

**Pennington Borough Council
Regular Meeting – June 4, 2012**

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 Dunn, Griffiths, Ogren, and Tucker in attendance. Council Members Heinzl and McClurg-Doldy were absent.

Also present were Borough Attorney, Walter Bliss, Public Works Superintendent, Jeff Wittkop and Public Safety Director, Bill Meytrott.

Mayor Persichilli announced that notice of this meeting has been given to the Pennington Post, Hopewell Valley News, The Times of Trenton and The Trentonian 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 invited everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

Meeting 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. Dan Pace of 9 Railroad Place stated that he recently wrote a letter that ran in the Hopewell Valley News supporting the Lawrence Hopewell Trail and thanking council representatives, federal and state representatives and Mercer County representatives for the work that has been done so far to create a safe Lawrence-Hopewell Trail Connection for the residents of Pennington. Mr. Pace distributed a map of the existing trail and identifies many historic, recreational, educational and commercial uses that are adjacent to the trail. Mr. Pace urged Council Members to approve the Resolution on the agenda that will continue the Borough's work on the connection and bring the project closer to completion.

Mrs. Linda Steinberg of 18 Laning Avenue stated that she too would like to encourage Mayor and Council to continue to work towards completion of the Lawrence Hopewell Trail. Mrs. Steinberg stated that she and her husband along with some friends have tried to walk the trail as it is and it is very hard to get to from Pennington Borough. Mrs. Steinberg stated that many people and organizations are already involved with trying to complete this project and she feels that it would be a shame to let this opportunity to add a resource to the Borough slip by us.

Mr. Griffiths stated that this project comes with a cost to Federal, State and County taxpayers of over \$500,000 which amounts to \$800.00 per linear foot. Mr. Griffiths asked that members of the public be aware of the cost and consider whether it is a reasonable return on investment.

Mrs. Steinberg stated that her understanding was that this project was being funded by grants and open space funds. Mr. Griffiths responded that both of those sources are funded by taxpayers. Mrs. Steinberg stated that she understands that and she also understands that it is difficult to find a way to use open space funds in Pennington and this would be a good use for the funds.

Mr. Jordan Antibe of 16 Abey Drive stated that he is 15 years old and a student at Hopewell Valley Central High School and he would also like to voice his support for the funding of the Lawrence Hopewell Trail connection. Mr. Antibe stated that he enjoys cycling and he and his family like to ride in and around Hopewell Valley. Mr. Antibe stated that in order to reach Hopewell Borough or Princeton, they must ride for a stretch on Pennington Rocky Hill Road and although it is a short stretch the roadway is very narrow, busy and not bicycle friendly. Mr. Antibe stated that the connection between Pennington and the Lawrence Hopewell Trail will allow for a much safer corridor for cyclists to ride in and out of Pennington. Mr. Antibe stated that he also runs cross country for the high school and often the coach will have the team run on the roads. Mr. Antibe stated that if constructed the connector would benefit the cross country team and other runners by providing a safe corridor in and out of Pennington and granting easy access to trails at Mercer Meadows Park and the Stonybrook Watershed Reserve.

Mr. John Jackson of 13 Baldwin Street stated that he is a member of the Open Space Commission. Mr. Jackson stated that the Open Space Commission's letter of March 16th, 2012 mentioned their support of the Pennington Connector to the Lawrence Hopewell Trail and the feeling that this would be a worthy use of Pennington Borough's Open Space tax dollars. Mr. Jackson stated that in the letter they did not go into their reasoning, but they all agreed that the Pennington extension to the trail would be an excellent recreational asset to Pennington and would provide full and safe access to the trail itself. Mr. Jackson stated that sixty percent of the cost of the project will be paid for by grants and the open space share may decrease if the NJDOT grant comes through. Mr. Jackson stated that the commission urges Council to approve the resolution to fund the engineering inspection for this project.

Approval of Minutes

Council Member Tucker made a motion to approve the minutes of the April 2, 2012, Regular Meeting, second by Council Member Ogren. Mrs. Dunn and Mr. Tucker both had minor corrections to the minutes. Upon a roll call vote, all members present voted in favor of approving the minutes as corrected.

Council Member Tucker made a motion to approve the minutes of the April 16, 2012, Special Meeting, second by Council Member Dunn with all members present voting in favor.

Council Member Tucker made a motion to approve the minutes of the May 7, 2012, Regular Meeting, second by Council Member Ogren with all members present voting in favor with the exception of Mr. Griffiths who abstained.

Mayor's Appointments

Mayor Persichilli announced the appointment of Michelle Hamor as a member of the Economic Development Commission for an unexpired term through December 31, 2014.

Mayor Persichilli announced the appointment of Nadine Stern as an alternate member of Planning Board for a two year term expiring December 31, 2013.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzl was absent – no report.

Public Works – Mr. Ogren reported that the Public Works committee met last month. Mr. Ogren stated that Mr. Wittkop reported that well 8 which has been undergoing repairs for some time is now back on line. Mr. Ogren stated that the committee also discussed several capital projects that Mr. Wittkop proposed for consideration. Mr. Ogren stated that most of the projects can be deferred to next year. Mr. Ogren stated that one of the projects that needs to be done this year is replacement of the boiler in this building. Mr. Ogren stated that \$10,000 was allocated in the 2012 budget, but based on an estimate that Mr. Wittkop received the cost could be closer to \$20,000. Mr. Ogren stated that the committee also talked about some other projects that would fall under Water/Sewer Capital such as maintenance of the water tower and improvements to well 5 on King George Road. Mr. Ogren stated that the estimated costs are \$120,000 for the water tower and \$10 to \$12,000 for well 5. Mr. Griffiths asked if there is any urgency to make the repairs to the water tower. Mr. Ogren stated that the tank is 35 years old and it is showing signs of erosion. Mr. Wittkop stated that an interior examination of the tower was done and that showed some pitting and rusting. Mr. Wittkop stated that the last time repairs were made to the tower was in 2000 when the interior of the tank was painted. Mr. Ogren stated that the other item that was discussed was the Sked Street project which was awarded a couple of months ago. Mr. Ogren stated that he would like to get this project moving so that it can be completed this summer. Mr. Ogren stated that Mr. Bliss raised some concerns regarding the contractors insurance and as soon as those are resolved we can proceed with a preconstruction meeting and a meeting with the residents later this month.

Mr. Wittkop had provided the following report for trash and water to Council Members:

PENNINGTON BOROUGH PUBLIC WORKS

TO: Tom Ogren, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: June 4, 2012

RE: **COUNCIL REPORT FOR THE MONTH OF MAY 2012**

WATER

Water pumped for the month of May 2012:	6,880,000
Daily-	221,900
 Water pumped for the month of May 2011:	 7,192,000
Daily-	232,000

For the month of May 2012 we averaged 11,000 gallons less per day than May 2011.

TRASH

95.52 tons of household trash for the month of May 2012 vs. 105.39 tons in May 2011.

Leaves should now be bagged and placed at the curb. The bags should be left open and free of any debris such as sticks, branches or other debris.

Mulch is still available at the Senior Center.

Personnel/Shade Tree – Mr. Ogren reported that the Personnel Committee met to review resumes received for the position of Borough Administrator and selected three candidates to be called in for an interview. Mr. Ogren stated that interviews were conducted and the committee will be recommending two candidates for further consideration by Council. Mr. Ogren stated that this will be discussed further in Closed Session.

Mr. Ogren stated that the Shade Tree Commission met and finalized plans for their Pennington Day booth.

Mr. Griffiths asked with regard to Personnel whether the committee has discussed eligibility for health insurance while on leave of absence. Mr. Ogren stated that leave of absence is addressed in the personnel manual. Mrs. Sterling stated that the leave of absence policy does not address health benefits while on leave. Mr. Ogren stated that the Personnel Committee will take a look at this issue.

Public Safety – Mr. Tucker reported Sergeant Friedman reported that the graduation at the Pennington School was held with no incidences reported.

Mr. Tucker stated that the 63rd Army Band and fireworks event will take place on Sunday, June 24th at Aliger Park at 7:30pm. Mr. Tucker encouraged everyone to bring a chair and come out to this event. Mr. Tucker commended Mr. Bill Meytrott and Mr. Ken Baker for all of the work they do to make this event a success.

Mr. Tucker reported that a 2012 Chevrolet Impala has been ordered and is expected to arrive within the next month. Mr. Tucker stated that the hiring process for a new police officer should be completed this week and a recommendation for hire will be presented at the next meeting.

Mr. Tucker stated that the police department assisted the library with the Safety Town program. Mr. Tucker stated that on May 18th the annual Pennington Day event was held. Mr. Tucker stated that attendance is estimated at around 8,000 people and there were three requests for minor First Aid services. Mr. Tucker stated that Police Officers issued 22 parking summonses and one vehicle was towed for blocking an area on South Main Street. Mr. Tucker stated that three Mercer County Sheriff's Officers assisted with the event as Hopewell Township was unable to supply officers.

Mr. Tucker stated that Director Meytrott represented the Borough at various meetings and events throughout the month.

Mr. Tucker stated that the police department assisted with the annual Memorial Day parade. Mr. Tucker stated that two Mercer County Sheriff's Officers also assisted again due to Hopewell Township being unable to provide officers.

Mr. Tucker stated that on May 30th, the Tollgate School held a safety drill involving a mock evacuation and tabletop exercise. Mr. Tucker stated that the entire school was evacuated in one minute, forty-five seconds. Mr. Tucker reported that several issues were discovered and they will be addressed.

Mr. Tucker reported the following statistics for the month of May, 2012:

9	Burglaries
1	Bad Check
124	Motor Vehicle Stops
52	Warnings
36	Parking Summonses
1	DUI Summons
129	Motor Vehicle Summonses Issued
2	Adult Male Arrests
1	Adult Female Arrest
21	First Aid Calls

Mayor asked if the nine burglaries were car break ins. Mayor Persichilli stated that it is important to get the word out to residents in both Pennington and surrounding areas that they need to make sure that their cars are locked even if they are in the driveway.

Finance – Mr. Griffiths stated that the Finance Committee did not meet. Mr. Griffiths stated that the next item to be addressed will be the Teamsters Contract.

Parks & Recreation/Economic Development – Mrs. McClurg-Doldy was absent – no report.

Historic Preservation – Mrs. Dunn stated that the Historic Preservation Commission did not meet due to several of the members being away. Mrs. Dunn stated that the next meeting will be held in two weeks. Mrs. Dunn stated that there have not been any applications filed since the last meeting.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2012-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2012-8**

**AN ORDINANCE AMENDING “AN ORDINANCE
TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND
EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW
JERSEY FOR THE YEAR 2012.”**

WHEREAS, Borough Council by Resolution adopted Ordinance 2012-6 on May 7, 2012;

WHEREAS, a calculation error was made on the salaries for Tax Collector and Utility Collector;

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

1. Section Ia of Borough of Pennington Ordinance No. 2012-6 (“AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2012”) is hereby amended to provide for the following salary for the positions of Tax Collector and Utility Collector:

a.

Tax Collector	\$17,558.68
Utility Collector	\$17,558.68

2. Section V of the aforesaid Ordinance is further amended by the addition of the following sentence:

“This Ordinance shall remain in effect until superceded.”

3. This amendatory ordinance shall be effective upon passage and publication as provided by law.

Council Member Tucker made a motion to introduce Ordinance 2012-8, second by Council Member Dunn. Mr. Ogren asked the reason for this amendment and Mrs. Sterling stated that a math error was made on the original salary ordinance. Upon a roll call vote, all members present voted in favor of introduction.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2012-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2012-7**

**ORDINANCE CLARIFYING QUALIFICATIONS FOR MEMBERS OF THE HISTORIC
PRESERVATION COMMISSION
AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council seeks to clarify qualifications for members of the Borough’s Historic Preservation Commission, as set forth in Chapter 119, Section 3 of the Code of the Borough of Pennington, to ensure compliance with the Municipal Land Use Law, as set forth in N.J.S.A. 40:55D-107;

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

1. The provisions of the Borough Code providing for appointments to the Historic Preservation Commission as now set forth in Section 119-3. B. of the Code, shall be amended as follows (with additions underlined and deletions bracketed):

B. Membership; appointment.

(1) The Commission shall consist of seven regular members and two alternate members who shall be appointed by the Mayor with the advice and consent of the Borough Council. [The Mayor shall appoint and the Borough Council shall approve, the full membership within 60 days from the effective date of this chapter.] Members shall serve without compensation. At the time of appointment, members shall be designated by [the following classes] class as provided further below [:].

(2) The Commission shall consist of at least one member of each of the following classes:

(a) Class A: A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and

(b) Class B: A person who is knowledgeable, or with a demonstrated interest, in local history and who may reside outside the municipality [; and] .

[(c) Class C: Four residents of the Borough. At least one Class C member shall be a homeowner within the Historic District.

(d) Class D: A person who owns a business or commercial property located in the Borough.]

Of the regular members a total of at least one less than a majority shall be of Classes A and B.

(3) Those regular members who are not designated as Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board.

(4) At least one regular member of the Commission shall be a homeowner within the Historic District and one member shall be a person who owns a business or commercial property located in the Borough, provided the member otherwise qualifies as a Class A, B or C member.

[(2)] (5) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2."

2. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Ogren made a motion to open the Public Hearing on Ordinance 2012-7, second by Council Member Tucker. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2012-7, second by Council Member Dunn with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2012-7, second by Council Member Dunn with all members present voting in favor of adoption.

New Business

**Borough of Pennington
Resolution #2012 – 6.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Victoria O’Donoghue, 30 Constitution Hill West, Princeton, NJ 08534, for an overpayment of water and sewer charges, in the amount of \$147.39 for, 2 East Franklin Avenue, Account #217-0.

BE IT RESOLVED, that a refund be issued to Pennington Investments, LLC, Shoppes of Pennington, 21 Route 31 N., Suite B6B, c/o Eugene Lorenzetti, Pennington, NJ 08534, for a refund of Planning Board escrow, in the amount of \$500.00, Account P12-004.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy				absent
Griffiths	X				Ogren	X			
Heinzel				absent	Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-6.1, second by Council Member Dunn with all members present voting in favor.

**Borough of Pennington
Resolution #2012 – 6.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$973,474.39 from the following accounts:

Current	\$ 882,927.39
W/S Operating	\$ 38,088.50
Grant Fund	\$ 557.75
Developers' Escrow	\$ 1,393.00
Other Trust Fund	\$ 49,700.00
COAH Trust Fund	\$ 303.75
Other Trust Fund	\$ 270.00
Recreation Trust	\$ 234.00
TOTAL	\$ 973,474.39

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy				absent
Griffiths	S				Ogren	X			
Heinzel				absent	Tucker	X			

Council Member Dunn made a motion to approve Resolution 2012-6.2, second by Council Member Griffiths. Mr. Tucker had questions on several bills on the bill list. Upon a roll call vote, all member present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2012 – 6.3**

**RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR COSTS OF
GRASS CUTTING, PURSUANT TO
SECTION 136-8 OF THE PENNINGTON BOROUGH CODE**

WHEREAS, the Borough received several complaints regarding high grass at 110 South Main Street; and

WHEREAS, pursuant to Section 136-7 whenever a nuisance is declared, a violation shall be given to the owner in writing; and

WHEREAS, pursuant to Section 136-7, on April 30, 2012, a notice of violation was posted at 110 South Main Street by the Pennington Police Department notifying the homeowner that if the problem was not taken care of by May 5th, 2012, the owner would be subject to fines and penalties as set forth in local and state regulations; and

WHEREAS, pursuant to Section 136-8 of the Code of the Borough of Pennington, whenever the owner, tenant or occupant notified has not complied with the notice as specified and the nuisance has not been abated or removed under the direction of the Health Officer or other enforcing official, any cost or expense incurred for abating or removing or causing to be abated or removed the nuisance or condition may be recovered; and

WHEREAS, on May 17th, 2012, the owner of 110 South Main Street in the Borough, also known as Block 505, Lot 12 on the Borough Tax Map, had failed to cut the grass as directed in the violation notice; and

WHEREAS, on that date the Department of Public Works cut the grass and incurred costs totaling \$495.00 as set forth in the attached certification by Jeff Wittkop, Superintendent of Public Works;

WHEREAS, the computation of charges in the annexed certification is based on the rates set forth in Chapter 98 of the Borough Code, and Mayor and Council find same to be reasonable;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$495.00 is hereby certified to the Tax Collector and shall be charged against Block 505, Lot 12 and shall become a lien and tax thereon and be added to and become part of the taxes next to be levied and assessed against such property, pursuant to Section 136-8 of the Pennington Borough Code.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy				absent
Griffiths	X				Ogren	S			
Heinzel				absent	Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-6.3, second by Council Member Ogren with all members present voting in favor.

**Borough of Pennington
Resolution #2012 – 6.4**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL
INCORPORATED FOR THE COMPLETION OF THE
2011 RIGHT TO KNOW SURVEY**

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2011 Right To Know Survey; and

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals and completion of the 2011 Right to Know Survey for each area as follows:

1. Borough Hall/Library/Police Dept.
2. Senior Citizen Center
3. Public Works Garage
4. Well House 4 & 5
5. Well House 6
6. Well House 7
7. Well House 8 & 9

WHEREAS, PARS Environmental, Inc. will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

WHEREAS, PARS Environmental, Inc. has agreed to perform these functions at a lump sum amount of \$1,800.00;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to enter into an agreement on behalf of the Borough for services as stated above, subject to approval of the form of agreement by the Borough Attorney.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	M				McClurg-Doldy				absent
Griffiths	X				Ogren	S			
Heinzel				absent	Tucker	X			

Council Member Dunn made a motion to approve Resolution 2012-6.4, second by Council Member Ogren with all members present voting in favor.

**Borough of Pennington
Resolution 2012 – 6.5**

**RESOLUTION TO AMEND THE 2012 ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR
CLEAN COMMUNITIES**

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 \$ 4,169.06 from the State of New Jersey and wishes to amend its 2012 Budget to include a portion of this amount as revenue;

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 2012 in the sum of \$ 4,169.06, which is now available as revenue from:

Clean Communities, and

BE IT FURTHER RESOLVED that a like sum of \$ 4,169.06 be and the same is hereby appropriated under the caption of:

Clean Communities

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to 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.
Dunn	S				McClurg-Doldy				absent
Griffiths	X				Ogren	S			
Heinzel				absent	Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-6.5, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2012 – 6.6**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE BOROUGH OF PENNINGTON AND PROPERTY OWNERS BENN & CLAIRE WALTERS
AND ANDREW JACKSON AND LILLIAN A. RANKEL PERMITTING A FENCE ON THEIR
COMMON BOUNDARY TO BE WITHIN A BOROUGH WATER LINE EASEMENT**

WHEREAS, Benn and Clare M. Walters are the owners of the real property known as 13 North Riding Drive, also known as Block 603, Lot 4 (formerly Block 27, Lot 10) on the Borough Tax Map (“Property A”);

WHEREAS, Andrew Jackson and Lillian A. Rankel are the owners of the real property known as 4 Walking Purchase Drive, also known as Block 603, Lot 1 on the Borough Tax Map (“Property B”);

WHEREAS, a 20-foot wide water line easement owned by the Borough of Pennington (“Borough”) runs along the common boundary between Property A and Property B, to wit, the southwesterly property line of Property A and the westerly property line of Property B, as shown on the attached plans of survey (“Water Line Easement”);

WHEREAS, Benn and Claire Walters and Andrew Jackson/Lillian A. Rankel wish to install a boundary fence along the common boundary of Property A and Property B, necessitating the crossing of the Water Line Easement in two locations, as sketched on the attached plans of survey;

WHEREAS, the Walters and the Jackson/Rankels therefore seek to enter into an agreement with the Borough permitting the fence to cross the Water Line Easement as proposed;

WHEREAS, Borough Council intends by this Resolution to approve the requested agreement, subject to the terms and conditions set forth herein, and further subject to approval in form and substance by the Borough Attorney and Borough Engineer;

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

1. The Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an agreement on behalf of the Borough of Pennington granting permission to Benn and Claire Walters and Andrew Jackson/Lillian A. Rankel to install and maintain the proposed boundary fence within the Water Line Easement as substantially described in the annexed plan, subject to the conditions which follow:

(a) If for any reason in its judgment the Borough must remove the fence or the Borough otherwise damages the fence, the Borough shall not be responsible for replacing, repairing or rebuilding the fence.

(b) The Borough shall be held harmless by Benn and Claire Walters and Andrew Jackson/Lillian A. Rankel from all costs and other liabilities (including reasonable attorney’s fees) arising from the presence of the fence in the Water Line Easement.

(c) This Agreement permitting the fence in the Water Line Easement shall be personal to Benn and Claire Walters and Andrew Jackson/Lillian A. Rankel, shall not be transferable by them, shall be revocable at will by the Borough, shall not run with the land and shall not be recorded.

2. The form and substance of the agreement hereby authorized shall be subject to the prior approval of the Borough Attorney and Borough Engineer.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	X				McClurg-Doldy				absent
Griffiths	X				Ogren	S			
Heinzel				absent	Tucker	M			

Council Member Tucker made a motion to approve Resolution 2012-6.6, second by Council Member Ogren with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2012-6.7**

RESOLUTION AUTHORIZING PAYMENT TO ROBERTS ENGINEERING GROUP, LLC. FROM THE OPEN SPACE TRUST FUND FOR CONSTRUCTION MANAGEMENT, INSPECTION AND ADMINISTRATION OF THE PENNINGTON CONNECTION TO THE LAWRENCE HOPEWELL TRAIL

WHEREAS, Borough Council seeks to have Roberts Engineering Group, LLC., the Boroughs Engineer, provide professional services for construction management, inspection and administration for the federally and state funded Pennington Connection to the Lawrence-Hopewell Trail project;

WHEREAS, Roberts Engineering Group, LLC has quoted the amount of \$35,000.00 for construction inspection, \$15,000.00 for contract administration, including preconstruction meeting, payments, change orders, and coordination, and \$6,000.00 for project closeout, totaling \$56,000.00 for the project;

WHEREAS, Borough Council wishes to authorize the payment for this work from the Borough’s Open Space Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Clerk are hereby authorized to issue a purchase order to Roberts Engineering Group, LLC for the described work in an amount not to exceed \$56,000.00, which sum is to be paid from the Borough’s Open Space Fund.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn		S			McClurg-Doldy				absent
Griffiths		X			Ogren	M			
Heinzel				absent	Tucker		X		

Council Member Ogren made a motion to approve Resolution 2012-6.7, second by Council Member Dunn. Mr. Griffiths stated that he objects to this resolution and he will continue to object to any funding for the trail because as discussed previously this is outside of the Borough boundaries and stipulations were made that there would be no expense to Borough taxpayers. Mr. Griffiths stated that we have yet to receive a plan as to how the upfront financing and payment to contractors prior to reimbursement will be handled. Mr. Griffiths stated that Council has also asked for an explanation as to how that plan will not incur either debt service or interest expense to taxpayers and how that plan will prevent any liability to taxpayers for exposure on cost overruns or subsequent denial by the Federal Government to provide reimbursement.

Mrs. Dunn stated that Council has asked for certain documentation on the project. Mrs. Dunn asked Mr. Griffiths if he has received that documentation. Mr. Griffiths stated that he has not and by point of fact if we are the applicant it is incumbent on the Borough therefore to pay any expense prior to reimbursement. Mr. Griffiths stated that there is no provision in the budget for these expenses and it will require debt which will require interest payments. Mr. Griffiths stated that he is concerned about moving forward with this project until a plan is presented that meets the expectations and the promises that were made when the initial project was authorized.

Mr. Ogren stated that Council did discuss a bond ordinance that would be necessary for the project but it has not been prepared yet. Mr. Griffiths stated that a bond ordinance violates the promise of no expense to Borough taxpayers. Mr. Griffiths stated that the principle of no cost to Borough taxpayers has been established and if that principle is not going to be accepted and abided than he will continue to object and while he respects the residents that have come out in support of the project, there is also another side of the issue which is the Borough’s exposure. Mr. Griffiths stated that there is another side of the story that residents need to be aware of. Mr. Griffiths stated that if there is going to be an expense to Borough taxpayers it needs to be stated and defended other wise this project should be ended.

Mr. Ogren stated that the Resolution states that the engineering costs would be funded through the Open Space Fund. Mr. Griffiths stated that is not the point he is trying to make, which is that there is no plan. Mr. Ogren stated that the plan was that any expenses not covered by the grant would be paid out of Open Space Funds. Mr. Griffiths asked where the bond ordinance comes in? Mr. Ogren stated that the bond ordinance will be presented to Council at a future meeting. Mr. Griffiths stated that means that taxpayers will be asked to fund the project. Mr. Ogren stated that the Federal Grant is awarded on a reimbursable basis meaning that expenses are reimbursed after they are paid. Mr. Ogren stated that we ran into this problem with the Safe Routes to Schools project which was also federally funded on a reimbursable basis. Mr. Ogren stated that it is his understanding that a bond ordinance is needed to cover some costs because the Federal Funds will come in after payments are already made.

Mrs. Dunn stated that she is not opposed to the trail and in theory she feels that it is a good idea, however, Council has asked for certain documentation with timelines and exposure so that everyone will be aware of

what risks are involved. Mrs. Dunn stated that if everything goes according to plan it's a good idea, but the exposure occurs when certain pieces do not fall into place. Mrs. Dunn stated that her fear is that the project gets started and then there are glitches and the Borough is left holding the bag for unforeseen expenses or payments that have been made that are not being reimbursed. Mrs. Dunn stated that she would hate to see the project get started and then get shut down because of funding issues. Mrs. Dunn stated that having a plan presented to Council with timelines and risk exposures spelled out would help ease some of her concerns and she would feel more comfortable voting to proceed with the project.

Mrs. Dunn stated that she does not want to get into the same situation as with the Safe Routes to Schools where reimbursements did not come in on a timely basis and some reimbursements have still not come in and that caused a budgeting problem for this year that resulted in a tax increase and she does not want to see that happen again.

Mrs. Dunn stated that if the Borough proceeds with the connector project there are questions such as how will people get over the bridge and when is BMS going to finish their portion of the trail.

Mayor Persichilli stated that when the Borough started this project two years ago, Council thought it was a great idea. Mayor Persichilli stated that then it was realized that this project is outside the Borough in Hopewell Township and they questioned the Borough at the time as to why the Borough applied for a grant for construction in the Township. Mayor Persichilli stated that after going through the process with the Safe Routes to Schools project we have learned about some difficulties when dealing with Federal Grants and the Federal Government and his fear is that we will run into the same difficulties with this project. Mayor Persichilli stated that he has said it before and he will say it again, if this project is going to cost the Borough taxpayers a dime, he will say no to the project. Mayor Persichilli stated that this project is not the most important project in the Borough at this point. Mayor Persichilli stated that there are other priorities and Council has to consider what is needed as opposed to what would be "nice to have". Mayor Persichilli stated that his position on this is that taxpayer dollars will not be used for this project. Mayor Persichilli stated that the overwhelming thing that bothers him is that this project is in Hopewell Township and he would like to see the Township take over the project. Mayor Persichilli stated that he does agree with the residents who came out tonight that the project would be good for the community, but again it is not the most important project on the list of priorities.

Mr. Griffiths stated that when he voted to apply for the grant, he was assured that Borough taxpayer dollars would not be used for this project and that is the promise he is referring to. Mr. Ogren stated that the operating budget is not being affected. Mr. Ogren stated that Open Space money was never intended to be limited to the Borough and money has been spent outside the Borough.

After further discussion with regard to a plan showing a time line and risk exposure and probability of potential risks happening, Council Members voted on the Resolution. Upon a roll call vote, all members present voted no with the exception of Council Member Ogren who voted yes.

**BOROUGH OF PENNINGTON
RESOLUTION 2012 – 6.8**

RESOLUTION AUTHORIZING AGREEMENT, DEED RESTRICTION AND PROFESSIONAL SERVICES FOR AFFORDABLE ACCESSORY APARTMENT

WHEREAS, the Borough of Pennington, pursuant to N.J.A.C. 5:96-2.1, filed with the New Jersey Council on Affordable Housing ("COAH") its updated Housing Element and Fair Share Plan setting forth the Borough's commitment to provide affordable housing through the year 2018; and

WHEREAS, pursuant to N.J.A.C. 5:96-3.1 the Borough also petitioned COAH for continued substantive certification of its Affordable Housing Program; and

WHEREAS, pursuant to N.J.A.C. 5:97-6.8, municipalities may establish by ordinance an accessory apartment program providing accessory apartments that are affordable to low-income and moderate-income households; and,

WHEREAS, as permitted by COAH rules and regulations, Section 215-97 of the Pennington Borough Code establishes an Accessory Apartment Program as part of the Pennington Borough Affordable Housing Program, providing for the creation of accessory apartments that are affordable to low-income households; and,

WHEREAS, Craig and Antonia Lewis ("Developer") are the fee simple owners of certain real property located at 20 East Welling Avenue, Pennington, New Jersey designated as Lot 23 in Block 1002 on the Pennington Borough Municipal Tax Map ("Property"); and,

WHEREAS, the Property is currently improved with a single family dwelling and a garage, which includes a second floor space that is being converted into an efficiency apartment with a kitchen, bathroom and living room area (a total of approximately 750 square feet); and,

WHEREAS, the Developer has expressed an interest to the Borough in qualifying the proposed second floor apartment as an accessory apartment affordable to a low-income household ("Accessory Apartment"); and,

WHEREAS, The Accessory Apartment will be rented to an income-eligible low-income household, in accordance with applicable COAH rules and regulations and the Borough's accessory apartment ordinance, as the same may be hereafter amended; and

WHEREAS, the Borough wishes, therefore, to authorize the execution of an Agreement to facilitate the construction and subsequent rental for said Accessory Apartment; and,

WHEREAS, the Borough wishes to fund the construction and subsequent rental of the Accessory Apartment with money from the Borough's Affordable Housing Trust Fund, conditioned upon the Developer's compliance with all applicable COAH rules and regulations and with the provisions of the Borough's accessory apartment ordinance, as the same may be amended, including but limited to the recording of required deed restrictions.

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

1. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to execute an Agreement, in substantially the same form as the Agreement attached hereto, for the development of an accessory apartment unit for low-income households on the Property. Any substantive changes to the attached Agreement shall be reviewed and approved by the Borough's Affordable Housing Attorney.
2. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to execute a Deed Restriction, in substantially the same form as the Deed Restriction attached hereto, for the development of an accessory apartment unit for low-income households on the Property. Any substantive changes to the attached Deed Restriction shall be reviewed and approved by the Borough's Affordable Housing Attorney.
3. The expenditure of \$25,000 from the Pennington Borough Affordable Housing Trust Fund is authorized to offset the construction and subsequent rental of the Accessory Apartment, in accordance with the terms and conditions of the Agreement, and all applicable COAH rules and regulations and the Borough accessory apartment ordinance, as the same may be amended.
4. A certified true copy of this Resolution shall be furnished upon its adoption to the Borough Affordable Housing Counsel and the Developer.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Dunn	S				McClurg-Doldy				absent
Griffiths	M				Ogren	X			
Heinzel				absent	Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2012-6.8, second by Council Member Dunn. Mayor Persichilli asked Land Use Administrator Mary Mistretta to come forward to discuss the resolution. Mayor Persichilli stated that a resident in town is interested in constructing an apartment above his garage as a COAH Accessory Apartment utilizing some of the funding that the Borough has available. Mayor Persichilli stated that we have been working on this for several weeks and this resolution and agreement is the result of that work. Mayor Persichilli stated that the Borough does have a commitment to provide affordable housing in the Borough. Mayor Persichilli stated that the Borough has collected COAH funds over the years and those funds are in jeopardy of being taken by the State and this is one way to use some of the funds. Mrs. Mistretta stated that Housing Affordability Services (HAS) handles our six affordable units at Pennington Point and if the Borough decides to use HAS to handle this apartment they would review applications and set the rent for the unit. Mrs. Mistretta stated that she is working with them on the cost because the current rate is \$500.00 per unit. Mrs. Mistretta stated that Mr. Lewis has received approval from COAH and the construction official has done the initial inspection. Mrs. Mistretta stated that Mr. Lewis is now in the process of getting permit approvals. Mrs. Mistretta stated that the apartment would have a private entrance and he already has a firewall and parking space in place. Mrs. Mistretta stated that the apartment would be an efficiency apartment.

Mr. Griffiths stated that his concern is the ethics of this to ensure that Mr. Lewis doesn't just put one of his relatives in the apartment. Mr. Griffiths asked if there was a commitment from Mr. Lewis to comply with the process. Mrs. Mistretta stated that Mr. Lewis has indicated that he does not have anyone in mind for the apartment and he would go by the list that COAH has. Mrs. Mistretta stated that the Borough has an affirmative marketing plan that requires advertisement in the papers and notification in writing to surrounding communities of the availability of an accessory apartment.

Mrs. Dunn asked if Mr. Lewis sells his house including the apartment, does it always have to be a COAH unit? Mrs. Mistretta explained the Deed Restriction goes with the land so if he sells the house, the buyer would have to stick to what is in the Deed Restriction. Mrs. Mistretta explained that the Deed Restriction remains in effect for ten years and at the end of ten years the owner can come to Council to see if he can continue the agreement. Mrs. Mistretta stated that if after the ten years he does not want to continue, the apartment can not be rented as a market rate apartment it would have to remain vacant.

Mrs. Dunn asked if Council agrees to this request would the Borough feel comfortable with other residents coming forward with similar requests. Mayor Persichilli stated that as long as everything complies with the COAH plan for affordable housing. Mrs. Mistretta stated that future requests would also have to comply with zoning requirements. Some discussion took place with regard to monitoring when people vacate the apartment and new tenants come in. Mrs. Mistretta explained that Mr. Lewis is required to notify COAH and the Borough. Upon a roll call vote all members present voted in favor.

Council Discussion

Comp Time Request – Jeff Wittkop – Mayor Persichilli stated that this request comes up twice a year and Council has in front of them a request to be paid for 77.5 hours. Council Member Dunn made a motion to approve the payment, second by Council Member Griffiths with all members present voting in favor.

Edmunds & Associates – Mayor Persichilli stated that we have been doing this for the past couple years. Mayor Persichilli explained that we contribute \$250.00 to the CCFA and Edmunds gives a credit on next years software maintenance for the same amount. Council Member Tucker made a motion to approve the request, second by Council Member Griffiths will all members present voting in favor.

Update on Safe Routes to Schools Project – Mr. Ogren stated that he provided Council with copies of a letter from the Federal Highway Administration in response to an inquiry from Congressman Rush Holt regarding the problem with the pole relocation at Main and Curlis. Mayor Persichilli stated that it appears that the Federal Government has approved installation of another light pole. Mayor Persichilli asked if the Borough could use that money to just relocate the pole. Mr. Ogren stated that the letter does not address that, but he did request additional grant funds to move the pole and they said no, though that was before Congressman Holts letter. Mr. Ogren stated that he has received preliminary estimates and he would like to also request additional engineering funds for Hopewell Valley Engineer to perform inspections on the new pole. Mayor Persichilli asked Mr. Ogren if it makes sense to ask about moving the pole instead of installing a third light. Mr. Ogren stated that it would involve more than just moving the pole because the present pole would need to be replaced with a pole with a push button. Mr. Ogren stated that might result in additional costs other than just relocating the pole. Mr. Griffiths stated that a solution has been offered and they have offered to pay for the work so he would like to see this project finished.

Capital Health Site – Mr. Ogren stated that he received a response from the Director of Development for Capital Health in response to the Borough's proposal to donate a portion of the Capital Health Site for COAH requirements. Mr. Ogren stated that the letter indicates that Capital Health is not interested in donating any land for this purpose.

Professional Reports

Mr. Bliss requested a closed session. Mr. Bliss stated that he would also like to respond to an earlier question on Health Benefits. Mr. Bliss stated that the Personnel Manual with regard to termination of insurance for an employee who goes on leave provides that the employee will receive Borough paid insurance only for as long as the employee is a regular full time employee eligible for insurance.

Mr. Bliss stated as he recalls, the circumstances are that under the Borough Health Benefits plan, the State requires 30 days notice for termination of health benefits. Mr. Bliss stated that employees on leave do not get Borough paid health coverage except for short transitional periods.

Mr. Griffiths stated that the policy seems vague. Mr. Bliss stated that the Borough does not control the coverage, we simply notify health benefits by the 5th of the month. Mr. Griffiths stated that what is missing from the policy is a requirement for formal notification to employees on leave that based on employment status their health benefit is subject to running out. Mr. Bliss stated that we have notified employees on leave, but the manual does not specifically spell out a procedure. Mr. Bliss stated that the personnel manual can be amended to address this issue.

Public Comment

Mayor Persichilli read the following statement for anyone interested in speaking before Council:

Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of three (3) minutes.

Mr. Dan Pace of 9 Railroad Place stated that he is disappointed by the action taken by Council on the Lawrence-Hopewell Trail resolution. Mr. Pace stated that he would have preferred if Council had tabled the resolution to a future meeting. Mr. Pace stated that he would like to address a comment that Mr. Griffiths made. Mr. Pace stated that he viewed the agenda prior to the meeting, realized that there was an item on the agenda that he was interested in and then he contacted some of his friends that he knew would also be interested in attending the meeting. Mr. Pace stated that Mr. Griffiths comment that "in the future there would be another constituent group invited to a Council meeting". Mr. Pace stated that he did not like that comment because he was not invited to this meeting and the other people who spoke were not invited by members of Council, they were notified by him.

Mr. Griffiths stated that if his choice of words was offensive then he apologizes, though there will be another group of constituents who, if they become aware of the financial impact on Borough taxpayers of the proposed extension, will want to come out to a meeting and have their voice heard.

Sergeant Steve Friedman of the Pennington Police Department stated that when Brandon Farms was built in the early 1990's he had just started working here and Hopewell Township had an ordinance or policy in place that opened up the affordable housing to first responders and teachers. Sergeant Friedman asked if Pennington Borough could do that for their COAH units. Mayor Persichilli stated that he recalls a discussion about that a couple years ago and Council felt it would be a good idea. Mayor Persichilli stated that he did not know if Pennington could do it, but it might be something to be considered as we go forward. Mayor Persichilli stated that he will check with Planning Board Attorney, Ed Schmierer to see if it is something we can do.

Mrs. Linda Steinberg of 18 Laning Avenue stated that she has never attended a Borough Council meeting before and she is a little confused as to how the Lawrence Hopewell Trail project got as far as it has. Mrs. Steinberg stated that she is interested in how the Council operates and as a citizen she is interested in maintenance of the infrastructure though she is not sure how Open Space Funds pertain to infrastructure repairs. Mayor Persichilli stated that he clarified his statement earlier that he was just giving out a list of priorities. Mrs. Steinberg stated that she would like to hear as a voter how things are going to get done and she would like to hear less vehemence with obstacles at this late stage when expectations in the community have been raised that a resource is available. Mrs. Steinberg stated that she doesn't know what else Open Space Funds could be used for given that Pennington is very small. Mrs. Steinberg stated that these problems could not just have shown up and she wishes that some of these concerns had been thought about before.

Mr. Tucker stated that we did have one resident come in and protest vehemently about spending Open Space Funds outside the Borough. Mrs. Steinberg asked if residents have been polled about the project because it seems that people do not have a clear picture of the project.

Mr. Griffiths stated that this item has been on the agenda for many meetings and this subject has been two years in the making. Mr. Griffiths stated that it is incumbent on voters to attend meetings. Mrs. Steinberg stated that she is here tonight. Mr. Griffiths stated that this subject has two years of precedent that she is unaware of. Mayor Persichilli stated that this topic has been discussed with the same tone in the last several meetings and items that have been requested have not been provided. Mayor Persichilli stated that Mrs. Dunn has been asking for some kind of a process and there have been issues with who will maintain the project if it is constructed, because the Pennington Public Works Department is not going to be maintaining it as that would be a cost to the Borough. Mayor Persichilli stated that Council has asked for written clarification as regarding maintenance. Mayor Persichilli stated that there have been a lot more issues with regard to this project than what came up tonight. Mayor Persichilli stated that these issues did not just pop up all at once.

Mrs. Dunn stated that since she has been on Council she has been asking question about this project. Mrs. Dunn stated that to date she still does not have answers to the questions that she has been asking. Mrs. Dunn stated that it is frustrating to her and when she sees things come up on an agenda, she is even more frustrated because she still does not have answers to her questions. Mrs. Dunn stated that she does want to see the project happen, but she does not feel comfortable about the project yet. Mrs. Dunn stated that she has never understood why the Borough is undertaking this project when it is in the Township. Mrs. Dunn suggested that we turn the whole project over to Hopewell Township.

Mrs. Steinberg stated that Pennington is a very small community with limited resources and this grant is at our doorstep. Mayor Persichilli agreed that is the issue that he has, there are not a lot of resources or money, and we have priorities that in his mind are more important than the trail. Mayor Persichilli suggested that Mrs. Steinberg should hear all of the priorities that Borough is facing and then say that the trail is the most important thing, that's fine because everyone is entitled to their opinion. Mrs. Steinberg stated that this project would be funded with Open Space money. Mayor Persichilli stated that Open Space Funds are still taxpayer dollars, the Federal grant is still taxpayer money and the County money is still taxpayer money. Mayor Persichilli stated that funds are very tight and this year we had to raise taxes and he doesn't want to continue to do that. Mayor Persichilli stated that he did vote for this project in the beginning, but that was before Council started to investigate that this is a Township grant. Mayor Persichilli stated that as discussions took place, Council found out that a wall has to be constructed and DEP permits are needed and all of this takes time and money. Mayor Persichilli stated that the project started out at \$220,000 and now it is over \$500,000, not directly from the general funds, but still a half a million dollars. Mayor Persichilli stated that he thinks that the Borough got involved in a project and like any project at some point you say, "cut the bait" we have spent too much money. Mayor Persichilli stated that this project may in fact cost more than the estimate because we don't know if problems will come up as the project goes along. Mayor Persichilli stated that these are the discussions that Council has been having.

Closed Session

AT, 8:45 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:

- Litigation - Presbyterian Homes / Springpoint

- Personnel – Business Administrator

AT, 9:30 PM, Mayor and Council returned to open session.

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

Council Member Tucker made a motion to approve the February 6, 2012, February 23, 2012 and April 2, 2012 Closed Session minutes for content but not for release, second by Council Member Griffiths with all members present voting in favor.

Council Member Tucker made a motion to approve the March 5, 2012 Closed Session minutes for content but not for release, second by Council Member Dunn with all members present voting in favor with the exception of Council Member Griffiths who abstained.

At 9:31 PM, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk