

**Pennington Borough Council
Regular Meeting – February 4, 2019**

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

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Library Director Kim Ha and Borough Attorney Walter Bliss.

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

Open to the Public – Agenda Items Only

Mayor Lawver read the following statement.

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

Mayor's Business

Mayor Lawver announced the following resignations and appointments:

- Resignation – John Jackson – Environmental Commission and Open Space
- Resignation – Chris Czornyek – Historic Preservation
- Resignation – Sherri M. Salvatore, MD – Economic Development

Mayor's Appointments

Economic Development

- Michelle Needham – 5 year term ending December 31, 2023
- Janice Mintz – 1 year term ending December 31, 2019
- Lee Dickstein – 1 year term ending December 31, 2019

Mayor's Appointments (with Council Approval)

Mayor Lawver announced the following appointment.

Library Board of Trustees

- Diane Zompa – Mayor's Representative – 1 year term ending December 31, 2019

Council Member Chandler made a motion to approve the appointment, second by Council Member Mills with all members present voting in favor.

Approval of Minutes

Mayor Lawver asked for a motion to approve the following minutes:

- Reorganization Meeting – January 7, 2019
- Regular Meeting – January 7, 2019

Council Member Marciante made a motion to approve the minutes of the January 7, 2019 Reorganization meeting and the January 7, 2019 Regular meeting, second by Council Member Chandler with all member present voting in favor.

Presentation

Mayor Lawver asked Library Director, Kim Ha to come forward to make a presentation on The Big Read program.

Ms. Ha gave an overview of the library, her role, the library staff and volunteers and some statistics on their programs and participation in the library.

Ms. Ha then spoke about a \$5,000 grant that the Library received from the National Endowment for the Arts. Ms. Ha stated that the grant is being used to hold a community wide read of the book True Grit

during the month of March 2019. Ms. Ha stated that the Library will be hosting special events, movie screening, book discussions, contests and other themed programs as part of this initiative. Ms. Ha stated that the Library will be collaborating with other local organizations on programs related to this grant.

Ms. Ha gave an overview of library activities and spoke about programs and activities that are ongoing at the Library. Ms. Ha thanked Borough Council for the opportunity to speak about the Library and The Big Read program.

Mayor Lawver thanked Ms. Ha for her presentation and stated that he applauds all of the work that the Library is doing for the community. Mrs. Mills agreed with Mr. Lawver and stated that she is happy to be serving as the Council liaison to the Library.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt reported that Open Space did meet and they discussed their upcoming presentation to the Borough in May.

Mrs. Gnatt stated that the Planning Board did not meet in January.

Mrs. Gnatt asked for a Closed Session to discuss Personnel matters.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated Economic Development met a couple days prior to the Business of the Year event to finalize some details. Mrs. Chandler stated that Eric Kollevoll was honored as the Business of the Year. Mrs. Chandler stated that Ned Crislip was honored by the Historic Preservation Commission for his years of service as a member. Mrs. Chandler stated that it was a very nice event held at the Ocean First Bank.

Mrs. Chandler stated that the Environmental Commission met and did an outline of some of the projects that they are working on. Mrs. Chandler stated that the primary focus will be on getting the environmental resource inventory done.

Mrs. Chandler stated that the Public Safety Committee met and they are recommending the hiring of a part-time Administrative Assistant to help with some of the backlog of paper work. Mrs. Chandler stated that Sergeant Pinelli has been struggling to keep on top of and get ahead of the day to day paperwork. Mrs. Chandler stated that hopefully hiring an assistant will get through the backlog so that Sergeant Pinelli can turn his attention to other responsibilities. Mrs. Chandler asked for Council to weigh in on the idea of hiring an assistant for no more than 20 hours per week at a salary of \$16,000 for the year. Mrs. Chandler stated that this person would report to Sergeant Pinelli and assist him with day to day paperwork. Mrs. Chandler asked that Mrs. Heinzl and Mr. Meytrott work on a job description for the position to present to the Personnel Committee but at this time they are asking for approval to move forward with this position. Mr. Marcianti stated that he is in support of this idea.

Mr. Lawver stated that two things that need to be considered are the physical space where this person would work particularly in the short term and second are we looking for a finite period of time to get things caught up or will this be an ongoing position in the department.

Mrs. Chandler stated that was discussed and the committee agrees that this should be an ongoing position.

Mr. Meytrott stated that this person would need to attend some training including certification by the State Police. Mr. Meytrott stated that the course is relatively short and there is no cost to the Borough.

After a brief discussion, Council Members were in support of the hiring of an assistant for the Police Department.

Public Works – Mr. Marcianti stated that a new trash schedule was put out, there have been a few complaints and he would like to stress to residents that they not take out their frustrations on the employees picking up the trash. Mr. Marcianti stated that this was a Council decision and it is not fair to the employees.

Mr. Lawver stated that there have been a few complaints about the new schedule. Mr. Lawver stated that the Borough is being asked to do more and more by the State to run our services. Mr. Lawver stated that more and more requirements which require more time and sometimes lead to problems that need to be corrected and there are more regulations coming in the near future. Mr. Lawver stated that as Council looks at making tradeoffs between the dollars we raise in taxes and the services we provide, we are constantly evaluating where we can pinch and squeeze that will have the least impact on the day to day life and quality of the Borough. Mr. Lawver stated that last year we freed up some days in August to do road repairs and this year we are freeing up days in July to allow for more work to get completed. Mr. Lawver stated that the alternative would be to add another staff member, but in terms of costs, if one person is added to the Public Works Department it is one penny on the tax bill and that is what Council is trying to avoid.

Mrs. Chandler stated that another consideration will be looking at automated garbage trucks which would reduce the amount of employees riding the truck.

Finance / Board of Health – No report in Mr. Griffith's absence.

Historic Preservation / Library –Parks and Recreation / Shade Tree – Mrs. Mills reported that the annual event held by Economic Development and the Historic Preservation Commission at the Ocean First Bank was a lovely event. Mrs. Mills stated that Ned Crislip was honored by the Historic Preservation Commission. Mrs. Mills stated that personally, when she did her house over, Mr. Crislip was a huge help to them and he will be missed. Mrs. Mills stated that his family was in attendance and they were very touched that he was being honored.

Mrs. Mills thanked Ms. Ha for her presentation on the Library and The Big Read. Mrs. Mills encouraged everyone to get the book from the library and participate in the many programs and activities that are planned.

Parks and Recreation / Shade Tree – Ms. Semple stated that she was unable to attend the Parks and Recreation meeting because it happened at the same time as the Shade Tree meeting. Ms. Semple stated that she has talked to Mayor Lawver about the conflict going forward. Ms. Semple stated that the Shade Tree Committee appointed Gabe Rosko as the Chairman and Kate Fullerton will remain as Secretary. Ms. Semple stated that a Tree Planting Plan will be available in the spring.

Senior Advisory Board – Mr. Lawver stated that Mercer County has advised that they will have a resolution at their next meeting for the funding for the renovations. Mr. Lawver stated that the resolution has been bumped off the last two agendas because the County is having a hard time finding the money so we will see what happens.

Council Discussion

COAH – Mrs. Heinzl stated regarding 114 Woolsey Court which is the affordable unit in Pennington Point that has been on the market for a while and they are having difficulty finding a buyer who is income qualified. Mrs. Heinzl stated that the owner requested a hardship waiver which the Borough was reluctant to go along with because it would be preferable to have someone who is income qualified buy the property. Mrs. Heinzl stated that she has had discussions with Planning Board Attorney, Ed Schmierer and he has stated that in Princeton they have a program where they regularly offer up to \$5,000 in affordability assistance for income qualified residents if they are having trouble making a down payment. Mrs. Heinzl stated that as it happens the Borough has money in the COAH Fund and she has brought this up to Council to see if there is any interest in offering this assistance in Pennington. Mrs. Heinzl stated that this would help with this unit, but it would also help with meeting our obligations under COAH. Mrs. Heinzl stated that this would show a good faith effort on the part of the Borough. Mrs. Heinzl stated that she got an e-mail from Elizabeth Knox stating that the hardship waiver would have to be granted in order to start marketing the house to non-income qualified buyers. Mrs. Heinzl stated that if someone who is not income qualified does purchase this unit, it would still be an affordable unit and that unit will never be subject to a hardship waiver again and would have to be sold only to someone who is income qualified. Mrs. Heinzl stated that the owner has been actively marketing the property since August of 2018.

Mrs. Heinzl stated that she has left a message indicating that Council would be meeting tonight to discuss this property. Mrs. Heinzl stated that this unit was posted on the Borough Website and she has also provided information to Piazza Associates who are handling the affordable units at Heritage at Pennington.

Some discussion took place with regard to the degrees of income qualification and what the hardship waiver actually means. Mrs. Heinzl stated that Elizabeth Knox indicated that typically one of the problems with income qualified candidates is that they do not have the savings for a down payment so Borough assistance would be a big help to someone.

Mr. Lawver stated that it might take a while to come up with a plan for offering income assistance. Mrs. Heinzl stated that Ed Schmierer has offered to assist the Borough with the process.

Mr. Marcianti stated that there is a person in town who is interested who does not have the down payment funds and has lived in this town all their life. Mr. Marcianti stated that he would like to see this process moved along quickly so that we can try to help this person.

Mrs. Heinzl stated that the hardship waiver will allow the owner, which is the estate, to market this property to non-income qualified buyers, but they will still continue to take applications from income qualified persons. Mr. Bliss stated that it is important to remember that the selling price is still restricted because it is covenant restricted housing.

Mr. Lawver stated that we should do some more research into whether down payment assistance would help this person and also how to put this program in place. Mrs. Heinzl stated that she will talk to

Elizabeth Knox and she will also reach out to Ed Schmierer tomorrow. Mrs. Mills stated that she will talk to the resident who is interested in the property. Mr. Lawver stated that if \$5,000 is not going to be enough to assist this resident there is no need to rush the process with Ed Schmierer. Mrs. Heinzel stated that the program in Princeton is for a \$5,000 loan which is then repaid to the Borough on the sale of the property.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2019-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019-1**

BOND ORDINANCE PROVIDING FOR THE CURLIS AVENUE/WEIDEL DRIVE ROAD PROJECT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$616,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$376,000 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 \$616,000, including a grant in the amount of \$240,000 from the State of New Jersey Department of Transportation (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$376,000 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 Curlis Avenue/Weidel Drive Road Project, including, but not limited to, reconstruction 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 \$376,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$56,000 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, if other than the State Grant referred to in Section 1 hereof, 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 open the Public Hearing on Ordinance 2019-1, second by Council Member Chandler. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2019-1, second by Council Member Marciante with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2019-1, second by Council Member Marciante with all members present voting in favor.

New Business

BOROUGH OF PENNINGTON RESOLUTION #2019 – 2.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Animal Control Fund in the amount of \$4.00 to Andrew & Colleen McKinney, 16 Scudder Court for an overpayment for two (2) dog licenses.

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

Council Member Chandler made a motion to approve Resolution 2019-2.1, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 2.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$2,941,044.76 from the following accounts:

Current	\$ 2,719,655.81
W/S Operating	\$ 136,367.23
Grant Fund	\$ 24,459.50
Developer’s Escrow	\$ 10,309.77
General Capital	\$ 49,727.45
Animal Control Fund	\$ 525.00
TOTAL	\$ 2,941,044.76

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

Council Member Marciante made a motion to approve Resolution 2019-2.2, second by Council Member Gnatt. There were a few questions on some of the bills. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019–2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2019 TEMPORARY BUDGET**

WHEREAS, the 2019 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2019 Temporary Budget for the Current Account.

Administration	Salaries	\$5,000.00
Administration	Other Expense	\$2,000.00
Municipal Clerk	Salaries	\$5,000.00
Finance	Other Expense	\$2,000.00
Engineering	Other Expense	\$30,000.00
Planning Board	Salaries	\$2,000.00
Construction	Salaries	\$4,000.00
Insurance – Gen Liability	Other Expense	\$44,541.00
Insurance – Worker’s Comp.	Other Expense	\$37,892.40
Worker’s Comp – First Aid	Other Expense	\$13,460.00
Police	Salaries	\$25,000.00

Police	Other Expense	\$15,000.00
Streets	Salaries	\$30,000.00
Streets	Other Expense	\$15,000.00
Trash	Salaries	\$20,000.00
Library	Salaries	\$20,000.00
Library	Other Expense	\$30,000.00
Electricity	Other Expense	\$20,000.00
Telephone	Other Expense	\$5,000.00
Gas, Fuel, Lubricants	Other Expense	\$5,000.00
PERS	Other Expense	\$10,729.20
Social Security	Other Expense	\$20,000.00
DCRP	Other Expense	\$2,000.00
Shared Services – Health Services	Other Expense	\$60.00
Total		\$363,682.60

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2019 Temporary Budget for the Water and Sewer Fund:

Water	Other Expense	\$30,000.00
Sewer	Other Expense	\$20,000.00
Group Insurance	Other Expense	\$25,000.00
Insurance – Gen. Liability	Other Expense	\$19,089.00
Insurance – Worker’s Comp	Other Expense	\$16,239.60
SBRSA	Other Expense	\$82,000.00
PERS	Other Expense	(\$10,729.20)
Social Security	Other Expense	\$5,000.00
Payment of BANS – NJEIT	Other Expense	\$2,500.00
TOTAL		\$189,099.40

Record of Council Vote on Passage

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

Council Member Marciane made a motion to approve Resolution2019-2.3, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 2.4**

**RESOLUTION AUTHORIZING CONTRACT WITH WATER RESOURCE MANAGEMENT AS
WATER AND SEWER COMPLIANCE OFFICER**

WHEREAS, the Borough seeks to enter into a contract with Water Resource Management to provide professional services as Water and Sewer Compliance Officer for the Borough in 2019;

WHEREAS, Water Resource Management has supplied a letter dated January 18, 2019 (“Compliance Officer Proposal”) describing the scope of services it will provide as Water and Sewer Compliance Officer, as set forth in the numbered paragraphs 1, 2, 3, 4 and 5 of the Compliance Officer Proposal;

WHEREAS, as further described in the Compliance Officer Proposal, Water Resource Management will provide the Compliance Officer services for a flat fee of \$375 per month;

WHEREAS, at the Borough’s request, Water Resource Management also provides for the performance of emergency call out and additional professional services for work beyond the scope of services described in the Compliance Officer Proposal on an hourly basis at the rate of \$115 per hour plus additional costs as needed on a case by case basis;

WHEREAS, Water Resource Management and its personnel hold all required New Jersey DEP licenses required to perform the services described in the Compliance Officer Proposal and the Additional Services Proposal;

WHEREAS, the Chief Financial Officer has certified that funds necessary to pay for these services are available in account #: 9-05-55-501-000-260;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Compliance Officer Proposal is hereby accepted and Water Resource Management is hereby appointed Water and Sewer Compliance Officer for Pennington Borough for 2019, subject to the following conditions:

1. that the Compliance Officer Proposal be amended to ensure compliance by Water Resource Management with Anti-Discrimination and Affirmative Action requirements of the State of New Jersey as set forth in the annexed Exhibit A;
2. that the Compliance Officer Proposal be further amended to provide that the contract between Water Resource Management and the Borough shall be terminable on 30 days prior written notice by either party;
3. that the Additional Services Proposal be supplemented by a provision that expenditures for additional services and costs under that Proposal not exceed on an annual basis \$1,000.00 unless approved in advance, in writing, by Borough Council;
4. that Water Resource Management demonstrate coverage by sufficient professional liability insurance, to be approved by the Borough Attorney; and
5. that the Mayor and/or Borough Administrator are authorized to issue such purchase orders and contract documents as further necessary to retain and pay for the services of Water Resource Management as Water and Sewer Compliance Officer consistent with the Compliance Officer Proposal as well as for the additional services and costs covered by the Additional Services Proposal.

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	M				Marciante	X			
Griffiths				Absent	Mills	X			

Council Member Gnatt made a motion to approve Resolution 2019-2.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 2.5**

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

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

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

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

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

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

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

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

Council Member Marciante made a motion to approve Resolution 2019-2.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019-2.6**

**RESOLUTION AUTHORIZING CONTRACT WITH CITY
CONNECTIONS, LLC**

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

WHEREAS, the Borough seeks to enter into contract with City Connections, LLC of Hazlet, New Jersey (“City Connections”) for provision of these services in 2019;

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

WHEREAS, the total fee for services under the Agreement shall not exceed \$2,080.00 without the prior written approval of Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract in account #: 9-01-20-100-000-250;

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

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

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-2.6, second by Council Member Chandler. Some discussion took place with regard to the Comcast grant for upgrading the website that the Borough received. Mrs. Heinzel stated that this contract is very reasonable for the work that they perform on the website. Mrs. Heinzel stated that City Connections has offered in the past to meet with the Borough to discuss upgrades to the website. Mr. Lawver stated that he has spoken to two people that he has recruited to look at the Borough’s on-line strategy. Mr. Lawver stated that they have suggested that the Borough find a young person who is more familiar with social media. Mr. Lawver stated that it is more involved than just the Borough website. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 2.7**

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

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

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

WHEREAS, the three municipalities intend to enter into a shared services agreement for 2019, superseding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$4,872.00; Hopewell Borough will pay Pennington \$1,217.00 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building, as well as snow and ice removal from sidewalks and parking lots, HVAC maintenance, plumbing, painting and replacement of light bulbs;

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

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

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-2.7, second by Council Member Mills with all members present voting in favor.

Mayor Lawver asked for a consent agenda for Resolutions 2019-2.8 and 2019-2.9.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 2.8**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.19 FOR
THE PENNINGTON SCHOOL PARENTS ASSOCIATION**

WHEREAS, the Pennington School Parents Association submitted raffle application RA: 1.19 on January 23, 2019 for a raffle to take place on February 23, 2019 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on January 30, 2019; and

WHEREAS, the Pennington School Parents Association meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, the Pennington School Parents Association, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 1.19 for the Pennington School Parents Association be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.19 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 2.9**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.19 FOR
THE TRENTON CYRUS FOUNDATION**

WHEREAS, the Trenton Cyrus Foundation submitted raffle application RA: 2.19 on January 23, 2019 for a raffle to take place on October 12, 2019 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on January 30, 2019; and

WHEREAS, the Trenton Cyrus Foundation meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, the Trenton Cyrus Foundation, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.19 for the Trenton Cyrus Foundation be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.19 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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

Council Member Marciante made a motion to approve Resolution 2019-2.8 and Resolution 2019-2.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-2.10**

**RESOLUTION APPROVING CERTAIN ENGINEERING PROJECTS
WITH BOROUGH ENGINEER FOR THE YEAR 2019**

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

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

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

WHEREAS, although the proposed Project List identifies projects totaling \$57,500 payable from the Current Fund and \$35,900 payable from Water and Sewer, and additional amounts will be required for other projects, it is understood that there is no guarantee that all of these projects will be undertaken this year; and

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

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

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

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

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

Council Member Chandler made a motion to approve Resolution 2019-2.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 -2.11**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW
JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2019**

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

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

WHEREAS, New Jersey Analytical Laboratories has submitted a proposal for the work dated January 28, 2019, for a contract price of \$19,200.00 to be invoiced at \$1,600.00 per month each month of the calendar year 2019;

WHEREAS, to cover additional costs related to new DEP requirements, New Jersey Analytical has proposed an additional \$7,920 (\$495 x 4 wells x 4 quarters) for PFNA testing and an additional \$2,800 (\$175 x 4 wells x 4 quarters) for 111TCP testing, totaling an additional \$10,720 for the calendar year 2019;

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by New Jersey Analytical Laboratories dated January 28, 2019 for a contract price not to exceed \$29,920.00.for the calendar year 2019, provided such agreement shall be further subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon, and provided further that such agreement shall state explicitly that New Jersey Analytical Laboratories shall indemnify and hold harmless the Borough from all negligent acts and omissions in connection with performance of the agreement by New Jersey Analytical Laboratories, including but not limited to the timely filing of all analytical reports required by law.

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

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

Council Member Mills made a motion to approve Resolution 2019-2.11, second by Council Member Gnatt. Mr. Bliss stated that the agreement provided in the packages has been amended to include that NJ Analytical is responsible for timely filing of related reports. Mr. Lawver stated that this contract was \$11,000 less last

year but because of new State requirements on the water system, the Borough is required to do additional testing which will cost an additional \$11,000 this year. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 2.12**

**RESOLUTION AUTHORIZING CHANGE ORDER
NO. 3 (FINAL) TO ADJUST QUANTITIES AS NECESSARY FOR COMPLETION OF THE
REPLACEMENT AND UPGRADE OF WATER DISTRIBUTION SYSTEM ON EAST CURLIS
AVENUE AND WEIDEL DRIVE**

WHEREAS, Van Note Harvey Associates has recommended a certain Change Order No. 3 (Final) with regard to the Contract between the Borough of Pennington and John Garcia Construction Company, Inc. of Clifton, New Jersey for the project known as Replacement and Upgrade of Water Distribution System (VNH #: 43327-650-71) ;

WHEREAS, Change Order No. 3 would adjust the contract in an agreed amount of \$11,665.52 for additional work performed by the contractor consisting of rock excavation during the installation of the water main and downtime associated with an unmarked telephone line found during construction (items 39 and 40 in the attached Change Order schedule); and

WHEREAS, Change Order No. 3 would also adjust for contract quantities as necessary for completion of the project, which including the above addition would amount to \$25,203.02 in contract increases and \$121,930.77 in contract decreases; and

WHEREAS, the net proposed adjustment for all changes would decrease the Contract by a net \$96,727.75, as indicated on the attached schedule; and

WHEREAS, the Chief Financial Officer has certified that no additional funds are needed for this change order request;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid Change Order No. 3 (final) providing for additional work performed and adjusting the contract quantities as necessary for completion of the project under the contract with John Garcia Construction Company is hereby approved.

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

Council Member Chandler made a motion to approve Resolution 2019-2.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 2.13**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 5 (FINAL) TO
JOHN GARCIA CONSTRUCTION COMPANY FOR WORK COMPLETED ON THE
REPLACEMENT AND UPGRADE OF WATER DISTRIBUTION SYSTEM ON EAST CURLIS
AVENUE AND WEIDEL DRIVE**

WHEREAS, John Garcia Construction Company has completed work pursuant to the contract for the Replacement and Upgrade of Water Distribution System on East Curlis and Weidel Drive project (VNHA File #: 43327-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed John Garcia Construction Company’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 5 (final) in the amount of \$21,673.76; and

WHEREAS, this represents final payment under the contract; and

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to John Garcia Construction Company in the amount of \$21,673.76 pursuant to payment request No.5 (final) is hereby authorized, upon receipt of fully executed documents including but not necessarily limited to maintenance bonds and certified payrolls.

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

Council Member Marciante made a motion to approve Resolution 2019-2.13, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 2.14**

**RESOLUTION APPROVING CHANGE IN
COUNCIL COMMITTEE ASSIGNMENTS**

WHEREAS, by Resolution 2019-1.8, Borough Council established certain committees of its members to assist it in the coming year;

WHEREAS, by Resolution 2019-1.8, Borough Council also approved by advice and consent the Mayor’s appointments to these committees;

WHEREAS, the Mayor now seeks to change the committee appointments by substituting Councilman Glen Griffiths for Councilwoman Deborah Gnatt on the Public Works Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby approves by advice and consent the proposed change in committee assignments substituting Councilman Glen Griffiths for Committeewoman Debra Gnatt on the Public Works Committee, and Resolution 2019-1.8 is amended accordingly. .

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

Council Member Chandler made a motion to approve Resolution 2019-2.14, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2019 – 2.15**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2018 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Trash – Other Expense (Tipping Fees)	\$10,000.00	
Police Salaries		\$10,000.00
Total Current Fund	\$10,000.00	\$10,000.00

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

Council Member Chandler made a motion to approve Resolution 2019-2.15, second by Council Member Marciante with all members present voting in favor.

Professional Reports

Mrs. Heinzel stated that she provided an update on the status of ongoing projects. Mrs. Heinzel stated that the Mercer County Clerk will be hosting a passport day here at the Borough on March 6th, 2019. Mrs. Heinzel stated that starting as early as February 11th bridge repairs on Pennington Rocky Hill bridge will be starting. Mrs. Heinzel stated that the road will be closed 24/7 for a period up of to 90 days.

Mr. Meytrott reported that there were two cars in residential driveways that were stolen. Mr. Meytrott stated that police responded, there was a high speed chase involving Hopewell Township which ended on Interstate 295 for safety reasons. Mr. Meytrott stated that both cars were recovered in Newark, one was used in a drive by shooting. Mr. Meytrott stated that prior to this there were a number of cars in the Presidential Hills neighborhood that were stolen. Mr. Meytrott stated that these cars were all unlocked with the keys inside the cars. Mr. Meytrott stated that this incident is part of an ongoing investigation by the Essex County Auto Death Task Force. Mr. Meytrott stated the main message for our resident is lock your cars.

Public Comment

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

Mr. Ben Sanford of Cugino’s Restaurant came forward to inquire about a license agreement that he has requested from the Borough. Mr. Sanford stated that it has been about three years since this process started and the final piece is this license agreement for use of Borough owned property behind the restaurant. Mr. Sanford stated that he has been working with his attorney and the landlord of the property and the Borough Attorney and some things have been lost in the translation. Mr. Sanford stated that the urgency right now is that the current agreement does not address long term use which is something that they want and it does not address the use of the space for employee parking which they also want. Mr. Sanford stated the urgency is that he wants to start construction and he needs to use the property to stage construction equipment and he cannot start construction without a signed license agreement. Mr. Sanford asked if there was an interim solution so that they can use the property prior to the license agreement being signed.

Mr. Bliss asked Mayor Lawver if he could be heard on this. Mr. Bliss stated that this is not the way to expedite this agreement. Mr. Bliss stated that the single best way to handle this is for Mr. Sanford to have his attorney communicate with him. Mr. Bliss stated that today he received a copy of the parking plan indicating how the site is proposed to be modified. Mr. Bliss stated that the attorneys, knowing each client’s prospective position would work out a proposal if possible or if they can’t the public body would be advised by their attorney what the issues are and what has to be decided. Mr. Bliss stated that Council has met and given a very detailed as to what they want in the license agreement and that has in turn been communicated to Mr. Sanford’s attorney. Mr. Bliss stated that Mr. Sanford’s attorney responded with the proviso that this plan would be submitted. Mr. Bliss stated that for the first time, the Borough has the plan as of today.

Mr. Sanford stated that he means no disrespect coming before Council to try to get this expedited, but it has been at least 18 months since the first meeting to discuss the basic idea and structure of the plan. Mr. Sanford stated that whether it is his attorney or just the way things have happened it is now 18 months later and there is still no signed license agreement. Mr. Sanford stated that he is trying to take matters into his own hands as much as possible so that he can get this project started.

Mr. Bliss stated that the best way to get this resolved is through the attorney’s in a business like way. Mr. Lawver stated that we are not in a position to do a long term agreement and our understanding is that the Borough has been looking for information from Mr. Sanford to get this done and the Borough remains in support of getting this resolved, but we can’t do it without covering all of the legal requirements that need to be covered.

Mr. Sanford stated that the proposal was for long term use and he understands that is not possible because the Borough is looking at some options for the property. Mr. Sanford stated that the next thing was to see a parking plan and somewhere along the lines in the past 18 months, something happened.

Mr. Lawver stated that the Borough remains committed to getting this done but Council cannot proceed until Mr. Bliss is satisfied on the legal requirements. Mr. Sanford asked if the proposed agreement could be signed so that he can get started. Mr. Bliss stated that is not possible and he would be happy to discuss that with Mr. Sanford’s attorney. Mr. Bliss stated that the agreement is contingent on the plan and any modifications that are being proposed for the site. Mr. Bliss stated that the existing site plan that was presented to the Planning Board indicates that failing an agreement with the Borough, there is space on the

current property to create a staging area during construction that is needed. Mr. Bliss stated that it would be beneficial to continue the discussion through the attorney's.

Closed Session

AT, 8:05 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
- Personnel – Additional Compensation – Technical Assistant/Tax and Utility Collector

AT, 8:45PM, Mayor and Council returned to open session.

Mayor Lawver asked for a motion to compensate Betty Sterling for her time worked in connection with the positions of Technical Assistant to the Construction Official and Tax and Utility office per the memo submitted by Mrs. Heinzl. Mayor Lawver stated that this is with the understanding that Council will revisit this again in 90 days. Council Member Gnatt made a motion to approve the motion, second by Council Member Chandler with all members present voting in favor.

At 8:45 pm, with no further business to come before Council, Mrs. Gnatt made a motion to adjourn, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk