

**Pennington Borough Council
Regular Meeting – September 3, 2019**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:03 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Marciante, Mills and Semple in attendance. Mr. Griffiths was absent.

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

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

Mayor Lawver invited everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Lawver read the following statement.

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

Mr. Stewart Warren stated that he would like to speak on the issue of the ordinance accepting and approving the easement related to the Pennington African Cemetery. Mayor Lawver stated that the Ordinance is scheduled for Public Hearing this evening and anyone wishing to speak on the ordinance will be given an opportunity to speak during the public hearing.

Angela Wicher asked where the ordinance is on the agenda. Mayor Lawver stated that he had a couple other things to address and then the ordinances would be addressed.

Mr. Dan Pace of 9 Railroad Place requested that Mayor and Council consider an Open Public Session at the beginning of the meeting. Mayor Lawver stated that Council has talked about this internally and it will be discussed further.

Mayor Lawver apologized for moving things along quickly, but in light of the temperature in the building he was hoping to get through the agenda quickly.

Mayor's Appointments

Mayor Lawver announced the appointment of Reba Holley to Economic Development for a term ending December 31, 2023.

Approval of Minutes

Council member Chandler made a motion to approve the minutes of the August 5, 2019 Regular Council meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mrs. Mills who abstained. Mayor Lawver stated that towards the end of the minutes there is a reference to him saying something however he was not at the meeting.

Presentations

Mayor Lawver invited Terry West from the County of Mercer and Jennifer Jones-Hamilton from the New York office of the Census Bureau to come forward to speak on the 2020 Census. Mrs. Hamilton introduced Mr. Terry West, Director of Community Affairs for Mercer County. Mr. West stated that he would like to thank Mayor and Council for allowing them to come tonight. Mr. West stated that about six months ago the State of New Jersey reached out to the County Executive to stress the importance of getting on board with the 2020 census by appointing Complete Count Committees in each municipality. Mr. West stated that they have four more municipalities to visit this month and they will have completed all twelve. Mr. West stated that Complete Count Committees, which Mrs. Hamilton will explain, provide the ability to reach all populations in every municipality so that everyone is counted and New Jersey benefits from the many dollars available for education, health care and other things.

Mrs. Hamilton presented a power point presentation on the background of the Census Bureau, the 2020 Census and how we can all work together to make sure that everyone in New Jersey is counted. Mrs. Hamilton stated that during the last census, New Jersey did not do a great job making sure that everyone got counted. Mrs. Hamilton stated that many people did not fill out their census forms and there were undercounts in several areas, including children. Mrs. Hamilton stated that when children are not counted in the census, that results in ten years of uncounted families and uncounted needs that go unmet. Mrs. Hamilton stated that there are funds available for various resources and the census helps determine how

much New Jersey will benefit from these resources. Mrs. Hamilton briefly explained the role of the Census Bureau which has been working to accurately count citizens every ten years since 1790. Mrs. Hamilton stated that the census helps determine the number of seats that each state has in the House of Representatives. Mrs. Hamilton stated that in 2010 New Jersey lost representation in Washington due to the inaccurate count. Mrs. Hamilton stated that Washington disseminates \$675 billion each year during the ten year stretch between the census counts. Mrs. Hamilton stated that the census data helps with determining where funds are needed for new hospitals and new schools. Mrs. Hamilton stated that responses to the Census are protected by a law called Title 13. Mrs. Hamilton stated that Title 13 has been around for a long time and it prohibits anyone from the Census Bureau to share any personal information gathered during the Census. Mrs. Hamilton stated that the Census Bureau has intensive cybersecurity measures in place and they are protected under Title 13. Mrs. Hamilton briefly explained some of the security measures and also some of the penalties for census workers who are found guilty under Title 13. Mrs. Hamilton stated that she had information available for anyone wishing to read further on Title 13. Mrs. Hamilton spoke briefly on the design of the 2020 Census, including motivating people to respond, making sure all residences are identified, forming partnerships to get out in the communities and they are moving on now to counting the population.

Mrs. Hamilton stated that in January of 2020 there will be an intensive media blitz about the 2020 Census and in March of 2020 everyone will receive a card in the mail with an identifying number for your home. Mrs. Hamilton stated that Census Forms are due back by April 1st, 2020. Mrs. Hamilton stated that the Census Bureau will then correlate all the data collected and submit it to Washington by December of 2020. Mrs. Hamilton stated that there is a lot to do between now and December of 2020.

Mrs. Hamilton stated that in March, when you receive the postcard with your identifier, you will be able to sit down at a computer and answer your ten questions. Mrs. Hamilton stated that Census Bureau will not bother you again, once you enter your identifier and complete the ten questions. Mrs. Hamilton stated that if you cannot do it online, you will be able to respond by telephone. Mrs. Hamilton stated that the Census Bureau is only interested in who lives in your home. Mrs. Hamilton stated that there will be multiple languages available and multiple language guides for those who do not speak English. Mrs. Hamilton stated that if you do not respond by June of 2020, you will receive another card saying that your Census Questionnaire is coming and if you still do not respond you will get a hard questionnaire in the mail. Mrs. Hamilton stated that she implores everyone not to wait for the hard copy to come in the mail. Mrs. Hamilton stated that the best way to respond is online or by telephone and if you do wait for the form to come in the mail you need to hurry up and fill it out because if they do not get it back, you will get a knock on the door and that is what people are most concerned about. Mrs. Hamilton stated that people do not want the Federal Government knocking on their door.

Mrs. Hamilton stated that there are thirty other people canvassing the State and bringing the message to every municipality. Mrs. Hamilton stated that the Federal and State Governments require that each municipality have a Complete Count Committee and she has pamphlets available. Mrs. Hamilton stated that all they require is that Council put the Census on their agenda and begin to think about how to reach out to Borough residents to make sure that Pennington is counted properly. Mrs. Hamilton stated that the important thing is to make sure that everyone is counted so that when that \$675 billion is disseminated, Pennington gets their share.

Mrs. Hamilton stated that the 2020 Census is a massive undertaking for the Federal Government and they have jobs available. Mrs. Hamilton stated that the operational office is in Trenton and there are administrative jobs available, they are flexible, they can be full or part-time and they pay very well. Mrs. Hamilton stated that these are good jobs for college students and seniors and the process to apply is easy, just fill out an application online. Mrs. Hamilton stated that she has forms available to explain how to apply.

Mrs. Hamilton stated that part of the Complete Count partnership is that the Census Bureau would like municipalities to put information on their websites and in their newsletters, include a notice in the water bills letting people know the Census cards are coming in March 2020 and let residents know the importance of making sure that everyone is counted so that Pennington shares in the \$675 billion that the Federal Government has available each year. Mrs. Hamilton briefly explained a website called ROAM that residents can access to get information about your town. Mrs. Hamilton stated that she needs to know who will be on the Complete Count Committee within a couple days.

Mayor Lawver thanked Mr. West and Mrs. Jones-Hamilton for coming and making a presentation on the 2020 Census. Mrs. Hamilton took a brief moment to answer a couple questions from residents.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt reported that she had no report for Open Space other than the Arboretum items on the agenda later in the meeting. Mrs. Gnatt stated that the Planning Board met, the United Methodist Church is working with Zoning Officer, John Flemming on a design and approval for a labyrinth. Mrs. Gnatt stated that a request from Mr. Neary of 8 East Welling Avenue for reconstruction of a garage was approved. Mrs. Gnatt reported that Goodwill Industries of Southern New Jersey appealed the Zoning Officers denial of a request to move into the former Black Bear Food Store to house a donation center. Mrs. Gnatt stated that the appeal was denied, however they then applied for a variance which was approved. Mrs. Gnatt stated that the Planning Board granted approval

for Planning Board Attorney, Ed Schmierer to draft language for amendments to the Stormwater Ordinance.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated there were no meetings in August.

Public Works – Mr. Marciante reported that the Weidel and East Curlis are both complete and they look great. Mr. Marciante stated that the revised Burd Street project and Abey Drive will go out to bid together in an effort to get better pricing.

Finance / Board of Health – No report due to Mr. Griffiths absence.

Historic Preservation / Library – Mrs. Mills stated that the Library Board did not meet over the summer, they will resume in September. Mrs. Mills stated that the Little Free Library has been installed at Kunkel Park.

Parks and Recreation / Shade Tree – Mrs. Semple had no report.

Senior Advisory Board – Mayor Lawver had no report.

Council Discussion

Mr. Lawver stated that there are a couple of requests for Block Parties, St. James Church and East Welling Avenue. Council Member Chandler made a motion to approve both requests, second by Council Member Gnatt with all members present voting in favor.

Mr. Lawver announced that on September 7th in front of the Tollgate Grammar School, there will be a Shred/Styrofoam recycling event. Mayor Lawver stated that they will also be collecting corks and cd's.

Ordinances for Introduction

Mayor Lawver read Ordinance 2019-9 by title.

BOROUGH OF PENNINGTON ORDINANCE 2019-9

AN ORDINANCE OF THE BOROUGH OF PENNINGTON ESTABLISHING AN ELECTRIC AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Borough is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents of the Borough of Pennington (“Borough”); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington in the County of Mercer and the State of New Jersey, duly assembled in public session, as follows:

1. The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. In implementation of any such aggregation program, the Borough shall use the professional services of vendors approved pursuant to the NJ E-Procurement Pilot program (P.L. 2001,

c.30) under the NJ Department of Community Affairs.

3. The Borough, alone or with other cooperating municipalities it elects to join, will seek bids from licensed and appropriate third-party suppliers of electricity in accordance with procedures and substantive regulations provided by law. Any price for energy so obtained will apply in accordance with the terms of the bid to all Borough residents who do not decline to participate (or opt out). Non-participating residents may choose any alternative energy source they desire
4. The contracts necessary for implementation of an aggregation program shall be authorized by Borough Council as required by law.
5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
6. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
7. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Council Member Chandler made a motion to introduce Ordinance 2019-9, second by Council Member Semple. Mr. Marciante stated that he believes that there is a mandatory requirement that a public session be held to inform taxpayers of this program. Mayor Lawver stated that there will be community outreach to let residents know about the program and to inform them that this is not mandatory, it is an opt-in program. Upon a roll call vote all members present voted in favor.

Mayor Lawver read Ordinance 2019-12 by title. Mr. Bliss stated that this ordinance would need to be referred to the Planning Board following introduction and in light of the fact that the Planning Board is not meeting until October he would ask that this Ordinance be introduced at the October Meeting to meet the requirements for referral to the Planning Board under the Land Use Statute.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 – 12**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF
THE BOROUGH OF PENNINGTON, CHAPTER 163, CONCERNING
SITE PLAN REVIEW, INCLUDING A REQUIREMENT THAT OWNERS
OF MAJOR DEVELOPMENTS REPORT AND ANNUALLY CERTIFY REGULAR
MAINTENANCE AND REPAIR OF THEIR STORMWATER MANAGEMENT MEASURES**

Ordinances for Public Hearing and Adoption

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 Marciante made a motion to open the Public Hearing on Ordinance 2019-8, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2019-8, second by Council Member Mills 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 and 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 at 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 open the Public Hearing on Ordinance 2019-10, second by Council Member Gnatt. Mr. Dan Pace of 9 Railroad Place thanked Borough Council for approving this project, it is a good use of Open Space funds. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2019-10, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2019-10, second by Council Member Marciante. Mr. Marciante asked if legal fees are included in the \$50,000. Mayor Lawver stated that legal fees will be paid out of Open Space Funds and in addition we will be getting some funding from Green Acres. Mrs. Heinzl stated that Open Space funds are being used to match funds coming from Green Acres. Mrs. Chandler stated that cost might be more depending on the actual size of the site. Mrs. Heinzl stated that additional funds needed from the Open Space fund would require approval from Council. Mayor Lawver stated that the Green Acres Grant is \$80,000 plus making the pool of funds around \$100,000 to get this done. Mr. Bliss stated that the combination of approvals provides for sufficient funds for this project. Upon a roll call vote all members present voted in favor.

Mayor Lawver read Ordinance 2019-11 by title.

**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 Chandler made a motion to open the Public Hearing on Ordinance 2019-11, second by Council Member Mills. Mayor Lawver invited anyone the public to come forward to speak on the Ordinance. Mayor Lawver stated that a three minute time limit is in effect.

Mr. Steward Warren of 12 East Welling Avenue stated that he has several concerns about this Ordinance.

Mr. Bliss asked for a moment to speak to provide some preliminary comments because what is being discussed tonight is an easement that was amended from the version that was attached to the ordinance when it was introduced on first reading. Mr. Bliss stated that the easement has been signed by both parties, but not by the Borough. Mr. Bliss stated that nonetheless, that triggers the issue of whether or not the changes in the easement represent a substantial change in the Ordinance requiring rescheduling of the hearing. Mr. Bliss stated that he has looked at the easement and at the time he determined that there had not been a substantial change but on reflection he feels that there are other issues. Mr. Bliss stated that on the outset, he can only say that he reserves on the issue of substantial change and he would like to hear the public comment on factors to determine if in fact there is a substantial change. Mr. Bliss stated before the public comment, he would like to review what the changes are. Mr. Bliss asked if Council Members have copies of the new easement and they did not. Mr. Bliss stated that on page one of the new easement, there are four recitals that site facts pertaining to the litigation between the owners of the property, the Schraggers and the Pennington African Cemetery Association. Mr. Bliss stated that it is important for Council to understand the changes so that they can decide whether or not to carry the public hearing. Mrs. Sterling took a moment to leave the room to make copies for Council.

Mayor Lawver asked Mr. Warren to proceed with his comments while Council was waiting for copies of the new easement. Mr. Warren stated that he is unfamiliar with the easement that is the subject of the proposed ordinance. Mr. Warren asked for that and other reasons that the public hearing be carried so that people can have time to compare the two easements. Mr. Warren stated that secondly, there is a more serious problem as he sees it. Mr. Warren stated that he learned about this meeting this afternoon and he raced home to try and get a handle on what was going to happen tonight. Mr. Warren stated that someone faxed his wife a copy of the agenda for tonight and on the agenda it says "acceptance of an easement". Mr. Warren stated that he is not a land use lawyer but basically that is all it says and the big issue is not whether to accept the easement or not, the issue by looking at the proposed ordinance is to accept and approve the ordinance. Mr. Warren stated that approving is a lot different that accepting it and the public should have a right to be heard with respect to whether or not this easement should be approved. Mayor Lawver stated that this is the opportunity because this ordinance was introduced last month and advertised for public hearing and this is the hearing and that is the normal occurrence for ordinances. Mr. Warren stated that he understands, but the problem is the wording on the agenda which should include both acceptance and approval. Mr. Warren stated that he would respectfully request that the public be given the opportunity to speak on both acceptance and approval of the easement. Mayor Lawver stated that Council is approving the ordinance to accept the easement, but Council is not approving the easement. Mr. Bliss stated that Council is accepting the easement and only approving it as to the Borough. Mr. Bliss stated that there is a vagueness in the language of the ordinance. Mr. Warren stated that he has a copy of the later easement which is the subject of the ordinance and paragraph 8 has him concerned. Mr. Warren stated that as Council is aware, this is a cemetery that contains the honor graves of Civil War soldiers and everyone is concerned about maintaining the dignity of maintaining that and also maintaining access for relatives and others to visit those graves. Mr. Warren stated that paragraph 8 of the easement states that the parties reserve the right to use the area of the easements granted above for any purpose not inconsistent with the rights of the parties and that language is extremely vague and ambiguous. Mr. Warren stated that if Pennington Borough is one of the grantees of this easement, does that mean that any citizen of the Borough can do whatever they want on this road? Mr. Warren stated that this easement is a lane that connects the street to a burial ground and he thinks that there should be specifics as to what is allowable so that it is clear. Mr. Warren stated that paragraph 8 is of great concern. Mr. Bliss stated that paragraph 8 is in the original easement as paragraph 7.

Ms. Angela Wicher of the Pennington African Cemetery Association stated that a resolution was issued by the Pennington African Cemetery Association recently with regard to this easement. Ms. Wicher stated that they made it very clear that they have been stewards of the cemetery for over 156 years and at no point in time did they give any permission for any of their attorneys to sign any documents on their behalf. Ms. Wicher stated that signing of the document by the original attorney has caused mayhem and unrest and a huge problem. Ms. Wicher stated that combined with not the most competent Counsel who did not submit some of the original testimony and documents resulted in the appeal being denied. Ms. Wicher stated that pursuant to the court order, they were informed that the terms that would go into the easement would have to be restricted to that which was in an original letter that their attorney signed which was construed as a promise to grant an easement. Ms. Wicher stated that this process has taken three and a half years and she is

not going to review all of the details, but she would like to go on record calling out the absurdity of the situation that they find themselves in today. Ms. Wicher stated that to be clear regarding the parties in agreement, the only agreement that parties have is that the Pennington African Cemetery Association lost the case on legal reasoning, nothing about right or wrong, it was legal. Ms. Wicher stated that basically she would like to leave with whatever happens going forward, the Pennington African Cemetery Association wants to be completely engaged in the process. Ms. Wicher stated that it is still the driveway of the Pennington African Cemetery Association and they do not want any process to be rushed and they want to be included at the table in discussions and they do not want to be informed of a meeting to discuss the design after it has already been written up. Ms. Wicher stated that whether it is design or construction or approval, whatever, it is still the driveway to the Pennington African Cemetery and they want to be engaged in the conversations. Ms. Wicher stated that they are not walking away just because they lost this case.

Mrs. Laura Warren of 12 East Welling Avenue stated that they did not know that this was up for discussion three years ago when it came up for approval of a sub-division without letting the neighbors know of the approval. Mrs. Warren stated that no one got notice of the sub-division. Mrs. Heinzel stated that in the packet of information regarding the easement is the Planning Board Resolution of Memorialization and there were people from the neighborhood in attendance at the meeting. Mrs. Warren stated that they came to the meeting where it was already a done deal. Mrs. Warren stated that she would like Council to look into the fact that none of the neighbors were notified. Mayor Lawver stated that it will be looked into. Mrs. Warren stated that he does not think that any development should be approved on this landlocked piece of property.

Mr. Bliss stated that there is a misunderstanding in that Mrs. Warren was referring to the Borough Council as if it were the Planning Board and just so everyone knows, Borough Council has had no involvement whatsoever in this development up to this point. Mr. Bliss stated that this was an application before the Planning Board and by law every property owner within 200 feet must receive a written notice of pending proceedings before the board and one of the issues that the board first addresses is whether or not all of the notices required have in fact been served. Mr. Bliss stated that in this case, the Planning Board was satisfied to that effect and if for any reason, there were people that were missed and could make their case that is an appealable issue and a fairly easy one to win if in fact there was no notice. Mr. Bliss stated that it is not in Council's power to grant the right of appeal. Mr. Bliss stated that there would have to have been a timely appeal of the Planning Board decision to the Superior Court. Mr. Bliss stated that there was an appeal made by the Pennington African Cemetery Association. Mrs. Warren stated that no notices were ever sent. Mayor Lawver stated that we can't answer definitely whether proper notice was given, but it will be looked into.

Ms. Carlene Bailey of 12 Laning Avenue stated that she is deeply concerned about this easement. Ms. Bailey stated that the African-American community in Pennington is quite small but it is a part of Pennington's history and it needs to be recognized and nothing should be done to impede access to the cemetery. Ms. Bailey encouraged Council to think carefully about this property in future decisions because it is an important part of the community.

Ms. Susan Wicher of the Pennington African Cemetery Association and resident of 114 Crawley Avenue, stated that she would like to ask that everyone take a hard second look at this situation prior to making any decisions.

Mayor Lawver asked Mr. Bliss for the next steps on this Ordinance. Mr. Bliss stated that he is happy to have had the chance to give his introduction and he thinks that the record requires us to spread out what the differences are between the easement that was attached to the published ordinance and the easement that is now in existence but has not been formally presented to Council but is in fact a proposed amendment to the easement attached to the introduced ordinance. Mr. Bliss stated that since introduction of the ordinance in August, it has come to his attention that the parties have come to a new agreement and that new agreement has been submitted. Mr. Bliss stated that on its face, the new agreement does not affect the Borough in a substantial way except instead of granting an easement for ingress and egress, it grants an easement for pedestrian and vehicular ingress and egress. Mr. Bliss stated that all the other issues that are in the new easement agreement affect the private parties only and not the Borough and to the extent that the issue before Council is whether the Borough accepts the easement granted to it, it is not a substantial to the ordinance. Council Members discussed some options. Mr. Bliss stated either upon his recommendation or on its own, Council can decide that there has been a substantial change from the introduced version of the easement and the current easement, then the hearing should be carried for another month. Mrs. Mills stated that what she is hearing from Angela Wicher is that the Pennington African Cemetery Association is asking to have a seat at the table for any future discussions or decisions relating to the properties surrounding the cemetery, so that their voice will be heard. Ms. Wicher also stated that she would like Mr. Warren's comments to be taken very seriously and she would like this process to be undertaken deliberately and carefully so that nothing is overlooked. Mr. Bliss stated that because the Planning Board asked that all easement be included in one document, substantial changes to the easement between the parties also affect the easement with the Borough and secondly, the new easement provides for a vehicle turn-around on the owners property so that turn-around is pertinent to the Borough. Mr. Bliss stated that he would recommend that the hearing on this ordinance be carried. After further discussion, Council Members agreed to carry the Public Hearing to the October meeting. Mr. Bliss stated that Council should take action to continue the Public Hearing and it should be properly noticed. Council Member Semple made a motion to carry the hearing to the October meeting with notice of the revised ordinance and easement, second by Council Member Marciante with all members present voting in favor.

Public Comment

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

Mayor Lawver invited former Mayor/Council Member Weed Tucker to come forward. Mr. Tucker stated that he had two things to bring before Council. Mr. Tucker stated that we are all deeply saddened by the passing of our good friend and leader, Anthony Persichilli. Mr. Tucker stated that the Borough had a wonderful tribute on the website and he would like to thank Council for that. Mr. Tucker stated that the funeral was probably one of the largest events held in a long time. Mr. Tucker stated that Rick Smith and the Public Works Department cleaned up the town but most importantly, Bill Meytrott and the Police Department did an outstanding job of coordinating the Township and the County for traffic control and the Honor Guard for Tony was outstanding. Mr. Tucker stated that the Pennington African Cemetery is the most important historical site in town and before voting on this issue, please sit down and give the Association the opportunity to have some input and understand exactly what is being approved.

There were no further comments from the public.

NEW BUSINESS

**BOROUGH OF PENNINGTON
 RESOLUTION #2019 – 9.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50328-0001 for an overpayment of 2019 third quarter taxes, Block 905, Lot 18, also known as 416 Burd Street, in the amount of \$3,260.83.

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for an overpayment of 2019 third quarter taxes, Block 103.02, Lot 2, also known as 17 Railroad Place, in the amount of \$2,285.03.

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for an overpayment of 2019 third quarter taxes, Block 702, Lot 17, also known as 206 Burd Street, in the amount of \$4,018.07.

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for an overpayment of 2019 third quarter taxes, Block 906, Lot 9, also known as 403 Burd Street, in the amount of \$3,393.93.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-9.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2019 – 9.2**

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 \$ 2,724,994.27 from the following accounts:

Current	\$ 2,429,570.88
W/S Operating	\$ 22,355.62
Developer’s Escrow	\$ 2,205.50
General Capital	\$ 270,862.27
TOTAL	\$ 2,724,994.27

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-9.2, second by Council Member Chandler. Mayor Lawver had a couple of questions on specific bills on the bill list. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 9.3**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO
EARLE ASPHALT COMPANY FOR WORK COMPLETED ON THE EAST CURLIS AVENUE
AND WEIDEL DRIVE ROAD RECONSTRUCTION PROJECT**

WHEREAS, Earle Asphalt Company has completed work pursuant to the contract for the East Curlis Avenue and Weidel Drive Road Reconstruction Project (Van Note Harvey Associates Project No: 43328-554-71); and

WHEREAS, Van Note Harvey Associates has reviewed Earle Asphalt Company's attached application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No. 1 in the amount of \$399,013.43 less 2% retainage in the amount of \$7,980.27; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available under a grant from the NJ DOT and Ordinance 2019-1;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Earle Asphalt Company in the net amount of \$391,033.16 pursuant to payment request No.1 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-9.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 9.4**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR RECONSTRUCTION OF BURD STREET – FY2017 - MUNICIPAL AID AND ABEY
DRIVE/KINGS COURT – FY2018 – MUNICIPAL AID**

WHEREAS, the Borough of Pennington seeks to construct curbs, sidewalks, drainage and other roadway improvements to a portion of Burd Street from West Curlis Avenue to a mid-block point beyond the Voorhees intersection in the Borough under a FY 2017 Municipal Aid Grant; and

WHEREAS, the Borough of Pennington also seeks to construct curbs, sidewalks, drainage and other road way improvements to a portion of Abey Drive and Kings Court under a FY 2018 Municipal Aid Grant, and

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

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

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for construction of the aforesaid roadway improvements to Burd Street, Abey Drive and Kings Court in the Borough, pursuant to plans, specifications and bid

documents prepared by the Borough Engineer.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2019-9.4, second by Council Member Semple with all members present voting in favor.

Mayor Lawver asked that Resolutions 2019-9.5 and 2019-9.6 be considered together.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 9.5**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES BY MASON GRIFFIN & PIERSON AS SPECIAL COUNSEL TO THE BOROUGH IN CONNECTION WITH MINOR SUBDIVISION AND RELATED ACQUISITION OF PROPERTY FROM HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT FOR ARBORETUM PROJECT

WHEREAS, Pennington Borough is preparing to purchase from the Hopewell Valley Regional School District approximately 2.8 acres of land representing a portion of Block 1003, Lot 15 (Proposed Lot 15.01) behind the Toll Gate School in the Borough of Pennington (Ordinance No. 2019-10) for the creation of Howe’s Arboretum;

WHEREAS, the Borough seeks to retain the legal services of Mason Griffin & Pierson in connection with the contemplated minor subdivision, acquisition of land and related services as described in the annexed Memorandum from Edwin W. Schmierer, Esq. to Eileen Heinzl, Administrator, dated February 15, 2019, Re: Pennington Borough Arboretum Project;

WHEREAS, as described in the annexed Memorandum, the proposed services will entail an estimated cost of \$5,500;

WHEREAS, Borough Council proposes retaining the proposed services, with the understanding that Edwin W. Schmierer, Esquire will serve as lead attorney, for a total price not to exceed \$5,500.00;

WHEREAS, any work exceeding the scope of work described in the annexed Memorandum shall require prior written approval by Borough Council;

WHEREAS, funds are available for this purpose in the Borough Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Administrator is hereby authorized to issue a purchase order to Mason Griffin & Pierson (Edwin W. Schmierer) for the aforesaid professional services for a total cost not to exceed \$5,500 unless earlier approved in writing by Borough Council; and

BE IT FURTHER RESOLVED, that the funding for these services shall be drawn from the Borough Open Space Fund.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2019-9.5 and 2019-9.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 9.6**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH MINOR SUBDIVISION OF PROPERTY TO BE OBTAINED FROM HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT FOR ARBORETUM PROJECT

WHEREAS, Pennington Borough is preparing to purchase from the Hopewell Valley Regional School District approximately 2.8 acres of land representing a portion of Block 1003, Lot 15 (Proposed Lot 15.01) behind the Toll Gate School in the Borough of Pennington (Ordinance No. 2019-10) for the creation of Howe’s Arboretum;

WHEREAS, the Borough seeks to enter into a professional services agreement with Van Note-Harvey Associates for preparation of the Minor Subdivision Plan needed to create the parcel to be conveyed, together with related services, as set forth in the annexed Proposal for Boundary Survey and Minor Subdivision, Pennington Borough Howe’s Arboretum Project, Block 1003, Lot 15 (VNHA #44345-070-01), dated March 1, 2019 (“Proposal”);

WHEREAS, Borough Council accepts the Proposal under Option ___ for a total contract price not to exceed \$ _____;

WHEREAS, any work exceeding the scope of work described in the annexed Proposal shall require prior written approval by Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Borough Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a professional services agreement with Van Note-Harvey Associates for the subject services not to exceed \$ _____ as aforesaid, in a form of agreement approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that the funding for these services shall be made from the Borough Open Space Fund.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2019-9.5 and 2019-9.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 9.7**

RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING ASSISTANCE LOAN OF \$5,000 FOR THE PURCHASE OF AN AFFORDABLE UNIT IN THE BOROUGH OF PENNINGTON

WHEREAS, Chapter 98 of the Code of the Borough of Pennington, at Section 98-8.A(4), authorizes use of funds in the Borough’s Affordable Housing Trust Fund (“Fund”) for financial assistance designed to increase affordability, provided the program is included in the Borough’s approved affordable housing spending plan;

WHEREAS, the Borough’s approved affordable housing spending plan provides for such affordability assistance, and by Resolution 2012-7.5, Borough Council has committed to spending up to \$51,590. for affordability assistance in support of its fair share obligation;

WHEREAS, the Borough has received an application for assistance from a potential buyer of an affordable unit in the Borough (“Applicant”) seeking a \$5,000 loan for closing costs and down-payment (“down-payment assistance loan”);

WHEREAS, the down-payment assistance loan will be secured by a note and mortgage subordinate to any first mortgage, and payments on the loan, with respect to both principal and interest, will be deferred until sale of the affordable unit;

WHEREAS, the note will bear interest at the rate determined annually by the Borough as the current interest rate the Borough will pay if it issues bonds or bond anticipation notes, presently 2.25% per year;

WHEREAS, the Administrative Agent for the owner of the affordable unit who income qualifies the Applicant for purchase of the unit will also qualify the Applicant for the requested down-payment assistance loan, and the Applicant’s application for the loan shall also be filed with the Borough and kept confidential;

WHEREAS, a commitment to the Applicant for a down-payment assistance loan will require the approval of the Administrative Agent, a representative of Borough Council designated by the Mayor, and the Administrator of the Borough or her designee based on credit-worthiness;

WHEREAS, the Applicant’s Preliminary Purchase Application has been approved by the New Jersey Housing and Mortgage Finance Agency and the Applicant has received a mortgage commitment from a commercial lender for the acquisition;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that an aforesaid down-payment assistance loan to Applicant in an amount up to \$5,000 from the Borough Affordable Housing Trust Fund is hereby authorized subject to (a) approval by the Administrative Agent, a representative of Borough Council designated by the Mayor, and the Borough Administrator or her designee; and (b) preparation, execution and recording of a Note and Mortgage and disbursement of funds approved 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	X				Marciante	X			
Gnatt	S				Mills	M			
Griffiths				absent	Semple	X			

Council Member Mills made a motion to approve Resolution 2019-9.7, second by Council Member Gnatt. Mrs. Heinzl gave a brief explanation of the program for Council Members. Mrs. Heinzl stated that this particular resolution is to assist an individual with the purchase of a unit at Heritage at Pennington. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 9.8**

**RESOLUTION APPOINTING CITIZEN COMMITTEE
TO REVIEW OPTIONS FOR RENOVATIONS TO THE PENNINGTON MUNICIPAL BUILDING**

WHEREAS, the Borough is in the process of reviewing options for renovations to the Pennington Municipal Building;

WHEREAS, the process has been guided by Ronica A. Bregenzer, Architect, LLC, which has prepared a needs assessment and identified choices for consideration by Borough Council in keeping with Borough priorities, estimated costs and availability of funds;

WHEREAS, Borough Council seeks to enlist the services of knowledgeable citizens in the community who can assist Council in the review of the relative need, practicability and affordability of identified options;

WHEREAS, the appointed citizens will serve without compensation on an ad hoc advisory committee for the purpose of advising Borough Council on these and related subjects pertaining to renovations to the Municipal Building;

WHEREAS, the committee shall be known as the Ad Hoc Advisory Committee on Borough Hall Renovations;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the following persons are appointed to this Ad Hoc Committee:

- Mayor Joseph Lawver
- Councilperson Charles Marciante
- Houston Landis
- Jay Belli
- Administrator Eileen Heinzl

BE IT FURTHER RESOLVED, that the citizen members of the Ad Hoc Committee shall have all privileges and protections afforded to authorized volunteers responsible to Borough Council in service of the Borough.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-9.8, second by Council Member Mills with all members present voting in favor.

Mrs. Sterling stated that Resolution 2019-9.6 which was considered along with 9.5 for approval has a couple of blanks that need to be filled in. Mrs. Heinzl stated that Council has a proposal from Van Note Harvey Associates in the amount of \$23,000 for a boundary survey and all of the work related to the sub-division of the property for the arboretum project. Mrs. Heinzl stated that a boundary survey is required under the Green Acres requirements. Mr. Marciante stated that the school should be paying for a boundary survey. Mayor Lawver asked if this amount is in the ballpark for these services. Mrs. Heinzl stated that she would reach out to Green Acres for some other companies who could do this work and requested proposals. After some discussion, Mr. Bliss stated that Council has approved the Resolution with blanks in it and he would suggest that the motion and second for Resolution 2019-9.6 be rescinded. Council Member Chandler made a motion to rescind the motion and second on Resolution 2019-9.6, second by Council Member Gnatt with all members present voting in favor.

Professional Reports

Mrs. Heinzl stated that with regard to the Styrofoam collection on September 7th, the original plan for the Green Team was that they would hire a truck to collect the Styrofoam and in discussing this with Mr. Bliss it was decided that it was not a good idea. Mrs. Heinzl stated that the plan is now that the Borough will supply the truck and one employee at overtime to assist with the collection. Mrs. Heinzl stated that the costs of this can be covered by the Recycling Tonnage Grant. Mayor Lawver stated that this is a last minute solution and he would not like this to happen again and again but can this be treated like the weekend truck and just delivered on Friday and picked up on Monday. Mrs. Semple asked Mr. Smith for his input. Mr. Smith stated that the truck is a Peterbilt Dump Truck and would require a stepladder for access. Mr. Smith did not think having volunteers climbing and stacking the Styrofoam was a good idea. After some discussion regarding liability issues it was decided that for this time only, a truck and employee would be provided.

Mr. Marciante stated that he does not have a problem with providing police services for Mayor Persichilli's funeral, however he was surprised by the invoice from Mercer County. Mr. Marciante stated that he would like to see some upgrades to the parks in Pennington. Mr. Marciante stated that he would like to see Open Space funds used to put better equipment in the parks in Pennington.

Public Comment

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

There were no comments from the public.

At 8:48 PM, with no further business to come before Council, Mrs. Chandler made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk