

**Pennington Borough Council  
Regular Meeting – September 9, 2013**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll; all members were present with the exception of Mayor Persichilli. Mr. Tucker arrived at 7:04 just after the roll call.

Also present were Borough Administrator, Timothy Matheny and Borough Attorney, Walter Bliss.

Mayor Persichilli announced that notice of this meeting has been given to the 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 asked everyone to stand for the Flag Salute.

Mayor Persichilli announced the addition of Ordinance 2013-9 for introduction. Mayor Persichilli stated that this item was not on the tentative agenda that was posted prior to the meeting.

**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.**

There were no comments from the public.

Mayor Persichilli stated that there were a couple of people present who had requested some time to address Borough Council and he would like to recognize them at this time.

Mayor Persichilli invited Mr. Robert DiFalco to come forward. Mr. DiFalco distributed a letter to Borough Council Members. Mr. DiFalco stated that he is a resident of 124 Voorhees Avenue. Mr. DiFalco stated that Pennington Borough is and has been a community that thrives on volunteerism. Mr. DiFalco stated that one volunteer, William Reuter, stands tall among the ranks of volunteers in Pennington. Mr. DiFalco outlined the thirty eight years of service beginning in 1962 and continuing through today and the positions held by Mr. Reuter. Mr. DiFalco stated that the Borough of Pennington is what it is today and will be in the future in large part because of the efforts, foresight and determination of Mr. Reuter. After outlining some of the many accomplishments that Mr. Reuter was involved in, Mr. DiFalco requested that Borough Council rename the entranceway to the Pennington Borough Hall, William R. Reuter Way and mark it with an appropriate sign. Mr. DiFalco thanked Mayor and Council for their time and consideration.

Mayor Persichilli stated that in the years that he has been on Council he does not remember a request like this one being made so he is not sure what the process would be. Mayor Persichilli asked for comments from Council. Mr. Griffiths stated that he would like to hear more public input on this. Mr. DiFalco stated that he would be happy to provide public input at the next meeting. Mrs. Heinzl stated that she thinks this is a wonderful idea, but the Mayor is right, Council needs to do a little more research to see how to make it happen.

Mayor Persichilli invited Mr. Alan Hershey to come forward to address Borough Council. Mr. Hershey distributed a handout to Mayor and Council. Mr. Hershey stated that he resides at 143 East Delaware Avenue, he is a long-time Borough resident and a member of the Borough Open Space Committee. Mr. Hershey stated that he also represents the Borough on the Hopewell Valley Open Space Advisory Committee. Mr. Hershey stated that this is a group consisting of representatives from all three municipalities who get together and work on identifying properties whose preservation would benefit residents of the entire valley. Mr. Hershey stated that he is also a twenty year trustee of the D & R Greenway Land Trust and for the last three years he has been the Chair. Mr. Hershey stated that he is pleased that the Borough Open Space Committee has identified two opportunities to enhance and protect the quality of life for Borough residents. Mr. Hershey stated that the first is the Pennington Connection to the Lawrence-Hopewell Trail which will link Pennington Borough to a major recreational asset that we can all enjoy. Mr. Hershey stated that the second opportunity is to preserve a property to the west of the Borough that would also be a recreational asset. Mr. Hershey stated that these opportunities have brought concerns before Council as to how to provide funding. Mr. Hershey stated that he understands that Council voted at a previous meeting to exercise fiscal caution regarding the reimbursement of Federal Grant Funds by authorizing payment of up front costs for the project out of the Open Space Trust Fund rather than borrowing the funds. Mr. Hershey stated that one consequence of doing this is that it hinders acquisition of land until the grant funds are received and reimbursed to the Open Space Trust Fund. Mr. Hershey stated that the second issue involves whether to proceed with appraisals on a property to the west of the Borough as a step towards its preservation. Mr. Hershey stated that even if Council decides to utilize Open Space Funds for the LHT project rather than borrow funds, there will still be a considerable balance in the Open Space Fund and he would like to urge Council to authorize the relatively minor expenditure it would take to have appraisals done. Mr. Hershey

stated that he is aware of some concerns that were brought up regarding these appraisals. Mr. Hershey stated that there was a question as to whether it would be appropriate for the Borough to use its Open Space Funds to acquire a property that is outside the Borough and in this case separated by about one mile or should be instead focus on land that is within our borders or immediately adjacent. Mr. Hershey stated that he feels that we should pursue this property because we are residents of the Borough, but we are citizens of the Hopewell Valley and we are directly affected by developments in the Valley and we benefit from land preservation throughout the Valley. Mr. Hershey stated that residents of Pennington approved an Open Space Tax even though there was then and still is now almost no opportunity to spend those funds within the Borough. Mr. Hershey stated that is evidence that our citizens recognize the role that we play in keeping the entire valley a great place to live and play. Mr. Hershey stated that open space preservation does not happen at all if we try to stick to rigid priorities. Mr. Hershey stated that we can identify properties that would be valuable open space but his experience over the years is that we still need to be opportunistic. Mr. Hershey stated that we need to preserve when opportunities emerge and when sellers are willing. Mr. Hershey stated that the Open Space Committee keeps a careful eye on opportunities and the Borough has undertaken outreach concerning properties immediately adjacent to the Borough but they are not serious prospects right now. Mr. Hershey stated that when an opportunity arises that clearly affects the greenbelt, we should act. Mr. Hershey stated that the he has heard shouldn't Hopewell Township be preserving land in the Township. Mr. Hershey stated that yes they should and the Township has been preserving land, some of which benefits Pennington residents. Mr. Hershey stated that the Township has also made an investment in the LHT connection. Mr. Hershey stated that as a trustee of the D & R Greenway he knows from their work that land preservation has to be collaborative and municipalities, counties, non-profits and even private individuals need to help each other out. Mr. Hershey stated that the focus should be on preserving land and not necessarily on the location of the land. Mr. Hershey stated that with regard to the appraisals the question has been raised as to whether we should proceed with them now and the concern has been voiced that if we do them now, we may have to do them again later. Mr. Hershey stated that the most opportune time is actually now because there is an owner interested in selling the land in question and taking a step forward now would show that we are serious about our interest. Mr. Hershey stated that we should recognize that moving forward with appraisals is insurance that we will be able to benefit from Green Acres and possibly County funds to preserve the property in question. Mr. Hershey stated that we currently have an allocation of Green Acres funds and the State annually looks to reallocate funds so that they can be put to good use. Mr. Hershey stated that proceeding with appraisals signals that we have a potential deal in the works and we will be using our Green Acres allocation. Mr. Hershey stated that the risk of having to redo the appraisals at a later date is minimal. Mr. Hershey stated that the D & R Greenway in the last twenty years has only had to redo appraisals in order to go to closing once and that was on appraisals that were over two years old. Mr. Hershey stated that if the appraisals did have to be redone it would mean that our preservation deal is moving forward, it would mean that we had recouped the Federal Grant money and it would mean that we had secured State and County funds and all of that success would be due to the fact that we had proceeded with appraisals at the opportune moment. Mr. Hershey urged Council Members to move forward with the appraisals on the property that has been recommended by the Open Space Committee.

Mayor Persichilli stated that the appraisal resolutions are on the agenda later in the meeting and Council would take his comments into consideration during their discussion of the resolutions.

Mayor Persichilli invited Terri Evanko of 140 Woolsey Court to come forward. Ms. Evanko stated that following previous meetings that she attended, a group has been formed to address the concerns and objections of the Council Members regarding Senior Services. Ms. Evanko stated that this is being done in a manner where hopefully a good working relationship can be formed with the Council to avoid what seems at times to be an adversarial one. Ms. Evanko stated that their goal is to convince Council of the value of seniors and the benefits of supporting the senior services program. Ms. Evanko stated that a member of the group has already been in touch with Council Members. Ms. Evanko stated that they strongly believe that this program should be funded by fair and equitable contributions determined by each municipality's population. Ms. Evanko stated that in addition she urges the Council to include a line item in the 2014 budget for Senior Services so that there will be an avenue to accommodate those funds. Ms. Evanko stated that last but not least they would like to know the current status of a resolution that was adopted at the August meeting.

Mayor Persichilli stated that he met with Ms. Evanko and he knows that she has met or tried to meet with other Council Members. Mayor Persichilli stated that he appreciates Ms Evanko taking the time and volunteering to represent the organization of this group. Mayor Persichilli stated that as far as an update on the resolution Mr. Matheny would be better able to address that question.

Mr. Matheny stated that an agreement was drafted and forwarded to Hopewell Township for action. Mr. Matheny stated that Hopewell Township's Chief Financial Officer had concerns with how the agreement was drafted so she forwarded the agreement to the Division of Local Government Services. Mr. Matheny explained that the DLGS is the group at the State that oversees budgets and how budgets are put together and how money is spent among other things. Mr. Matheny stated that late this afternoon we received a determination that the DLGS is not going to accept our methodology to fund the \$5,000. Mr. Matheny stated that the agreement would have allowed Hopewell Township to withhold payment of their portion of the Shared Services agreement for senior center maintenance and instead apply that amount to the \$5,000 contribution for Senior Services. Mr. Matheny stated that the State has said that the funds cannot be shuffled around in this fashion and the funding must come through the budget. Mr. Matheny stated that the Borough does not have a line item in the budget for Senior Services and therefore it cannot be funded through the budget.

Mayor Persichilli stated that we are continuing to discuss a means to make this happen. Mayor Persichilli stated that Mr. Matheny will be contacting the Division of Local Government Services to find out why this is not being allowed. Mayor Persichilli stated the either way, the Borough will find a way to make the \$5,000 contribution provided Council is in agreement.

Mayor Persichilli stated that there will be a line item in the budget for 2014. Mayor Persichilli stated that the newspaper stated that this was a dispute over salary and that is incorrect. Mayor Persichilli stated that the Borough contribution is for the program and not salary. Mayor Persichilli stated that the bottom line is that we are not responsible for the salary and benefits for this position. Mayor Persichilli stated that the contribution is strictly for the programs.

Mr. Dan Pace of 9 Railroad Place stated that he would like to say that he is in support of Mr. DiFalco's proposal to Borough Council. Mr. Pace stated that he also supports the recommendation by Mr. Hershey to proceed with appraisals of the proposed open space property.

### **Approval of Minutes**

Council Member Dunn made a motion to approve the minutes of the August 5, 2013 Regular Meeting, second by Council Member Heinzl. Mr. Tucker and Mrs. Heinzl indicated a couple of typographical errors. Upon a roll call vote all members present voted in favor of the minutes as corrected.

### **Mayor's Business**

Mayor Persichilli announced the resignation of Sowah Anan from the Public Works Department. Mayor Persichilli stated that we will begin the process to find a replacement. Mayor Persichilli stated that if Council Members would like to discuss the resignation, it could be done in Closed Session.

### **Ordinances for Introduction**

Mayor Persichilli read Ordinance 2013-9 by title.

#### **BOROUGH OF PENNINGTON ORDINANCE 2013 - 9**

#### **ORDINANCE APPROPRIATING \$15,000 FROM THE CAPITAL FUND BALANCE FOR RENOVATIONS TO BOROUGH HALL, IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:**

Section 1. \$15,000 is hereby appropriated from the Capital Fund Balance for renovations to Borough Hall, including carpeting, furniture and other improvements, and all work and materials necessary therefor and incidental thereto and all related costs and expenditures incidental thereto, in and by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough").

Section 2. 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 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Council Member Heinzl made a motion to introduce Ordinance 2013-9, second by Council Member Tucker. Mayor Persichilli stated that this has been a discussion item for the past ten years. Mayor Persichilli stated that the desks in the main office are falling apart and it's becoming dangerous. Upon a roll call vote, all members present voted in favor of introduction.

### **Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2013-8 by title.

#### **BOROUGH OF PENNINGTON ORDINANCE NO. 2013- 8**

#### **AN ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS FROM THE BOROUGH'S OPEN SPACE FUND FOR CONSTRUCTION OF THE PENNINGTON EXTENSION OF THE LAWRENCE HOPEWELL TRAIL**

**WHEREAS**, the Lawrence Hopewell Trail is a recreational trail for bicycles and pedestrians crossing through public and private lands in Lawrence Township and Hopewell Township in Mercer County, New Jersey;

**WHEREAS**, a portion of the Trail has been constructed on property owned by Bristol Myers Squibb Company along Pennington-Rocky Hill Road (County Route 624) to a point where the trail intersects wetlands near the Stony Brook Regional Sewerage Authority's Pennington Plant;

**WHEREAS**, the Borough of Pennington is engaged in completing an extension of the Trail ("the Pennington Extension") which would provide direct access from the Trail to Pennington Borough;

**WHEREAS**, completion of the Pennington Extension requires construction of an 8-foot wide path of porous asphalt along the northwest side of County Route 624 from the walkway over the Stony Brook bridge to the driveway of the Stony Brook Regional Sewerage Authority treatment plant, a distance in excess of 600 feet;

**WHEREAS**, the project includes construction of a concrete retaining wall 5 to 10 feet high with a steel railing on top for a distance of approximately 420 feet of the pathway, to provide sufficient space and support for the pathway on account of a downward slope near the edge of the existing roadway;

**WHEREAS**, financing for the Pennington Extension includes (a) a Federal highway Administration grant (Federal Project No. TCP-09NJ604) in the amount of \$266,760 (hereafter "Federal Grant"), (b) a New Jersey Department of Environmental Protection Recreational Trails Grant in the amount of \$24,700 (hereafter "State Grant"), and (c) a contribution from the Pennington Borough Open Space Trust Fund in the amount of \$195,000 less amounts already expended for the project to date (hereafter "Open Space Contribution");

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

1. Appropriation of \$486,460 from the Open Space Trust Fund of the Borough of Pennington to provide for construction of the Pennington Extension of the Lawrence Hopewell Trail, subject to reimbursement by funds received from the Federal Grant and the State Grant, is hereby authorized.

2. Funds are currently available in the Open Space Trust Fund to finance this appropriation.

3. The Open Space Contribution in the amount of \$195,000 less amounts expended on the project to date shall be transferred immediately from the Open Space Trust Fund to the Borough's Capital Improvement Fund as approved funding for the project. All funds received from the Federal Grant and the State Grant shall be deposited in the Capital Improvement Fund when received.

4. All amounts due on the project shall be paid from the Capital Improvement Fund. To the extent the combined amount of the Open Space Contribution, Federal Grant and State Grant in the Capital Improvement Fund is not sufficient to pay the costs of the project when due, additional funds shall be transferred for this purpose as one or more inter-fund loans from the Open Space Trust Fund to the Capital Improvement Fund, in a cumulative amount not to exceed the total appropriation authorized herein. All such inter-fund loans shall be repaid to the Open Space Trust Fund as funds from the Federal Grant and the State Grant are received.

5. The Open Space Trust Fund shall be replenished to the full extent of Federal and State funds received for the project.

6. 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 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.

7. This Ordinance shall take effect as provided by law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2013-8, second by Council Member Tucker. There were no comments from the public other than the comments expressed by Mr. Hershey. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2013-8, second by Council Member Heinzl with all members present voting in favor with the exception of Mr. Ogren who voted no. Council Member Griffiths made a motion to adopt Ordinance 2013-8, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Ogren who voted no.

### **Committee Reports**

**Planning & Zoning / Environmental Commission / Library** – Mrs. Heinzl reported that the Planning Board had no applications for review, but they did meet to discuss the Route 31 Development Study done by Maser Consulting. Mrs. Heinzl stated that it was decided the Borough Planner, Cindy Coppola would prepare a Master Plan Reexamination Report incorporating the recommendations and addressing some of the

concerns that were raised in the report. Mrs. Heinzel stated that Cindy Coppola's report will be on the agenda for discussion at the Planning Board Meeting this Wednesday.

Mrs. Heinzel reported that the Library Board did not meet in August. Mrs. Heinzel stated that the Library has received another grant from the NJ Council for the Humanities Book Award Collection. Mrs. Heinzel stated that this particular award funds the collection in the library of books written by New Jersey residents. Mrs. Heinzel stated that the Library Board will meet on September 26<sup>th</sup>, 2013 and she will have a report on the summer programs for Council at the October meeting.

Mrs. Heinzel stated that the Environmental Commission did meet however they did not have a quorum. Mrs. Heinzel stated that there were two items that the commission discussed one of which was the recommendation from the Open Space Commission to acquire the Brown Property and the other item was the Open Space Brochure which Mr. Ogren has been working on and is near completion.

Mrs. Heinzel stated that a recycling event will be held on September 21<sup>st</sup> at the old public works facility. Mrs. Heinzel stated that information is posted on the Borough website and at Borough Hall.

**Public Works/Shade Tree** – Mr. Ogren stated that the Public Works Committee did not meet last month nor did the Shade Tree Commission.

**Community Services/Economic Development/Personnel** – Mr. Davy reported that the Personnel Committee met and authorized the Borough Administrator to begin advertising for the Public Works Superintendent position as well as the Laborer position that has just been vacated.

Mayor Persichilli stated that since Mr. Wittkop has announced his intention to retire within the next year, Borough Council began discussions as to how to proceed in the best interest of the Borough. Mayor Persichilli stated that Council has been reviewing the structure of the Public Work Department and reviewing job descriptions. Mayor Persichilli stated that it is quite involved given the Pennington Borough has its own water company that requires licenses, inspections, reports and much more. Mayor Persichilli stated that this position may be difficult to fill and some restructuring may be needed. Mayor Persichilli stated that at this point the committee that has been working on this transition feels pretty good about the way things are progressing. Mayor Persichilli stated that he will keep Council Members posted as we move forward.

**Public Safety/Senior Services** – Mayor Persichilli asked Mr. Tucker why he reads the statistics into the record every week since Council Members all get a copy of the report. Mr. Tucker stated that he would discontinue reporting of the statistics. Mr. Tucker stated that he is provided the report by Sergeant Friedman each month and he would like to point out that there were 120 motor vehicle stops in the past month making the total for the year 1,117 for the year. Mr. Tucker stated that there was a letter in the August 22<sup>nd</sup> Times of Trenton where an individual complained about enforcement of speeding in Pennington Borough and warning others that Pennington Borough strictly enforces the speed limit. Mr. Tucker thanked the police department for their diligence.

Mr. Griffiths asked Mr. Tucker to report on the status of hiring of a new police officer which was budgeted this year. Mr. Tucker stated that Sergeant Friedman was working on background checks. Sergeant Friedman stated that was not true and that he was told by the Public Safety Committee via the Public Safety Director that we are not hiring an officer and that Pennington Borough is in talks with Hopewell Township to get rid of the night shift and until that is done we are not hiring and do not proceed. Sergeant Friedman also stated that he was told that purchase of a new car which was also budgeted is on hold as well. Sergeant Friedman stated that we currently have a car that has been dead for over a month and he was told not to proceed with those repairs. Mrs. Heinzel stated that a meeting was held where the Public Safety Committee discussed applying for a COPS grant and it was decided not to apply for the grant. Sergeant Friedman stated that he was directed not to do anything by the Public Safety Director. Mayor Persichilli stated that he would have to discuss this with the Public Safety Director. Mayor Persichilli stated that just as in prior years, he and Mr. Meytrott did discuss with and approach Hopewell Township regarding a cost for the third shift. Mayor Persichilli stated every year the amount increases by \$15,000 and at this point it is cheaper for the Borough to provide that coverage. Mayor Persichilli stated that Council will continue to look at that option but at this time it is not cost effective. Mayor Persichilli stated that he would discuss the other items with Mr. Meytrott.

Mr. Tucker reported on some highlights from the Senior Coordinator monthly report. Mrs. Dunn asked if Council could be provided a copy of the monthly report. Mr. Tucker indicated that he had provided a copy of the report to Betty Sterling.

**Finance** – Mr. Griffiths stated that the Finance Committee met. Mr. Griffiths stated that the focus was on water and sewer. Mr. Griffiths stated that the Utility Budget continues to exhibit significant financial weakness. Mr. Griffiths stated that he has done some tentative spreadsheets that indicate that we are going to have to come to grips with some issues sooner rather than later. Mr. Griffiths stated that we are facing up to two million dollars worth of capital projects and it is not a matter of if it is a matter of when. Mr. Griffiths stated that the projects include the water tower and the rehabilitation of well 5 which were to happen this year but given the timing they will have to be pushed into 2014. Mr. Griffiths stated that the water mains on King George Road are a \$250,000 project and the new meters which have been under discussion for several years is another \$500,000 project. Mr. Griffiths stated that the big problem is that well production is not guaranteed indefinitely and wells do dry up. Mr. Griffiths stated that if that happens

the solution would be to sink a new well at a cost of one million dollars or to bring in a connection from Bristol Myers/American New Jersey property which would also be at a cost of one million or more. Mr. Griffiths stated that the Borough is looking at \$2.1 million in capital expenditures sometime in the next five to ten years. Mr. Griffiths stated that when you look at the impact of these capital expenses against the second major issue which is the decline in income. Mr. Griffiths stated that the Borough has raised rates modestly the past couple of years; however the income is still declining.

Mr. Griffiths stated that increasing expenses including salaries and benefits require that Council seek relief for the Utility in one or more forms. Mr. Griffiths stated that Council could look at ten to twenty percent rate increases for next year, reduction of expenses of \$100,000 by taking labor expense out of the utility and transferring it to the current fund, and renegotiating debt from 2015 to 2020. Mr. Griffiths stated that in the next five years the debt payments are quite high but after 2020, they will decline significantly. Mr. Griffiths stated that none of these options are good; however we will need to look hard at moving expenses from the utility to the current fund in 2014. Mr. Griffiths stated that in order to do that we will have to be able to accommodate those charges in the current fund which may result in a tax impact.

Mr. Griffiths stated that the King George Road water main project may need to be delayed even though theoretically it would be more efficient to do it with the road resurface. Mr. Griffiths stated that the cost of borrowing has increased by fifty percent and so we are seeing the impact of speculation in the market place fueled by the growing economy.

Mr. Griffiths stated that in the current fund, the aging grants receivable budgets are unchanged. Mr. Griffiths stated that we are still seeking reimbursement after two years for the Safe Routes to Schools Project. Mr. Griffiths stated that the Sked Street Project is still pending reimbursement and the DVRCP grant is also still outstanding. Mr. Griffiths stated that because we will have to transfer expenses in from the Utility we are looking at an additional \$100,000 of expense in the general budget. Mr. Griffiths stated that when we look at projected debt we are looking at closed to \$700,000 to \$800,000 which includes the Streetscape and the necessary rotation of capital vehicles most of which are snow plows and dump trucks, the roof at the Senior Center scheduled for 2015 and the roof for Borough Hall in 2017. Mr. Griffiths stated that these are identified capital expenses and does not include any surprises and unanticipated expenses that always seem to come up.

Mr. Griffiths stated that unless we start to see increased property values to offset the expenses we are looking at five to seven percent tax increases for the next five years. Mr. Griffiths urged caution and conservatism in any kind of projected debt.

**Historic Preservation** – Mrs. Dunn stated that the Historic Preservation Commission did not meet and there were no applications for review.

**New Business**

**Borough of Pennington  
Resolution #2013 – 9.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund in the amount of \$3,436.39 be issued to Hudson City Savings Bank, West 80 Century Road, Paramus, NJ 07652, for an overpayment of third quarter 2013 taxes, for 120 King George Road, Block 303, Lot 8.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
Dunn	S				Ogren	X			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2013-9.1, second by Council Member Dunn with all members present voting in favor.

**Borough of Pennington  
Resolution #2013 – 9.2**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$1,242,999.59 from the following accounts:

Current	\$ 1,044,292.52
W/S Operating	\$ 157,666.70
General Capital	\$ 8,437.00
Grant Fund	\$ 19,648.63
Water/Sewer Capital	\$ 8,543.00
Developer's Escrow	\$ 4,023.24
COAH Trust	\$ 388.50
TOTAL	\$ 1,242,999.59

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
Dunn	M				Ogren	X			
Griffiths	S				Tucker	X			

Council Member Dunn made a motion to approve Resolution 2013-9.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013-9.3**

**RESOLUTION REJECTING BIDS FOR WATER  
STORAGE TANK REHABILITATION PROJECT**

**WHEREAS**, Pennington Borough Council has authorized advertisement for bids for the Water Storage Tank Rehabilitation Project (VNHA #41242-217-71);

**WHEREAS**, on August 28, 2013, the Borough received four bids ranging from \$148,980. to \$375,500. pursuant to the advertisement;

**WHEREAS**, all of the bids received substantially exceed the estimated costs for the work prepared before the request for bids was advertised by the Borough's Water and Sewer Engineer, Van Note-Harvey Associates;

**WHEREAS**, the Local Public Contracts law permits rejection of all bids when they exceed the cost estimates for the goods or services;

**WHEREAS**, Van Note-Harvey Associates recommends that all of the bids received be rejected;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that all bids received for the aforesaid Water Storage Tank Rehabilitation Project be rejected.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Heinzel	X			
Dunn	X				Ogren	M			
Griffiths	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-9.3, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2013 – 9.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO  
DESANTIS CONSTRUCTION, INC. FOR WORK COMPLETED ON THE PENNINGTON  
CONNECTION TO LAWRENCE HOPEWELL TRAIL PROJECT**

**WHEREAS**, DeSantis Construction, Inc. has completed certain work pursuant to the contract for the Pennington Connection to the Lawrence Hopewell Trail Project (Van Cleef Engineering Associates Project No. VCEA File No. 7071); and

**WHEREAS**, Van Cleef Engineering Associates has reviewed the application and recommends payment under the contract pursuant to the Contractor’s Request for Payment No. 1 in the amount of \$11,600.85, and

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

**WHEREAS**, funds are available in Account #: T-03-00-850-850-255;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment request No. 1 to DeSantis Construction Inc. in the amount of \$11,600.85 is hereby authorized.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Heinzel	X			
Dunn	X				Ogren	M			
Griffiths	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-9.4, second by Council Member Davy. Mr. Ogren stated that progress is very slow on this project. Mr. Ogren stated that he has been concerned from day one and he feels that the contractor should have begun work on the retaining wall at this point. Mr. Ogren stated that there is a deadline on the DEP permit of November 1<sup>st</sup> at which point construction must stop and cannot resume until next year. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2013 – 9.5**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 TO A & A CURBING, INC. FOR WORK COMPLETED ON THE DOWNTOWN STREETScape IMPROVEMENT PROJECT**

**WHEREAS**, A & A Curbing, Inc. has completed certain work pursuant to the contract for the Downtown Streetscape Improvement Project (Roberts Engineering Group, LLC. Project No. PEN3704); and

**WHEREAS**, Roberts Engineering Group, LLC has reviewed the application and recommends payment for completed work pursuant to the Contractor’s Request for Payment No. 2 (\$57,300.00) less two percent (2%) retainage (\$ 1,146.00), the net due therefore amounting to \$56,154.00; and

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

**WHEREAS**, funds are available in Account #: G-02-44-951-000-250;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to A & A Curbing, Inc. in the amount of \$56,154.00 pursuant to payment request No.2 is hereby authorized.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
Dunn	S				Ogren	M			
Griffiths	X				Tucker	X			

Council Member Ogren made a motion to approve Resolution 2013-9.5, second by Council Member Dunn with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013-9.6**

**RESOLUTION AUTHORIZING PURCHASE OF FURNITURE ON STATE CONTRACT FOR BOROUGH HALL OFFICES**

**WHEREAS**, the Borough needs furniture for its Borough Hall offices;

**WHEREAS**, the Borough Administrator has determined that the needed furniture is available under the State Contract known as Teknion LLC, term contract G2004, Furniture: Office Lounge (Contract #: 81640, Expires July 31, 2017);

**WHEREAS**, the Borough Administrator has obtained a quote for the needed furniture from Innovative Commercial Interiors, located at 806 Silvia Street, American Enterprise Park at Ewing, West Trenton, New Jersey 08628-7326;

**WHEREAS**, Innovative Commercial Interiors is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract;

**WHEREAS**, the proposed purchase of furniture from Innovative Commercial Interiors is subject to all the terms and conditions of the aforesaid State Contract;

**WHEREAS**, a copy of the proposal from Innovative Commercial Interiors, in the total amount of \$8,597.49, is attached to this Resolution;

**WHEREAS**, purchase of the furniture on State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding;

**WHEREAS**, the money for the proposed purchase is available in the Borough's Capital Account;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the acquisition of furniture for the Borough Hall offices pursuant to the attached proposal from Innovative Commercial Interiors is hereby authorized, and the Borough Administrator and Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Heinzel	X			
Dunn	X				Ogren	X			
Griffiths	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2013-9.6, second by Council Member Griffiths. Mr. Bliss stated that the resolution before Council has some blanks that need to be filled in. Mr. Bliss read into the record the corrections to the resolution. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013 – 9.7**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CURINI APPRAISAL COMPANY, INC. FOR REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE PROPOSED ACQUISITION OF OPEN SPACE**

**WHEREAS**, the Borough of Pennington has submitted a request to the New Jersey Green Acres Program in the New Jersey Department of Environmental Protection for funds to acquire approximately 34 acres of Block 92, Lots 1.01 and 1.03 in Hopewell Township adjacent to Aliger Park; and

**WHEREAS**, the Borough of Pennington desires to determine the value of such property for potential acquisition; and

**WHEREAS**, the Green Acres Program requires two appraisals of the subject property;

**WHEREAS**, the Borough seeks to retain for this purpose the professional services of Curini Appraisal Company, Inc. , which submitted a proposal for appraisal services in accordance with appraisal guidelines of the Green Acres Program;

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., a contract for professional services of the kind authorized herein is not subject to public bidding;

**WHEREAS**, prior to entering into the contract, Curini Appraisal Company, Inc. shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

**WHEREAS**, funds are available in the Open Space Trust Fund, T-03-00-850-850-255;

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

1. The Mayor and Borough Clerk are hereby authorized to enter into the attached professional services contract with Curini Appraisal Company, Inc. for appraisal services for Block 92, Lot 1.01 and 1.03 as shown on the attached tax map.

2. The scope of services shall include all appraisal services as described in the attached proposal from Curini Appraisal Company, Inc.
3. The maximum authorized cost for these services is \$ 1,739.00.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy		X			Heinzel	M			
Dunn		X			Ogren	S			
Griffiths		X			Tucker	X			

**Tie Vote: Mayor Persichilli voted AYE.**

Council Member Heinzel made a motion to approve Resolution 2013-9.7, second by Council Member Ogren. Mr. Bliss stated that for information purposes he asked Borough Clerk, Betty Sterling for the pertinent numbers relating to the Open Space Trust Fund. Mr. Bliss stated that the present Open Space Trust Fund balance is \$459,559 plus \$50,000 that will be deposited for 2013 for a grant total of \$509,559. Mr. Bliss stated that the ordinance that was just approved appropriates \$488,000 of which \$291,000 is Federal and State Grants. Mr. Bliss stated that leaves approximately \$21,000 not including reimbursements for the grant funds. Mr. Ogren stated that at the last meeting he reported that position of the Open Space Committee and Council Members heard Mr. Hershey's report tonight. Mr. Ogren stated that these prices were solicited from four appraisal firms and these are the two lowest. Mr. Ogren stated that in terms of Green Acres, the next steps assuming that the appraisals are approved is to submit them to Green Acres for their review and determination of what they consider to be a certified market value of the property and that would be a basis for Council as to whether to proceed with the acquisition. Mrs. Heinzel stated that she supports going forward with the appraisals to show that the Borough is in fact interested in acquisition of the property. Mrs. Heinzel asked if at some point it was not feasible for the Borough to purchase the property would the appraisals be transferable to another entity that might have the necessary funds to acquire the property.

Mr. Griffiths stated that he would like to call into question the idea that there is no place within the Borough where Open Space Funds could be used. Mr. Griffiths stated that the Open Space Funds can be used to improve current Borough parks for example Kunkel Park. Mr. Griffiths stated that he would like Council Members to understand that the Open Space Fund is not just for property acquisition it can be used for renovation and improvement of recreational facilities within the Borough and Council has not looked very closely at that option. Mr. Griffiths stated that he would also like to hear why the Open Space Committee has determined that a property over a mile away is a suitable candidate for spending Open Space Funds.

Mr. Davy stated that as municipal officials, Council has a fiduciary responsibility to be prudent stewards of the taxpayer's money and it should not be taken lightly. Mr. Davy stated that proceeding with acquisition of the property on Pennington-Titusville Road would require Council to approve spending \$195,000 of Pennington taxpayer dollars. Mr. Davy stated that the property is two miles from the center of town in Hopewell Township and he does not see that as being part of the Greenbelt around Pennington. Mr. Davy stated that he supports the purchase of Open Space but he thinks that acquisition of property should be dedicated to properties that are immediately on our borders and there are properties that would be of strategic interest to Pennington. Mr. Davy stated that these properties should be concentrated on whether they are available now or not. Mr. Davy stated that a strategic approach needs to be developed to acquire land that is important to Pennington. Mr. Davy stated that if \$195,000 is spent on this property in Hopewell Township, that money is gone forever and will not be available for properties closer to Pennington that would benefit Pennington residents. Mr. Davy stated that Mr. Ogren indicated to him that this property is not an ideal property, but it is available now and that is not a good reason for spending Pennington tax dollars. Mr. Davy stated that with all due respect he will be saying no to purchase of this property and no to the appraisals.

Mr. Davy stated that a process that engages the entire community in a conversation about open space to develop an open space master plan which would target and be very specific about properties that are important to the Borough should be discussed and he would be willing to engage in that type of conversation if appropriate. Mr. Ogren agreed with Mr. Davy. Mr. Ogren stated that several years ago when the Borough was involved in the purchase of the Wright property he took the same position that Mr. Davy has now. Mr. Ogren stated that the problem then and now is that the Borough will lose out on Green Acres Funds if we don't act soon. Mr. Ogren stated that a lot of money would be leveraged to preserve land in the Hopewell Valley and it may not be as close to the Borough as we would like, but it is a great property to preserve because it would help to preserve and entire corridor on Pennington-Titusville Road. Mr. Ogren stated that he would much rather put the money towards property closer to Pennington Borough like the Thompson Land Property near Curlis Lake Woods. Mr. Davy stated that if that piece of property is important to the Borough then he would rather not use \$195,000 of Open Space Funds for the purchase of the property in Hopewell Township. Mr. Ogren stated that maybe this is not the ideal site, but it is an excellent site and he feels it is worth pursuing.

Mrs. Heinzel stated that there may come a time when Pennington would have to go to Hopewell Township to ask for assistance in acquiring Open Space for the good of the greater Hopewell Valley. Mrs. Heinzel stated that she understands that we are talking about Pennington tax dollars, but she feels that there is an understanding in the community that we are a small built out town and when residents support open space funding they are supporting the funding for the Hopewell Valley and not necessarily for Pennington

Borough.

Mr. Tucker stated that he would support use of Open Space Funds for improvements to Borough parks but he would support going ahead with the appraisals on the Brown property to assist in future decisions.

Mr. Davy stated that it has been brought up that this property would provide recreational value to Pennington residents and he does not see how that can be. Mr. Davy stated that the property is two miles away from Pennington, it is not easily accessible and it is difficult to walk or bike there and if you have to drive there is no parking. Mr. Davy stated that this property is zoned for development on six acre lots so even if it was developed there would only be five homes and even if it were clustered there are requirements for a certain percentage of open space.

Mrs. Dunn stated that many good points have been made but in her opinion she would rather save for property closer to Pennington Borough that will benefit the residents of Pennington who are in fact paying the tax.

Upon a roll call vote Council Members Davy, Dunn and Griffiths voted no, Council Members Heinzl, Ogren and Tucker voted yes. Given the tie vote, Mayor Persichilli stated that some great arguments were made and he supports the Hopewell Valley, the use of funds in Pennington Borough and also the use of funds for recreation. Mayor Persichilli stated that what we are talking about here is doing appraisals which would not commit us to anything. Mayor Persichilli stated that as far as the resolutions go he would vote yes.

**BOROUGH OF PENNINGTON  
RESOLUTION 2013 – 9.8**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MARTIN APPRAISAL ASSOCIATES, INC. FOR REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE PROPOSED ACQUISITION OF OPEN SPACE**

**WHEREAS**, the Borough of Pennington has submitted a request to the New Jersey Green Acres Program in the New Jersey Department of Environmental Protection for funds to acquire approximately 34 acres of Block 92, Lots 1.01 and 1.03 in Hopewell Township adjacent to Aliger Park; and

**WHEREAS**, the Borough of Pennington desires to determine the value of such property for potential acquisition; and

**WHEREAS**, the Green Acres Program requires two appraisals of the subject property;

**WHEREAS**, the Borough seeks to retain for this purpose the professional services of Martin Appraisal associates, Inc., which submitted a proposal for appraisal services in accordance with appraisal guidelines of the Green Acres Program;

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., a contract for professional services of the kind authorized herein is not subject to public bidding;

**WHEREAS**, prior to entering into the contract, Martin Appraisal Associates, Inc. shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

**WHEREAS**, funds are available in the Open Space Trust Fund, T-03-00-850-850-255;

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

4. The Mayor and Borough Clerk are hereby authorized to enter into the attached professional services contract with Martin Appraisal Associates, Inc. for appraisal services for Block 92, Lot 1.01 and 1.03 as shown on the attached tax map.
5. The scope of services shall include all appraisal services as described in the attached proposal from Martin Appraisal Associates, Inc.
6. The maximum authorized cost for these services is \$ 2,800.00.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy		X			Heinzl	S			
Dunn		X			Ogren	M			
Griffiths		X			Tucker	X			

**Tie Vote: Mayor Persichilli voted AYE.**

Council Member Ogren made a motion to approve Resolution 2013-9.8, second by Council Member Heinzl. Upon a roll call vote Council Members Davy, Dunn and Griffiths voted no, Council Members Heinzl, Ogren and Tucker voted yes. Given the tie vote, Mayor Persichilli voted yes.

### **Council Discussion**

**Request from Julie McCabe of 6 Mallard Drive** – Mr. Bliss stated that this request is for a cross easement to install a fence. Mr. Bliss stated that Mr. Wittkop is on vacation and in the past we have approved these types of requests provided that they result in an agreement between the Borough and property owner, which is personal to the owner and does not run with the land. Mr. Bliss stated that when the property is sold the agreement is extinguished and the new owner would have to get permission to keep the fence. Mr. Bliss stated the terms of the agreement would provide that in the event that the Borough must enter the easement the fence would be removed without exposure to cost and the owner would have to replace the fence thereafter at the owners expense.

Mrs. Dunn asked if Council could approve the request contingent on input from Mr. Wittkop about this particular easement. Mr. Bliss stated that this is a discussion item and the form of resolution and agreement would come before Council at the next meeting.

Discussion followed as to a fence already existing on the easement. Mrs. McCabe came forward and stated that the existing fence is her neighbor's fence. Mr. Ogren asked Mrs. McCabe if she has spoken to the Zoning Officer. Mrs. McCabe stated that she did and she was advised that prior to zoning approval she would need to get Council approval to cross the easement.

Mayor Persichilli stated that Council has done several of these agreements in town and he did not hear any opposition from Council Members so providing that Mr. Wittkop does not have any issues, a resolution and agreement will be prepared for the October meeting. Mayor Persichilli stated that in the meantime, Mrs. McCabe should follow up with the Zoning Officer to make sure that the fence meets the zoning requirements. Mrs. McCabe asked if she could start installation of the fence. Mr. Bliss stated that an agreement must be signed prior to installation of the fence, but Mrs. McCabe can proceed with filing for the zoning permit. Mrs. McCabe stated that she has three children and two dogs and she would like to expedite this process if possible. Mrs. Heinzl asked if there was a way to approve the request subject to certain conditions. Mr. Bliss stated that subject to approval from the Superintendent of Public Works and also subject to the homeowners signing an agreement with the Borough and meeting zoning requirements. Mrs. McCabe was given approval to proceed with filing the necessary paperwork but installation of the fence should not take place until a signed agreement is on file.

Mrs. McCabe stated that she is on the Mallard Drive Block Party request that is the next topic and she would be happy to answer any questions from Council.

**Block Party – Mallard Drive** – Mayor Persichilli stated that this is a request for a block party which involves a road closing. Mrs. Sterling stated that she checked with Mr. Meytrott today and he did not have any concerns with regard to closing the road. Council Member Dunn made a motion to approve the request, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Davy who abstained due to the fact that he lives on Mallard Drive.

Mrs. Heinzl stated that action should have been taken on the fence agreement request. Mrs. Heinzl made a motion to approve the request for a cross easement to install a fence with the three conditions outlined by Mr. Bliss, second by Council Member Griffiths with all members present voting in favor.

**Towing Ordinance** - Mr. Bliss stated that this request was brought to his attention by Sergeant Friedman. Mr. Bliss stated that he was provided with a copy of the Hopewell Township Towing Ordinance. Mr. Bliss stated that at this time Pennington Borough does not have a list of towing vendors for use by the Police Department under certain situations. Mr. Bliss stated that he did not draft an entire ordinance, but he did provide a basic formula. Mr. Bliss stated that the ordinance would require vendors to be registered and they would be placed on a list and used on a rotating basis. Mr. Bliss stated that in order to get on the list vendors have to meet certain requirements relating to insurance, certified operators, location etc. Mr. Bliss stated that essentially we can use Hopewell Township's standards and rate schedule. Mr. Davy stated that the ordinance in the packets does not have a rate schedule. Mr. Bliss stated that at the time of writing we did not have a copy of the fee schedule. Mr. Bliss stated that if Council wants to go forward with this ordinance the fee schedule will be submitted as part of the ordinance.

Mr. Ogren suggested that the Public Safety Committee meet to discuss the ordinance in more detail. Mr. Tucker stated that he has no problem with that, though he did talk to Mr. Meytrott about the proposed ordinance and he did not have any concerns.

Mr. Davy stated that he has had experience with several of these types of ordinances in his career and he would suggest that a conversation take place with the towers first. Sergeant Friedman came forward and stated that the Police Department had two companies that they were using on a rotating basis. Sergeant Friedman stated that one of those companies went out of the police towing business completely leaving the department with only one agency to call for towing. Sergeant Friedman stated that this agency also tows for other entities and he may not be available if the need arises. Sergeant Friedman stated that situations that this would pertain to would be when the police department needs to have a car removed.

**Flood Zone Map** – Mr. Davy stated that this was brought up at the last meeting and Council felt that they needed more information in order to understand this item. Mr. Davy stated that after looking more carefully and speaking with the Borough Engineer what happens is that if the Borough is interested in having the Lewisbrook area studied as a flood zone it has to say so by passing a resolution asking FEMA to do the study. Mr. Davy stated that FEMA would come in and do the study and designate whether the area is a flood zone. Mr. Davy stated that if the area is determined to be a flood zone it creates problems for existing homeowners and could potentially jeopardize a homeowner's flood insurance if they have it and it would make it difficult to obtain flood insurance for anyone who does not already have it. Mr. Davy stated that he is certain this area would be designated a flood zone and thereby cause homeowners problems regarding insurance. Mr. Davy stated that at this time he did not think it would be a good idea to ask FEMA to do the study.

Mrs. Dunn stated that at the last meeting it was stated that a homeowner could not buy flood insurance unless they were located in a designated flood zone. Mrs. Dunn stated that she has checked with two different sources and found out that anyone can buy flood insurance and it would be at a lower price.

### **Professional Reports**

There were no comments from professionals.

### **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.

There were no comments from the public.

At 9:02 PM, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Dunn.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk