

**Pennington Borough Council  
Regular Meeting – August 6, 2018**

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

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

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

Mayor Persichilli asked everyone to stand for the Flag Salute.

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

Mayor Persichilli read the following statement.

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

There were no comments from the public.

**Mayor's Business**

Mayor Persichilli stated that there was no official Mayor's Business on the agenda, but he would like to announce that there have been rumors that he is running for County Freeholder and they are not true, he is not running for Freeholder.

**Oath of Office**

Mayor Persichilli invited Officer Keith Yasunas to come forward. Mayor Persichilli stated that Officer Yasunas and Officer Burroughs recently came to his rescue and assisted in capturing two stray dogs that were in his yard. Mayor Persichilli stated that between the three of them it took over an hour to get the dogs into the police vehicle.

Mr. Bliss administered the Oath of Office to Officer Yasunas.

Mr. Yasunas thanked Mayor and Council for the opportunity. Mr. Yasunas stated that he has been on a roller coaster the past couple months and he thankful for the opportunity to work for the Pennington Police Department. Mr. Yasunas stated that he will do everything to the best of his ability to make Pennington Borough an even better place than it already is.

**Approval of Minutes**

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

**Presentations**

Borough Auditor Bob Morrison was scheduled to attend the meeting tonight but due to an emergency he was unable to come.

**Committee Reports**

**Planning & Zoning / Open Space** – Mrs. Gnatt stated that she had no report for this month.

Mrs. Heinzl reported after the Public Safety Report that Erwin Harbat applied for a wood fire pizza restaurant in the Agrain Building and that application was approved at the July 11<sup>th</sup> Planning Board meeting.

**Public Safety / Personnel** – Mr. Marciante reported that the closing of Route 31 went well, thanks to the assistance of the Police Department, the State Police, Mercer County Sheriff's Department and Hopewell Township Police Department. Mr. Marciante commented that trucks were using Jake Brakes and he thought there was an ordinance regarding that. Mr. Meytrott stated that Pennington Borough does not have an ordinance regarding jake braking. Mr. Meytrott stated that Hopewell Township had one, but the

NJDOT sent a letter indicating that their ordinance was not enforceable. Mr. Meytrott stated that Title 39 does not specifically outlaw jake braking. Mr. Meytrott stated that the Borough has a declivity ordinance for speed on Delaware Avenue and that is as close as we come to jake braking.

Mr. Marciante also had concerns about recent power outages and whether the Borough could use Code Red to notify residents. Mr. Marciante stated that some towns use Code Blue for non-emergency notifications. Mr. Lawver stated that PSE&G has been very good recently with their notifications. There was a brief discussion about using a non-emergency system to remind residents of the once a week trash collection during the month of August. Mrs. Heinzl stated that a reminder was included in the newsletter and it is indicated on the trash calendar that is distributed.

**Public Works/Shade Tree/ Senior Advisory** – Mr. Lawver stated that concept plans have been finalized for the design of Burd Street. Mr. Lawver stated that the plan includes raised intersections at Welling and Laning and a speed hump at the end of the backyard of the house on Ingleside and Burd on the left as cars turn off of Ingleside on to Burd. Mr. Lawver stated that the speed bump was part of Phase 2 of the project but it will be included in Phase 1.

Mr. Lawver stated that there were no meetings for Shade Tree or Senior Advisory.

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

**Finance** – Mr. Griffiths stated that the Borough Auditor was scheduled to report on the audit but he had an emergency and could not attend. Mrs. Webb stated that the audit for 2017 has no comments or recommendations but she will reach out to him to see if he can come to the September meeting.

Mayor Persichilli commended the finance department for a job well done. Mayor Persichilli reminded Council Members that once the resolution is approved later in the meeting there is a n affidavit that everyone needs to sign. Mayor Persichilli stated that the audit report was very favorable and that is a credit to the finance department.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler reminded everyone that on September 15<sup>th</sup> there will be a shredding/Styrofoam recycling event at the Toll Gate school from noon until 3:00 pm.

Mrs. Chandler stated that the Environmental Commission is embarking on a campaign to inform residents that recycling should not be in plastic bags and they will be placing tags on recycling cans to remind residents.

Mrs. Chandler stated that the Environmental Commission would like to know that status of the Stormwater Management Ordinance and the Water Conservation Ordinance. Mrs. Heinzl stated that the current Stormwater Management Ordinance is compliant with the DEP's requirements. Mrs. Heinzl stated that she and Rick Smith met with the Watershed Institute and discussed some things that the Watershed would encourage the Borough to do which the Public Works Committee has briefly discussed. Mr. Lawver stated that Van Note Harvey submitted a proposal to the Borough to basically write Stormwater Management Ordinance beyond what is required by the DEP and the Public Works Committee recommended holding up on doing new ordinances because we do not need to take the lead on this. Mrs. Heinzl stated that the Watershed Institute will be doing a program for residents, through the Library, to educate the public on measures that they can take on their own to help with stormwater management.

Mrs. Chandler asked if the Borough has a Water Conservation Ordinance. Mrs. Heinzl stated that there is an ordinance that applies during drought conditions.

Mrs. Chandler stated that Historic Preservation received an application from the developer who purchased 30 West Delaware Avenue. Mrs. Chandler stated that the developer was looking for approval for a renovation/demolition of the current house and verbal approval was given at the meeting but there were about twelve small conditions that need to be addressed. Mrs. Chandler stated that the plan for the site includes two additional structures which will need to be approved by the Historic Preservation Commission. Mrs. Chandler stated that one new residence will front on Delaware and the second new residence will front on Burd Street. Mrs. Chandler stated that the Historic Commission has informed the developer that the new house which will be part of the Historic District is the first to be constructed and they will be looking at the project very carefully. Mrs. Chandler stated that what has been presented for the current house is really nice.

Mr. Lawver stated that one other thing he should have mentioned was that the Mercer County Improvement Authority came out and met with Eileen Heinzl, Betty Sterling and Rick Smith regarding the upcoming renewal of the agreement for recycling collection. Mr. Lawver stated that the costs are going to be increasing significantly because the recycling market has dried up so we are currently looking at a \$10,000 increase for 2019.

Mrs. Heinzl stated that she also attended a meeting with Solterra, the contractor who was awarded the contract for recycling collection by the MCI. Mrs. Heinzl stated that Solterra is taking a beating on their costs for collection of recycling and they organized a meeting with all of the municipalities who participate in the County agreement. Mrs. Heinzl stated that Solterra will be submitting a proposal asking to start the new contract sooner than January of 2019.

**Council Discussion**

**Block Party – East Welling Avenue– September 15<sup>th</sup>, 2018 (Rain Date-September 16<sup>th</sup>)** – There were no concerns with the request.

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2018-11 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2018-11**

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

**WHEREAS**, Pennington Borough Council seeks to revise the present provisions of Chapter 147 of the Code of the Borough of Pennington, governing peddling and soliciting, to substitute for the permitting process the requirement that all peddlers, solicitors and canvassers be registered with the Borough, eliminate background investigations from the registration process, limit the hours of solicitation door to door, insert penalties for the employers of non-compliant registrants and generally augment penalties for non-compliance, eliminate background investigations from the permit application process and to insert hours for solicitation and to make various related miscellaneous edits in the language of the ordinance to ensure all language is consistent;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that Chapter 147 of the Borough Code is hereby amended as follows:

1. **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 been registered with the Borough have a permit to do so. In addition, 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 register with the Borough in order 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. **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.

E. **“Employer” as used in this chapter shall include all individuals and entities using representatives to engage in peddling, soliciting or canvassing on their behalf, regardless of whether or how the representatives are compensated or the nature of the employment or contractual relationship. All affiliated companies, organizations and enterprises shall constitute a single employer. An “Employee” as used in this chapter shall include all such authorized representatives of an individual or entity.**

3. **3. Registration Permit Required.**

~~A.~~ It shall be unlawful for any individual to engage in peddling, ~~or~~ soliciting or canvassing in

the Borough of Pennington without first ~~registering~~ ~~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. **4. Registration Application Procedure for Solicitor's Permit.**

A. An individual seeking to register as a peddler, solicitor or canvasser ~~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) the purpose of the intended Peddling, Soliciting or Canvassing and a description of any goods or services to be sold or given away as part of the solicitation or canvass ~~any previous name or alias~~, (d) ~~the name, address and contact information of for the applicant's employer, if applicable~~ age, weight, eye color and hair color, and (e) a signed statement under oath swearing to or affirming the truth of the supplied information ~~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 to the Borough Clerk together with state-issued photo identification, which will be copied and immediately returned to the applicant, and in the case of peddlers, solicitors and canvassers working on behalf of an Employer, a signed consent on a form supplied by the Borough by which the Employer consents to be served by mail with any summons or complaint relating to the conduct of the registrant in violation of this ordinance. 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. Peddlers and Solicitors shall also submit to the Borough Clerk the appropriate registration permit fee as set forth in Article VI of Chapter 98 of the Code. There shall be no fee for registration of Canvassers.

B. Upon the applicant's submission of a complete registration application, the required identification, the Employer's consent to be served by mail, if applicable, and any applicable fee, the Borough Clerk shall return to the applicant a copy of the application, which the applicant must retain as proof of registration, as well as a copy of the Employer's consent to service.. The Clerk shall retain on file the original application, the original consent to service, and a copy of the applicant's state-issued identification.

~~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. **5. Display of Registration Application and Personal Identification Approved Permit Upon Request.** Any person registered as a peddler, solicitor or canvasser ~~to whom a permit has been issued~~ shall carry a copy of the completed registration application the same together with state-issued personal identification 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. **6. Expiration of Registration Permits.** Registration ~~All permits issued~~ pursuant to this chapter shall expire on December 31 next succeeding the date of registration 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. **9. 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. **7. 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 9:00 P.M.

**8. 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. All residents who have registered on a Do-Not-Solicit list may obtain from the Borough Clerk at no charge a sticker for display on their property warning that the property is on a No-Solicit list. Display of a sticker is not required for enforcement of the no-solicit ban.

C. It shall be unlawful for ~~a Peddler, Solicitor or Canvasser 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 an applicable Do-Not-Solicit list ~~applicable to that permittee.~~

D. All peddlers, solicitors and canvassers shall be required to obtain the most current applicable Do-Not-Solicit list from the Borough Clerk.

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

F. The Borough Clerk shall maintain ~~copies of~~ the two "Do-Not-Solicit" lists and provide ~~copies them~~ to all individuals who register as a Peddler, Solicitor or Canvasser ~~obtain a Solicitor's or Canvasser's permit. The Clerk shall thereafter provide these individuals with updated copies of the lists upon request.~~

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

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

12. **9. Enforcement.** Enforcement of this chapter, ~~with respect to peddling, soliciting or canvassing without first registering with the Borough both soliciting or canvassing without a permit and peddling, soliciting or canvassing at residences on an applicable Do-Not-Solicit list~~ shall be the responsibility of the Pennington Police Department.

13. **10. Violations and Penalties.**

A. Any individual violating any of the provisions of this chapter shall, upon conviction, be subject to a fine as follows:

- a. First violation - \$~~100~~50.00
- b. Second violation - \$~~5~~100.00
- c. Third violation - \$~~1000~~400.00 and prohibition from all future peddling, soliciting and canvassing for a period of three (3) years.

Each act constituting Peddling, Soliciting or Canvassing when performed without first registering with the Borough as required by this chapter, or after or before the hours permitted by this chapter, shall be considered a separate offense. Each instance in which a Peddler, Solicitor or Canvasser enters upon the property of a residence on an applicable Do-Not-Solicit list shall also be considered a separate offense.

**B. Any person who submits false information as part of the registration process shall be subject to a fine of up to \$1,000.00.**

C. Employers of individuals who violate or are charged with violating this chapter shall be charged with a violation as well if the violations of one or more of the Employees occurred or is alleged to have occurred over an aggregate of three or more days within a period of three years. The name of the Employer on whose behalf individuals are accused or convicted of peddling, soliciting or canvassing in violation of this chapter, when applicable, shall be stated in the summons or complaint and in the record of conviction of the violating individual or individuals, respectively. The Employer shall be sent by mail a

copy of the summons and complaint and record of conviction of each affected individual. .

~~**D. Employers of individuals who violate this ordinance shall not also be charged with a violation unless and until, within a period of three years, three of their employees have been so charged. The name of the employer on whose behalf individuals are accused or convicted of peddling, soliciting or canvassing in violation of this ordinance shall be stated in the summons or complaint and in the record of conviction, respectively. The employer of each individual so charged or convicted shall be sent by mail a copy of the summons or complaint and the record of conviction. For the purpose of this ordinance, an “employee” shall include authorized representatives of every description regardless of means of compensation, if any. An “employer” as used in this ordinance shall include all affiliated companies, organizations and enterprises.**~~

**D If one or more Employees of an Employer are convicted of committing violations of this chapter over an aggregate of three or more calendar days within a three-year period, that Employer, after notice and opportunity to be heard, shall be prohibited from future peddling, soliciting and canvassing in the Borough for three years. The notice to the Employer shall be by summons or complaint sent by mail in accordance with the signed consent supplied as part of the registration process. For the purpose of this ordinance, being “convicted” of a violation of this ordinance shall include failing to appear in response to summons or complaint. “Employer” and “Employees” shall be defined as set forth above.**

**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:

Registration fee for Peddler or Solicitor ~~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 Chandler made a motion to introduce Ordinance 2018-11, second by Council Member Gnatt. Mr. Bliss stated that some additional changes were made to the ordinance today and he would like to make sure that Council Members are looking at the correct version of the ordinance. Mr. Bliss reviewed that changes that were made so that everyone is aware of the differences between the ordinance that was distributed in the agenda package and the revised ordinance that will be introduced. Upon a roll call vote all members present voted in favor of introduction of Ordinance 2018-11.

Mayor Persichilli read Ordinance 2018-13 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2018-13**

**AN ORDINANCE ACCEPTING DONATION OF IMPROVEMENTS TO THE PENNINGTON  
SENIOR CENTER ON READING STREET**

**WHEREAS**, Hopewell Borough, Hopewell Township and Pennington Borough are working together to secure donations and available funds to make repairs and upgrades to the Pennington Senior Center on Reading Street in the Borough;

**WHEREAS**, the purpose of the contemplated repairs and upgrades is to permit senior programs to continue at this location until such time as a replacement facility is operational;

**WHEREAS**, Wyckoff Roofing LLC of Hopewell, New Jersey has offered to donate the labor, materials and workmanship needed to put new siding and a new roof on the Senior Center;

**WHEREAS**, the work to be performed is described in the attached Estimates, for Siding and Roofing, respectively;

**WHEREAS**, N.J.S.A. 40A:12-5 requires that a municipality provide by ordinance for the acquisition of personal property made by gift or donation;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that the Borough of Pennington hereby accepts the donation of new siding and new roofing for the Senior Center as offered by Wyckoff Roofing LLC, and described in the attached Estimates.

**BE IT FURTHER ORDAINED**, that this Ordinance shall be effective upon its passage and publication as required by law.

Council Member Lawver made a motion to introduce Ordinance 2018-13, second by Council Member Griffiths. Mr. Lawver commended the Wyckoff Roofing for offering to donate labor and material for roofing and siding work. Mayor Persichilli stated that this will be part of the in-kind contribution required under the Mercer County Senior Grant. Upon a roll call vote all members present voted in favor of introduction of Ordinance 2018-13.

Mayor Persichilli read Ordinance 2018-14 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2018 - 14**

**BOND ORDINANCE PROVIDING FOR REPAIRS AND UPGRADES TO THE READING STREET SENIOR CENTER IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$392,694 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$373,059 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$392,694, including a grant expected to be received in the amount of \$196,347 from Mercer County (the "County Grant") and community donations and available funds from Hopewell Township, Hopewell Borough and the Borough (the "Donations and Funds") in accordance with the Cost Sharing Agreement that Hopewell Township, Hopewell Borough and the Borough have entered into to fund the 50% match of the County Grant and further including the sum of \$19,635 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the County Grant and the Donations and Funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$373,059 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is repairs and upgrades to the Reading Street Senior Center, including, but not limited to, repairs and upgrades to the kitchen, windows, roof, siding of the building, bathrooms, floors and outdoor lighting and further including all work and materials necessary therefor and incidental thereto.

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

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

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

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

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

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$373,059, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$58,900 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

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

Council Member Lawver made a motion to introduce Ordinance 2018-14, second by Council Member Gnatt. Mr. Lawver stated that Section 8 refers to "any grant monies received will be used for direct payment or to pay off the obligations of the bond" and he asked if it should also be captured here that any payments from Hopewell Township and Hopewell Borough will also be used for direct payment. Mr. Lawver stated that the cost sharing agreement should be included in the language of the ordinance. Mr. Lawver asked if there is a reason why it would not be included in the ordinance and if there is no reason then he would ask that language be added. Mr. Griffiths asked Mrs. Webb if this would be handled as a short term note. Mrs. Webb stated that is exactly what we would do. Mr. Griffiths stated that interest payments on a short term note should also be shared with Hopewell Township and Hopewell Borough. Mr. Griffiths asked for a review of the funding for the project. Mr. Bliss stated that inclusion of the cost sharing agreement would be a substantial change to the ordinance and he would recommend deferring introduction of the ordinance to the September meeting. Mrs. Sterling stated that introduction of the ordinance is not required in order to submit an application for the grant so deferring introduction to September is fine. Mrs. Sterling stated that the purpose of this ordinance is to put the funding in place for the project. Mr. Griffiths stated that he wants to be sure since the Borough is funding the project up front and then seeking reimbursement from the various parties that we do not get into a cash flow problem. Mrs. Sterling stated that she and Mrs. Webb have been discussing the capital accounts and will be asking for a meeting with the Finance Committee to determine the

best course of action. Mr. Griffiths asked what the life span of these repairs is. Mr. Lawver stated that these are twenty year repairs. Mr. Griffiths asked if there is a sense of a twenty year commitment to the building or is Hopewell Township still pursuing construction of a community center. Mr. Lawver stated that there is no commitment to this building. Mr. Griffiths stated that Pennington Borough will retain ownership of the building. Mr. Lawver stated that it has been made very clear that this building holds no value for Pennington Borough after the seniors move out and that Pennington Borough will have no obligation to anyone for what is done to the building. Mr. Lawver stated that no one will share in any remuneration from the sale of the building. Mr. Lawver stated that it is understood by all parties that no reimbursements will be given for funds contributed for this project. Mr. Bliss stated that there is language in the cost sharing agreement though it is a simple agreement that we are without obligation as Mr. Lawver explained. Mr. Lawver withdrew his motion and Mrs. Gnatt withdrew her second.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2018-12 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2018 -12**

**AN ORDINANCE CREATING A TOW AWAY ZONE  
ON A PART OF GREEN AVENUE NEAR BROEMEL PLACE AND AMENDING CHAPTER 200-  
10, PARKING PROHIBITED AT ALL TIMES**

**WHEREAS**, Borough Council seeks to establish a tow-away zone on Green Avenue in the Borough in the vicinity of Broemel Place to ensure that emergency vehicles making turns onto Green Avenue from Broemel Place or from Green Avenue onto Broemel Place will not be obstructed by illegally parked vehicles; and

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

- 1. Chapter 200-10 of the Code of the Borough of Pennington is amended as follows:

**200-10 Parking prohibited at all times.**

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Green Avenue	East	From a point 75 feet south of Broemel Place north to West Franklin Avenue

- 2. Chapter 200 of the Code of the Borough of Pennington, concerning Vehicles and Traffic, is hereby amended by the creation of a new section 200-10.1, concerning Tow-Away Zones;

- 3. The new section 200-10.1 shall read as follows:

**200-10.1 Tow-Away Zones**

(a) The following streets or parts thereof, on which parking is prohibited at all times pursuant to Section 200-10 of the Code, are hereby designated Tow-Away Zones:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Green Avenue</u>	<u>East</u>	<u>From a point 75 feet south of Broemel Place north to Brookside Avenue</u>

(b) Any vehicle parked in a designated Tow-Away Zone shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of that vehicle. The owner shall be responsible for the reasonable costs of removing the vehicle together with the costs of storage resulting from such removal.

- 4. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2018-12, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2018-12, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2018-12, second by Council Member Chandler with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON  
 RESOLUTION #2018 – 8.2**

**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 \$ 1,246,713.24 from the following accounts:

Current	\$ 910,600.77
W/S Operating	\$ 280,983.83
Water/Sewer Capital	\$ 39,638.05
Animal Control Fund	\$ 21.60
Grant Fund	\$ 2,250.56
Developers Escrow	\$ 13,218.43
<b>TOTAL</b>	<b>\$1,246,713.24</b>

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2018-8.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2018 – 8.3**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS  
 FOR RECONSTRUCTION OF EAST CURLIS AVENUE  
 AND WEIDEL DRIVE**

**WHEREAS**, the Borough of Pennington seeks to construct curbs, sidewalks, drainage and other roadway improvements to East Curlis Avenue and Weidel Drive in the Borough;

**WHEREAS**, the funds for the proposed project are being provided by the New Jersey Department of Transportation and the Borough of Pennington without special assessment of property owners;

**WHEREAS**, the Borough now seeks to advertise for bids for this project as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for construction of the aforesaid roadway improvements to East Curlis Avenue and Weidel Drive in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2018-8.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 8.4**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
BOROUGH OF PENNINGTON AND DEAN AND KIMBERLY JABLONSKI PERMITTING  
FENCE TO BE LOCATED WITHIN TWO (2) DRAINAGE EASEMENTS AT 413 SKED STREET**

**WHEREAS**, Dean and Kimberly Jablonski are the owners of the real property known as 413 Sked Street, also known as Block 905, Lot 9 on the Borough Tax Map (“Property”);

**WHEREAS**, drainage easements owned by the Borough of Pennington (“Borough”) cross the rear of the Property, including an easement 20 feet in width running along the easterly rear boundary and intersecting the northerly and southerly boundaries, and an easement 10 feet in width crossing the interior of the Property and intersecting the northerly and southerly boundaries, as described in the attached site plan prepared by Joseph Mester, NJPE & NJPLS #19462, Trenton Engineering Co., Inc., dated April 9, 2009 (hereafter referred to collectively as “Drainage Easements”);

**WHEREAS**, the Jablonskis wish to install a new six (6) foot fence along the southerly and easterly boundaries of the Property as well as replace the six (6) foot fence along the northerly property line, which will necessitate the crossing of the Drainage Easements; and

**WHEREAS**, the Jablonskis therefore seek to enter into an agreement with the Borough permitting the fence to cross the two (2) Drainage Easements as proposed;

**WHEREAS**, Borough Council intends by this Resolution to approve the Jablonskis’ request subject to the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an agreement on behalf of the Borough of Pennington granting permission to Dean and Kimberly Jablonski to install and maintain the proposed fence within the two (2) Drainage Easements as substantially described in the annexed plan, subject to the conditions which follow:

1. If for any reason in its judgment the Borough must remove the fence or the Borough otherwise damages the fence in connection with accessing or using the easements, the Borough shall not be responsible for replacing, repairing or rebuilding the fence.
2. The Borough shall be held harmless by Dean and Kimberly Jablonski from all costs and other liabilities (including reasonable attorney’s fees) arising from the presence of the fence in the Drainage Easements.
3. This Agreement permitting the fence in the Drainage Easements shall be personal to Dean and Kimberly Jablonski, shall not be transferable by them, shall be revocable at will by the Borough, shall not run with the land and shall not be recorded.
4. The installation and maintenance of the fence authorized by the Agreement shall be conditioned upon the Jablonskis obtaining all necessary construction, zoning and other necessary permits and approvals.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2018-8.4, second by Council Member Griffiths. Mrs. Chandler asked for clarification that if the Borough needs to gain access to the easement, the homeowner will bear all costs associated with removal and replacement of the fence. Mr. Bliss stated that the agreement does state that the homeowner is responsible. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-8.5**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2017 ANNUAL  
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has

been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2018-8.5, second by Council Member Chandler. Mrs. Chandler requested that the report be provided electronically as she does not want to receive it in book format. Mr. Griffiths stated that he prefers having the report in book format because when reading a complex document with multiple cross referrals it is easier to flip pages than to scroll on a PDF. Mr. Lawver agreed that he prefers the book format. Mr. Lawver asked about a comment in the audit regarding backdating of posting transactions. Mrs. Webb stated that the Edmunds system allows for backdating and the auditor just puts a note in the audit recognizing that the software allows back dating. Mr. Lawver asked where in the audit he could find outstanding long term capital for general and water/sewer. Mrs. Webb stated that it can be found in the Trial Balance and then there are separate schedules in the back of the audit as well. Mr. Marciante inquired about the LOSAP payment and stated that he has questions about how the points are earned. Mr. Griffiths stated that his issue with LOSAP is the redundant response to calls for service and the response to calls outside Pennington Borough. Upon a roll call vote all members present voted in favor. Mrs. Sterling reminded Council Members to stop in and sign the affidavit.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 8.6**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO  
A SHARED SERVICES AGREEMENT WITH HOPEWELL BOROUGH AND  
HOPEWELL TOWNSHIP FOR SENIOR SERVICES COORDINATOR FOR THE  
YEAR 2018**

**WHEREAS**, the Borough of Pennington desires to contract with Hopewell Borough and Hopewell Township for the provision of Senior Services; and

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

**WHEREAS**, the term of the proposed contract, entitled “Senior Services Agreement Between Borough of Hopewell, Borough of Pennington and the Township of Hopewell”, shall be for one year beginning January 1, 2018 and continue through December 31, 2018; and

**WHEREAS**, the cost to the Borough for senior services coordinator services as outlined in the Shared Services agreement would be \$5,000.00, which represents no increase over the previous year;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with Hopewell Borough and Hopewell Township for the services of a senior services coordinator during the period January 1, 2018 through December 31, 2018; and

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

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2018-8.6, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 8.7**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2018 ADOPTED BUDGET  
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR  
2018 – CLEAN COMMUNITIES**

**WHEREAS**, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Pennington has received a grant in the amount of \$5,185.40 from the State of New Jersey – for the 2018 Clean Communities Grant; and

**WHEREAS**, the Borough wishes to amend its 2018 Budget to include this amount as a special item of revenue and appropriation;

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2018 in the sum of \$5,185.40, which is now available as revenue from:

2018 – Clean Communities Grant

**BE IT FURTHER RESOLVED** that a like sum of \$5,185.40 be and the same is hereby appropriated under the caption of:

2018 – Clean Communities Grant

**BE IT FURTHER RESOLVED** that the Borough Clerk file the required documents with the Director of Local Government Services.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2018-8.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 – 8.8**

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION TO THE COUNTY OF  
 MERCER FOR FUNDING TO MAKE NECESSARY REPAIRS TO THE READING STREET  
 SENIOR CENTER**

**WHEREAS**, the Pennington Senior Center located on Reading Street in the Borough of Pennington is a facility used by senior citizens from Pennington Borough, Hopewell Borough and Hopewell Township; and

**WHEREAS**, in October of 2017, each of the three municipalities approved Resolutions affirming their support for undertaking necessary improvements to the Reading Street Senior Center; and

**WHEREAS**, these interim repairs will permit the senior programs as well as the Mercer County Nutrition Program to continue until such time as a new facility is constructed; and

**WHEREAS**, Pennington Borough, Hopewell Borough and Hopewell Township have agreed to work together to secure community donations, in-kind contributions and available funds through the Mercer County Senior Center Grant Program to fund interim repairs and upgrades to the Reading Street Senior Center; and

**WHEREAS**, the repairs and related cost estimates total \$392,694.00 and

**WHEREAS**, the County of Mercer funding will cover fifty percent (50%) of these costs, the balance of \$196,347.00 to be shared by the three municipalizes either in cash or in-kind donations; and

**WHEREAS**, in anticipation of receiving grant funds from Mercer County, Pennington Borough, Hopewell Borough and Hopewell Township have approved and executed a Cost Sharing Agreement for the required match for the grant; and

**WHEREAS**, Pennington Borough will apply for and administer the grant application to the County of Mercer on behalf of Hopewell Township and Hopewell Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the Borough Administrator is hereby authorized to submit a grant application to Mercer County on behalf of Pennington Borough, Hopewell Borough and Hopewell Township in the amount of \$392,694, one-half to be funded by the County of Mercer and one-half to be matched by the three municipalities; and

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor with the attestation of the Borough Clerk is hereby authorized to execute all documents necessary for the administration and execution of the grant agreement for this project.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2018-8.8, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 – 8.9**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2018 ADOPTED BUDGET  
 (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR  
 2018 – HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF)**

**WHEREAS**, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Pennington has received approval of a grant in the amount of \$301,604 from the NJDEP/NJ Economic Development Authority- Hazardous Discharge Site Remediation

Fund (HDSRF) for the Pennington Borough Sanitary Landfill; and

**WHEREAS**, the Borough wishes to amend its 2018 Budget to include this amount as a special item of revenue and appropriation;

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2018 in the sum of \$301,604, which is now available as revenue from:

Hazardous Discharge Site Remediation Fund (HDSRF)

**BE IT FURTHER RESOLVED** that a like sum of \$301,604 be and the same is hereby appropriated under the caption of:

Hazardous Discharge Site Remediation Fund (HDSRF)

**BE IT FURTHER RESOLVED** that the Borough Clerk file the required documents with the Director of Local Government Services.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2018-8.9, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2018 – 8.10**

**RESOLUTION AUTHORIZING AGREEMENT WITH TRI-STATE LIGHT AND ENERGY, INC.  
 FOR INSTALLATION OF ENERGY-EFFICIENCY MEASURES  
 AT THE PENNINGTON SENIOR CENTER**

**WHEREAS**, the Borough of Pennington has executed the attached Direct Install Application and Participation Agreement with Tri-State Light & Energy Systems, Inc. (“Tri-State”) for the installation of energy efficiency retrofit measures at the Pennington Senior Center, to be performed by Tri-State;

**WHEREAS**, pursuant to the Direct Install Application and Participation Agreement, Tri-State has performed an energy assessment at the Senior Center and from that assessment has generated the attached Scope of Work to be attached to the Application and Participation Agreement listing the measures eligible for subsidy under New Jersey’s Clean Energy Program;

**WHEREAS**, the attached Scope of Work identifies measures (“Work”) whose installation will cost an estimated \$12,276.85 and result in net cost to the Borough amounting to \$3,683.06 after subsidy;

**WHEREAS**, Tri-State has now submitted the attached July 10, 2018 invoice covering the Work in the amount of \$3,683.06 (“Invoice”), which the Borough must pay in full before the Work can begin;

**WHEREAS**, sufficient Borough funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Business Administrator is hereby authorized to pay the attached Invoice and to ratify and confirm the Borough’s intent to enter into and comply with the attached Application and Participation Agreement and Scope of Work Attachment.

Council Member Lawver made a motion to approve Resolution 2018-8.10, second by Council Member Chandler. Mr. Marciante stated that the Borough is planning to renovate the Senior Center and that will likely involve removing the ceiling and this resolution authorizes spend \$3,800 to have someone come in and open up the old fixtures that are there and install LED lighting under a grant. Mr. Marciante stated that he would rather wait until the job is bid out and then apply to the State for a grant to purchase new fixtures under the NJ Clean Energy Program. Mr. Marciante stated that there seems to be a lot of extra costs that might come up if something is either broken or not up to code. Mr. Marciante stated that it does not make sense to do this at this stage of the project. Mr. Marciante stated that at the least, the resolution should be held until further research can be done. Mr. Lawver stated that energy efficient lighting is one of the items on the priority list of repairs for the project. Mrs. Heinzl stated that the Borough had applied for this work for all three Borough buildings under the Direct Install Program. Mrs. Heinzl stated that at the time, the Borough intended to close the Senior Center so the Borough only chose to upgrade Borough Hall and the Public Works Building. Mrs. Heinzl stated that now that the Senior Center is going to remain open, this is a

program that offered the advantage of getting credit for the value of the job, which is around \$12,000, but the out of pocket cost is \$3,600. Mrs. Heinzl stated that the total cost would count towards the in-kind match for the grant. Mr. Marciante stated that the Borough might get more money for replacing fixtures if we wait to include this as part of the overall project. Mr. Marciante stated that it does not make sense to do this right now, the Borough should wait. Mr. Lawver withdrew his motion and Mrs. Chandler withdrew her second of the motion. No action was taken on the resolution.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 8.11**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 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. 4 in the amount of \$13,447.50 less 2% retainage in the amount of \$268.95; 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 \$13,178.55 pursuant to payment request No.4 is hereby authorized subject to submission of acceptable certified payrolls for the time period covered under the payment request application.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2018-8.11, second by Council member Chandler with all members present voting in favor.

**Professional Reports**

Mrs. Heinzl stated that she attended a Community Partners Meeting in support of the accreditation of the Health Department in Montgomery Township. Mrs. Heinzl stated that it was nice event and it really showed how much work Health Officer Stephanie Carey is doing.

Mrs. Heinzl stated that the other thing she wanted to mention is that we are looking into using an on-line auction for disposing of public property which in the past has been done by holding an "old-fashioned" auction at the Public Works Building. Mrs. Heinzl stated that a lot of towns are now doing this through on-line auctions. Mrs. Heinzl stated that she and Mrs. Sterling have been looking into pursuing this further.

Mrs. Heinzl stated that she and Mrs. Chandler have been discussing the house at 241 South Main Street which is in the Historic District. Mrs. Heinzl stated that the house is now in foreclosure. Mrs. Heinzl stated that the Historic Preservation Commission had invited the owner to a meeting to discuss the possibility of using Affordable Housing funds to fix up the house as an affordable unit, but the homeowner was not interested in doing that. Mrs. Heinzl stated that she has reached out to Planning Board Attorney, Ed Schmierer to see if there is a way that the Borough can partner with an entity such as Habitat for Humanity. Mrs. Heinzl stated that she will be setting up a meeting to also include Wells Fargo who holds the mortgage on the property. Mrs. Heinzl stated that this is a very mustard seed idea and she will have more information at a later date.

Mrs. Heinzl stated that Winn Thompson is going to be honored by the NJ Planning Officials organization for his achievements in planning and zoning. Mrs. Heinzl stated that Mr. Thompson has been a member of the Pennington Planning Board since 1996 and he will be recognized at a breakfast meeting that several members of the planning board will be attending.

There were no other comments from professionals.

**Public Comment**

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

There were no comments from the public.

**Closed Session**

**AT, 8:10 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Contract Negotiations - Teamsters

AT, 8:35 PM, Mayor and Council returned to open session.

With no further business to come before the Borough, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk