

**Pennington Borough Council
Regular Meeting – September 5, 2017**

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

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

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

Mayor Persichilli asked everyone to stand for the flag salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

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

There were no comments from the public.

Mayor's Business

Mayor Persichilli announced that the November Council Meeting scheduled for November 5, 2017 is being changed to November 13, 2017.

Approval of Minutes

Council Member Lawver made a motion to approve the minutes of the August 7, 2017, Regular Meeting, second by Council Member Mills with all members present voting in favor with the exception of Mr. Griffiths who abstained.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gantt stated that no meetings were held for Planning Board or Open Space.

Public Safety / Personnel – Mr. Marciante stated that the Police Department is still down one officer who is out on worker's compensation until the end of September. Mr. Marciante stated that this Saturday there will be a 9-11 celebration at Woolsey Park in Hopewell Township. Mr. Marciante stated that Pennington Police Officers will begin using body worn cameras this week.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that the punch list for King George Road and Park Avenue is still being negotiated. Mr. Lawver stated that the Committee has asked that the four speedbumps that are not in compliance with the plans be brought up to the specifications that are in the plans. Mr. Lawver stated that we are not requesting that the contractor take the speedbumps up to six inches that was previously discussed because of the cost. Mr. Lawver stated that the committee did an initial review of a proposed revision to our Stormwater Management Ordinance and at this point we are trying to understand who is pushing for the changes and why because the changes seem to make everything pretty onerous.

Mr. Lawver stated that with regard to Shade Tree, removal of 28 trees throughout the Borough commenced but has since been halted by PSE&G. Mr. Lawver stated that Rich Tree Service does not have the required certification to work on trees within twelve feet of power lines. Mr. Lawver stated that Rich Tree Service reached an agreement with PSE&G that they would come and supervise as the work is being done. Mr. Lawver stated that going forward PSE&G will be charging contractors found to be working on trees within twelve feet of a power line. Mr. Marciante asked if this will be part of the State Contracts. Mr. Bliss stated assumedly it will be in the bid specifications for State Contracts when the State goes out to bid. Mr. Lawver stated that his understanding is that this is a relatively new requirement by PSE&G and in the past they have been more lenient with enforcement if you were a reputable tree company with other certifications. Mr. Lawver stated that in this case, PSE&G happened to be in town and noticed Rich Tree Service. Mr. Lawver stated that this will not be a cost to the Borough however it is slowing the process down. Mr. Lawver stated that he is anxious to have the "sticks" that were left removed because they are raising a lot of questions. Mr. Lawver stated that the Shade Tree Committee will be meeting next Monday to discuss a replacement plan for the trees that are being removed.

Mr. Lawver stated that the Senior Advisory Board recently heard a presentation regarding the survey results. Mr. Lawver stated that the Board is not happy with the results. Mr. Lawver stated that he has not heard yet whether the question has been answered as to whether the Borough can use Mercer County grant funds to make repairs to the current Senior Center if and when the volunteer initiative led by Paul Pogorzelski does not lead to sufficient repairs being done. Mr. Lawver stated that he has talked to Liz Muoio and Mayor Persichilli has also talked to her and as yet we have not heard anything. Mayor Persichilli stated that Mrs. Heinzel is in contact with Paul Pogorzelski. Mr. Lawver stated that Mercer County has indicated that they are ready to pave the drive way and parking lot and we have told them to hold off until we know what is happening with the building. Mayor Persichilli stated that the Senior Advisory Board has welcomed Vanessa Sandom as their newest member. Mr. Marcianti asked if Pennington Borough has to get permission from the two Hopewells before applying for grant funds from Mercer County. Mayor Persichilli stated that we are only talking about our share of the funds; we did not approach the other municipalities to let them know. Mr. Marcianti stated that we should talk to them because it is Pennington Borough's building. Mayor Persichilli stated that the real question is does the Borough want to spend our portion alone to fix the building or do we want help from Hopewell Township and Hopewell Borough to make the repairs. Mayor Persichilli stated that if we fix the building and then they decide they don't want to use the building anymore, then what? Mr. Lawver stated that in his opinion if the senior center were not on that property it would be surplus property for the Borough. Mayor Persichilli stated that he will be seeing County Executive Brian Hughes and he will ask about the funds. Mr. Griffiths stated that the County was the ones that wanted the center to stay open particularly for the Senior Lunch Program.

Parks and Recreation – Mrs. Mills reported that the Library Board did not meet in July or August but they have many programs coming up. Mrs. Mills reviewed the upcoming programs for September.

Mrs. Mills reported that the August "Third Thursday" concert at Howe Commons was a real hit with a performance by local band Castle Lane. Mrs. Mills stated that at the July concert, Antimo's Italian Kitchen came to sell brick oven pizza and refreshments and since that went ok, they also came to the August concert and it went well so the committee may be continuing this from now on. Mrs. Mills reported that the rescheduled Jack Furlong concert was not as well attended as the Third Thursday concert although the folks that came out for the concert did enjoy it. Mrs. Mills reported that Trail Day will be held on September 21st at Kunkel Park. Mrs. Mills stated that on Sunday, October 8th, Parks and Recreation will host Kunkel Park after Dark Movie Night featuring Hotel Transylvania.

Finance – Mr. Griffiths stated that he handed out a copy of an e-mail that he sent regarding water and sewer collections. Mr. Griffiths stated that we have had problems hitting our forecast numbers in the past and Council may recall that this year there were two rate increases and at this time we are looking a little better. Mr. Griffiths stated that at the end of August 2017 we are about 3 percent ahead of collections as compared to the same time last year. Mr. Griffiths stated that we have forecast the same amount in revenue that we had last year so that should put us above our goal for August. Mr. Griffiths stated that he has also laid out some goals for the last four months of the year. Mr. Griffiths stated that if we collect \$201,000 in September and \$219,000 in December we should exceed our forecast and given the ratios that he has been using we should actually come in at closer to \$1.2 million dollars which is about \$60,000 over what was forecast. Mr. Griffiths stated that hopefully we are on track to eliminate the disparity between what is forecast and what is actually collected that we have experienced for the last several years.

Mayor Persichilli stated that the e-mail refers to raising interest rates. Mr. Griffiths stated that Brandywine Assisted Living owes approximately \$70,000. Mr. Griffiths stated that his question to the Chief Financial Officer is do we have the option to raise the interest rate.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler was absent – no report.

Council Discussion

Block Party – Voorhees Avenue – September 9, 2017 – Mayor Persichilli asked if anyone had concerns about this request. Council Members had no issues with the request.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2017-12 by title.

BOROUGH OF PENNINGTON ORDINANCE NO. 2017- 12

AN ORDINANCE DIRECTING INSTALLATION OF A STOP SIGN ON VOORHEES AVENUE AT ITS INTERSECTION WITH BURD STREET, AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, the Public Safety Committee of Borough Council has recommended installation of a stop sign on Voorhees Avenue at its intersection with Burd Street in the Borough;

WHEREAS, Borough Council has determined that installation of the recommended stop sign will further traffic safety at the intersection;

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

1. Chapter 200, Article II, of the Code of the Borough of Pennington, at Section 200-6, designating Stop Intersections in the Borough and directing installation of related stop signs, is hereby amended by the insertion of the following additional stop intersection and stop sign, in alphabetic order, with new language underlined:

Section 200-6. Stop intersections.

Intersection	Stop Sign On
* * *	* * *
<u>Voorhees Avenue and Burd Street</u>	<u>Voorhees Avenue</u>

2. This Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2017-12, second by Council Member Lawver. There were no comments from the Public. Council Member Lawver made a motion to close the Public Hearing, second by Council Member Mills with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2017-12, second by Council Member Gantt with all members present voting in favor.

Mayor Persichilli read Ordinance 2017-13 by title. Mayor Persichilli announced that the Public Hearing on Ordinance 2017-13 is cancelled and a revised Ordinance will be introduced later in the meeting.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-13**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A BACKHOE IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$58,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$55,100 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Mayor Persichilli read Ordinance 2017-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-14**

BOND ORDINANCE PROVIDING FOR BOROUGH HALL RENOVATIONS IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 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 \$1,000,000, including the sum of \$50,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 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 Borough Hall renovations, including, but not limited to, HVAC improvements, roof replacement, replacement of windows, improvements to parking lot, improvements to public restrooms and improvements to the Police Department, municipal offices, council chambers, courtroom office, violations bureau, construction office, library and public hallway, including work and

materials necessary therefor and incidental thereto and further including all related costs, architect fees, and expenditures incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. 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. 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 \$950,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$85,000 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 to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The

obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Council Member Lawver made a motion to open the Public Hearing on Ordinance 2017-14, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2017-14, second by Council Member Marcianti with all members present voting in favor.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2017-15 by title.

BOROUGH OF PENNINGTON ORDINANCE 2017-15

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A BACKHOE IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$65,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$61,750 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 \$65,000, including the sum of \$3,250 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$61,750 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 acquisition of a backhoe with mower and pallet fork attachments, including all related costs and expenditures incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. 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. 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 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$61,750, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$4,000 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 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 Griffiths made a motion to introduce Ordinance 2017-15, second by Council Member Mills. Mr. Lawver asked why this is being changed. Mr. Smith stated that the original quote did not include the cab. Mr. Griffiths asked if this would be purchased this year and when the payments would begin. Mrs. Sterling stated that \$50,000 was budgeted this year towards this purchase and the balance can be budgeted next year. Upon a roll call vote all members present voted in favor.

New Business

BOROUGH OF PENNINGTON RESOLUTION #2017 – 9.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, P.O. Box 14506, Des Moines, IA 50306-9395, for refund of overpayment of 2017 third quarter taxes, Block 1001, Lot 7, also known as 29 Baldwin Street, in the amount of \$667.00.

BE IT RESOLVED, that a refund be issued to DiTech Mortgage c/o Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for refund of overpayment of 2017 third quarter taxes, Block 301.01, Lot 1, also known as 27-29 East Delaware Avenue, in the amount of \$2,153.76.

BE IT RESOLVED, that a refund be issued to PNC Mortgage c/o Corelogic Centralized Refunds,

PO Box 9202, Coppell, TX 75019-9760 , for refund of overpayment of 2017 third quarter taxes, Block 703, Lot 24, also known as 236 South Main Street, in the amount of \$2,224.99.

BE IT RESOLVED, that a refund be issued to TD Bank c/o Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760 , for refund of overpayment of 2017 third quarter taxes, Block 801, Lot 19, also known as 17 East Curlis Avenue, in the amount of \$3,318.34.

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

Council Member Lawver made a motion to approve Resolution 2017-9.1, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 9.2**

RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,534,784.36 from the following accounts:

Current	\$ 1,509,636.13
W/S Operating	\$ 22,679.48
Grant Fund	\$ 2,468.75
TOTAL	\$ 1,534,784.36

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

Council Member Marciante made a motion to approve Resolution 2017-9.2, second by Council Member Gnatt. Mr. Lawver stated that he was shocked by the \$207.00 freight charge on an \$800.00 charge for two new grills for Kunkel Park. Mr. Griffiths stated that is the going rate for interstate commerce. Mr. Smith stated that the grills were delivered because it would have been a two hour drive to pick them up. Mr. Smith stated that they were delivered on pallets and they are quite heavy. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-9.3**

RESOLUTION AUTHORIZING RETENTION OF PROFESSIONAL ARBORIST FOR DEVELOPMENT OF ARBORETUM MASTER PLAN USING GRANT FUNDS SUPPLIED BY THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC)

WHEREAS, by Resolution 2017-4.4 Borough Council authorized the Environmental Commission to apply for a 2017 grant in the amount of \$1,500. from the Association of New Jersey Environmental Commissions (ANJEC) to hire an arborist to study the woods behind the Toll Gate School and to develop a plan for the creation of an arboretum there, featuring native trees;

WHEREAS, the woods in question, known as “Howe’s Habitat, ” consist of approximately 2.8 acres at the rear of the school property and includes a small stream and a walking trail used mostly by school children;

WHEREAS, the woods have become overgrown with weeds and invasive species and include as well a number of ash trees which are expected to die over the next five years due to “emerald ash borer;”

WHEREAS, in the same Resolution, Borough Council voiced support for the proposed project and

directed the Borough Administrator to work with the Environmental Commission to submit an appropriate grant application to ANJEC on behalf of the Commission;

WHEREAS, the grant application later submitted to ANJEC represented that transition of the woods into a planned arboretum will require years and the ANSEC grant funds will be used to hire a professional arborist to survey and assess the area and offer guidance for subsequent development of an Arboretum Master Plan;

WHEREAS, the Business Administrator of the Hopewell Valley Regional School District has given permission for the project to proceed;

WHEREAS, the grant application to ANJEC also represented that the Borough’s Open Space Committee has endorsed the use of Open Space funds to subsequently develop and implement such Master Plan;

WHEREAS, ANJEC has awarded a grant for \$1,500 as requested, subject to the terms of ANJEC’s specifications for the grant and the representations of the Environmental Commission and the Borough contained in the grant application;

WHEREAS, the work of the arborist in developing the Arboretum Master Plan will be assisted by collaboration with the Friends of Hopewell Valley Open Space and the Borough’s Open Space and Shade Tree Committees and more than 80 hours of volunteer time;

WHEREAS, it is anticipated that the Arboretum Master Plan will define discreet phases for the development of the woods in sectors of defined lots of approximately 500 to 1,000 square feet each;

WHEREAS, removal of invasive species and diseased trees and planting of new native trees will be accomplished over a period of years;

WHEREAS, the arborist Council proposes to retain for development of the Arboretum Master Plan is Michael Van Clef, PhD., President of Ecological Solutions, LLC, Great Meadows, New Jersey, who is also Stewardship Director for the Friends of Hopewell Valley Open Space;

WHEREAS, the proposal for the work by Dr. Van Clef, providing for a total cost of \$1,500 for a minimum of 25 hours, is attached to this Resolution;

WHEREAS, the total funds required to fund the proposed work by Dr. Van Clef, in the amount of \$1,500. are available;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor or Business Administrator, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services contract with Michael Van Clef for the proposed work as set forth in the annexed proposal, by purchase order or in such other form as may be approved by the Borough Attorney in conformance with the specifications for the ANJEC grant and the representations contained in the grant application by the Borough Environmental Commission, in an amount not to exceed \$1,500; and

BE IT FURTHER RESOLVED, that the Administrator and Borough Attorney are further directed to obtain from the Board of Education of the Hopewell Valley Regional School District formal authorization for this project.

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

Council Member Gnatt made a motion to approve Resolution 2017-9.3, second by Council Member Mills. Mr. Griffiths asked if the Arboretum Master Plan is something that we have to. Mr. Lawver stated that the Borough received a grant to fund the work. Mr. Griffiths asked if Open Space Funds will be used. Mrs. Sterling stated that the grant is to do the survey/master plan but any work that is done will require additional funds. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 9.4**

**RESOLUTION AUTHORIZING EXCEL ENVIRONMENTAL RESOURCES, INC. TO APPLY FOR
GRANT FUNDING TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR PRELIMINARY ASSESSMENT, SITE INVESTIGATION AND/OR
REMEDIAL INVESTIGATION OF THE PENNINGTON BOROUGH SANITARY LANDFILL**

WHEREAS, the State of New Jersey Department of Environmental Protection through the Hazardous Discharge Site Remediation Fund, has grant funds available to municipalities for the purpose of

funding preliminary assessments, site investigations and remedial investigations to determine the existence or extent of hazardous substance discharge conditions on the property; and

WHEREAS, the Borough of Pennington wishes to conduct a preliminary assessment, site investigation and remedial investigation with respect to the Penningto Borough Sanitary Landfill, Block 206, Lots 4, 5 and 12, located on Delaware Avenue; and

WHEREAS, Excel Environmental Resources, Inc. is qualified to prepare and submit all Applications for such funding; and

WHEREAS, the Borough of Pennington owns the parcels referenced above and finds that a realistic opportunity exists for redevelopment within three years after the remediation is complete;

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

1. Excel Environmental Resources, Inc. is hereby authorized and directed to apply for grant funding in order to conduct preliminary assessments, site investigations and remedial investigations for the above-described parcels.
2. The Mayor and other appropriate Borough Officials are authorized to execute any and all documents necessary in order to apply for the aforesaid grant.
3. In the event that funding is approved pursuant to a grant issued in favor of the Borough of Pennington, Excel Environmental Resources, Inc. shall be authorized and directed to implement preliminary assessments, site investigations and remedial investigations for the above described parcels in accordance with a contract to be approved by the Borough and the NJDEP, but only to the extent that NJDEP grant funds are available for payment of the aforesaid services.

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

Council Member Lawver made a motion to approve Resolution 2017-9.4, second by Council Member Griffiths. Mr. Lawver stated that the first step was to do the Preliminary Assessment and that was Phase I. Mr. Lawver stated that the next step is to apply for the grant and there is a strong likelihood that we will receive the funds to pay for the Preliminary Assessment. Mr. Lawver stated that the next two phases are the Site Investigation and the Remedial Investigation and the cost for those is about \$300,000 with the primary reason being that all of the data that Hill Environmental collected twenty years ago is now out of date. Mr. Lawver stated that this formalizes that application for the grant and the understanding is that if we do not receive the grant we will not proceed with the work without further conversation by Borough Council. Mr. Lawver stated that the odds are strong that we should receive the funds to cover not only the Preliminary Assessment but also the Site and Remedial Investigations. Mr. Griffiths asked, assuming that we get the grant, when would the project begin. Mr. Lawver stated that at best January or February we should hear if we are getting the grant and then it should be quick after that and by the end of 2018 we should have the Site Investigation report and then in 2019 we should be able to move this property. Upon a roll call vote all members present voted in favor.

Professional Reports

Mr. Bliss reminded Mayor and Council of the need for a closed session. Mr. Bliss requested that Mr. Meytrott and Mr. Smith remain for the second item listed for Closed Session.

Mr. Smith had nothing to add outside of his report other than if Council would like a report on how the August once a week trash pickup worked out. Mr. Griffiths stated that he thought it worked out great. Mr. Smith stated that once residents got used to it and once they saw the crews out patching the roads and getting other jobs done there were a lot of supportive comments from the community. Mr. Smith stated that all of the roads on the list for repairs were completed. Mr. Smith stated that some of the minor repairs got pushed down the list because once the machine was up and running they had to keep the asphalt hot and get the hang of the timing. Mr. Smith stated that the Falcon Hot Box worked out well for repairing some of the larger potholes. Some discussion took place with regard to the type of material used and how deep the repairs were made.

Public Comment

Mayor Persichilli asked that anyone wishing to speak to Council 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.

Closed Session

AT, 7:30 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:

- Tax Appeal – American Properties Settlement
- Potential Litigation – 63 North Main Street

AT, 7:50 PM, Mayor and Council returned to open session.

Approval of Closed Session Minutes (for Content but not for Release)

Council Member Marciante made a motion to approve the August 7, 2017, Closed Session Minutes for content but not for release, second by Council Member Lawver. Upon a roll call vote all members present voted in favor with the exception of Mr. Griffiths who abstained.

Mayor Persichilli referred Council to a copy of a sample newsletter prepared by the Borough Administrator. Mayor Persichilli stated that this will go out a few times a year with the water bills and it will be posted on the Borough website. Mayor Persichilli asked Council Members to take a look at the sample and let Mrs. Heinzel know if there is anything that needs to be added. Mayor Persichilli stated that there is still time to add items since the water bills will not go out again until the end of November.

With no further business to come before Council the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk