

**Pennington Borough Council
Regular Meeting – September 4, 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 and Mills in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Chief Financial Officer Sandra Webb, Public Safety Director Bill Meytrott, Borough Auditor Bob Morrison, Borough Engineer Brandon Fetzner 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 announced that the November Borough Council Meeting has been changed to Tuesday, November 13th, 2018.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the August 6, 2018 Regular Meeting, second by Council Member Griffiths with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the August 17, 2018 Special Meeting, second by Council Member Mills with all members present voting in favor with the exception of Mr. Lawver who abstained.

Presentations

Mayor Persichilli invited Borough Auditor, Bob Morrison to come forward for the presentation of the 2017 Audit. Mr. Morrison came forward and thanked Mayor and Council for the opportunity to present the audit and also apologized for missing the August meeting due to a family emergency. Mr. Morrison stated that everyone should have received a copy of the audit document. Mr. Morrison stated that it is a difficult document to read but most of the language that has to be included is due to regulations of the American Institute of CPA's, the Governmental Accounting Standards Board and the Governmental Accountability Office. Mr. Morrison stated that an audit of the financial statements for a private company follows generally accepted auditing standards established by the American Institute of CPA's. Mr. Morrison stated that the Borough audit goes beyond that because the Borough is required to follow requirements set by the State of New Jersey, Division of Local Government Services and standards set by the GAO because the State mandates it. Mr. Morrison stated that instead of having one difficult to read report, there are actually two difficult to read reports. Mr. Morrison stated that the first report which appears on pages 2 through 4 is the Auditors opinion on the financial statements. Mr. Morrison stated that in the three pages, what they essentially say is that the auditors followed all of the standards required for conducting an audit, tests of the veracity of the numbers were done, tests were done to ensure that controls are in place and that they are working, and that based on the audit, they have found that the numbers are a fair representation of the Borough's financial condition and that the rules that are required to be followed were in fact followed and that rules were applied consistently. Mr. Morrison stated that it is worth noting that New Jersey does not follow National Accounting Standards so it would be impossible to take the financial statements for Pennington and compare them to a municipality of similar size in another state because the accounting standards used are not the same. Mr. Morrison stated that is why there are actually two opinions in the report, one that says the Borough is not following standards established by the Governmental Accounting Standards Board and two, based on the New Jersey required standards, the Borough is doing everything correctly.

Mr. Morrison stated that the second report deals with the expanded scope we have to follow using Government Auditing Standards which is a document prepared by the GAO. Mr. Morrison stated that normally in the course of an audit, they would evaluate internal controls by asking questions and having

employees fill out questionnaires, that type of thing, but under a GAO audit, they not only have to evaluate the controls, they have to test the controls and make a determinations as to whether or not they are designed appropriately and whether or not they have been placed in service and are operating as intended. Mr. Morrison stated that this audit report basically says that for an organization of Pennington's size, a system of internal controls has been developed and it is working effectively.

Mr. Morrison stated that they do roughly thirty to forty different compliance tests in the course of the audit and they found no non-compliances. Mr. Morrison stated that there have not been a lot of new compliance standards established in the last few years but the staff is well aware of the compliance standards that exist and they are following them. Mr. Morrison stated that if anything had been identified anything it would be spelled out in the report. Mr. Morrison stated that anything beyond an immaterial weakness in internal control or a non-substantive non-compliance for a town of this size would be reported in the audit report and they found nothing to report.

Mr. Morrison stated that one thing that they do note in the work papers is that one of the key controls in an organization of this size is the Mayor and Council because the Borough does not have enough personnel to have people watching people and so it is possible that one employee could place an order, approving receipt of goods, processing payment and posting to the general ledger. Mr. Morrison explained that the step that makes it okay is that all payments are brought to Council for review and approval. Mr. Morrison stressed the importance of the role that Mayor and Council play in the overall Borough control process.

Mr. Morrison stated that as for the financial statements themselves, the fund balance increased a little bit but we are using a little more in the 2018 budget. Mr. Morrison stated that essentially, the Borough is in a pretty good place considering there are not a lot of towns in really good places in New Jersey given the Cap Laws and the stagnation of State Aid. Mr. Morrison stated that given the financial position that the Borough is in, the Borough could have something go wrong and we would have a year to figure out how to fix it. Mr. Morrison stated that in most towns if something goes wrong it would mean a tax increase in the next year, but in Pennington's case there is a cushion of one year to figure something before taxes would have to be increased.

Mr. Morrison stated that one of the things that he has been discussing with the CFO, Sandy Webb, is where the Borough stands with regard to debt. Mr. Morrison stated that the capital funds are showing that all of the down payment monies have been spent and we are now borrowing from other funds to fund capital expenditures. Mr. Morrison stated that at some point before the end of the year, the Borough will have to pursue some short term financing to cover some capital and grant projects that have not been reimbursed yet. Mr. Morrison stated that the good news is that the Borough would only have to do one-year notes and next year talk about doing a bond sale because the first payments would come due in 2020 when there will be a big drop off in the current debt service payments. Mr. Morrison stated that when it comes to capital projects and financing of these projects, the Borough has set itself up nicely to transition in some new debt without seeing a spike in debt service payments for 2020. Mr. Morrison directed Council members to page 42 of the audit under the Notes to the Financial Statements. Mr. Morrison stated that in 2020 there will be roughly a \$116,000 drop in principal and interest under General Capital and on the Utility side the drop would be roughly \$150,000. Mr. Morrison stated that after 2019, the average debt service payments will run approximately \$90,000 for each fund for the next eight to nine years. Mr. Morrison encouraged Mayor and Council to pursue State funding for projects as much as possible because that is the best interest rate going right now. Mr. Morrison stated that bonding is still relatively cheap but the Federal Reserve has been ratcheting up the interest rates and there is talk of one or two more increases before the end of the year and tax exempt rates tend to follow in line.

Mr. Morrison stated that he would like to mention is the composition of the tax levy. Mr. Morrison stated that the tax bills that go out reflect 56.7 percent as school tax, 23 percent as county tax, 16.4 percent as municipal tax and the rest is fire district and municipal open space tax. Mr. Morrison stated that the municipal tax rate has been pretty stable where it is. Mr. Morrison stated that any growth in the tax rate has primarily in school tax because there has been no increase in State Aid for schools which means that all increased costs have been borne by tax payers.

Mr. Lawver stated that one of his favorite issues is when a taxpayer fails to pay or there is an adjustment in a tax assessment, the Borough is still responsible for paying remitting taxes to the school and county. Mr. Morrison stated that the Borough has had that situation in the past with a large tax payer and that is the biggest exposure that the Borough has. Mr. Morrison stated that it is governed by the State of New Jersey. Mr. Morrison stated that he has heard of a couple of towns who have sent out separate tax bills for each entity with the regular tax bill so that residents can see where their tax dollars go.

Mr. Griffiths stated that the tax rate is only one of the two variables that impact tax revenue. Mr. Griffiths stated that the Borough has also seen a reduction in tax valuation of about 5 percent since its peak prior to the recession and recently we have lost a tenth of a point each of the last two years. Mr. Griffiths stated that when you look at tax rates you also have to look at tax revenue. Mr. Griffiths stated that the Borough has tried to control raising additional revenue by tax and if we have to raise the tax rate it is to compensate for loss of tax valuation. Mr. Morrison stated that the recession of 2008 has not completely gone away and if you look at the State equalization values, you can see that most towns in this state are just about getting back to the levels they were at ten years ago and some are way behind due to large industrial complexes in their towns. Mr. Morrison stated that when a tax appeal is granted, the municipality loses tax dollars and the choice is to either spread the burden out over everyone else or lower overall tax levy to hold the rate. Mr. Morrison stated that the law requires municipalities to hold the dollars, but the Borough has actually

held the rate when there have been declining ratables in at least two of the past the years. Mr. Morrison stated that even from his conservative thinking, he does not think that is always a great idea because it impacts the Borough's ability to raise revenue going forward. Mr. Morrison stated that it has worked for the Borough, but it actually created some risk for the Borough because under the new tax cap the Borough can only raise two percent on what was raised the prior year. Mr. Morrison stated that means that then a tax levy is lowered, in order to now raise the rate, the base is now lowered. Mr. Morrison stated that if the municipality needed to raise taxes quickly it could not be done. Mr. Morrison stated that from his viewpoint it is a potential opportunity loss, though Council could still put it to the voters as a referendum. Mr. Griffiths pointed out the reduction in debt service and how that percentage of reduced expenses would play a role in budgeting going forward for both general and water/sewer.

Mr. Morrison stated that the Borough has actually seen a reduction in rental revenue on the water/sewer side mostly due to conservation, including a rather large taxpayer who is not pulling as much water as they used to. Mr. Griffiths stated that the Borough has also been investing in infrastructure.

Mr. Morrison stated that as far as any actions that need to take place tonight, no corrective action plan is needed because his staff could not find anything wrong. Mr. Morrison stated that the audit has been filed with the State of New Jersey and as always he would like to say that his staff loves coming here, they always get the complete cooperation of the staff and they are able to get in and get out quickly.

Mr. Griffiths thanked Betty Sterling, Sandy Webb and Eileen Heinzl for all of their hard work.

Mr. Lawver asked Mr. Morrison how many municipalities Mr. Morrison audits. Mr. Morrison stated that he does nothing but government audits throughout the year, 22 municipalities, 13 school districts and some authorities. Mr. Lawver stated that information highlights that good work that the Borough staff does.

Committee Reports

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

Public Safety / Personnel – Mr. Marciante stated that the Police Department is back to full force with a full complement of officers out on patrol.

Public Works/Shade Tree/ Senior Advisory – Mr. Lawver stated that once a week trash collection during the month of August proved once again to be a success with minimal complaints. Mr. Lawver stated that the Public Works Department put down 46 tons of asphalt repairing pot holes throughout town.

Mr. Lawver stated that the Borough received a \$10,000 Community Forestry Stewardship Grant for tree planting and the Shade Tree Committee will be looking for twenty locations throughout town for planting of new street trees or park trees.

Mr. Lawver reported that the Annual Senior Picnic will be held Thursday, September 13th at 12:00pm at Washington Crossing State Park.

Mrs. Chandler asked what trees will be planted. Mr. Lawver stated that with a few exceptions, trees with a growth expectancy of 20 to 25 feet and a life expectancy of 20 to 25 years. Mr. Lawver stated that they will not be looking to plant oaks or maples in spaces that will not support them. Some discussion took place regarding the right type of tree to be planted so that the sidewalks are not affected by roots.

Library / Parks and Recreation – Mrs. Mills stated that the final concert of the summer was held. Mrs. Mills stated that movie night is coming up on October 7th at Kunkel Park and Trail Day will be held on September 19th.

Mrs. Mills stated that the Library Board did not meet in the summer. Mrs. Mills stated that a Storm Water Management seminar will be held on September 30th to educate residents on the impact of polluted run-off. Mrs. Mills stated that the Library has also been preparing for "The Big Read" program.

Finance – Mr. Griffiths stated that the Finance Committee did not meet.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Historic Preservation Commission granted a Certificate of Appropriateness for work done at 30 West Delaware Avenue and work on the structure is ongoing.

Mrs. Chandler stated that the Environmental Commission met briefly to discuss the proposed Pizza Restaurant on North Main Street. Mrs. Chandler stated that one thing that came up is that the site is a known contaminated site and Mr. Compton has reached out to Mrs. Heinzl. Mrs. Heinzl stated that the property owner is working with the State on this. Mrs. Chandler asked why this did not come up during the Planning Board review. Mrs. Heinzl stated that it falls under the jurisdiction of the State and she has spoken with Planning Board Attorney Ed Schmierer about adding something to the checklist for future applications.

Mrs. Chandler stated that on September 15th there will be a Styrofoam recycling and shredding event at the Tollgate School from 12 to 3 open to all Mercer County residents.

Council Discussion

Stonybrook Sewer Authority Update – Mrs. Heinzl stated that Mr. Harry Compton and Mr. John Kantorek were planning to come to update Council on the expansion of the sewer plant. Mrs. Heinzl stated that Stonybrook has accepted a bid for the project and they are doing pre-construction staging.

Ordinances for Introduction

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 Marciante made a motion to introduce Ordinance 2018-14, second by Council Member Lawver. Mr. Lawver stated that the three municipalities have agreed to make repairs to the Senior Center. Mr. Lawver stated that half of the cost will be funded by a grant from Mercer County and the other half will be split between the three municipalities through donations and cash. Mr. Lawver stated that the donation of the roofing and siding will far exceed Pennington Borough's obligation to come up with matching funds. Mr. Lawver stated that no cash should have to be expended by Pennington Borough. Mr. Lawver stated that once the grant is approved the bid specs will be prepared and hopefully the project will go out to bid before the end of the year. Mr. Lawver stated that any expenditure against this ordinance will be reimbursed by the County Grant and the other two municipalities. Upon a roll call vote, all members present voted in favor of introduction.

Mayor Persichilli read Ordinance 2018-15 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2018-15**

**BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF AN ASSET MANAGEMENT
PLAN FOR THE WATER SYSTEM IN AND BY THE BOROUGH OF PENNINGTON, IN THE
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank and because the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully described in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the undertaking of an Asset Management Plan for the Water System, including all related costs and expenditures 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 self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local

Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$300,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) The entire \$300,000 is for items of expense listed in and permitted under N.J.S.A. 40A:2-20.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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 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 2018-15, second by Council Member Griffiths. Mr. Lawver stated that in 2017 a law was passed outlining additional steps that the Borough has to take as an operator of a water system. Mr. Lawver stated that down the road the Borough can expect to see similar regulations for its sanitary sewer system and stormwater system. Mr. Lawver stated that the first tangible step that the Borough has to take is to create an Asset Management Plan which will allow the Borough to come up with a capital plan to maintain the operating system on a 150 year replacement cycle. Mr. Lawver stated that there are funds available from the IBank that will fund the development of our Asset Management Plan. Mr. Lawver stated that as part of the process, the Borough has to identify a capital project in the amount of not less than \$250,000. Mr. Lawver stated that the Public Works Committee has a couple of projects that have been discussed but there will be time to figure it out as we go forward. Mrs. Heinzel stated that one of the reasons for doing the Asset Management Plan is to identify what projects need to be done. Mr. Lawver stated that if no other project comes out of this plan, he would recommend replacement of water meters throughout town. Some discussion took place with regard to replacement of water meters.

Mr. Marciante asked if there is a software program that can be used to input and track information. Mrs. Heinzel invited Mr. Brandon Fetzer to come forward and answer questions. Mr. Marciante stated that it seems like a lot of money to develop a plan. Mr. Fetzer stated that Van Note Harvey presented two options for the plan, one is if Van Note Harvey does all of the work for the gathering and inputting information and the other is if the Public Works Department is able to assume some of the work related to gathering information. Mr. Fetzer stated that their proposal recommends using a program called CUPPS which is a checkup plan for small systems. Mr. Fetzer stated that it is a water and sewer asset management

plan program and that program will be where all of the data is housed and where a lot of the report features will be generated from. Mr. Fetzer stated that the software package is free from the EPA. Mr. Lawver stated that regarding the two proposals, what he would like to see is the Borough taking on as much as possible so that we develop internally the skills and capabilities to do this kind of work going forward so that this plan does not end up as something that sits on a shelf and never gets updated. Mr. Lawver stated that he would like to make the investment in some equipment, do some training, get some computer infrastructure in place so that we can have a living document and a skill set that we can acquire, maintain and grow over the years. Mr. Griffiths stated that in the context of negotiations with the Public Works crew, this could be added as a stipend for acquiring this skill set. Mr. Griffiths stated that it adheres to the precedent that the Borough has where if an employee takes the time and effort to acquiring licenses and certifications that Council will recognize that in the form of compensation. Mr. Griffiths stated that in the context of the new meters, in the past it has been discussed that the current system is under measuring the volume of water being consumed and a new meter should theoretically accurately measure the volume and if the volume is higher and it is calculated at the higher rates, then it would produce an increase in the bill which begs the question of whether rates could then be reduced. Mr. Lawver stated that we will get there, but we are not there yet. Mr. Lawver stated that he has heard from people that over time meters begin to run about fifteen percent slower but he does not know that he has seen a study or demonstration of whether that is true. Mr. Lawver stated that the East Curlis properties that now have new meters could be used as a test for the new versus old meters discussion. Mr. Fetzer stated that he was speaking with Mr. Smith about this. Mr. Smith stated that the old meters are still installed so the comparison between old and new is there. Upon a roll call vote all members present voted in favor of introduction of the Ordinance.

Ordinances for Public Hearing and Adoption

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. **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. **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 - \$5400.00
- 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 Lawver made a motion to open the Public Hearing on Ordinance 2018-11, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2018-11, second by Council Member Griffiths. Council Member Marciante made a motion to adopt Ordinance 2018-11, second by Council Member Gnatt with all members present voting in favor.

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 Griffiths made a motion to open the Public Hearing on Ordinance 2018-13, second by Council Member Mills. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing on Ordinance 2018-13, second by Council Member Lawver with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2018-13, second by Council Member Griffiths with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 9.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to CoreLogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for refund of overpayment of 2018 third quarter taxes, Block 801, Lot 19, also known as 17 East Curlis Avenue, in the amount of \$3,226.77.

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 2018-9.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 9.2**

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 \$ 2,632,519.20 from the following accounts:

Current	\$ 2,471,403.10
W/S Operating	\$ 144,906.40
General Capital	\$ 1,182.50
Water/Sewer Capital	\$ 13,178.55
Developers Escrow	\$ 1,848.65
TOTAL	\$ 2,632,519.20

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	X			
Griffiths	M				Mills	S			

Council Member Griffiths made a motion to approve Resolution 2018-9.2, second by Council Member Mills. Mr. Lawver asked why the Borough was paying for police services for a funeral. Mr. Meytrott stated that an

extra officer was needed for the funeral of Senator Schulters and he had to go outside the department to obtain coverage. Mr. Lawver asked who decides which funerals get police support. Mr. Meytrott stated that he determined the need for an additional officer based on the anticipated crowd and the anticipated parking problems. Upon a roll call vote all member present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 9.3**

RESOLUTION AUTHORIZING CONTRACT WITH EXCEL ENVIRONMENTAL RESOURCES, INC. FOR SITE INVESTIGATION AND REMEDIAL INVESTIGATION OF THE PENNINGTON CLOSED MUNICIPAL SOLID WASTE LANDFILL ON WEST DELAWARE AVENUE, PENNINGTON, NJ

WHEREAS, Pennington Borough seeks to contract with Excel Environmental Resources, Inc. of North Brunswick, New Jersey for services related to Site Investigation/ Remedial Investigation of the closed solid waste landfill located on West Delaware Avenue, Pennington, New Jersey; and

WHEREAS, Resolution 2017-9.4 authorized Excel Environmental Resources, Inc. to apply for grant funding from the New Jersey Department of Environmental Protection for Preliminary Assessment, Site Investigation and/or Remedial Investigation and

WHEREAS, the New Jersey Department of Environmental Protection has reviewed the application submitted by Excel Environmental Resources, Inc. and determined that the Borough of Pennington is eligible for funding under the Hazardous Discharge Site Remediation Fund (HDSRF) Municipal Grant Program for the Pennington Borough Sanitary Landfill Project (P45165); and

WHEREAS, Excel Environmental Resources, Inc. has prepared and submitted the attached scope of work and cost estimate for Site Investigation and Remedial Investigation with total costs in the amount of \$294,459.20;

WHEREAS, the Borough has previously expended \$7,144.80 for the Preliminary Assessment, paid to Excel Environmental Resources, Inc. with the expectation that this amount would ultimately be covered by grant funding;

WHEREAS, the Department of Environmental Protection has approved grant funding from the HDSRF in the amount of \$301,604, sufficient to cover the Preliminary Assessment as well as the Site Investigation and Remedial Investigation;

WHEREAS, the Borough of Pennington now seeks to enter into a professional services agreement with Excel Environmental Resources, Inc. for performance of the contemplated Site Investigation and Remedial Investigation in accordance with the annexed scope of work, at a cost not to exceed \$294,459.20;

WHEREAS, as recited in the attached scope of work, the Site Investigation and Remedial Investigation are designed to meet the regulatory requirements of the Department of Environmental Protection, including attention to the two Areas of Concern (AOC 1 and AOC 4) identified in Excel's Preliminary Assessment,

WHEREAS, the focus of the Site Investigation and Remedial Investigation will be not only to enable the issuance of a Response Action Outcome but also to provide lines of evidence to establish definitively that the regional chlorinated solvent impacts in groundwater are not attributable to an onsite source;

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, Excel Environmental Resources, Inc. 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, Excel Environmental Resources, Inc. 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 under Ordinance 2017-4 and Ordinance 2018-9;

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 on behalf of the Borough a professional services agreement with Excel Environmental Resources Inc. for performance of the attached scope of work at a contract price not to exceed \$294,459.20, the form of the agreement to be approved by the Borough Attorney; and

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	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2018-9.3, second by Council Member Mills. Mr. Griffiths asked if work has begun on this project. Mrs. Heinzel stated that the Preliminary Investigation has been done but the Site Remediation and Remedial Investigation has not begun. Mrs. Heinzel stated that she spoke to Mike Mereny of Excel Environmental and he indicated that the Borough should be receiving the notice of award from the agency which will require a resolution of agreement. Mrs. Chandler asked what this resolution is for. Mrs. Heinzel stated that this is the contract with Excel Engineering to perform all of the work. Mrs. Sterling stated that the Bond ordinance needed to be adopted before this contract could be awarded. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 9.4**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF OBLIGATIONS OF THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, AND
PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK (F/K/A THE
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST)
AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF
VARIOUS AGREEMENTS**

WHEREAS, the Borough of Pennington, in the County of Mercer, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of water main replacement on East Curlis Avenue/Weidel Drive and the acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Water Bank program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds, Series 2018, to the I-Bank (the "I-Bank Loan Bond") and Bonds, Series 2018, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$920,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively

evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$920,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in ordinance #2016-05, adopted March 2, 2016. The aforementioned ordinance was finally adopted by the Local Unit at a meeting duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 10. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 11. This resolution shall take effect immediately.

Section 12. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2018-9.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 9.5**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2018 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
2018 – NJ URBAN AND COMMUNITY FORESTRY (NJUCF) STEWARDSHIP GRANT**

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 \$10,000 from the NJDEP/NJ Forest Service for the stewardship and effective management of trees and forest; 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 \$10,000, which is now available as revenue from:

NJ Urban and Community Forestry (NJUCF) Stewardship Grant

BE IT FURTHER RESOLVED that a like sum of \$10,000 be and the same is hereby appropriated under the caption of:

NJ Urban and Community Forestry (NJUCF) Stewardship 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	X				Lawver	M			
Gnatt	X				Marciante	X			
Griffiths	S				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-9.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-9.6**

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTY OF AMERICAN PROPERTIES AT PENNINGTON, LLC, FOR PARTIAL COMPLETION OF PHASE 1 IMPROVEMENTS FOR THE HERITAGE AT PENNINGTON

WHEREAS, on July 13, 2016, American Properties at Pennington, LLC (“American Properties”), was granted approval by the Planning Board of the Borough of Pennington for Preliminary and Final Site work related to Phase I of Heritage at Pennington (VNHA 43324-201-71);

WHEREAS, pursuant to Borough ordinance adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1, *et seq.*), American Properties provided to the Borough of Pennington the Performance Bond #FP0023512 written by First Indemnity of America Insurance Company in the amount of \$3,009,249, together with cash in the amount of \$334,361 (hereafter referred to collectively as “Performance Guaranty”), guaranteeing full and faithful completion of on-tract improvements approved by the Planning Board for Phase 1 of the development, the amount of the Guaranty having been determined in accordance with the cost of improvements certified by the Borough Engineer;

WHEREAS, pursuant to Borough ordinance and N.J.S.A. 40:55D-53, the developer is entitled to reduction and partial release of a performance guaranty in proportion to the improvements completed and accepted by the municipality, provided the portion of the guaranty remaining in effect shall be sufficient to secure completion of the remaining improvements and the municipality may retain no less than 30 percent of the Bond amount for this purpose;

WHEREAS, American Properties has requested reduction of its Performance Guaranty by 70 percent on the premise that, based upon the Borough Engineer’s certified cost of improvements, 70 percent of the bonded improvements in Phase I have been completed and accepted by the Borough;

WHEREAS, as set forth in the letter of Van Note-Harvey Associates to the Pennington Borough Clerk dated August 8, 2018, the Borough Engineer concurs with this reduction of guaranty based on the current status of the work shown in the Engineer’s Bond Reduction Punch List dated July 10, 2018 and Estimate for Performance Guarantee – Phase I, Revision #5, dated July 18, 2018;

WHEREAS, N.J.S.A. 40:55D-53 provides that in the event the developer has made a cash deposit as part of the performance guaranty, any partial reduction granted in the performance guaranty shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guaranty, meaning that the bond in this case shall be reduced to \$902,775. and the cash deposit shall be reduced to \$100,308 (rounded to the nearest dollar);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that, pursuant to the aforesaid recommendation of the Borough Engineer based on satisfactory partial completion of Phase I improvements, the Borough Clerk is hereby authorized to release to American Properties such portion of the remaining Performance Guaranty as will reduce the guaranty for Phase I improvements to a performance bond in the amount of \$902,775 and cash in the amount of \$100,308.

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

Council Member Chandler made a motion to approve Resolution 2018-9.6, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018-9.7**

RESOLUTION AUTHORIZING COMMUNITY SERVICE AGREEMENT WITH RCAP SOLUTIONS FOR TECHNICAL AND OTHER ASSISTANCE RELATED TO BOROUGH PREPARATION OF THE ASSET MANAGEMENT PLAN REQUIRED BY THE WATER QUALITY ACCOUNTABILITY ACT

WHEREAS, the Water Quality Accountability Act (“WQAA”), effective October 18, 2017, requires development of a formal program of inspection and maintenance of all water supply facilities and requires that all affected water purveyors systematically manage their water utilities using a transparent format developed pursuant to detailed engineering analysis of asset condition, subject to oversight of the NJDEP and Board of Public Utilities;

WHEREAS, a central component of the water purveyor’s obligations under the WQAA is the preparation of an Asset Management Plan to permit the inspection, maintenance, repair and renewal of the utility’s infrastructure consistent with standards established by the American Water Works Association and

NJDEP Technical Guidance;

WHEREAS, an Asset Management Plan is also required for all I-Bank funded projects (formerly NJEIT) which offers funding for small water systems to develop an Asset Management Plan;

WHEREAS, an Asset Management Plan must include a water main renewal program, a water supply and treatment program and such other programs as required by DEP regulations, and essential components of the Plan are asset inventory, assessment of the condition of all assets, evaluation of level of service and identification of a sustainable level of service, prioritization of risks and implementation of a management plan;

WHEREAS, the Borough’s development and implementation of an Asset Management Plan will require utilization of GPS technology to collect and input data about the component parts of the water distribution system, such as hydrants and valves, then digitally mapping the GIS systems data for submission to the NJDEP;

WHEREAS, once collected and identified, the data will be inputted into a free computer program developed by the EPA called “Check-Up Program for Small Systems” (CUPSS), which will enable the Borough to develop its Plan;

WHEREAS, the Borough has begun development of its Asset Management Plan and RCAPS Solutions has received grants which will permit it to provide financial and managerial assistance to the Borough, free of charge, in the form of helping the Borough to develop its Plan;

WHEREAS, RCAP Solutions will offer support to the Borough and its contract engineer to troubleshoot solutions for development of the Borough’s Asset Management Plan using the CUPPS software program;

WHEREAS, the Borough seeks to enter into the annexed Community Service Agreement with RCAP Solutions detailing the obligations of the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the annexed Community Service Agreement with RCAP Solutions for free-of-charge assistance with preparation of the Asset Management Plan required by law as further set forth above.

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

Council Member Lawver made a motion to approve Resolution 2018-9.7, second by Council Member Chandler with all members present voting in favor.

Professional Reports

Mrs. Heinzl stated that 63 South Main Street has finally sold; it will stay behind the temporary fence until work begins. Mrs. Heinzl stated that the same developer who has worked on several houses in the Borough was the purchaser.

Mrs. Heinzl stated that she spoke with Mercer County today and they expect to start paving South Main Street on or about September 17th. Mrs. Heinzl stated that she has spoken to Director Meytrott and the Police Department will be coordinating with the County for services as needed. Mrs. Heinzl stated that the County will also be paving East Franklin Avenue and Academy Avenue. Mr. Marciante asked if the County is going to address the drainage problem. Mrs. Heinzl stated that they are going to exploring how to solve the problem.

Mr. Smith stated that he is aware of the leaking valve on Green Street in case anyone gets calls or e-mails.

Mr. Marciante stated that on Saturday, September 8th there will be a 9-11 ceremony at Woolsey Park in Hopewell Township.

Mr. Griffiths asked if there has been any more talk of Hopewell Valley softball game. Mrs. Heinzl stated that she has not heard any more about it.

Mrs. Chandler stated that she the Police report mentions the e-ticket system and she is wondering when that will be up and running. Mr. Meytrott stated that they should be up and running by the middle of September, they are waiting for a representative of the company to come out to do training. Mrs. Chandler asked what are the deliverables anticipated from this system. Mr. Meytrott stated that he anticipates a better operation for issuing summonses and it should also take less time for the Officers to produce a ticket. Mrs. Chandler asked if there will be a way to measure productivity. Mr. Meytrott stated that there will be a way to measure the difference between now and when the e-tickets are put in place. Mrs. Chandler asked if that could be

made part of the police statistical report. Mrs. Chandler stated that subsequent to that are there any statistics being generated by the Tracker that has been out on Main Street. Mr. Meytrott stated there was a problem with the software, but that has been taken care of. Mrs. Chandler asked if they could get a report on the statistics for the next meeting. Mr. Meytrott stated that they will come up with a report.

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.

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

Council Member Chandler made a motion to approve the minutes of the August 6, 2018 Closed Session Minutes, second by Council Member Gnatt with all members present voting in favor.

At 8:04 pm, with no further business to come before the Borough, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Mills.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk