referenced property (Block 202, Lot 1 Pennington Borough Tax Map) and has further agreed to provide an easement to the Borough of Pennington for a right of way dedication for said sidewalk; and

WHEREAS, the New Jersey Local Lands and Buildings Law, *N.J.S.A. 40A:12-13(b)(4)* permits the Borough of Pennington to accept said right of way easement dedication; and

WHEREAS, the Council of the Borough of Pennington wishes to facilitate the aforementioned installation of a portion of the West Franklin Avenue sidewalk along the southerly side of West Franklin Avenue for purposes of enhancing pedestrian safety.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey as follows:

1. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to enter into an easement agreement with Pennington Investments, LLC to accept a right of way easement dedication on a portion of Block 202, Lot 1 Pennington Borough Tax Map. The deed of easement shall be prepared by the Pennington Borough Planning Board attorney.
2. This Ordinance shall take effect upon its passage and publication as provided for by law.

Council Member Lawver made a motion to introduce Ordinance 2018-8, second by Council Member Mills. Mrs. Chandler asked where this sidewalk will be. Mrs. Heinzl stated that this is the sidewalk that American Properties is required to put in as part of their approval for the development. Mrs. Heinzl stated that originally the thought was that the sidewalk would go all the way around West Franklin and up to meet Route 31. Mrs. Heinzl stated that after looking further it seemed that the better approach would be to come about half way up and then cross over and meet the new sidewalk on the Shoppes of Pennington property that will take people up to the shopping center. Mrs. Heinzl stated that Mr. Lorenzetti, owner of the Shoppes of Pennington has agreed to this and it was agreed that an easement was needed. Upon a roll call vote all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2018-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2018-3**

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the

preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$92,643.42, said amount being \$26,469.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2017 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Griffiths made a motion to open the public hearing on Ordinance 2018-3, second by Council Member Lawver. There were no comments from the public. Council Member Griffiths made a motion to close the public hearing, second by Council Member Lawver with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2018-3, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli read Ordinance 2018-4 by title.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2018-4**

**ORDINANCE AMENDING CHAPTER 98 OF THE
BOROUGH CODE REGARDING FEES**

WHEREAS, Borough Council seeks to update certain fees contained in Chapter 98 of the Borough Code;

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

1. Chapter 98 of the Code of the Borough of Pennington is amended by adding to Section 98-30.C: Registration of Vacant Building, as required by Chapter 136, initially and annually: \$250.
2. Chapter 98 of the Code of the Borough of Pennington is amended by adding to new Section 98-30.D: Annual fee for Electronic Smoking Device Establishment License: \$600.
3. Chapter 98 of the Code of the Borough of Pennington is amended by adding to new Section 98-30.E: Fee for Memorial Tree: \$300.
4. Chapter 98 of the Code of the Borough of Pennington is amended by adding to new Section 98-30.F: Fee for Adopt a Flag: \$42.
5. Chapter 98 of the Code of the Borough of Pennington is amended by amending Section 98-29, Dog Licensing, at subsection E: Fee for late registration: ~~\$3-\$5~~ per month ~~or part thereof per dog~~ after May 31;
6. Chapter 98 of the Code of the Borough of Pennington is amended by amending Section 98-29, Cat Licensing, at subsection B: Fee for late registration: ~~\$3-\$5~~ per month ~~or part thereof per cat~~ after May 31.

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

Council Member Griffiths made a motion to open the public hearing on Ordinance 2018-4, second by Council Member Lawver. There were no comments from the public. Council Member Lawver made a motion to close the public hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2018-4, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2018-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2018 – 5**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF
PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY
FOR THE YEAR 2018**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

Borough Administrator	\$ 52,251.40
Borough Clerk	\$ 42,571.85
Treasurer / Assistant Chief Financial Officer	\$ 72,735.65
Tax Collector	\$ 30,585.90
Utility Collector	\$ 30,585.90
Technical Assistant to Construction	\$ 11,892.35
Tax Assessor	\$ 12,989.20
Zoning Officer	\$ 8,790.10
Land Use Admin/Admin Asst.	\$ 51,232.00
Deputy Registrar	\$ 2,213.75
Supt. of Public Works	\$82,256.50
Licensed Water Operator	\$45,900.00
Judge of Municipal Court	\$ 12,349.60
Court Administrator	\$ 17,259.50
Prosecutor - (Flat Rate per Court Session)	\$ 300.00
Public Defender – (Flat Rate per Court Session)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$75.00
Public Safety Director	\$ 55,831.85
Construction Official	\$ 27,271.75
Plumbing Sub-Code	\$ 40.35 / hour
Fire Sub-Code	\$ 40.95 / hour
Electric Sub-Code	\$39.54 / hour

b. One person may serve in more than one office or position of employment as listed in Section a hereof.

c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.

d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 82.22

Police Department:

Crossing Guards	\$ 15.00	\$ 26.50
Special Police	\$ 16.92 per hour	

Part Time Employees – All Departments:

Part Time or Temporary	\$ 8.00	\$ 21.50
Part Time/Temporary/Licensed	up to a maximum of	\$ 45.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2018.

Council Member Lawver made a motion to open the public hearing on Ordinance 2018-5, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a motion to close the public hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2018-5, second by Council Member Chandler with all members present voting in favor.

Budget – Public Hearing and Adoption

Council Member Griffiths made a motion to open the public hearing on the budget, second by Council Member Lawver. There were no comments from the public. Council Member Griffiths made a motion to adopt the 2018 Budget, second by Council Member Mills with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund in the amount of \$1,038.98 be issued to Hopewell Fire District #1 for LOSAP contributions made on behalf of Niklas S. Hansson who has left volunteer service with the Pennington First Aid Squad prior to vesting.

BE IT RESOLVED, that a refund be issued to Simplify Living, Inc. 267 Amboy Avenue, Suite 12, Metuchen, NJ 08840 in the amount of \$1,000.00 for the application fee for Planning Board application P18-002.

BE IT RESOLVED, that a refund be issued to Simplify Living, Inc., 267 Amboy Avenue, Suite 12, Metuchen, NJ 08840 in the amount of \$1,000.00 for refund of escrow for Planning Board application P18-002 for Block 502, Lot 9, also known as 111 Laning Avenue, Pennington, NJ 08534.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2018-5.1, second by Council Member Chandler. Mr. Lawver asked why a refund was being issued for LOSAP. Mrs. Sterling stated the LOSAP contributions are split with the Fire District paying 75% and the Borough paying 25%, this is refunding the 75% share to the Fire District. Mr. Lawver stated that it looks like the other two refunds are duplicates. Mrs.

Sterling stated that one is for the application fee and one is for the escrow fees, they just happen to be the same amount. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 5.2**

RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,038,454.90 from the following accounts:

Current	\$ 857,443.16
W/S Operating	\$ 122,222.35
Water/Sewer Capital	\$ 14,875.12
Developers Escrow	\$ 11,453.27
Other Trust Fund	\$ 31,800.00
Recreation Trust Fund	\$ 457.00
Animal Control Fund	\$ 204.00
TOTAL	\$ 1,038,454.90

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2018-5.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018-5.3**

**RESOLUTION AUTHORIZING THE SALE OF
BOROUGH EQUIPMENT AND PERSONAL PROPERTY NO LONGER NEEDED
FOR PUBLIC USE**

WHEREAS, the Borough is in possession of certain equipment and personal property no longer needed for public use; and

WHEREAS, it is the desire of the Mayor and Council to sell these items at public auction;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the Borough is hereby authorized to sell certain equipment and personal property no longer needed for public use at a public auction to be held on June 23rd, 2018 at the Public Works Facility located at 301 North Main Street in Pennington and the Borough Clerk is hereby authorized and directed to advertise same in accordance with the requirements of N.J.S.A. 40A:11-36(3).

Record of Council Vote on Passage

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

Council Member Mills made a motion to approve Resolution 2018-5.3, second by Council Member Chandler. Mr. Marciante asked if there is a list available. Mrs. Sterling stated that the list is still being finalized. Mr. Griffiths asked if we know the value of the items and how the funds would be recognized as income. Mrs. Sterling stated that the revenue comes in as miscellaneous revenue. Mrs. Webb stated that a reserve for sale of assets is set up and the funds can be used for a single use purpose. Mrs. Webb stated that there is not a lot of money available. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli asked that Council consider Resolutions 2018-5.4 and 2018-5.5 together.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 5.4**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC
RIGHT- OF- WAY IN 2018**

WHEREAS, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 3 tables and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:

- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.
- E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.
- F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.
- G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with the Borough Clerk a current Certificate of Insurance which certifies that:

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and
- (3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.
- (4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2018.

Record of Council Vote on Passage

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

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 5.5**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2018**

WHEREAS, Egnazio (Nat) Casano is the owner of Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 4 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 8 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito’s Pizza is hereby granted permission to locate up to 6 tables and 24 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 4 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 8 chairs on the Delaware side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Egnazio Casano and Vito’s Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

G. The outdoor dining area approved by this resolution shall not operate until Mr. Casano and Vito’s Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage

under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

H. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Mr. Casano or Vito’s Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2018.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2018-5.4 and 2018-5.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 5.6**

RESOLUTION AUTHORIZING SEWER SERVICE TO 100 LEWIS BROOK DRIVE IN HOPEWELL TOWNSHIP (BLOCK 46, LOT 15.02 ON THE HOPEWELL TOWNSHIP TAX MAP) SUBJECT TO AMENDMENT OF THE PENNINGTON SEWER SERVICE AREA

WHEREAS, Daniel Popkin and Robin Federiconi (“Owners”), owners of the house and property known as 100 Lewis Brook Drive in Hopewell Township, also known as Block 46, Lot 15.02 on the Hopewell Township Tax Map (“Property”), have requested sewer service from the Pennington Water and Sewer Utility;

WHEREAS, the Property abuts the Borough of Pennington and is part of a larger tract of land located partly in the Borough, the Borough portion, consisting of .51 acres, being known as Block 104, Lots 7, 8, 9 10 and 11 on the Pennington Borough Tax Map;

WHEREAS, in a 2009 amendment to the Mercer County Water Quality Management Plan the Pennington Sewer Service Area was expanded to include certain residential areas in Hopewell Township adjacent to the Borough;

WHEREAS, the 2009 expansion of the Pennington Sewer Service Area was intended to meet the needs of existing development, particularly properties experiencing septic failure, without fueling increased development;

WHEREAS, the 2009 amendment to the Water Quality Management Plan was further predicated upon expansion of the existing Pennington Treatment Plant of the Stony Brook Regional Sewerage Authority from 0.30 million gallons per day to 0.455 million gallons per day;

WHEREAS, the expansion of the Pennington Plant has not yet occurred and the available capacity for additional sewer service must be carefully husbanded, taking into account especially the projected needs of future development within Pennington;

WHEREAS, the Property is not now located within the Pennington Sewer Service Area, though adjacent to it, and the Public Works Committee of Pennington Borough Council will not endorse and Borough Council will not approve expansion of sewer service beyond it;

WHEREAS, Owners have proposed that the Borough expand the Sewer Service Area to include the Property on the condition that the Property be deed restricted to one principal residence and all accessory uses permitted under current VRC, residential zoning in Hopewell Township;

WHEREAS, the Property includes wetlands and a riparian buffer but Owners represent that the sewer service they propose will be routed under the existing driveway on the Property and under a portion of one of the lots in the Borough, ultimately connecting to the Borough manhole on Lewis Brook Road to eliminate any environmental impact from the proposed connection;

WHEREAS, Council has determined that, but for the location of the Property outside the Pennington Sewer Service Area, special circumstances favor conditional authorization of sewer service for the Property at this time because (a) the septic system on the Property is at the end of its useful life, (b) the Property is located in close proximity to Baldwin's Creek, a FW2-NT stream flowing into a C-1 stream on the outskirts of the Borough, (c) the Property will be connected to the Borough's main by a single residential service lateral and no extension of the main will be required, and (d) service of the single residence on the Property will have a de minimis impact on the overall capacity of Pennington's sewer system;

WHEREAS, Borough Council has further determined, on the recommendation of the Public Works Committee, that expansion of the Pennington Sewer Service Area to include the Property would be appropriate provided: (a) Hopewell Township consents to amendment of the Water Quality Management Plan for this purpose; (b) the proposed expansion of the Sewer Service Area and proposed sewer connection are reviewed and approved by the Borough Engineer, under an escrow agreement between Owners and the Borough providing that the full cost of that review and related services be paid by Owners, together with the cost of such additional engineering services as required to finalize the Service Area expansion and the sewer connection; (c) Borough Council determines, after review and recommendation by the Borough Environmental Commission, that approval is appropriate on environmental grounds; and (d) the Owners will amend their deed to restrict development of the Property to single-family residential use;

WHEREAS, upon expansion of the Pennington Sewer Service Area to include the Property, after obtaining all related amendments and approvals required to effect such expansion, Borough Council will approve sewer service to the Property in accordance with Owners' proposal, subject to the following additional conditions precedent:

1. Amendment of the 1977 Agreement among the Borough of Pennington, the Township of Hopewell and the Hopewell Township Municipal Utilities Authority ("1977 Agreement") to designate the Property as one of the properties in Hopewell Township adjacent to the Pennington sewer collection system authorized for service by that system;
2. the Owners shall be responsible for performing all acts and incurring all costs needed to connect and tap into the Borough main in the Borough, subject to compliance with the Borough Code, inspection and approval by the Borough Water and Sewer Utility and payment of applicable fees;
3. the Borough shall have no obligation to maintain the sewer lateral connecting the Property to the Borough's main and same shall be the responsibility of Owners and their successors in title to the Property, Hopewell Township and the Hopewell Township Municipal Utilities Authority as appropriate;
4. Owners agree to install such metering devices as required by the Borough to permit accurate billing for the sewer service;
5. Owners shall obtain all approvals by Hopewell Township, the Hopewell Township Municipal Utilities Authority, Mercer County and the New Jersey Department of Environmental Protection as may be required for construction of proposed facilities in Hopewell Township;

WHEREAS, Borough Council grants this conditional authorization with specific reference to the unique characteristics of the Property and proposed service as explained and the authorization shall not be construed as acknowledgment of an obligation on the Borough's part to extend service to other properties in the sewer service area except on a case by case basis;

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

1. Borough Council will expand the Pennington Sewer Service Area to include the Property upon satisfaction of the conditions for this expansion set forth above, to wit:
 - (a) Hopewell Township consents to amendment of the Water Quality Management Plan for this purpose; (b) the proposed expansion of the Sewer Service Area and proposed sewer connection are reviewed and approved by the Borough Engineer, under an escrow agreement between Owners and the Borough providing that the full cost of that review be paid by Owners; (c) Borough Council determines, after review and recommendation by the Borough Environmental Commission, that approval is appropriate on environmental grounds; and (d) the Owners amend the deed or deeds to the Property, in a form approved by the Pennington Borough Attorney, to restrict development of the Property to single-family residential use.
2. Borough Council will approve sewer service to the Property after all conditions for expansion of the Sewer Service Area have been satisfied and all amendments and approvals required to effect the expansion have been obtained, subject to the following conditions precedent as further described above: (1) amendment of the 1977 Agreement; (2) Owners' acknowledgment of owners' responsibility to connect to the Borough main in the Borough; (3) acknowledgment of appropriate allocation of responsibility for repair and maintenance of the lateral and connection; (4) Owners' agreement to install necessary metering devices; and (5) all necessary approvals.

3. The escrow agreement between the Borough and owners covering the services of the borough engineer shall include not only the cost of engineering services related to review of the proposed expansion of the Sewer Service Area and proposed sewer connection but also all services related to amendment of the water quality management plan and other procedural steps for finalizing the proposed expansion of the Sewer Service Area and all services related to satisfying conditions for connection to the borough system including related inspections. The intent is that Owners establish and fund an escrow to cover all services by the Borough Engineer in connection with this matter through conclusion.
4. This resolution replaces and supersedes Resolution 2018-4.11 adopted on April 2, 2018.

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	X				Marciante	M			
Griffiths	X				Mills	X			

Council Member Marciante made a motion to approve Resolution 2018-5.6, second by Council Member Lawver. Mrs. Chandler stated that she requested a list of properties that are not in the Borough but are approved for sewer service. Mrs. Chandler asked if this property is on the list. Mr. Lawver stated that this property is not on the list but there is a sliver of property that is in the Borough behind the houses on Franklin that is part of this property. Mr. Lawver stated that this is a unique case the property on North Main where it is in the Borough's interest to facilitate this connection. Mr. Bliss stated that the Mr. Robert Ridolfi, the attorney for 100 Lewis Brook Drive, has requested a change in the language of the resolution. Mr. Bliss stated that Council approved this resolution at the last meeting, but there was one recital that needed to be corrected. Mr. Bliss stated that in the eight recital, the language refers to a deed restriction. Mr. Bliss stated that the current language reads that the property will be restricted to single family use which is not specific enough. Mr. Bliss stated that he and Mr. Ridolfi met and agreed to further modify the language. Mr. Bliss stated that "single family use" is being deleted and replaced with "one principal residence and all accessory uses permitted under current VRC residential zoning in Hopewell Township". Mr. Bliss stated that single family residential zoning in Hopewell Township permits more than one structure, but there will only be one residence. Mr. Bliss stated that we know that there is a barn and an exercise room and there is also a plan to replace the current residence. Mr. Lawver stated that any additional buildings would not have habitable space. Mr. Griffiths asked if Pennington zoning is synonymous with Hopewell Township. Mr. Ridolfi stated that he gave Mr. Bliss a copy of Hopewell Townships VRC zoning ordinance which list the accessory uses and the plan is, if approved, a deed would be prepared specifically citing what is being done tonight and appending to the deed a copy of the Hopewell Township zoning ordinance which lists specific accessory uses so that there is no question down the road. Mr. Lawver asked if Hopewell Township changes the VRC zoning down the line, will the ones in place today hold. Mr. Bliss stated that the language he just read states "current VRC residential zoning in Hopewell Township". Mr. Griffiths asked if Pennington zoning applies to this. Mr. Ridolfi said no because the subject of this resolution is in Hopewell Township. Upon a roll call vote, all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 - 5.7**

**RESOLUTION AWARDING CONTRACT FOR JANITORIAL SERVICES TO EAGLE
JANITORIAL SERVICES FOR THE REMAINDER OF THE YEAR 2018**

WHEREAS, the Borough of Pennington seeks to contract with a qualified janitorial service for cleaning services for Borough Hall, including the library and the police department; and

WHEREAS, the Borough received quotes for janitorial services from Accses NJ-CNA Services, Vanguard Cleaning Systems and Eagle Janitorial Services; and

WHEREAS, the Borough Administrator has reviewed all three of the submitted quotes and recommended that the proposal dated March 20, 2018 from Eagle Janitorial Services be accepted; and

WHEREAS, the work shall include all labor, supervision, material and equipment necessary to assure performance of specified cleaning services including all cleaning services described in the attached proposal dated March 20, 2018 for the remainder of 2018; and

WHEREAS, Eagle Janitorial Services has agreed to provide cleaning services at a cost of \$1,430.00 per month not including "special services" for carpet cleaning, stripping, refinishing, scrubbing and re-waxing of waxable hard surface floors and cleaning of exterior windows; and

WHEREAS, Eagle Janitorial Services is willing to provide prices upon request for the above referenced special services; and

WHEREAS, before the agreement may be effective, Eagle Janitorial Services 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 member of the governing body; and

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; and

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; and

WHEREAS, Eagle Janitorial Services will be required to complete and submit 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; and

WHEREAS, Eagle Janitorial Services shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds for these services are available in account #: 8-01-26-310-000-229;

NOW, THEREFORE, BE IT RESOLVED, by the 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 Eagle Janitorial Services dated March 20, 2018 for a contract price not to exceed \$17,160 for the calendar year 2018, provided such agreement shall be further subject to such amendments for Special Services as needed related to carpet cleaning, cleaning, refinishing, scrubbing, waxing of waxable hard surface floors and cleaning of exterior windows, as may be necessary.

BE IT FURTHER RESOLVED, that notice of award of the contract 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	X				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	S				Mills	X			

Council Member Marciante made a motion to approve Resolution 2018-5.7, second by Council Member Griffiths. Mr. Griffiths asked if this has been budgeted and Mrs. Sterling said it has. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 5.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO
JOHN GARCIA CONSTRUCTION COMPANY, INC. FOR WORK COMPLETED ON THE EAST
CURLIS AVENUE AND WEIDEL DRIVE WATER SYSTEM UPGRADES PROJECT**

WHEREAS, John Garcia Construction Company, Inc. has completed work pursuant to the contract for the East Curlis Avenue and Weidel Drive Water System Upgrades Project (Van Note Harvey Associates Project No: 43327-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed John Garcia Construction Company, Inc.'s attached application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No. 1 in the amount of \$260,595.04 less 2% retainage in the amount of \$5,211.90; and

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

WHEREAS, funds are available under Ordinance 2016-5 subject to compliance with NJEIT disbursement requirements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to John Garcia Construction Company, Inc. in the net amount of \$255,383.14 pursuant to payment request No.1 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2018-5.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-5.9**

**RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A PUMP AT THE
CURLIS AVENUE PUMP STATION AND A SPARE PUMP IN CASE OF EMERGENCY**

WHEREAS, the Superintendent of Public Works for the Borough of Pennington has identified an emergency circumstance as defined by N.J.S.A. 40A:11-6 involving the need to immediately contract with Pumping Services, Inc. to replace Pump #2 at the Curlis Avenue pump station; and

WHEREAS, the above referenced provision of the New Jersey Local Public Contracts Law permits the award of a contract without competitive bidding (or competitive contracting) provided that an emergency affecting the public health, safety or welfare exists; and

WHEREAS, in accordance with the New Jersey Local Public Contracts Law the Superintendent has prepared and filed with the Borough Administrator written notification of the emergency; and

WHEREAS, Pumping Services, Inc. has provided Quote #: SQ27907 to provide and install a new pump at the Curlis Avenue pump station in the amount of \$20,785.00 including the cost of materials required during the installation, if applicable; and

WHEREAS, Pumping Services Inc. has also supplied Quote #: 026490 to provide a spare pump installable at either of the Borough’s pump stations, and all necessary components to install it, excluding labor, in the amount of \$18,185.00; and

WHEREAS, the Borough Administrator finds that the foregoing constitutes an emergency affecting the public safety and welfare and necessitates the immediate hiring of Pumping Services, Inc. to replace Pump #2 at the Curlis Avenue pump station pursuant to the New Jersey Local Public Contracts Law; and

WHEREAS, the Public Works Superintendent has been in contact with Pumping Services, Inc. and requests that a purchase order be issued immediately in an amount not to exceed \$20,785.00 to cover the acquisition and installation of the new pump including any additional materials needed during installation; and

WHEREAS, the Superintendent also requests that a second purchase order be issued in the amount of \$18,185.00 to cover the acquisition of the spare pump and all necessary components to install it, excluding labor; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Water/Sewer budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey that two purchase orders be issued to Pumping Services, Inc., one in the amount not to exceed \$20,785.00 and the other in the amount of \$18,185.00, as described above.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2018-5.9, second by Council Member Mills. Mrs. Chandler asked why this resolution is needed. Mr. Griffiths asked if there is money in the budget for this purchase. Mrs. Sterling stated that the spare pump was included in the budget and that there is money within the water and sewer budget for the remainder. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 5.10**

**RESOLUTION AUTHORIZING SUBMISSION OF
MUNICIPAL ALLIANCE STRAGETIC PLAN**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New

Jersey.

WHEREAS, the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has established a Municipal Alliance Committee; and,

WHEREAS, Pennington Borough further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance for the fiscal grant year July 1, 2018 to June 30, 2019 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00*
In-Kind	\$14,000.00

*Hopewell Township: \$7,480.00, Hopewell Borough \$1,170.00, Pennington Borough \$1,500.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. This resolution replaces Resolution 2017-12.4, correcting a typographical error as to the end date of the grant year.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2018-5.10, second by Council Member Gnatt with all members present voting in favor.

Professional Reports

Mrs. Heinzl stated that the dedication of Tucker Way will be held at 1:00pm on May 20th and she will send out a reminder. Mrs. Heinzl stated that the dedication will take place and then Mr. Tucker and his family will hold a reception at Pennington Point.

Mrs. Heinzl stated that we received today notification of an “On the Lawn” fundraiser that will be held on Crawley Avenue, hosted by the Pennington African Cemetery Association, on Saturday, May 26th, 2018. Mrs. Heinzl stated that one of the questions that was brought up was if there is a request to close off Crawley Avenue for the purposes of the event would Council have any issues. There were no concerns. Mrs. Mills stated that this even is part of the Hopewell Heritage weekend and there is coverage in Mercer Me and there is a website set up.

There were no other comments from professionals.

Public Comment

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

There were no comments from the public.

Mayor Persichilli stated that there is no need for a closed session unless Council Members would like to discuss the closed session minutes. There was no discussion.

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

Council Member Gnatt made a motion to approve the Closed Session minutes for April 2, 2018 for content but not for release, second by Council Member Lawver with all members present voting in favor with the

exception of Mrs. Chandler who abstained.

At 8:54pm, with no further business to come before the Borough, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Mills.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk