

**Pennington Borough Council  
Regular Meeting – August 5, 2019**

Council President, Glen Griffiths called the Regular Meeting of the Borough Council to order at 7:02 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Marciante and Semple in attendance. Mayor Lawver and Mrs. Mills were absent.

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

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

Mr. Griffiths read the following statement:

It is with great sadness that we note the passing of Anthony Persichilli, Pennington's longest serving Mayor. From when he was first elected to Council in 2004 until he resigned as Mayor in December of 2018, Mayor Persichilli was a great friend and colleague to Borough employees, elected officials and volunteers that he worked with. He approached every problem with a single focus of making the Pennington community a little better. We are all richer for having had the pleasure of working with Tony and calling him our friend. Our thoughts are with his wife Judy and his countless family and friends.

Mr. Griffiths called for a moment of silence in commemoration of the passing of Mayor Anthony Persichilli.

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

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

Mr. Griffiths 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.

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the June 3<sup>rd</sup>, 2019 Regular Meeting, second by Council Member Marciante with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the July 1<sup>st</sup>, 2019 Regular Meeting, second by Council Member Semple with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Council Member Semple made a motion to approve the minutes of the June 26<sup>th</sup>, 2019 Special Meeting, second by Council Member Semple with all members present voting in favor with the exception of Ms. Semple who abstained.

**Committee Reports**

**Planning & Zoning / Open Space / Personnel** – Mrs. Gnatt reported that there is an item on the agenda concerning Open Space. Mrs. Gnatt stated that the Planning Board did not meet in July. Mrs. Gnatt stated that the Personnel Committee met and letters will be going out regarding excessive absences and poor job performance.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler stated that there is an item on the agenda concerning the Environmental Commission. Mrs. Chandler stated that Economic Development did not meet. Mrs. Chandler stated that the Public Safety Committee met and discussed the position of Administrative Assistant in the Police Department and interviewing for an additional officer.

**Public Works** – Mr. Marciante reported that the Public Works Committee met to discuss the Burd Street redesign, the scope of the project has been shortened to fit within the grant amount. Mr. Marciante stated that the project has been shortened, the State has approved the redesign and the project needs to be awarded by November 18<sup>th</sup>, 2019. Mr. Marciante stated that there was discussion of bundling the Burd Street Project with the Abey Drive/Kings Court project to try to get a better price from bidders.

**Finance / Board of Health** – Mr. Griffiths stated that the Finance Committee and the Board of Health did not meet so he did not have any reports.

**Historic Preservation / Library** – No report due to Mrs. Mills’s absence.

**Parks and Recreation / Shade Tree** – Ms. Semple reported that she had no report for Parks and Recreation. Ms. Semple stated that as per the Public Works report, the new trees are being watered and everything seems to be going well. Ms. Semple stated that the next Shade Tree meeting will be in September.

**Senior Advisory Board** – No report due to Mayor Lawver’s absence.

### **Presentation**

Mr. Griffiths invited Aren Southhall to come forward and make a presentation on an Eagle Scout project that he will be doing.

Mr. Southhall stated that he is an 11<sup>th</sup> grade student at Hopewell Valley Central High School and he is a Life Scout with Troop 44. Mr. Southhall stated that he is currently working on his Eagle Scout project which is a bird blind for the Toll Gate Grammar School as part of their outdoor classroom. Mr. Southhall stated that he is proposing a bird blind as part of the outdoor classroom. Mr. Southhall distributed a document showing the layout of the project. Mr. Southhall stated that the bird blind will border the proposed arboretum that the Borough is working on. Mr. Southhall briefly explained how he came up with the design and what the bird blind will accomplish. Council Members thanked Mr. Southhall for his presentation and voiced their support of the project.

### **Council Discussion**

Mr. Griffiths introduced the discussion of the following ordinance.

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,  
PENNINGTON BOROUGH, NEW JERSEY, CHAPTER 163, SITE PLAN REVIEW, DESIGN  
STANDARDS, AND SPECIFICALLY, SECTION 163-20-10, MAINTENANCE AND REPAIR,  
REQUIRING OWNERS OF MAJOR DEVELOPMENTS TO SUBMIT AND ANNUALLY CERTIFY  
REGULAR MAINTENANCE AND REPAIR OF THIER STORMWATER MANAGEMENT  
MEASURES.**

Mrs. Heinzel stated that this is on for discussion this evening because there are two components of the Ordinance. Mrs. Heinzel stated that she prepared a memo on this which was included in the council packets. Mrs. Heinzel stated that Van Note Harvey has advised the Borough that our municipal stormwater permit is requiring that we ensure that major developments that have stormwater infrastructure on their property are annually reviewing, maintaining and certifying to the Borough that they are maintaining the infrastructure. Mrs. Heinzel stated that this was discussed at the Public Works meeting, because presently the Public Works Department is doing this. Mrs. Heinzel stated that the proposed ordinance is under review by Van Note Harvey and the intention is to introduce the ordinance at the September meeting. Mrs. Heinzel stated that the other piece is that within the stormwater management ordinance is the site plan requirement and the Environmental Commission would like to add an item to the Site Plan Checklist a question pertaining to history of contamination on a property. Mrs. Chandler stated that the Environmental Commission reviews site plan applications to make sure that there are no adverse environmental impacts and they have been doing this for a while. Mrs. Chandler stated that this will ensure that the Environmental Commission is included in the process and ensure that environmental issues are addressed as needed. Mrs. Chandler stated that members of the Environmental Commission were in attendance to address any questions. Mrs. Heinzel stated that these changes are good because it passes the cost of maintenance on to the property owner. Mrs. Heinzel stated that when the Public Works Committee discussed this, a permit fee was considered, but then it was decided that maybe no permit fee would be required, but there would be a fine for non-compliance. Mrs. Heinzel stated that what is nice about a permit is that the Borough is aware that maintenance is taking place. Mrs. Heinzel stated that she has samples from other towns and she will look to see what other towns are charging. Mrs. Chandler stated that she is not in favor of a permit. Mr. Griffiths stated that a formal ordinance will be presented at a future meeting. Mr. Smith reminded Council that as part of the food license process, restaurants with grease traps are required to provide evidence of inspection and this is a similar process.

**Social Affairs Permit – Trenton Cyrus Lodge – October 12, 2019**

**Social Affairs Permit – Pennington Fire Company – November 8, 2019**

Mr. Griffiths stated that there are two social affairs permits for discussion. Mrs. Sterling stated that these are on for discussion so that Borough Council is aware of the events and to ensure that there are no concerns before the Police and Borough Clerk sign off on them. There were no concerns, Mr. Griffiths recommended they be approved.

**Ordinances for Introduction**

Mr. Griffiths read Ordinance by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2019-8**

**AN ORDINANCE OF THE BOROUGH OF PENNINGTON, COUNTY OF  
MERCER, STATE OF NEW JERSEY AUTHORIZING A COLLECTIVE  
BARGAINING AGREEMENT WITH INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL NO. 35**

**WHEREAS**, the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35 have negotiated the terms of a collective bargaining agreement effective January 1, 2018 through December 31, 2020 and renewable in accordance with its terms;

**WHEREAS**, the collective bargaining agreement establishes salaries and other conditions of employment;

**WHEREAS**, a copy of the collective bargaining agreement is available for inspection at the office of the Clerk in Borough Hall;

**WHEREAS**, the Borough desires to adopt this collective bargaining agreement and authorize the salary payments contained therein;

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

1. The collective bargaining agreement negotiated with the International Brotherhood of Teamsters Local No. 35 effective January 1, 2018 through December 31, 2020 and renewable in accordance with its terms, a copy of which is on file in the Office of the Borough Clerk, is hereby incorporated herein by reference and adopted by the Borough of Pennington.
2. In the event that the terms and conditions of the collective bargaining agreement are at variance with the Employee Manual of the Borough of Pennington, the terms and conditions of the collective bargaining agreement shall be controlling.
3. The Mayor and Borough Clerk are hereby authorized to sign and seal the said agreement on behalf of the Borough.
4. All ordinances or portions thereof inconsistent herewith are hereby repealed.
5. This Ordinance shall take effect upon final passage and publication according to law.

Council Member Chandler made a motion to introduce Ordinance 2019-8, second by Council Member Gnatt with all members present voting in favor.

Mr. Griffiths read Ordinance 2019-10 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2019 - 10**

**AN ORDINANCE BY THE BOROUGH OF PENNINGTON PURSUANT TO N.J.S.A. 40A:12-3 ET  
SEQ. AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 1003, LOT 15  
PENNINGTON BOROUGH TAX MAP IN ORDER TO CREATE HOWE'S ARBORETUM AND  
APPROPRIATING THE SUM OF \$50,000 FROM THE PENNINGTON BOROUGH OPEN SPACE  
FUND FOR SAID ACQUISITION.**

**WHEREAS**, the Hopewell Valley Regional School District is the owner of a vacant lot designated as Block 1003, Lot 15 on the Pennington Borough Tax Map behind the Toll Gate School; and

**WHEREAS**, the Borough of Pennington wishes to acquire approximately 2.8 ± acres of said lot in order to create Howe's Arboretum; and

**WHEREAS**, funding is available for this acquisition through the Borough of Pennington Open Space Fund and the utilization of New Jersey Department of Environmental Protection, Green Acres Program Funding; and

**WHEREAS**, N.J.S.A. 40A:12-3 et seq., the New Jersey Local Land and Buildings Law, authorizes the acquisition of real property by a municipality for a public purpose; and

**WHEREAS**, N.J.S.A. 40:12-15.7(a) authorizes a municipality with an Open Space Fund to utilize said funds for the acquisition of lands for recreation and conservation purposes; and

**WHEREAS**, funds are available for the acquisition of the above-referenced portion of Block 1003, Lot 15 Pennington Borough Tax Map from the Open Space fund for the creation of the Howe's Arboretum together with anticipated New Jersey Department Environmental Protection, Green Acres Program funding.

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

1. The Borough of Pennington is hereby authorized and directed to enter into an agreement with the Hopewell Valley Regional School District to acquire title to approximately 2.8 ± acres of land which are a portion of Block 1003, Lot 15 Pennington Borough Tax Map in order to develop the Howe's Arboretum. The Mayor and Clerk of said Borough are hereby authorized and directed to execute an agreement whereby the consideration to be paid by the Borough to the Hopewell Valley Regional School District for said Property shall be in the amount not to exceed thirty four thousand (\$34,000.00) dollars based upon a per acre price of ten thousand (\$10,000.00) per acre.
2. The Borough of Pennington hereby appropriates the total sum of \$50,000.00 to facilitate the above-referenced authorized acquisition. In addition to the not to exceed thirty four thousand (\$34,000.00) dollar consideration to be paid to the Hopewell Valley Regional School District, the additional authorization of \$16,000.00 is intended to cover the cost of acquisition including but not limited to reimbursement to the Hopewell Valley Regional School District for legal services associated with the conveyance, payment to the attorney representing the Borough in connection with said acquisition including obtaining subdivision approval creating a new 2.8 ± acre lot from existing Lot 15, appraisal, surveying, title search and insurance and other miscellaneous expenses associated with the acquisition.
3. The total appropriation hereby authorized in the amount of \$50,000.00 shall be made available through the Pennington Borough Open Space Fund as permitted by law. The Borough anticipates participation in this acquisition through the New Jersey Department Environmental Protection, Green Acres Program. To the degree that Green Acres Funding is received, said funding shall be utilized to offset and contribute towards the cost of acquisition hereby authorized.
4. This Ordinance shall take effect upon its passage and publication as provided for by law.

Council Member Chandler made a motion to introduce Ordinance 2019-10, second by Council Member Gnatt. Mrs. Chandler stated that the actual size of the property is not determined yet but essentially the cost of the property is \$10,000 per acre. Mrs. Chandler stated that this will be funded in part by a grant from Green Acres and in part from the Open Space Fund. Mrs. Chandler stated that her understanding is that the funds received for this property will be used to fund the outdoor education program. Upon a roll call vote all members present voted in favor

Mr. Griffiths read Ordinance 2019-11 by title. Mr. Bliss asked for an amendment to the title that was listed on the agenda so that the title of the ordinance conforms precisely to the title on the easement.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2019 - 11**

**ORDINANCE ACCEPTING GRANT OF EASEMENT TO THE BOROUGH OF  
PENNINGTON FOR PUBLIC RIGHT-OF-WAY ACCESS BETWEEN SOUTH MAIN  
STREET AND THE PROPERTY OF THE PENNINGTON AFRICAN CEMETERY  
ASSOCIATION**

**WHEREAS**, John D. Schragger and Michelle L. Schragger are the owners of property in the Borough of Pennington known as 417 South Main Street, designated on the tax records of the Borough as Lot 12 in Block 1002 ("Schragger Property");

**WHEREAS**, the Pennington African Cemetery Association is the owner of property in the Borough of Pennington designated on the tax records of the Borough of Pennington as Lot 46 in Block 1002 ("PAC Property"), which adjoins the Schragger Property in the rear and includes a 15' wide driveway running to South Main Street along and adjoining the Schragger Property on the north;

**WHEREAS**, the Pennington Borough Planning Board has approved a subdivision of the Schragger Property, with variances, creating Lots 12.01 in Block 1002 fronting on South Main Street and Lot 12.02 in Block 1002 without frontage on the street but adjoining the PAC Property and driveway (Resolution of Memorialization of Application No. P16-002, June 8, 2016);

**WHEREAS**, as part of the approval of subdivision the Planning Board requested an easement to continue the right of the public to use the existing PAC driveway for ingress and egress and requiring that it be granted in the same document as that providing easement rights for the Schragger Property (Resolution of

Memorialization, Condition of Approval 14.b);

**WHEREAS**, the Pennington African Cemetery Association, John D. Schragger and Michelle L. Schragger, and the Borough of Pennington are now proposed parties to the proposed driveway easement attached to this Ordinance (“Driveway Easement”) by which (1) PAC conveys to the Borough of Pennington an easement for ingress and egress between South Main Street and the Pennington African Cemetery, and (b) PAC grants and conveys unto the Schraggers and their successors and assigns a perpetual easement for the purpose of pedestrian and vehicular ingress and egress to Lots 12.01 and 12.02 as further described in the Driveway Easement;

**WHEREAS**, consideration for the Driveway Easement and its terms are described in the easement document and its exhibits, including but not limited to the responsibility of the Schraggers for perpetual maintenance of the easement, including snow removal;

**WHEREAS**, the form of Driveway Easement attached has been reviewed by the attorney for the Pennington Borough Planning Board and determined to be acceptable as to form and content and in compliance with Condition 14.b of the Board approval;

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

1. The proposed Driveway Easement granting the Borough of Pennington an easement for ingress and egress as described above and in the annexed easement document is hereby accepted and approved on behalf of the Borough.
2. The Mayor, with the attestation of the Borough Clerk, is authorized to execute the Driveway Easement on behalf of the Borough and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

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

Council Member Semple made a motion to introduce Ordinance 2019-11, second by Council Member Gnatt. Mrs. Chandler stated that she does not feel comfortable at all with this ordinance because she does not feel that she has enough information. Mrs. Chandler stated that she thought this was a court matter and would not require action by Council. Mr. Marciante asked if all parties agreed to this easement. Mrs. Chandler stated given the history, Council should have people here to speak on this. Mr. Bliss stated that this is a condition of approval and there is agreement as he understands it. Mrs. Chandler asked what would happen if the Borough does not approve this ordinance. Mr. Bliss stated that would be a question for the planning board. Mrs. Chandler stated that she did not understand why the Borough is involved because this is not Borough property. Mr. Bliss stated that this comes from a Planning Board Sub-division with Variances and part of the public interest in granting the variance is to ensure public ingress/egress to the cemetery. Mrs. Heinzl stated that as she understands it, all this easement does is ensure that the public has access to the cemetery. Mr. Bliss explained that there are three parties involved and the Borough is involved only to the extent of accepting a public access ingress/egress easement. Mr. Bliss stated that maintenance of the easement is the responsibility of the property owner, Mr. Schragger. Mr. Bliss stated that the owner will have to improve the access and stabilize the actual driveway to be able to host emergency vehicles. Mr. Bliss stated that easement is not the Borough’s idea, it is the Planning Boards condition of approval for the sub-division because in order to establish a variance, you must establish a public benefit. Mr. Bliss stated that the Planning Board Attorney, Ed Schmierer has reviewed the easement and found it to be in compliance with the Planning Board resolution. Mrs. Chandler asked if both parties were informed that this was coming before Council tonight. Mrs. Heinzl stated that she will notify the parties regarding public hearing and adoption of the ordinance. Upon a roll call vote all members present voted in favor.

## **NEW BUSINESS**

### **BOROUGH OF PENNINGTON RESOLUTION #2019 – 8.1**

There were no refunds for July.

### **BOROUGH OF PENNINGTON RESOLUTION #2019 – 8.2**

### **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 \$2,156,747.03 from the following accounts:

Current	\$1,721,580.77
W/S Operating	\$ 148,862.94
Grant Fund	\$ 2,920.00
Developer’s Escrow	\$ 9,245.50
General Capital	\$ 1,452.75
Other Trust Fund	\$ 272,674.27
Animal Control	\$ 10.80
TOTAL	\$2,156,747.03

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				absent
Griffiths	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2019-2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 - 8.3**

**RESOLUTION AUTHORIZING PAYMENT OF TRI-STATE LIGHT AND  
ENERGY, INC. FOR INSTALLATION OF ENERGY-EFFICIENT  
MEASURES AT THE SENIOR CENTER**

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

**WHEREAS**, pursuant to the Direct Install Application and Participation Agreement, Tri-State has installed the contemplated energy efficiency retrofit measures as described in the attached Tri-State Invoice No. 1114 and related Measure Acceptance Form, for the net-of-subsidy amount of \$3,753.01;

**WHEREAS**, this amount is \$69.95 in excess of the amount authorized by Resolution 2018-10.9 which was the basis for the work;

**WHEREAS**, the described work has been completed and reviewed and approved by the Borough Administrator who recommends payment in full;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for this expenditure in Account C-04-18-014-000-250;

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

1. The Borough Administrator is hereby authorized to pay the attached invoice in the amount \$3,753.01, the same to represent the Borough’s first and final payment to Tri-State Light & Energy Systems, Inc.
2. Resolution 2018-10.9 is hereby superseded to the extent needed to effect this payment.

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				absent
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2019-8.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 8.4**

**RESOLUTION SUPPORTING THE PAINTING OF BIKE SHARROWS ON INGLESIDE AVENUE BETWEEN SOUTH MAIN STREET AND ROUTE 31 TOGETHER WITH THE PAINTING OF A TRIAL MINI-ROUNDAABOUT AT THE INTERSECTION OF BURD STREET AND INGLESIDE AVENUE**

**WHEREAS**, Mercer County has advised the Borough of Pennington that as part of its repaving of Ingleside Avenue (County Route 631) it has painted a trial mini roundabout at the intersection of Burd Street and Ingleside Avenue as well as bike sharrows on Ingleside Avenue between South Main Street and Route 31; and

**WHEREAS**, the bike sharrows are intended to integrate Ingleside Avenue into the CR546 Bikeway Plan which is part of the Mercer County Bicycle Master Plan Element; and

**WHEREAS**, the mini roundabout is painted on a trial basis and the county intends to observe motorists use of the roundabout into the spring of 2020 so that it can make modifications as needed; and

**WHEREAS**, these improvements were made as part of the paving of Ingleside Avenue (County Route 631) at no cost to the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, with the endorsement of the Mayor, that it supports and endorses the painting of the trial mini roundabout and bike sharrows as described above.

**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				absent
Griffiths	X				Semple	S			

Council Member Chandler made a motion to approve Resolution 2019-8.4, second by Council Member Semple. Mrs. Heinzl stated that Mercer County plans to leave this as minimal as possible and the County is planning to paint the inside of the circle and they will be observing over the next six months. Mrs. Chandler stated that as long as the bike sharrows are not directing people to Route 31 than she is ok with them. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 - 8.5**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR REPAIRS AND IMPROVEMENTS TO THE READING STREET SENIOR CENTER**

**WHEREAS**, the Senior Center at 395 Reading Street in the Borough of Pennington, also known as the Hopewell Valley Senior Center, is a facility used by senior citizens from Pennington Borough, Hopewell Borough and Hopewell Township;

**WHEREAS**, in October of 2017, Pennington Borough, Hopewell Borough and Hopewell Township each adopted resolutions affirming their support for the undertaking of needed repairs and upgrades to the Senior Center and agreeing to work together to secure grant funds through the Mercer County Senior Center Grant Program combined with community donations and in kind donations for this purpose;

**WHEREAS**, on June 25, 2018, Pennington Borough, Hopewell Borough and Hopewell Township entered into an agreement by which they agreed to split the match requirement under the Grant Program based on the proportionate use of the building and senior services by their respective residents;

**WHEREAS**, on February 26, 2019, on behalf of the cooperating municipalities, the

Borough of Pennington entered into a grant agreement with the County of Mercer that will provide needed funding for the project when matched by the three municipalities, the agreement also recognizing that in-kind services may substitute for cash expenditures in meeting the match requirements;

**WHEREAS**, the Borough, on behalf of the cooperating municipalities, has now advertised for bids, as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., for performance of needed repairs and renovations, to be coordinated with work donated by other sources;

**WHEREAS**, the Borough advertised for bids on June 14, 2019 and June 28, 2019, bid documents were obtained by five prospective bidders, and on July 23, 2019, at the date and time advertised for receipt of bids, one bid was received;

**WHEREAS**, the bid received was from George Koustas Painting and Construction LLC of West Long Branch, New Jersey (“Koustas”), which in accordance with bid instructions, provided a Base Bid of \$217,000 and separate bids on each of five (5) Alternate Items;

**WHEREAS**, the Koustas bid documents have been reviewed by Mark Kataryniak, P.E., Engineer for Hopewell Township who is serving as the project engineer for this project (“Engineer”);

**WHEREAS**, with respect to the Base Bid, the Engineer finds the Koustas base bid of \$217,000 to be responsive and balanced based on the Engineer’s Estimate prepared for the project;

**WHEREAS**, with respect to the Alternate Bids, the Engineer recommends that the Borough include in the contract award Alternate Item 4 (relocation of existing wall-mounted heaters in restrooms) and 5 (installation of vinyl siding on rear exterior wall in the area of the removed chimney) to provide enhancements to the project within budget, increasing the awarded contract amount by \$7,000;

**WHEREAS**, the Engineer recommends that the Borough award the contract to Koustas as the lowest responsible bidder in the total amount of \$224,000, upon certification by the Borough that the funds are available;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the project in Account # C-16-18-014-000-250;

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

1. The contract entitled “Repairs and Renovations to Reading Street Senior Center in Pennington Borough” is hereby awarded to George Koustas Painting and Construction LLC of West Long Branch, New Jersey for the total contract price of \$224,000.00 (Base Bid plus Alternates 4 and 5).
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the aforesaid contract on behalf of the Borough upon confirmation by the Borough Attorney that Koustas has submitted satisfactory contract documents, performance and payment bonds and other documents required to be submitted after award in conformance with the bid specifications.

**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				absent
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2019-8.5, second by Council Member Chandler. Mrs. Heinzl asked Mr. Mark Kataryniak, Township Engineer to come forward. Mrs. Heinzl stated that Mr. Kataryniak was involved in preparing the bid specifications for the project. Mr. Kataryniak came to make a presentation and answer any questions that Council members might have. Mr. Kataryniak stated that Randi Kneckel, Senior Services Coordinator is also in attendance. Mr. Kataryniak distributed a summary sheet to Council members. Mr. Kataryniak stated that this is a joint project between the two Boroughs and the Township and it involves funds from Mercer County. Mr. Kataryniak stated that the scope of work and the approach to the project will accomplish what needs to be done with limited disruption to services. Mr. Kataryniak stated that the Senior Center will remain open in the morning from 8 to 12:30 to



allow continuation of the lunch program and the contractor will begin work at 12:30 and he will work up to 8 pm. Mr. Kataryniak stated that afternoon programs will be held at alternate locations. Mr. Kataryniak stated that the contractor will be permitted to work during the morning hours as long as the morning programs and lunch programs are not disrupted. Mr. Kataryniak stated that in the fall of 2017, paving and sidewalk repairs were done and this project includes some site improvements that will round off that work. Mr. Kataryniak stated that bollard lighting will be replaced, sidewalk improvements and remaining exterior work will be completed in coordination with the donated siding and roofing work. Mr. Kataryniak stated that this contract included replacement of the entrance doors, ADA controls, trim on windows, thresholds on doors and all new gutters and downspouts. Mr. Kataryniak stated that interior work consists of repair and repainting of walls, replacing ceiling tiles and repair of ceiling grids, replacement of all flooring, upgrades to utility rooms, correcting code situations, replacement of registers, replacement of bathroom handicap fixtures, kitchen upgrades including new appliances and countertops. Mr. Kataryniak stated that this bid was packaged with some alternatives and for this type of project it is a good idea, so that if the bid comes in favorably there is some room to include items that might not necessarily have been part of the project otherwise. Mr. Kataryniak stated that some adds and deducts were included in the recommendation, one is an add on for doing the siding on the one side of the building where the chimney is in case the chimney is not done when the volunteer is ready to do the siding and the other add on is to relocate the supplemental heaters in the rest rooms because presently they are in the worst possible location relative to the toilets. Mr. Kataryniak stated that the price was not favorable for installation of the ceiling tiles so it was decided that the tiles will be delivered but then installed by Borough employees. Mr. Kataryniak stated that he anticipates that work could be completed by the end of the year. Mr. Kataryniak stated that the contractor has done this type of work before on a project in Trenton. Mr. Kataryniak stated that he will be managing the contract on behalf of the Borough. Mr. Griffiths stated that a letter should be mailed to Hopewell Township thanking Mr. Kataryniak for his assistance with this project. Upon a roll call vote all members present voted in favor.

Mr. Griffiths asked that Resolution 2019-8.6 and 2019-8.7 be considered together. Council Member Chandler made a motion to approve Resolutions 2019-8.6 and 2019-8.7, second by Council Member Marcianti with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 8.6**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF  
MONTGOMERY FOR HEALTH SERVICES**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.) and Title 8, Chapter 52 of the New Jersey Administrative Code, the Borough of Pennington seeks to enter into a contract with the Township of Montgomery (“Montgomery”) for the provision of Health Services to the Borough;

**WHEREAS**, the Montgomery Health Department is an experienced health services agency qualified to perform public health services as provided by law, currently serving 23,000 Montgomery residents in Somerset County;

**WHEREAS**, the Montgomery Health Department will provide health services to the Borough of a technical and professional nature as required by N.J.S.A. 26:A2-1, et seq., N.J.S.A. 40A:65-1 et seq., and N.J.S.A. 26:1A-15;

**WHEREAS**, the Montgomery Health Department will be responsible for Public Health Administration, Health Education, Environmental Health and Adult Preventive Health Programs in the Borough;

**WHEREAS**, all services performed by the Montgomery Health Department on behalf of the Borough shall use either Health Department staff or contracts with outside public health agencies and shall comply with all applicable State laws, regulations and standards, including the standards set forth in Title 8, Chapter 52 of the New Jersey Administrative Code;

**WHEREAS**, Montgomery represents that it currently has the following staffing:

- \* Health Officer
- \* Two (2) Registered Environmental Health Specialists;
- \* Administrative Assistant;
- \* Contract Consulting Health Educator;
- \* Contract nursing/immunization audits from the Community Visiting Nurse Association;
- \* Women’s Health and cancer screenings through Women’s Health & Counseling Center of Somerville;

\* Adolescent Health Services from HiTops of Princeton;

\* A Communicable Disease Investigator/REHS, to handle routine communicable disease investigations. More complex outbreaks will require consultation with the regional Epidemiologist at Mercer County Division of Health. Tuberculosis investigations will be transferred to the State-designated regional chest clinic;

**WHEREAS**, the Montgomery Health Department will provide properly licensed personnel within the jurisdiction of the Borough to carry out the public health activities described under “Scope of Services” in the attached Agreement;

**WHEREAS**, Montgomery will not be responsible for providing the services described under “Exclusions” in the attached Agreement;

**WHEREAS**, Montgomery will also provide coverage for all after-hours emergency responses, with all after-hours calls to be directed to the Montgomery Police Emergency Communications Center (through Somerset County Dispatch), which will contact the appropriate individual for response;

**WHEREAS**, the Montgomery Health Officer will participate on the Borough’s behalf in Mercer County’s Governmental Public Health Partnership, which is responsible for regional Community Health Improvement Planning and regional Community Public Health Partnerships;

**WHEREAS**, the Montgomery Health Department will also partner on the Borough’s behalf with local community stakeholders, including Visiting Nurses, local hospitals, school districts and the Municipal Alliance;

**WHEREAS**, it is understood that the fee for Montgomery’s services under the contract will be based on a per capita allocation of direct costs associated with performing the services described above, including employee salary, office expenses, subcontractor agreements, equipment and supplies, and personnel training, with the addition of costs for excess mileage and participation in the Mercer Governmental Public Health Partnership;

**WHEREAS**, the proposed agreement is for a three year period with renewals annually, meaning that it can be effectively terminated, on prescribed notice, at the end of each year;

**WHEREAS**, the fees for services reflect an annual increase, with the understanding that if the actual cost of services exceeds the fee in a given year, or, conversely, there is a decline in costs, Montgomery reserves the right to provide the Borough a revised fee for the following year based upon such actual increase or decrease in costs;

**WHEREAS**, the annual fees which the Borough agrees to pay to Montgomery for services under the contract are as follows:

January 1, 2020 - December 31, 2020:	\$44,680.00
January 1, 2021 - December 31, 2021:	\$45,570.00
January 1, 2022 - December 31, 2022:	\$46,480.00

**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 a shared services agreement with Montgomery Township for the provision of health services, such agreement to comply in substance with the above recitals and to conform in substance with the proposed agreement annexed to this resolution, subject to final approval as to form by the Borough Attorney.

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 8.7**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MONTGOMERY FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.), the Borough of Pennington seeks to enter into a contract with the Township of Montgomery (“Montgomery”) for the provision of Animal Control Services to the Borough;

**WHEREAS**, Montgomery provides full-service Animal Control to its 23,000 residents and also provides impound and shelter services to South Brunswick Township and Rocky Hill Borough;

**WHEREAS**, Montgomery will provide Animal Control Services to the Borough equivalent to the services it provides its own municipality, using Montgomery's own staff or through contracts with outside agencies;

**WHEREAS**, without limiting the generality of the foregoing, Montgomery will provide a licensed Animal Control Officer and Animal Control Investigator to perform services in accordance with Best Practices promulgated by the New Jersey Department of Health, including but not limited to:

1. respond timely to calls and complaints concerning lost, stray, injured or nuisance domestic animals, as well as suspect rabid wild or domestic animals and vicious dogs;
2. capture stray domestic animals;
3. capture wild animals rabies vectors (eg., raccoons, skunks, groundhogs, foxes and bats) threatening the safety and health of residents;
4. investigate reports of animal bite incidents and vicious dogs, with seizure and impoundment of dogs meeting criteria for being vicious dogs under State law;
5. transport captured animals to impoundment facility;
6. evaluate captured animals being transported as to need for emergency veterinary care and contact veterinarian when necessary;
7. care for, feed and maintain sanitation of animals in the public pound and observe their physical condition and behavior;
8. promote the adoption of animals and support their spaying and neutering;
9. capture, impound and arrange for humane destruction of suspect rabid animals;
10. transport suspect rabies specimens for analysis at the State Public Health Laboratory;
11. investigate animal neglect and cruelty incidents;
12. investigate complaints regarding stray animals and licensed and unlicensed domesticated animals;
13. follow-up of routine dog bites, monitoring and release from home confinement;
14. patrol as appropriate for stray cats and dogs;
15. keep records to document all calls, activities and animals picked up, including the disposition of each animal;
16. issue summons for violations of local or state animal control regulations.

**WHEREAS**, Montgomery will impound and otherwise house animals from the Borough as needed at Montgomery's municipal kennel facility, and Montgomery shall provide all normal and customary kennel services that it provides to its own impounded animals;

**WHEREAS**, Borough residents redeeming or surrendering animals must pay applicable Montgomery shelter fees and these fees will be retained by Montgomery as a host community benefit;

**WHEREAS**, determination of adoptability or need for euthanasia of any animal will be at the discretion of Montgomery subject to applicable state laws;

**WHEREAS**, Montgomery will provide coverage for after-hours response to animal control emergencies, which shall include but not be limited to:

1. any sick or threatening animal;
2. animal cruelty;
3. bats in house, if there is possible exposure;
4. dogs at large that are being held by resident or police;

**WHEREAS**, Montgomery will provide veterinary and animal handling support for one annual rabies vaccination clinic for cats and dogs, at a time and location determined by mutual agreement, with the Borough responsible for providing clerical/administrative support for this clinic;

**WHEREAS**, Montgomery will provide a monthly report documenting its activities and will maintain associated files according to New Jersey Records Retention standards;

**WHEREAS**, all services performed under the contract will be performed in accordance with applicable State standards, laws and regulations;

**WHEREAS**, the following services are not to be covered by the contract:

1. issuance of dog licenses (which shall remain the Borough’s responsibility);
2. capture of nuisance wildlife not presenting a threat to health and safety;
3. deer carcass removal;
4. dog census (which would require an extra fee);
5. initial “Notice of Bite and Confinement” reports (usually prepared by Police Department and forwarded to Animal Control for follow-up);
5. activities commonly known as “Trap/Neuter/Release” or Managed Feral Cat Colonies (with the understanding that Montgomery animal control policy does not support feral cat colonies), Township policy does not recognize feral cat colonies, but encourages responsible pet ownership;

**WHEREAS**, it is understood that the services provided by Montgomery shall include manpower, vehicle costs, veterinarian bills, euthanasia costs, adoption costs and, except as otherwise specified, all other costs it incurs related to work under the contract;

**WHEREAS**, it is further understood that the fee for Montgomery’s services under the contract is based on a per capita allocation of direct costs associated with performing the services described above, including employee salary, office expenses, subcontractor agreements, equipment and supplies, and personnel training, with additional costs for excess mileage and overtime;

**WHEREAS**, the proposed shared services agreement is for a three year period with renewals annually, meaning that it can be effectively terminated, on notice, at the end of each year;

**WHEREAS**, the fees for services reflect an annual increase, with the understanding that if the actual cost of services exceeds the fee in a given year, or, conversely, there is a decline in costs, Montgomery reserves the right to provide the Borough a revised fee for the following year based upon such actual increase or decrease in costs;

**WHEREAS**, the annual fees agreed to be paid to Montgomery for services under the contract are as follows:

January 1, 2020 - December 31, 2020:	\$11,600.00
January 1, 2021 - December 31, 2021:	\$11,800.00
January 1, 2022 - December 31, 2022:	\$12,000.00

**WHEREAS**, the form of agreement proposed by Montgomery Township is attached;

**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 a shared services agreement with Montgomery Township complying in substance with the form attached and the related contract proposal, incorporating Best Practices as aforesaid, and subject to approval as to form by the Borough Attorney.

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

**Professional Reports**

Mrs. Chandler asked if there have been any calls or concerns regarding the once a week collection during July and August. Mrs. Heinzl stated that there have been some questions but not many complaints. Mr. Smith stated that the biggest concern that he has heard is that the months of July and August are not good because of the heat. Mr. Smith stated that the overhaul on the old garbage truck is complete and he will be picking the truck up tomorrow. Mr. Smith stated that he has no reason to believe that it will cost more than the approved amount. Mr. Griffiths stated that Mr. Smith shared a document with him and in the future if the Borough purchases another truck or puts a new engine in a truck, there may be an opportunity to get some

reimbursement.

Mrs. Heinzel stated that Will Titus who interned for the Borough for the summer is done and he did a great job working on a plan for resident communications and working on budget charts. Mrs. Chandler stated that hiring interns is a great way to work with the schools to get projects done.

Mrs. Heinzel stated that a resident on Reading Street sent a request to close the road for a block party on September 7<sup>th</sup>. Mrs. Heinzel stated that they are not asking to use the Senior Center parking lot. Mrs. Heinzel suggested putting a barrier up to block off the Senior Center as private property but Council Members were not in favor of that.

Mr. Marciante stated that Voorhees Avenue will be holding their block party on the 1<sup>st</sup> Monday of September.

### **Public Comment**

Mr. Griffiths 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.

There were no comments from the public.

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

Council Member Chandler made a motion to approve the minutes of the June 3<sup>rd</sup>, 2019 Closed Session, second by Council Member Gnatt with all members present voting in favor.

Council Member Gnatt made a motion to approve the minutes of the July 1<sup>st</sup>, 2019 Closed Session, second by Council Member Semple with all members present voting in favor with the exception of Mrs. Chandler who abstained.

At 7:55 PM, with no further business to come before Council, Mr. Marciante made a motion to adjourn, second by Council Member Semple.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk