

**Pennington Borough Council
Regular Meeting – August 7, 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 Chandler, Gnatt, Lawver, Marciante and Mills in attendance. Council Member Griffiths was absent.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Public Works Superintendent Rick Smith, Borough Auditor Robert Morrison 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.**

Mr. Daniel Pace of 9 Railroad Place came forward and stated that as many might know he manages the Mercer County Farmland Preservation Program and he was pleased to see a Resolution on the agenda this evening in support of funding for open space, historic preservation and farmland preservation. Mr. Pace stated that the Governor signed the appropriation bills for open space and historic preservation but at the time he did not sign the farmland preservation bill. Mr. Pace stated that the good news is he signed that one this morning. Mr. Pace thanked Council for the resolution, but stated that all of the bills have now been signed.

Mr. Pace stated that he would also like to express his thanks to Mr. Rick Smith. Mr. Pace explained that when Mercer County re-paved North Main Street, they left about a two inch lip of asphalt at Railroad Place. Mr. Pace stated that he mentioned this to Mr. Smith who stated that he might be able to get to it in August and he did so he wanted to come and thank Mr. Smith.

Presentations

Mayor Persichilli invited Borough Auditor, Bob Morrison to come forward and present the Audit Report for 2016. Mr. Morrison stated that everyone should have received a copy of the audit and he will be giving the condensed version and if there are questions he will address them after. Mr. Morrison stated that the report on the financial statements appears on pages 3 through 4. Mr. Morrison stated that there are two important things to get from the report. Mr. Morrison stated that one is that New Jersey does not follow National Accounting Standards for Governmental Units; we follow a separate set of rules promulgated by the State Legislature through the Statutes. Mr. Morrison stated that our financial statements are not comparable to those of other governmental units in other States. Mr. Morrison stated that based on their audit, they found that the financial statements are fairly presented, complete and accurate, and consistent with all of the applicable standards that New Jersey requires. Mr. Morrison stated that this is as clean an audit report as they can issue and that means they were very satisfied with the quality of the records that were presented for audit and based on their tests they had virtually no audit adjustments. Mr. Morrison stated that they are very happy with the records that the finance office maintained for the year.

Mr. Morrison stated that there is a second report that they issue on pages 5 and 6 of the audit. Mr. Morrison stated that this report represents a scope expansion. Mr. Morrison stated that the State of New Jersey requires them to follow audit standards that go beyond generally accepted auditing standards and it requires them to follow an additional set of standards called Government Auditing Standards which is a set of rules promulgated by the Comptroller General of the United States. Mr. Morrison stated that essentially what this does is instead of them evaluating internal controls, they have to test internal controls. Mr. Morrison stated that they also have to test for compliance with the laws and regulations that the Borough has to operate within. Mr. Morrison stated that they identify significant rules, regulations and laws at the outset of the engagement and they physically perform tests to make sure that the Borough is compliant. Mr. Morrison stated that some are based on State Laws for example, Pay to Play Rules, Local Public Contracts Law for procurement of goods and services, IRS regulations regarding proper withholding of taxes and transfer of funds to Federal and State governments from payroll. Mr. Morrison stated that they perform forty to fifty tests and essentially what the second report says is that with respect to compliance they did not find any non-compliance. Mr. Morrison stated that means that the Borough's employees know the rules and they are following the rules. Mr. Morrison stated that with respect to internal controls, the results of the tests indicated that there are controls in place for a municipality of our size and those controls are in place and are operating effectively. Mr. Morrison stated that because Pennington is a smaller governmental entity we do not have the number of personnel that it would take to segregate responsibilities to the point where the same person is not dealing with a transaction from start to finish and possibly do something they shouldn't. Mr.

Morrison stated that one of the reasons that he mentions this is that because he observed governing body members reviewing vouchers prior to the meeting. Mr. Morrison stated that is an important aspect of the internal controls structure here, where as many sets of eyes as possible are reviewing transactions before they are approved and vendors get paid. Mr. Morrison stated that Borough Council provides a significant internal control over the overall operations.

Mr. Morrison stated that with respect to the financial statements themselves, the statement of operations for the general fund appears on pages 9 and 10. Mr. Morrison stated that the Borough started out with a fund balance of \$853,000, budgeted to use \$581,000, made back \$436,000 through operations and ended up with \$708,000 in fund balance. Mr. Morrison stated that the ending fund balance at the end of 2016 was \$150,000 less than at the end of the year before. Mr. Morrison stated that is exactly the additional amount of fund balance that was used in the 2016 budget. Mr. Morrison stated that he mentions this only because if this trend were to continue, there would be about four years of this type of reduction in fund balance year to year before there would be no fund balance left. Mr. Morrison stated that it is hard to look into the future and see what is coming, but it is a trend that if it continues is going to cause the Borough to rethink the way the budget is structured a couple years down the road.

Mr. Morrison stated that with respect to the Water/Sewer Utility, the one thing that they could not figure out, based on 2016 is that rates were raised and revenue declined four percent anyway. Mr. Morrison stated that they went through the records and made sure that everyone got billed so it is either that people are using less water or the meters are getting old and they are slowing down. Mr. Morrison stated that this was the one thing that had them scratching their heads with respect to water and sewer. Mr. Morrison stated that they are satisfied that everyone got billed, so that is not the problem, but the numbers did not come in where expected.

Mr. Morrison stated that the section of the audit that the governing body is expected to review so that the group affidavit can be signed is the General Comments and Recommendations section of the report and that starts on page 131. Mr. Morrison stated that this is the easy part because there were no recommendations made as part of the 2016 audit. Mr. Morrison stated that they are very satisfied with all of the procedures in place, with the levels of internal controls and with the fact that they are working as designed. Mr. Morrison stated that overall this is a very favorable audit and he would be remiss if he did not publically thank all of the Borough staff because they always cooperate and get us the information needed as quickly as possible and that allows them to get in and out efficiently and effectively.

Mayor Persichilli thanked Mrs. Sterling for keeping an eye on all of them and for keeping the records in good shape. Mayor Persichilli stated that there have been discussions of the meters and he asked Mr. Smith if he is finding problems with household meters. Mr. Smith stated that we know that we have some old ones out there. Mr. Lawver stated that with regard to water, every time someone buys a new more efficient appliance, toilet or shower head they are using less water. Mr. Lawver stated that a wet year has an impact and we know that we have the water meter issue. Mr. Lawver stated that we have taken the first steps with new water meters that will be installed on Curlis and Weidel. Mr. Lawver stated that this is also the first step towards a remote read system which will give us a better sense for management of the water system on a day to day basis. Mr. Lawver stated that it is a long term trend that we are facing with declining usage at one to two percent per year.

Mayor Persichilli asked Tax Collector, Wayne Blauth who was in the audience how the collection rate for water and sewer was going. Mr. Blauth stated that we still have one large property that is behind on their bills and he will be reaching out to them. Mr. Morrison stated that the collection rates for both tax and water and sewer are outstanding.

Mr. Lawver thanked Mr. Morrison. Mr. Lawver stated that he has been on the Finance Committee for a number of years, some as the Finance Chair and the work that Betty, Sandy, Wayne and everyone does in managing the controls is fantastic. Mr. Lawver stated that we are a small staff and the role that the council plays helps the Borough hold the line on things. Mr. Lawver stated that he gets a hard time for always questioning items on the bill list but it is that kind of review that helps keep things in line. Mr. Lawver thanked Mr. Griffiths for his work on keeping Council focused not only on the current year but on how we will do over the next five to ten years. Mr. Lawver stated that as long as we keep that practice in place we should be able to continue to successfully manage the budget as we have done over the last ten to fifteen years.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the May 22, 2017, Special Meeting, second by Council Member Marciante with all members present voting in favor with the exception of Mrs. Gnatt who abstained.

Council Member Chandler made a motion to approve the minutes of the June 5, 2017, Regular Meeting, second by Council Member Mills with all members present voting in favor.

Council Member Lawver made a motion to approve the minutes of the July 3, 2017, Regular Meeting, second by Council Member Marciante with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gantt had no report.

Public Safety / Personnel – Mr. Marciante stated that the new Stalker Radar trailer has been received and should be in operation this week on Burd Street first and then it will be moved to other streets throughout the Borough. Mrs. Chandler asked if it would be recording data and if there is a plan to review the information gathered. Mr. Meytrott stated that it will record some data and it will be reviewed. Mr. Meytrott stated that they will download the information to see what kind of report is generated and then integrate it into their computer system so that information can be provided to Council. Mr. Meytrott stated that in the beginning they will be leaving it in locations for a day or two to get an idea of how the data is recorded.

Mr. Marciante stated that there is an ordinance for introduction tonight to put a stop sign at the corner of Voorhees Avenue. Mr. Marciante stated that every other street along Burd Street has a stop sign and now there will be one on Voorhees.

Mr. Marciante stated that one officer is still out with an injury until the end of August.

Mr. Marciante reported that the Body Cameras are up and running and will be operational sometime in August.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that most of his items are under Council Discussion but he would like to mention that the Public Works Committee agreed to decline Verizon's request for blanket approval for the installation of wireless nodes in the right-of-way and instead ask them to apply for specific locations when they are at that point of the design.

Mr. Lawver stated that the Public Works Committee is recommending that the four speed bumps on King George Road and Park Avenue be increased in size from three inches to six inches which is what we have on Burd Street. Mr. Lawver stated that the cost estimate for this work is \$10,000 for all of the speed bumps. Mr. Lawver stated that this is tied up a little bit due to negotiations of punch list items for the King George Road/Park Avenue road project. Mr. Lawver stated that most of the punch list items are very minor; there are a couple of issues that are tricky because the responsibility falls at the nexus of Roberts Engineering for the design work, Van Note Harvey for the construction oversight and the contractor for the actual work done. Mr. Lawver stated that the Borough will be working very carefully to make sure that the responsibility and the dollars are not the Borough's responsibility and to ensure that the work gets done.

Parks and Recreation – Mrs. Mills had no report.

Finance – No report due to Mr. Griffith's absence.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Board of Health did not meet. Mrs. Chandler stated that Historic Preservation is deferred to Council Discussion.

Mrs. Chandler stated that the Environmental Commission and the Board of Health are both wrapped up in the Landfill discussion and she is not sure where we are in that process. Mrs. Chandler stated that a preliminary assessment of the landfill was done back in May, a draft report was reviewed by the Environmental Commission and Excel is finalizing the report which should be available around the end of August. Mrs. Chandler stated that they are hoping to move forward to the next stages of the process and further discussion will take place in September.

Mrs. Heinzl reported that she has spoken with Excel Engineering and she asked for an estimate and a scope of work for the next two phases which are the Site Investigation and the Remedial Investigation. Mrs. Heinzl stated that the first resolution that Council passed to hire Excel Engineering included that they would apply for the HDSRS grant which would cover the costs of the preliminary assessment and the site investigation and remedial investigation. Mrs. Heinzl stated that Excel will have the application ready to be filed and the scope of work and proposals for the next two phases for the together for the September agenda.

Mrs. Chandler stated that if and when the Borough gets to the point where the landfill site can be developed, the Economic Development Commission had a very robust conversation about what Pennington needs in terms of economics and business. Mrs. Chandler stated that one of the outtakes of this conversation was that the Economic Development Commission would like to see more business development. Mrs. Chandler stated that she mentioned this to Mr. Smith because if restaurants are considered the infrastructure needs to be maintained. Mrs. Chandler stated that this will be a long process of conversations that the EDC will be having if it is decided that the landfill should be developed.

Mrs. Chandler stated that the Environmental Commission discussed the Water Quality Report and there was some conversation about doing a comparison from year to year to identify significant changes. Mr. Smith stated that in the three years that he has been here there have been no significant changes.

Mrs. Chandler stated that the Environmental Commission also has a desire to work with other commissions that they think should be working together. Mrs. Chandler stated that the Environmental Commission received an ANJEC grant for developing the woods behind the Tollgate School. Mrs. Chandler stated that Environmental Commission wants to work with the Shade Tree and Open Space Committees on this project.

Mrs. Chandler stated that finally there was a discussion of placement of No Idling signs in a couple of areas in town. Mrs. Chandler stated that there is a State Law that you are not allowed to idle in the State of New Jersey. Mr. Meytrott stated that is true and the law is about fifteen pages long. Mrs. Chandler stated that one of the thoughts was to create a No Idling Zone in front of Tollgate and also a No Idling Zone at Kunkel Park. Mrs. Chandler stated that there are two ways to do this, one is to be passive and just post reminder signs and the other if for Council to pass an ordinance that would be enforceable. Mr. Meytrott stated that it would depend on how the fines are administered. Mrs. Chandler stated that the desire was to seek Council's opinion on which way to go with this.

Mr. Marciante asked what is considered idling. Mr. Meytrott stated that there is a definition for idling in the law. Mr. Marciante stated that at the Tollgate School when the kids are dropped off in the morning, cars are lined up around the block for five to ten minutes. Mr. Marciante asked if all of the parents would be fined for idling. Mr. Meytrott stated that idling is more than three minutes. Mrs. Chandler stated that she understands that for some people idling at Tollgate is an issue and when it has been brought up to people there have been disagreements. Mr. Lawver stated that moving through a line of cars would not be considered idling and it takes five to ten minutes to move through the line. Mr. Meytrott stated that idling is difficult to enforce because it involves timing each vehicle, checking to see if a vehicle has been shut off and turned back on and other factors including the outside temperature. Mr. Marciante did not think that there was a problem with idling; he suggested adjusting the timing of the light. Mrs. Chandler stated that the other location is Kunkel Park when children are playing in the sandbox and parents are sitting in their cars with the air conditioning on. Mrs. Chandler stated that the Environmental Commission just wanted this brought up, they are not looking for tickets to be issued but they are looking for postings to remind people that idling is a State Law. Mrs. Chandler stated that the Environmental Commission agreed that their budget could be used to purchase the signs. Mrs. Chandler stated that discussion took place about coordinating with the school district regarding the signs.

Mrs. Mills stated that she is curious as to where this request stems from, was it the Environmental Commission. Mrs. Chandler stated that it came out of an incident outside of Tollgate where someone asked another person not to idle. Mrs. Mills clarified that it came from one person asking another person not to idle and so it mushroomed from that. Mrs. Chandler agreed and stated that members of the Environmental Commission were also aware of idling at Kunkel Park and the Tollgate school.

Mr. Meytrott stated that there are other factors to determining idling such as the outside temperature. Mrs. Chandler stated that the original idea that the Environmental Commission discussed was something very passive such as informative signs reminding people not to idle. Mrs. Mills stated that would be acceptable but she can't see taking it beyond that.

Mayor Persichilli stated that there are many other issues that are more pressing than idling which really only makes a difference to one or two people. Mayor Persichilli stated that this compares to the change in garbage collection this month. Mayor Persichilli stated that he thought there would be a lot of complaints, but we only received a few. Mayor Persichilli stated that this was a reallocation of resources so that other work could be done on town. Mayor Persichilli stated that idling is not at the top of his list of things to get done. Mayor Persichilli stated that we can do what the commission suggested and also ask the school to get the word out to parents but he does not think that this governing body should get involved because we have the rest of the town to consider. Mrs. Chandler asked if the Borough would consider a no idling sign at Kunkel Park. Mayor Persichilli stated that he does not think it would make too much of a difference.

Council Discussion

Request for Sewer Service – 46 East Welling Avenue – Mrs. Heinzl stated that Council Members received a copy of a letter outlining the reasons for requesting sewer service. Mrs. Heinzl stated that the Public Works Committee met to discuss the request and Mr. Lawver is prepared to report on the discussion. Mr. Lawver stated that the Public Works Committee had this on their agenda in July, included in the conversation were Borough Engineer, Norm Nelson and Borough Attorney, Walter Bliss. Mr. Lawver stated that we get these requests from time to time and we have established four criteria for measuring the requests. Mr. Lawver stated that they are that the septic system on the property is at the end of its useful life, that the property in question and the failing septic system presents an environmental or health concern, that the property in question will not require an extension of the main and that it will be connected through a single service lateral, and last, it will not negatively impact the sewer service that we are providing to Borough residents overall. Mr. Bliss stated that the fourth criterion is that there would be diminimus impact on the overall capacity. Mr. Lawver reminded Council that 312 South Main Street was approved because they had a failing septic system and they were adjacent to the Borough and they were able to connect to an existing sewer main and there was threat of environmental impact because they were near a creek and the septic was potentially running into the creek and there was diminimus impact to the Borough.

Mr. Lawver stated that today there are two requests for sewer service and they are 46 and 45 East Welling Avenue. Mr. Lawver stated that 46 East Welling does not appear to meet the criteria, the septic system in

question is not failing, the property does not seem to present an environmental or health risk if the septic system were to fail. Mr. Lawver stated that this property cannot connect to the main without going through other properties. Mr. Bliss stated that it is one hundred forty three feet to the manhole. Mr. Lawver stated that to get to the main the system would have to access the public right of way. Mr. Lawver stated that it does have an impact to the Borough sewer system. Mr. Lawver stated that the primary reasons that it does not meet the criteria are that the system is not failing and there does not seem to be an environmental or health risk. Mr. Bliss stated that one of the factors here and it goes to the fourth criteria which is the ability to connect with a single service line, is that if this particular property were served there would not be much of a reason not to serve other properties in that neighborhood. Mr. Bliss stated that there are other properties closer to a stream in the neighborhood and it is a downhill slope that would require pumping uphill. Mr. Bliss stated that as per the Borough Engineer all of these are factors that would contribute to the need for a main extension as opposed to a single service lateral. Mr. Bliss stated that you could ultimately have a half a dozen connections to that same connection which would be infeasible.

Mr. Marciante stated that this property is in the service area and it was agreed at the Public Works meeting that if one property gets service they all will want service and presently the Borough does not have the pipe in place. Mr. Marciante stated that Hopewell Township would have to be involved to provide the infrastructure. Mrs. Heinzl stated that the future service area that Mr. Marciante is referring to comes from the Sewer Management Plan which is a planning document and when the Sewer Authority was going through the approval process for their expansion they had to include the potential future sewer areas to support the reason for the expansion. Mayor Persichilli stated that available capacity of the sewer plant is very low until the expansion is complete and that is partly because of the approval of the American Properties development. Mr. Bliss stated that is why the Borough has been taking a case by case approach to these requests for service to make sure that properties that we serve are taken care of and as it is American Properties only received approval for half of its development.

Mr. Lawver stated that 45 East Welling Avenue is different because they have a portion of their property in the Borough and like the approval that was given on Vannoy Avenue are covered under an agreement from 1977 when the sewers were put in place, which entitles any property owner within the Borough, even if it is just a sliver, to connect to the sewer system. Mr. Lawver stated that is why several properties that are primarily in Hopewell Township were able to connect to the Borough sewer system. Mr. Lawver stated that 45 East Welling Avenue falls within the confines of the 1977 agreement.

Mr. Lawver recapped the reasons why 46 East Welling was being denied service and 45 East Welling was being approved for sewer service. Mr. Lawver stated that there are a whole host of issues surrounding the request by 46 East Welling Avenue and how to properly serve properties that are within the defined sewer service area but that do not have the infrastructure built yet. Mr. Lawver stated that the infrastructure needs to be properly engineered and installed before connections can be made.

Mrs. Judy Hemley of 46 East Welling Avenue asked for clarification of some of the reasons given for denying their request. Mrs. Hemley asked if the measurement from her house to where the connection would take place is 143 feet. Mr. Bliss stated that the measurement was taken from the closest corner of the property at the street to the manhole. Mrs. Hemley asked for documentation of this. Mr. Bliss stated that the measurement was taken with a wheel. Mrs. Hemley stated that she is in a situation and the reason she wrote the letter is because she is trying to sell her house. Mrs. Hemley stated that she is concerned that they will have trouble selling the house because of the fact that they have a septic system that was built in the 1950's and it is not a standard system that is up to current codes. Mrs. Hemley stated that what she is hearing is that unless her system is failing there is no avenue for approval. Mr. Bliss stated that the failing issue is one of the criteria, there is a sewer service area, but Hopewell Township has responsibility for the regulation of the septic systems and the mere existence of the sewer service area does not require Pennington to construct beyond its borders. Mrs. Hemley stated that she understands that but she is wondering is if six months from now her system was shown to be failing what would she do. Mrs. Hemley asked if the Borough would consider a conditional approval in the event that her septic system was to fail in the future. Mr. Lawver replied no. Mr. Marciante stated that the main thing is that the Township has to take care of providing the infrastructure. Mayor Persichilli stated that the Township is more than likely going to tell recommend replacement of the septic system. Mrs. Hemley stated that she is on a half-acre lot and her septic system is in the front and they don't want to ruin the look of the street by tearing up the front yard. Mrs. Hemley stated that the bottom line is that her next door neighbor will have sewer service but they can't connect. Mr. Lawver stated that the Borough cannot rewind the clock and figure out why Hopewell Township decided not to include the tree streets and her house in the sewer service. Mr. Lawver stated that we do not have the infrastructure in place to support 46 East Welling or any of the other houses that are outside the Borough but within the future sewer service area. Mrs. Heinzl stated that the service area is a future service area and the capacity for the future service area is not even built yet. Mr. Lawver stated that this is a Hopewell Township issue unfortunately and the Borough has little capability to help Mrs. Hemley in this situation. Mr. Lawver stated that the house at 312 North Main Street was unique and that is why they were able to connect. Mrs. Hemley asked what was unique about it and Mrs. Chandler stated that it was part of the 1977 agreement. Mr. Bliss stated that actually it was not part of the agreement; the 1977 agreement had to be amended to include the property. Mr. Bliss stated that what changed was the amendment of the Water Quality Master Plan which created the sewer service area beyond the borders of the Borough. Mr. Marciante stated that in that case no infrastructure had to be added they were able to tie into existing infrastructure. Mayor Persichilli asked if a vote is required for this request. Mr. Bliss stated that he did not think that a vote is needed but to the extent that Council wants to further define the policy and establish a trail of precedents then yes.

Social Affairs Permit – Pennington Fire Company – Bourbon Tasting – November 11, 2017 – Mrs. Sterling explained that this used to be a paper form and the Public Safety Director and Borough Clerk would sign off on the form. Mrs. Sterling explained that the process is now online and so this is just for information purposes unless anyone has an issue with the event.

Historic Preservation Designation – AME Cemetery – Mrs. Chandler stated that when the Historic District was formed, the AME Cemetery was an area that was intended to be included in the district. Mrs. Chandler stated that it was not included at the time because the idea was to have a contiguous district although the churches were included. Mrs. Chandler stated that the only remaining non-profit historic area in town is the AME Cemetery. Mrs. Chandler stated that the Historic Preservation Commission is looking to get Certified Local Government (CLG) certification and they are three quarters of the way there. Mrs. Chandler stated that CLG status is the first step towards getting State and then Federal designation of the Historic District. Mrs. Chandler stated that the CLG would allow entities like the AME Cemetery, a registered non-profit, to apply for grants for the preservation of the cemetery. Mrs. Chandler stated that the CLG does not mean that private homeowners can apply for grants but churches and any non-profit historic site within the district would be eligible for funding. Mrs. Chandler stated that the Historic Commission would like to start the process to incorporate the cemetery into the district. Mrs. Chandler stated that they have spoken to the Board members of the cemetery and they are in agreement with the idea. Mrs. Chandler stated that this would have to go before the Planning Board first and then it would come to Council as an ordinance. Council Members were in favor of the idea. Mrs. Heinzl asked that the Historic Commission send a letter to the Planning Board requesting the change.

Borough Hall Renovations – Mr. Lawver thanked everyone involved in the process for interviewing three proposals from architectural firms for renovations to Borough Hall. Mr. Lawver stated that three proposals were received, KVD, Max Hayden and Ronny Bregenzer and it was a very informative process. Mr. Lawver stated that he is gaining information and knowledge as we go through the process. Mr. Lawver stated that we now have very rough estimates that the scope of the work is anywhere between \$500,000 and \$750,000 and narrowing that scope will be done through a needs assessment. Mr. Lawver stated that a bond ordinance is on for introduction later in the meeting and given the timing on advertisements we will not be able to award a contract until October. Mr. Lawver stated once the contract is awarded the work process which we are trying to do slow enough that we do it right but fast enough that we get the HVAC system addressed before the next cooling system, can begin. Mr. Lawver stated that the professional fees involved are between \$75,000 and \$125,000 which seems very high but compared to a road project, professional fees are fifteen percent, so in that context the fees are in line. Mr. Lawver stated that we will be very diligent in pursuing the best pricing possible from all of the professionals involved and also through the construction process. Mr. Lawver stated that there are projects that have to be done, the HVAC system and the roof and projects that should be done, addressing the police department, and projects that we would like to do. Mr. Lawver stated that there will be discussions as to what we can afford. Mr. Lawver stated that projects will be designed in such a way that it can be staged so that potentially down the line some of the wish list projects can be drawn in as funds are available.

Senior Center-Reading Street – Mayor Persichilli stated that Mrs. Heinzl received a notice from Paul Pogorzelski stating that Trap Rock has agreed to donate the asphalt to repave the Senior Center parking lot and Mercer County has agreed to provide the labor. Mayor Persichilli stated that is the only thing on the long list of things to do that has been addressed. Mr. Lawver stated that Mrs. Chandler missed the July Council meeting and she should be filled in on what was discussed. Mayor Persichilli stated that he and the Mayors of Hopewell Borough and Hopewell Township have had several meetings and have met with Mercer County to talk about the Senior Center. Mayor Persichilli stated that Mercer County would like to see the Senior Center remain open as they have the lunch program there. Mayor Persichilli stated that Hopewell Township is considering a community center and would like to put a lot of things in one location. Mayor Persichilli stated that there are County funds available to each municipality in the amount of \$500,000 each; combined together it would be a nice amount to put towards a community center. Mayor Persichilli stated that the concept of a community center was something that was discussed about ten years ago and because of the different groups that went their own way and wanted separate buildings the concept did not go anywhere. Mayor Persichilli stated that now we are back to the same idea but the time frame for completion is five to seven years. Mayor Persichilli stated that as a result of that they started to reconsider the senior center that we have and putting some money into it, between \$50,000 and \$150,000, to fix the things that have to be fixed to make the building safe for the current programs that are held there, including the lunch program. Mayor Persichilli stated that Hopewell Township felt that they could solicit donations and volunteers to get the work done. Mayor Persichilli stated that they left the meeting having charged the Township with lining up these donations and volunteers and reporting back and that was three weeks ago. Mayor Persichilli stated that we have yet to hear about what will be done with the roof, the gutters, the outside, the bathrooms and the kitchen.

Mrs. Heinzl stated that the Township Administrator volunteered to reach out to some corporate residents to solicit donations of time, materials and volunteer labor. Mrs. Heinzl stated that he is working on it.

Mayor Persichilli stated that Mercer County indicated that they might have some funds to be able to assist with the project, though we don't know how much and we don't have a solid answer. Mayor Persichilli stated that all of this is because Borough Council decided to close the senior center at the end of this year because it is not safe and at the time the Borough was not willing to put the money into the building. Mayor Persichilli stated that because of this large meeting and the consensus that everyone would like to see something done, there is a loose agreement that we will pursue fixing the senior center if we have time and

resources to do it. Mayor Persichilli stated that if we don't have the time and resources the consensus is that we will close the senior center and the County will have to find another place to serve lunch. Mayor Persichilli stated that the seniors will have to relocate and meet at the churches or other locations.

Mayor Persichilli stated that is the background and what we heard today is that the Township has arranged to have the parking lot repaired through donations from Trap Rock and Mercer County. Mr. Lawver stated that he has major reservations about this. Mr. Lawver stated that the Borough presented Hopewell Township, Hopewell Borough and Mercer County with a list of fifteen to twenty items that need to be addressed, including the parking lot, the roof, the siding, the stove that has been rewired so it doesn't come on, and a whole host of other things. Mr. Lawver stated that the County Executive agreed to repave the parking lot which is great, but that does not address the failing concrete work, the lack of or broken lighting in the parking lot and other issues. Mr. Lawver stated that the repaving is only one thing on the list. Mr. Lawver stated that the Township Administrator says he has a guy to do the roofing and he believes that is the case, however he sent out a letter to the corporate residents in the area for donations and the response he got was not overwhelmingly positive. Mr. Lawver stated that it was more that they have volunteers who are great at painting and landscaping but they are not going to climb ladders and replace roofs and siding and they are not going to install gutters. Mr. Lawver stated that the agreement at the last meeting with the County Executive was that we can get this done with volunteer labor and if we do that we can keep the building open. Mr. Lawver stated that his question is what happens at the end of the year when the Township Administrator retires and a new Administrator comes in and says the Senior Center is Pennington Borough's problem and we are left with one thing on the list of many things completed.

Mr. Lawver stated that his proposal, which requires meeting with Liz Muoio and the County Executives is that if and when that happens we can go to the County and apply for grant funds to fund the repairs for the existing Senior Center because we know that this is the only building that will be able to provide services to the seniors for the next realistically ten to twelve years. Mr. Lawver stated that is the only alternative to get past shutting the senior center down. Mrs. Chandler stated that she thought that Council already decided to shut the senior center down so what has changed. Mr. Lawver stated that there has been additional pressure from Mercer County to keep the center open. Mrs. Chandler stated that we knew there would be pressure when it was decided to shut the senior center down and Council agreed to shut it down. Mayor Persichilli stated that there was discussion but no formal action. Mrs. Heinzl stated that she was asked to write a letter to everyone who uses the center. Mr. Marciante stated that his opinion is to apply for the funds from the County and fix up the building. Mr. Marciante stated that the building belongs to Pennington and whatever happens in the future happens. Mr. Marciante stated that their plan is going to take five to ten years or more so in the meantime the Borough should fix up the building so the seniors have a place to go.

Mrs. Chandler stated that she is still wondering what has changed from the time that Council decided to close the senior center. Mr. Lawver stated that the December 31, 2017 closing date was intended to light a fire under the collective entities responsible for finding a long term solution for the seniors. Mr. Lawver stated that has not happened and now we can follow through and shut down the center in which case the lunch program which he believes is the most valuable on-going program delivered in the community, would have no home. Mr. Lawver stated that the seniors that attend the lunch program would then have to go to a location in Lawrence or Ewing. Mrs. Chandler stated that is a serious concern but has there been any thought to moving the location of the lunch program within Pennington. Mr. Lawver stated that the fire house and a couple of churches were approached and there was no interest in housing the lunch program. Mayor Persichilli stated that the question becomes if we use County funds to fix up the building would the use be limited to the lunch program or would we allow the seniors to continue to meet there. Mayor Persichilli stated that it is our building so we are charged with maintaining the building. Mayor Persichilli stated that we currently have an agreement with Hopewell Township and Hopewell Borough for cleaning and maintenance of the inside of the building and half the time we end up doing it anyway. Mayor Persichilli stated that we are not planning to expand the building, simply fix up what is there and the discussion needs to be whether to allow only the lunch program to use the building or whether to continue to allow the seniors to use the building.

Mayor Persichilli asked for discussion regarding how to proceed, do we go back to the parties and explain that they are not moving fast enough, the end of the year is coming and we have decided as a Council that we are going to request funds from the County. Mrs. Heinzl asked if Council would want to request only the Borough share of the funding. Mr. Lawver stated yes and the funds would be used for repair of the existing building as is and not to expand the building. Mrs. Heinzl asked if we should hold off on repaving the parking lot until we reach an agreement on the funding for the repairs. Council Members were in favor of holding off on the paving. Mr. Lawver stated that the reason that the senior center has reached this point is that for the last ten or twelve years a brand new senior center and/or community center was just around the corner and Pennington Borough agreed to keep the current senior center open as long as possible but it does not make sense to invest money into a building that is not going to be used. Mr. Lawver stated that is still the case. Mr. Lawver stated that Hopewell Township has the largest share of the seniors and the largest share of the users of the senior services and they have failed to address a long term solution. Mr. Lawver stated that is why we are where we are, the chewing gum and baling wire has gone as far as it can go and we are at the point where we either shut down the building or if we are going to keep it open, we have to spend real dollars. Mr. Lawver stated that if we are going to continue to offer senior services then we need to act now because there is no solution coming in the foreseeable future.

Mr. Lawver explained that revenue that is received from Mercer County for the lunch program and from Hopewell Township and Hopewell Borough under the agreement for cleaning the center is being used for ongoing repairs and costs of keeping the building open.

Mayor Persichilli stated that he and Mrs. Heinzl will reach out to Mercer County. Mrs. Heinzl stated that we want to do this quickly so that we can make sure that the paving of the parking lot is put on hold. Mr. Lawver stated that he doesn't want to see County tax dollars used to pave the lot just to see it get closed at the end of the year. Mr. Lawver stated that the funds would be better spent on paving another street in the Borough in the event that we don't get the funding to repair the senior center.

Hopewell Valley Senior and Community Center Survey – Mr. Lawver stated that if Council wants, the Township will come and do a presentation on the results of the survey. Mayor Persichilli stated that everyone received a copy of the survey so he does not think that a presentation is necessary.

Block Party – East Welling Avenue – September 16, 2017 - Mr. Marciante mentioned that there is also a block party on Voorhees Avenue on September 9, 2017. Council Members had no issues with the request.

Ordinances for Introduction

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

* * *

Voorhees Avenue and Burd Street

Stop Sign On

* * *

Voorhees Avenue

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

Council Member Marciante made a motion to introduce Ordinance 2017-12, second by Council Member Gnatt with all members present voting in favor.

Mayor Persichilli read Ordinance 2017-13 by title.

**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.

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 \$58,000, including the sum of \$2,900 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 \$55,100 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 \$55,100, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$3,000 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 introduce Ordinance 2017-13, second by Council Member Marciante. Mr. Lawver explained that this is consistent with the long term Capital plan for replacement of equipment. Upon a roll call vote all members present voted in favor.

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 introduce Ordinance 2017-14, second by Council Member Mills. Mr. Lawver explained that this ordinance is in the amount of \$1,000,000 because we needed an upper end though we certainly expect the costs to be less and we certainly expect to cancel whatever is not used. Mr. Lawver stated that we have done a good job of cancelling outstanding bond ordinances that were vaguely named. Upon a roll call vote all members present voted in favor.

New Business

**BOROUGH OF PENNINGTON
 RESOLUTION #2017 – 8.2**

RESOLUTION AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,642,613.89 from the following accounts:

Current	\$ 2,451,674.53
W/S Operating	\$ 144,697.83
Developers Escrow	\$ 18,965.82
Grant Fund	\$ 18,922.04
General Capital	\$ 7,142.27
COAH Trust Fund	\$ 1,200.00
Animal Control Fund	\$ 11.40
TOTAL	\$ 2,642,613.89

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-8.2, second by Council Member Gnatt. Mr. Marciante asked a couple questions regarding Roberts Engineering invoices. Mrs. Sterling stated that the bills in question are escrow invoices for American Properties. Mr. Marciante also asked about an invoice from Buxton’s Boxes for the storage unit. Mrs. Heinzl stated that certain records are required to be kept permanently. Mrs. Sterling stated that she and Mr. Smith have been working to organize the storage unit so that records can be properly disposed of when the time for keeping the records expires, but there are a good amount of records that are permanent. Mr. Lawver stated that years ago there was an initiative to digitize records and Mercer County was going to drive the project which was supposed to save municipalities a lot of money. Some discussion took place regarding digitizing the records in the storage unit. Mr. Meytrott stated that years ago the State came out with schedules on how long certain records are required to be kept. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2017 – 8.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2017 ADOPTED BUDGET
 (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
 TRANSPORTATION ALTERNATIVES PROGRAM - STREETSCAPE**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a grant in the amount of \$580,000 from the State of New Jersey – Transportation Alternative Program; and

WHEREAS, the Borough wishes to amend its 2017 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the

insertion of a special item of revenue in the budget of the year 2017 in the sum of \$580,000, which is now available as revenue from:

Transportation Alternative Program – Streetscape

BE IT FURTHER RESOLVED that a like sum of \$580,000 be and the same is hereby appropriated under the caption of:

Transportation Alternative Program - Streetscape

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-8.3, second by Council Member Gnatt. Mr. Lawver stated that this is a remarkable grant and it is a huge amount of money for streetscape improvements. Mr. Lawver stated that he is amazed that we received the grant and now we need to figure out how to spend it properly. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 8.4**

RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

WHEREAS the Municipal Court Administrator has requested permission to cancel certain outstanding checks from the Court’s accounts, as set forth on the attached listing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington that the Municipal Court Administrator is hereby authorized to cancel outstanding checks of the Municipal Court as set forth on the attached listing; and

BE IT FURTHER RESOLVED that a replacement check be issued to any individual that claims a check subsequent to its cancellation.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-8.4, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 8.5**

RESOLUTION IN SUPPORT FOR SUSTAINABLE OPEN SPACE, FARMLAND, HISTORIC PRESERVATION AND STEWARDSHIP FUNDING FOR NEW JERSEY

WHEREAS, New Jersey’s population demands an ample water supply provided by adequate open space to support our quality of life; and

WHEREAS, Open Space in the form of parkland, family farms, historic, and cultural sites, recreational areas and natural watershed areas is vital to our economy, planned growth, protection of property values, water quality, and safety and urban, suburban and rural quality of life; and

WHEREAS, continued, plentiful and sustained funding is vital to a strategic Open Space program to bolster and enhance private, county, other state, and federal Open Space funding programs; and

WHEREAS, provisions for stewardship to properly care for parks, preserved lands, and historic sites is an important component of Open Space efforts; and

WHEREAS, New Jersey’s Payment in Lieu of Taxes program (PILOT) should be restored to full funding because it encourages municipalities to host state and non-profit preserved open space;

NOW THEREFORE BE IT RESOLVED THAT the Borough Council of the Borough of Pennington supports sustainable, continuing funding for Open Space in New Jersey.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-8.5, second by Council Member Chandler. Mr. Marciante asked if it was correct that if open space funds are not spent within a certain period of time, the get turned over to the State. Mrs. Heinzel stated that our ordinance is written such that if after a certain amount of time open space funds are not used for acquisition of open space, then the Borough Council reviews the activities of the committee and at that point Council can decide if there is reason to remove the Open Space Tax and if that is decided then any funds in the account would be turned over to a local non-profit to be used for acquisition of Open Space. Mr. Marciante asked Mr. Bliss if there was a State Law about Open Space funds. Mr. Bliss stated that he was not aware of any but he would look into it. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2017 – 8.6**

**RESOLUTION REQUESTING CHANGE IN TITLE,
 TEXT, OR AMOUNT OF APPROPRIATION PURSUANT TO
 NJS 40A:4-85**

WHEREAS, NJS 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of NJS 40A:4-85, the Borough of Pennington hereby requests the Director of the Division of Local Government Services to make the following correction in the 2017 budget:

Change “2017 Bond Ordinance”
 To
 “Purchase of Mid-Size Backhoe with Attachments”

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough for the reason set forth:

The intent was to fully fund the 2017 Capital Projects

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-8.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2017 –8.7**

**RESOLUTION AWARDING CONTRACT FOR WATER DISTRIBUTION SYSTEM UPGRADES
 ON EAST CURLIS AND WEIDEL AVENUES
 SUBJECT TO APPROVAL BY NJDEP**

WHEREAS, Borough Council of the Borough of Pennington has authorized advertisement for bids for the project known as Water Distribution System Upgrades on East Curlis and Weidel Avenues (VNHA File No.43327-510-71); and

WHEREAS, the request for bids included two optional add alternates pertaining to installation of a sampling station in the vicinity of Toll Gate School and the Borough reserved the right to award the contract to the bidder with the lowest bid after combining base bid and add alternate bid for the alternate selected;

WHEREAS, a total of seven (7) bidders obtained plans and specifications and three (3) contractors submitted bids, which were opened on July 18th, 2017; and

WHEREAS, John Garcia Construction Company, of Clifton, New Jersey (“Garcia”) was the low bidder with a total base bid of \$600,603.75, as well as the lowest bidder combining the base bid with either of the add alternate bids;

WHEREAS, the Borough desires to install the aluminum sampling station described in “Add Alternate 2”, for which the price bid by Garcia was \$8,201.40, bringing the total Garcia bid to \$608,805.15;

WHEREAS, the Borough Engineer has reviewed the bid package submitted by Garcia and has determined that the bid conforms with specifications and that Garcia has the ability to perform the work; and

WHEREAS, the Borough Attorney has also reviewed the Garcia bid package and finds same to be complete and responsive; and

WHEREAS, the project is being funded by a loan from the New Jersey Environmental Infrastructure Trust and the Borough Engineer has determined that Garcia conforms with NJEIT regulations, subject to approval by NJDEP;

WHEREAS, the Borough Engineer recommends award of the contract to Garcia in the total bid amount of \$608,805.15, including base bid and bid on Add Alternate 2 as described above, on the condition that the award be first approved by NJDEP;

WHEREAS, the Chief Financial Officer has certified that funds are available under Ordinance 2016-5;

WHEREAS, the bid documents are available in the office of the Borough Clerk;

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

1. The aforesaid contract for Water Distribution System Upgrades is hereby conditionally awarded to John Garcia Construction Company of Clifton, New Jersey, subject to approval by the New Jersey Department of Environmental Protection, for a total contract price of \$608,805.15.
2. Upon receipt of such approval, the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the aforesaid contract on behalf of the Borough.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-8.7, second by Council Member Mills. Mr. Marciante asked if a background check was done on this contractor. Mrs. Heinzel stated that Garcia has done work in Pennington before. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-8.8**

**RESOLUTION AUTHORIZING SEWER SERVICE TO 45 EAST WELLING AVENUE IN
HOPEWELL TOWNSHIP (BLOCK 73, LOT 46 ON THE
HOPEWELL TOWNSHIP TAX MAP), LOCATED PARTIALLY IN PENNINGTON BOROUGH
(BLOCK 1004, LOT 1 ON THE PENNINGTON BOROUGH TAX MAP).**

WHEREAS, 45 East Welling Avenue is a single-family residence located in Hopewell Township on a parcel of land located partially in Pennington Borough (“the Property”)

WHEREAS, the Property, which is assessed for taxation in Hopewell Township, is known as Block 73, Lot 46 on the Hopewell Township Tax Map and Block 1004, Lot 1 on the Tax Map of Pennington Borough;

WHEREAS, the Property is adjacent to and under common ownership with three (3) undersized parcels of real estate located entirely in Pennington Borough (known respectively as Block 1004, Lots 4, 7 and 8) which are assessed for taxation in the Borough;

WHEREAS, the owner of the Property, Si. Mao. Hai-45 EW LLC, has requested sewer service for the Property from the Pennington Water & Sewer Utility;

WHEREAS, the Property is located within the Pennington Sewer Service Area included in the 2009 amendment to the Mercer County Water Quality Management Plan, which expanded the sewer service area for Pennington to include certain residential areas in Hopewell Township adjacent to the Borough;

WHEREAS, the 2009 amendment to the Water Quality Management Plan was further predicated upon expansion of the existing Pennington Treatment Plant of the Stony Brook Regional Sewerage Authority from 0.30 million gallons per day to 0.455 million gallons per day;

WHEREAS, the expansion of the Pennington Plant has not yet occurred and the available capacity for additional sewer service must be carefully husbanded, taking into account especially the projected needs of future development within Pennington;

WHEREAS, Council has determined that the location of the Property partially in the Borough qualifies the Property for conditional authorization of sewer service at this time and does not establish a precedent that would require uncontrolled expansion of service to nearby Hopewell Township properties;

WHEREAS, the connection required to provide the proposed service will exit the rear of the Property through adjoining Pennington properties in common ownership;

WHEREAS, a condition precedent to authorization of sewer service for the Property is amendment of the 1977 Agreement among the Borough of Pennington, the Township of Hopewell and the Hopewell Township Municipal Utilities Authority as amended from time to time ("1977 Agreement") to designate the Property as one of the properties in Hopewell Township adjacent to the Pennington sewer collection system authorized for service by that system;

WHEREAS, the authorization of sewer service for the Property shall be further subject to the following additional conditions precedent:

1. the owner of the Property shall be responsible for performing all acts and incurring all costs needed to connect the Property to the Borough system in the Borough, and to maintain that connection subject to approval and inspection by the Borough;
2. the owner shall agree to install such metering devices as required by the Borough to permit accurate billing for the sewer service;
3. the owner shall obtain all approvals by Hopewell Township, and its applicable utilities and authorities and the New Jersey Department of Environmental Protection as may be required for construction of the necessary facilities;

WHEREAS, Borough Council in granting this authorization does so with specific reference to the unique characteristics of the Property and the authorization shall not be construed to acknowledge on the Borough's part an obligation to extend service with respect to other properties in the sewer service area as expanded by the 2009 WQMP amendment except on a case by case basis;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that extension of sewer service to the Property is hereby authorized, subject to satisfaction of the following conditions precedent as further described above: (1) amendment of 1977 Agreement; (2) acknowledgment of owner's responsibility to connect to the Borough main in the Borough; (3) agreement to install necessary metering devices; and (4) all necessary approvals.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-8.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-8.9**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2016 ANNUAL
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-8.9, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 8.10**

RESOLUTION APPOINTING ENGINEER AND AUTHORIZING RELATED PROFESSIONAL SERVICES AGREEMENT UNDER NJEIT PROGRAM FOR WATER MAIN REPLACEMENT ON EAST CURLIS AND WEIDEL AVENUES

WHEREAS, the Borough has applied for funding through the NJEIT grant program for water main replacement on East Curlis and Weidel Avenues in the Borough (“the Project”);

WHEREAS, Borough Council seeks to contract with Van Note Harvey Associates, Inc. to provide professional engineering services in connection with the Project, as set forth in the attached form of Agreement;

WHEREAS, the Agreement provides for compensation on the basis of time and materials pursuant to the schedule attached to the Agreement as Schedule D, and further provides that total expenditures for these engineering services, including disbursements, shall not exceed \$52,000.00 without prior written approval by Borough Council;

WHEREAS, award of the contract shall be contingent upon approval of funding under the NJEIT Program;

WHEREAS, the Chief Financial Officer has certified the funds are available for this contract in Account #: W-06-16-005-000-295 (Ordinance 2016-5);

WHEREAS, this a contract for Professional Services which may be awarded without public bidding;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that contingent upon approval of funding as provided above, Van Note Harvey Associates, Inc. is hereby appointed engineer and awarded the engineering contract for the Project, and the Mayor, with the attestation of the Clerk, is hereby authorized to enter into the annexed Agreement on behalf of the Borough subject only to final approval as to form by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-8.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-8.11**

RESOLUTION OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS NOTE RELATING TO THE INTERIM FINANCING TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$920,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING TRUST LOAN PROGRAM.

WHEREAS, the Borough of Pennington (the “Local Unit”), in the County of Mercer, New Jersey, has determined that there exists a need within the Local Unit to: acquire, construct, renovate or install a project consisting of water main replacement on East Curlis Avenue/Weidel Drive and the acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (collectively, the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Environmental Infrastructure Trust (the “Trust”);

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of an interim loan to be made by the Trust (the “Interim Loan”) to the Local Unit, pursuant to the Interim Financing Trust Loan Program of the Trust (the “Interim Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Interim Loan and (ii) satisfy the requirements of the Interim Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the “Note Relating to the Interim Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust” in an aggregate principal amount of up to \$920,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2016-05 of the Local Unit, finally adopted by the Local Unit at a meeting duly called and held on March 2, 2016, at such time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall not exceed \$920,000;
- (b) the maturity of the Note shall be upon the issuance of permanent financing;
- (c) the interest rate of the Note shall be set by the Trust;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “CFP-201_ _” or such other denomination as may be requested by the Trust;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Interim Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Interim Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Interim Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-8.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 - 8.12**

RESOLUTION AWARDING CONTRACT FOR TREE REMOVAL AND STUMP- GRINDING SERVICES TO RICH TREE SERVICE, INC. PURSUANT TO A STATE AUTHORIZED CONTRACT FOR THESE SERVICES

WHEREAS, the Borough of Pennington intends to enter into a contract with Rich Tree Service, Inc., the State-contract vendor under State Contract T-0465, Tree Trimming & Removal Services, 12-X-22219 (“State Contract”), under a grant-funded initiative which will remove twenty-two (22) designated trees in the public right-of-way on municipal roads in the Borough;

WHEREAS, the Borough now seeks to supplement the grant-funded initiative by use of Borough funds to provide for removal of six (6) additional trees whose removal is believed to be required in the

interest of public safety;

WHEREAS, Rich Tree Service, Inc. has provided the attached Quotation for removal of the trees in question, including stump grinding, for a total contract price of \$8,482.55;

WHEREAS, the attached Quotation specifies the trees to be removed and the prices per tree;

WHEREAS, it is the intent of the Borough to ensure that the proposed services are subject to the same terms and conditions as provided by the State Contract and are applicable as well to the grant-funded initiative referenced above, with the exception of completion date;

WHEREAS, the proposed contract, as a State Contract, is not required to be advertised for public bidding under the Local Public Contracts Law:

WHEREAS, the Chief Financial Officer has certified that the funding required for this contract is available in account #: 7-01-26-313-000-250 – Shade Tree – Tree Pruning;

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

1. A contract for removal of the six (6) trees designated in the attached Quotation provided by Rich Tree Service, Inc., for a total all-inclusive price of \$8,482.55, is hereby awarded to Rich Tree Service, Inc., subject to all terms and conditions applicable to State Contract T-0465, Tree Trimming, Pruning & Removal Services, 12-X-22219, and subject further to the requirement that all work must be completed by October 15, 2017.
2. The Borough Administrator and Clerk, with the assistance of the Borough Attorney, are hereby authorized and directed to prepare such purchase order and accompanying documents as needed to ensure compliance with the State Contract and related terms and conditions.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-8.12, second by Council Member Gnatt. Mr. Lawver stated that this resolution picks up the six trees that were not covered by the grant. Mrs. Chandler asked if Mercer County is finished with tree work on North and South Main Street. Mr. Smith stated that they will be coming back to address trees on Delaware Avenue. Upon a roll call vote all members present voted in favor.

Professional Reports

Mrs. Heinzl stated that she provided her report to Council Members and she would be happy to address any questions. Mrs. Heinzl stated that Mrs. Chandler already addressed the Site and Remedial Investigations by Excel Engineering and we should be seeing more on that at the September meeting.

Mrs. Heinzl stated that the PSE&G Solar Array project is moving along, the noisiest part of the project is complete and a notice has been posted on the website for residents who are curious about what is going on over there.

Mrs. Heinzl stated that American Properties is moving forward and for the short term they are moving the sidewalk along Knowles Street and they will be installing new curbing and sidewalk along Knowles.

Mr. Bliss reminded Borough Council of the closed session after the meeting.

Mr. Smith stated that Council has his report. Mr. Smith asked if there were any concerns regarding the change to the garbage collection schedule. Mrs. Chandler stated that she brought it up at the Environmental Commission meeting and they were very supportive of the idea. Mr. Smith stated that looking at today's numbers alone either residents dialed back, found more ways to recycle or just didn't put out some of their garbage because of the weather. Mr. Smith stated that typically they haul five to six tons on a Thursday and around ten on a Monday, today they hauled just over twelve tons.

Mr. Marciante stated that a lot of people were not aware of the change to the garbage collection schedule and so he posted on facebook and referred people to the website. Mr. Marciante stated that the newspapers are not covering Borough meetings. Mr. Marciante suggested broadcasting the meetings or contacting the newspapers and demanding that they send someone to cover the meetings. Mrs. Heinzl stated that the Swift-911 System can be used to send notifications out and it can target certain areas. Mr. Lawver stated that Mr. Marciante makes a very good point but we are not going to get someone from the newspapers to come to the meetings. Mr. Lawver stated that we could send a write up to the newspapers but that requires someone to write it and send it or as we look at the website we need to come up with a better way to notify residents

whether that is through an e-mail blast or text blast but that requires having residents opt in and then keep their information current. Mrs. Heinzl stated that she and Betty are doing a nice job keeping the website current and the information on the website has now been better organized so that it's updated and easy to follow. Mrs. Heinzl encouraged Council members to look at the website and forward any comments or ideas. Mr. Lawver stated that an individual has to be proactively looking for information to seek out the website, we need something so that we can push information out to residents. There was some discussion regarding creation of a data base of e-mail addresses, but the process is very slow and residents would have to provide the information.

Mrs. Mills stated that she has been approached by a couple of residents inquiring about what the Borough does about vacant properties. Mrs. Heinzl stated that the Borough does not have an ordinance regarding vacant properties. Mrs. Heinzl stated that if a company or bank is paying the taxes then we can reach out to them when there are concerns. Mrs. Heinzl stated that if there are maintenance problems then let her know and we have a means to address those concerns. Mrs. Mills stated that the grass is being cut but the property has just been sitting vacant for many years. Mr. Lawver stated that there is a property on Burd Street that is the same situation.

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.

Mr. Weed Tucker of 92 Woolsey Court in Pennington Point stated that he is representing the Hopewell Valley Senior Advisory Board. Mr. Tucker commented that it is a shame that small newspapers are going by the wayside. Mr. Tucker thanked Mayor Persichilli for his leadership in meeting with the other municipalities and the County to discuss the future of a senior center in the Hopewell Valley. Mr. Tucker stated that he hears a lot of talk that there is going to be a community center and he saw in the Hopewell Express an article about the survey. Mr. Tucker stated that the Senior Advisory Board objected to the survey. Mr. Tucker stated that Mr. Lawver's idea of seeking funding from the County is good, but he doesn't hear specifically about the Senior Advisory Boards recommendation to renovate and expand the senior center on Reading Street and ask the County for the \$1.5 million dollars, \$500,000 for each municipality, to fund it. Mr. Tucker asked if that has been discussed. Mayor Persichilli stated that he does not know if there is \$1.5 million available from the County especially since it is allocated by municipality. Mayor Persichilli stated that it is a question that can be asked. Mr. Tucker stated that it is either cash or in kind and he thinks it can be done with the cooperation of the three municipalities. Mr. Tucker stated that the recommendation from the Senior Advisory Board was pretty clear. Mayor Persichilli stated that we can certainly bring up the discussion but the problem is that it would be strictly a senior center and not a community center because there is not enough space. Mayor Persichilli reminded Mr. Tucker that Hopewell Township is driving towards a community center. Mr. Tucker stated that they have struck out three times on that. Mayor Persichilli stated that this has been a discussion item for the past fourteen years or so. Mr. Lawver stated that his recommendation is to ask for the Borough's share of the money for repairs is an acknowledgement that Hopewell Township will not sign on to a request for \$1.5 million for a senior center. Mr. Tucker stated that if that is the case, then it makes the most sense and it insures the future of the seniors for at least a short time of five to ten years if and until a community center is built. Mr. Tucker stated that it would keep the nutrition program going and at least there is a place for the seniors to go, not what the seniors would like but adequate to address most of their needs. Mr. Tucker stated that sometime down the road the Borough would have a decent building with a nice parking lot to sell. Mr. Tucker thanked Mayor and Council for all that they do.

Closed Session

AT, 8:39 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:

- Lease of Borough Property – (formerly Avanti Lease)
- Verizon Wireless – Request for Consent

AT, 8:47 PM, Mayor and Council returned to open session.

With no further business to come before Council, Mrs. Chandler made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk