

**Pennington Borough Council
Regular Meeting – April 1, 2013**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:04 pm. Borough Clerk Betty Sterling called the roll, all members were present.

Also present were Borough Administrator, Timothy Matheny, 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 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.

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 his comments are not on agenda items. Mr. Pace stated that last Thursday a meeting was held by Hopewell Township to discuss the Pennytown/Marshall's Corner Development. Mr. Pace stated that one of the speakers from the public, former Mayor John Hart made a suggestion that the Hopewell Valley YMCA should be located in the Pennington area where there are plenty of kids and people and he suggested the Ego-Matic building as a location. Mr. Pace agreed that he agrees that it would be a good location for the YMCA and he also thinks that the YMCA should be located where their sign is still standing which is at the corner of Franklin Avenue and Route 31. Mr. Pace asked Council to comment on their position for the location of the YMCA. Mayor Persichilli stated that Borough Council never had a problem with the YMCA being located in Pennington. Mayor Persichilli stated that the difficulty was that the YMCA could not get the funding that was needed to buy the property and there are also water and sewer issues that they were aware of. Mayor Persichilli stated that he has recently met with a couple of other developers regarding the property and the issue remains the same that sufficient water and sewer capacity needs to be addressed first. Mayor Persichilli stated that as far as the Ego-Matic building is concerned, that is in the Township.

Mr. Pace stated that on another note he is a frequent visitor of the Borough Website and he recently noticed that the minutes for Borough Council and the Planning Board need to be updated.

Approval of Minutes

Council Member Dunn made a motion to approve the minutes of the February 4, 2013, Regular Meeting, second by Council Member Tucker with all members present voting in favor.

Mayor's Business

Mayor Persichilli stated that Pennington Day representatives were scheduled to be here this evening, however he received an e-mail today stated that they would be unable to attend and that they would like to notify Borough Council that they are planning a similar event to last year's event and they will be coordinating with the Public Works and Police Departments to work out details for the event. Mayor Persichilli stated that Pennington Day is scheduled for May 18th, 2013.

Appointments – (with Council Approval)

Mayor Persichilli recommended that appointment of Melinda Curtis to the Parks and Recreation Commission for a term through December 31, 2015. Council Member Heino made a motion to approve the appointment, second by Council Member Dunn with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2013-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2013-1**

**ORDINANCE PROHIBITING THE FEEDING OF DEER ON LANDS EITHER PUBLICLY OR
PRIVATELY OWNED IN THE BOROUGH, AMENDING CHAPTER 67, ARTICLE IV, OF THE
CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Pennington Borough remains concerned about the significant impact of the growth of the white-tailed deer population inhabiting the Pennington area, including deer/vehicle collisions, Lyme disease, the reduction or elimination of native plant materials and habitat for other wild animals, the erosion of stream banks, and damage to ornamental plantings within the community; and

WHEREAS, the feeding of deer has been shown to increase the concentration of deer in the area of feeding, thereby increasing the likelihood of deer/vehicle collisions, the numbers of nymphal deer ticks and damage to vegetation and landscaping in that area and nearby;

WHEREAS, the feeding of deer is counter to the Borough's goal of reducing the local deer population and its adverse impact on the community; and

WHEREAS, the feeding of deer also can be detrimental to the overall health and well-being of the deer;

WHEREAS, Chapter 67, Article IV, of the Code of the Borough of Pennington presently prohibits the feeding of unconfined wildlife in public parks and on other property owned or operated by the Borough, Borough Council now seeks to extend the prohibition on feeding deer to private property as well;

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

1. Section 67-25 of the Code of the Borough of Pennington is hereby amended to read:

“A. No person shall feed, in any public park or on any other property owned or operated by the Borough, any unconfined wildlife. Examples of confined wildlife include wildlife confined in zoos, parks or rehabilitation centers, wildlife held at environmental education centers, and feral cats detained as part of an approved trap-neuter-release program.

B. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed wild white-tailed deer (*Odocoileus virginianus*) on lands either publicly or privately owned within the Borough of Pennington.”

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2013-1, second by Council Member Griffiths. Mrs. Elizabeth Kemp and Mr. Eric Kemp of 14 Eglantine Avenue came forward to speak in support of the ordinance. Mrs. Kemp stated that it has been about seven months since she brought this issue before Council in September and they were relieved to hear that an ordinance was being introduced at the last meeting. Mrs. Kemp stated that they are here tonight to express why they feel that it is absolutely necessary that this ordinance be adopted. Mrs. Kemp stated that since September the deer situation has become worse. (Mrs. Kemp submitted photographs to be made part of the record.) Mrs. Kemp stated that the photographs do not even convey how bad the situation has become. Mrs. Kemp stated that it is not natural or safe to have a herd of up to twenty-two deer residing in the middle of Pennington. Mrs. Kemp stated that in addition to the size of the deer herd, as a result of the feeding they now have issues with other animals. Mrs. Kemp stated that the recently had four skunks removed from their property and Mark Johnson, a former Animal Control Officer who helped remove them observed the feeding going on actually asked about it because he felt it was a contributing factor to the skunk problem. Mrs. Kemp stated that they also have a problem with turkey vultures who have now settled in the upstairs of a barn on their property and in a large oak tree above where the feeding takes place. Mrs. Kemp stated that finally she would like to bring to Council's attention that in the four weeks since the ordinance was introduced, the feeder that the resident had on their property has been removed and the resident now feeds the deer by dumping piles of feed on the ground. Mrs. Kemp stated that this was also documented in her photographs. Mrs. Kemp stated that the deer continue to be a problem for her and her neighbors some of which are also in attendance this evening. Mrs. Kemp stated that they are here tonight to stress that this is a serious health and safety issue for everyone, most especially the children who can not play in conditions that have been created as a result of what one person is doing on their property that is impacting other properties in the Borough. Mrs. Kemp stated that in addition to stressing the importance of adopting the ordinance they would like to know what will be done in terms of enforcement. Mayor Persichilli stated that if the ordinance is adopted, there will be enforcement behind it and as complaints are received they will be investigated. Mrs. Kemp stated that her husband Eric has information from the DEP website documenting that this is a very hazardous situation. Mayor Persichilli stated that Council has been working on this issue since Mrs. Kemp brought it to their attention in September and this is the result.

Mrs. Heinzl stated that during discussions of this issue, she was the one that felt that perhaps an ordinance was too much enforcement and she has been convinced that this is actually a very good approach.

Mrs. Kemp stated that she thinks that there is a misunderstanding that residents who are feeding the deer feel that they are helping the deer but in reality it is causing them more harm and putting other residents at risk for all kinds of things most especially Lyme Disease.

Mr. Kemp stated that as you can see in some of the pictures, residents have had to install commercial type deer fencing to protect their property. Mr. Kemp stated that it seems inappropriate in a town this size to have

to do that. Mr. Kemp stated that the Division of Fish and Wildlife has some very interesting information on their website specific to feeding deer.

Mr. Bliss asked that since this is a public hearing on the ordinance that Mr. and Mrs. Kemp submit their photos and documentation as part of the record.

Mr. Ogren stated that it might be worthwhile to look into limited deer hunting in the Curlis Lake Woods area. Mr. Griffiths stated that he would support that. Mr. Griffiths stated that he has heard shotgun sounds coming from that area. Mr. Griffiths stated that he is not aware of what Mercer County would allow.

Mr. Mark Johnson of Ringoes and Animal Control Officer for Princeton came forward and briefly explained some of the regulations associated with firearm discharge or bow hunting. Mr. Johnson stated that the regulations might allow for bow hunting in Pennington. Mr. Johnson stated that he has been trapping skunks on the Kemp property and neighboring properties for several years and the reason why they are there is because a neighbor is feeding them. Mr. Johnson stated that he has witnessed the feeding of the deer. Mr. Johnson stated that deer don't just eat the feed, they eat ten pounds of food every day consisting of leaves, grass and other vegetation. Mr. Johnson stated that the deer are eating the feed simply because it is there. Mr. Johnson stated that they will feed on vegetation along the way to the feed and that is where the deer become an issue. Mr. Johnson stated that in Princeton they have a deer feeding ordinance and the fine is \$1,000 per day for illegally feeding deer. Mr. Johnson stated that he is here to support the residents and to encourage adoption of the ordinance.

Mrs. Heino asked Mr. Johnson if elimination of the feeding would eradicate the deer problem. Mr. Johnson stated that if there is no easy food source the deer will most likely migrate elsewhere. Mr. Johnson stated that there is a herd of ten deer that live at this location because of the food source and that number goes up during the winter. Mr. Johnson stated that in Princeton when he eliminates a food source it takes about two months for some of the herd to move on, though some do remain. Mr. Johnson stated that the problem in Pennington is that the deer have water, shelter and food all in one place and that is why they have made this area their home. Mr. Johnson stated that the only real threat to the deer is cars. Mr. Johnson stated that elimination of the food source will be a big help in dispersing the deer to other locations and elimination of other problems such as skunks.

Tara Kinsey of 18 Eglantine came forward to emphasize the importance of this ordinance. Mrs. Kinsey stated that every day when she is making dinner there is a parade of up to twenty deer that end up in her back yard. Mrs. Kinsey stated that it is not just a few deer and it is a health hazard that lives in her back yard. Mrs. Kinsey stated that the deer sit under her swingset and when her kids are in the yard the deer do not move. Mrs. Kinsey stated that the deer feces in her yard is disgusting and it is a health hazard.

Mr. Bliss read into the record the documents submitted by Mr. and Mrs. Kemp.

Council Member Tucker made a motion to close the public hearing on Ordinance 2013-1, second by Council Member Heinzl with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2013-1, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2013-2 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2013-2**

**AN ORDINANCE REDUCING THE TESTING SCHEDULE
FOR GREASE INTERCEPTORS IN ESTABLISHMENTS
SHOWN REPEATEDLY TO DISCHARGE SUBSTANTIALLY LESS THAN THE MAXIMUM
PERMITTED CONCENTRATION OF GREASE, AND AMENDING CHAPTER 159 OF THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, Chapter 159 of the Borough Code requires food establishments and facilities to install grease interceptors to trap grease in wastewater that would otherwise be discharged to the Borough's sewer system;

WHEREAS, the Code permits a food establishment or facility to defer installation of a grease interceptor if instead it installs a control manhole to permit sampling of wastewater and it demonstrates through quarterly laboratory testing that its wastewater does not contain more than the maximum permitted concentration of grease;

WHEREAS, Borough Council determines that when the sampled wastewater from a particular establishment is repeatedly found to contain substantially less than the maximum permitted concentration of grease, it is fair to reduce the frequency of testing for that establishment, subject to conditions;

WHEREAS, Borough Council of the Borough of Pennington therefore seeks to amend Chapter 159 of the Code to provide that when the results of three consecutive quarterly samples are found to be no more than twenty percent (20%) of the maximum concentration permitted, the owner may petition the Borough in writing to reduce laboratory testing to two (2) tests per calendar year on a schedule approved by the Borough, subject to reinstatement of quarterly testing if the situation changes;

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

1. Chapter 159, Section 159-13.2 of the Code of the Borough of Pennington, is hereby amended to read:

The owner of a property containing a food establishment or facility in operation at the time of the adoption of this amendatory ordinance may elect to defer installation of one or more exterior grease interceptors otherwise required by this chapter, provided this election shall expire if the establishment or facility expands, constructs new facilities or makes renovation, repair or alteration of existing facilities in a manner which requires issuance of a permit by the municipal Construction Office, and provided further that deferring the installation of the exterior grease interceptor may continue only for as long as the owner demonstrates to the reasonable satisfaction of the Borough, based on the testing of wastewater as prescribed herein, that the food establishment or facility does not discharge grease, fat or oil in excess of the maximum concentration permitted by § 159-8D of the Code. The testing of wastewater shall comply with the following standards and procedures.

A. The owner, at the owner's sole expense, shall install and maintain a suitable control manhole in the building sewer conveying wastewater from the property to permit observation, sampling and measurement of wastes. The manhole shall be installed downstream of all fixtures discharging grease or oil and upstream of the building sewer. The owner also shall at its expense modify the building sewerage conveyance system by installing waste piping as needed to effect the complete segregation of fixtures receiving grease or oil so that only the waste from these fixtures is monitored through the manhole. Such manhole shall be accessible and safely located and, together with all related system modifications, shall be constructed in accordance with plans approved by the Borough Plumbing Subcode Official or the Borough Engineer, as appropriate.

B. The owner shall, at owner's sole expense, contract with a laboratory certified by the New Jersey Department of Environmental Protection to obtain suitable samples from the control manhole to determine the concentration of grease and oil in the monitored wastewater under representative operating conditions. The laboratory shall test the sampled wastewater in compliance with EPA Method 1664A HEM or such other testing protocol as may hereafter be approved by the Department of Environmental Protection for this purpose. The sampling and testing shall be performed at least quarterly. The owner shall promptly submit full details and results of such sampling and testing to the Borough Department of Health and shall maintain copies on the premises. Sampling and testing information shall include for each sample the date, exact location, method, volume and time of sampling, the name of the person(s) taking the sample, the date or dates of analysis of the sample, the name of the person(s) performing the analysis, the analytical techniques or methods used, and the results of the analysis. When the results of tested samples in three consecutive quarters indicate no more than 20% of the maximum concentration permitted by § 159-8D of the Code, the owner may petition the Borough in writing to reduce laboratory testing to two (2) tests per calendar year on a schedule approved by the Borough. Any change in ownership of the business or building, a change in use of the building likely to increase the discharge of grease, a substantial change in the product produced by the business, any indication between tests that the discharge of grease or oil has increased, or a single test with a result in excess of 20% of the maximum amount permitted by the Code shall require the immediate reinstatement of quarterly testing.

C. The sampling of wastewater shall be performed when the establishment or facility is in full operation and shall be of sufficient frequency during an ordinary day and week to permit reliable measurement of whether maximum permissible concentrations of grease, fat and oil have been exceeded. It shall be unlawful to add water to the monitored wastewater for the purpose of diluting wastes. The Borough reserves the right to conduct its own sampling and testing, at the owner's expense. For this purpose, the owner or the operator of the food establishment or facility, as appropriate, shall afford the Borough and its authorized representatives immediate, full and safe access to the control manhole upon request, without prior notice.

D. Upon a determination by the Borough, based on the described sampling and facility is not discharging grease, fat or oil in excess of the maximum concentration permitted by Section 159-8D of the Code, the Borough shall notify the property owner that installation of one or more exterior grease interceptors is required. The notice shall provide a deadline for completing the installation as set forth in Section 159-13.3 of the Code.

E. All engineering, laboratory and other professional fees incurred by the Borough in connection with approvals required by this chapter or in connection with implementation of the sampling and testing procedures set forth herein shall be promptly reimbursed to the Borough by the owner.

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2013-2, second by Council Member Ogren. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2013-2, second by Council Member Dunn with all members present voting in favor. Council Member Dunn made a motion to adopt Ordinance 2013-2, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli read Ordinance 2013-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2013-3**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$32,432.82 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2013 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2013-3, second by Council Member Heinzl. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2013-3, second by Council Member Dunn with all members present voting in favor. Council Member Heinzl made a motion to adopt Ordinance 2013-3, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli read Ordinance 2013-4 by title.

**BOROUGH OF PENNINGTON
County of Mercer**

Ordinance No. 2013-4

AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):

§ 206-1. Base and usage charges.

A. There are hereby established the following quarterly charges for water customers:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-[100,000] 200,000 (per 1,000 gallons)	More than [100,000] 200,000 (per 1,000 gallons)
Less than 1	\$[27.27] <u>27.41</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>
1	\$[41.63] <u>41.84</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>
2	\$[118.30] <u>118.89</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>
3	\$[265.37] <u>266.70</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>
4	\$[389.98] <u>391.93</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>
6	\$[728.71] <u>732.36</u>	\$[6.40] <u>6.46</u>	\$[6.68] <u>6.81</u>	\$[7.08] <u>7.38</u>	\$[8.03] <u>8.54</u>

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Usage Meter Size (inches)	Base Charge	First Excess Usage Block Charge	Second Excess Usage Block Charge	Third Excess Usage Block Charge	Fourth Excess Usage Block Charge
	4,000 Gallons or Less	4,001-20,000 Gallons (per 1,000 gallons)	20,001-60,000 Gallons (per 1,000 gallons)	60,001-[100,000] 200,000 (per 1,000 gallons)	More than [100,000] 200,000 (per 1,000 gallons)
All sizes	\$[30.10] <u>30.37</u> per 1,000 gallons	\$[6.82] <u>6.89</u> per 1,000 gallons	\$[7.10] <u>7.34</u> per 1,000 gallons	\$[7.37] <u>7.77</u> per 1,000 gallons	\$[7.72] <u>8.29</u> per 1,000 gallons

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

2. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2013-4, second by Council Member Griffiths. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing on Ordinance 2013-4, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2013-4, second by Council Member Tucker with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library –Mrs. Heinzel reported that the Library Board met in March with the primary discussion being the proposed facilities plan. Mrs. Heinzel stated that the Board reviewed the plan and will be discussing it for potential approval in April. Mrs. Heinzel stated that the plan will address the goals provided in the strategic plan and will be funded with funds in the Library capital budget. Mrs. Heinzel stated that the very successful environmental film series will conclude in April with the final film being shown on April 21st. Mrs. Heinzel stated that Busy Town will be held on May 2nd and many people in town are already on board to participate.

Mrs. Heinzel stated that the Environmental Commission met and discussed in further detail their campaign for Pennington Day which will focus on anti-idling. Mrs. Heinzel stated that they also discussed an ANJEC grant for a trail guide. Mrs. Heinzel stated that the deadline for submission of the grant is at the end of April.

Mrs. Heinzel stated that the Planning Board met on March 13th. Mrs. Heinzel stated that she was unable to attend the meeting, but one application for a use variance to convert the property at 134 South Main Street was heard. Mrs. Heinzel stated that the proposal was to convert what once was a Barber Shop and then a Real Estate Office back to an apartment. Mrs. Heinzel stated that the Planning Board denied that application as inconsistent with the existing zoning. Mrs. Heinzel stated that she will have more details on that at the next meeting.

Mrs. Heinzel stated that the Planning Board also had a presentation from The Pennington School regarding a conceptual plan for work that they are considering.

Public Works/Shade Tree –. Mr. Ogren stated that he would like to take a moment to thank Jeff Wittkop and the Public Works Department for getting rid of the old building at Kunkel Park. Mr. Ogren also thanked the Public Works Department for getting rid of some of the tree limbs at the entrance to the Pennington Loop Trail.

Mr. Ogren stated that the Water and Trash report will be available at the next meeting.

Mr. Ogren stated that neither the Public Works Committee nor the Shade Tree Commission met in March.

Mr. Ogren stated that the Downtown Streetscape Project is moving along and we are getting very close to finalizing plans. Mr. Ogren stated that he made another presentation to the Pennington Business Association to inform them of the revised plans. Mr. Ogren stated that all three groups that he has met with, the Economic Development Commission, the Historic Preservation Commission and the Business Association, are on board with the latest proposal for the project. Mr. Ogren stated that the Public Works Committee discussed adding some additional improvements to the project on the South Main Street East side which is in front of the Presbyterian Church and the plan will show replacement of curbs and sidewalks from East Delaware down to the first oak tree. Mr. Ogren stated that he does not think that there will be funds available to do this work, but it will be included in the project as a bid alternate and Council can decide at a later date whether or not to include the work in the project.

Mr. Ogren stated that the Route 31 Redevelopment Grant Oversight Committee has been meeting and the consultant for the project is working to complete the report. Mr. Ogren stated that he is hoping to have a public meeting on what is being proposed for that site in mid to late May 2013. Mr. Ogren stated that ultimately the proposal would go to the Planning Board in June.

Community Services/Economic Development/Personnel – Mrs. Heino stated that the Economic Development Commission did not meet in March, they are planning to meet in April.

Mrs. Heino stated that she is not aware of any updates for Personnel that need to come before Council.

Mrs. Heino stated that Parks and Recreation held their annual Easter Egg Hunt at Kunkel Park on March 30th. Mrs. Heino stated that the Parks and Recreation Commission is very grateful for all of the work that was done in such a timely fashion in order to have Kunkel Park ready for the egg hunt.

Mrs. Heino stated that she along with Council Members Tucker and Heinzel attended the Hopewell Township Committee meeting held at the High School concerning the Pennytown project. Mrs. Heino stated for those who are not aware this is a highly charged topic. Mrs. Heino stated that from the perspective of the audience there was disagreement, fear and upset due to lack of communication. Mrs. Heino stated she brings this up because two things became apparent at the meeting; one is that in some ways even though this is in the Township it will affect all three municipalities and there were many Pennington residents in attendance. Mrs. Heino stated that the second reason that she brings this up is because there was a comment made by a member of the Hopewell Township Committee suggesting that the possibility of combining the three municipalities should be considered and addressed. Mrs. Heino stated that as a member of the audience she could not comment at that time, but Council should be aware that it is being discussed. Mrs. Heino stated that this came up because there was a suggestion that perhaps if Hopewell Township were to drive forward with moving the site for all of their COAH housing that it would make more sense to locate it directly on the borders of Pennington or Hopewell Borough because those municipalities have more services available and a denser population in their downtowns. Mrs. Heino stated as you drive through town there are residents of Pennington with signs on their lawn in dispute of the Township's plan to build over 300 COAH units. Mrs. Heino stated either way what seems to be poorly understood is the fact that the Kooltronic property is subject to all of the same zoning ordinances that

residents are subject to and Kooltronics ability to build 255 units in total is within zoning requirements. Mrs. Heino stated that Council should be aware that this topic will remain heated and Pennington residents are involved. Mrs. Heino stated that one other thing to note is that the traffic studies that were done stated that if the development moves forward and 300 plus homes are built with the estimates on population density and travel and traffic patterns during the day, Route 31 South coming out of Hopewell, would bear seventy percent of the additional volume.

Public Safety – Mr. Tucker reported that on March 4th, the Pennington Police Department held a tabletop security drill at the Pennington School. Mr. Tucker stated that this exercise was requested by the Pennington School as they do not come under the purview of the NJ Department of Education. Mr. Tucker stated that valuable lessons were learned and additional drills are planned for the future. Mr. Tucker stated that on March 6th a tabletop security drill was held at the Hopewell Valley Regional School District. Mr. Tucker stated that the drill was organized by the Hopewell Township Police Department.

Mr. Tucker stated that Mr. Meytrott met with members of the Faith Community to discuss what could be done in the future to respond to the needs of the community during emergencies similar to Hurricane Sandy.

Mr. Tucker stated that final plans are being finalized for the Fireworks Display to be held at the Pennington School on May 18th.

Mr. Tucker reported the following statistics for the month of March 2013:

- 1 Theft
- 2 Harassments
- 182 Motor Vehicle Stops
- 52 Warnings Issued
- 1 DUI Summons
- 169 Motor Vehicle Summonses Issued
- 19 Fire Alarms
- 5 Burglar Alarms
- 1 Adult Male Arrest
- 2 Adult Female Arrests
- 16 First Aid Calls
- 1 Fire Call

Finance – Mr. Griffiths stated that the Finance Committee did not meet, however during the month of March, Chief Financial Officer Sandy Webb and Treasurer Betty Sterling refined the budget that was introduced at the last meeting. Mr. Griffiths stated that the refinements are reflected in the amending resolution later in the meeting. Mr. Griffiths stated that a budget workshop was not held, but he has a handout that he will distribute during the budget discussion.

Historic Preservation – Mrs. Dunn stated that the Historic Preservation Commission met in March, however she was unable to attend the meeting. Mrs. Dunn stated that she has not been able to contact Mr. Holterman due to the holiday. Mrs. Dunn stated that the Pennington School met with the Planning and Zoning Board to further discuss the potential changes to the campus. Mrs. Dunn stated that a small group from the Historic Preservation Commission is working with the architect for the Pennington School to come to provide suggestions on the schools proposal. Mrs. Dunn stated that she will provide more detail on this at the next meeting.

New Business

**Borough of Pennington
Resolution #2013 – 4.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Christopher H. O’Neill, 429 Sked Street, Pennington, NJ 08534, for an overpayment of second quarter 2013 taxes, in the amount of \$2,172.37 for, 429 Sked Street, Block 905, Lot 7.

BE IT RESOLVED, that a refund be issued to Jeffrey J. & Laurie Winegar, 53 N. Main Street, Pennington, NJ 08534, for a refund for balance of escrow account for Planning Board application number P12-010, regarding Block 301, Lot 14, in the amount of \$864.55.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2013-4.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2013 – 4.2**

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 \$ 1,450,033.04 from the following accounts:

Current	\$ 1,380,245.80
W/S Operating	\$ 54,619.25
Grant Fund	\$ 10,304.29
Animal Control Fund	\$ 525.00
Developers' Escrow	\$ 4,338.70
TOTAL	\$ 1,450,033.04

Record of Council Vote on Passage

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

Council Member Dunn made a motion to approve Resolution 2013-4.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2013 – 4.3**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.13 FOR
THE F & AM TRENTON CYRUS LODGE NO. 5**

WHEREAS, The F & AM Trenton Cyrus Lodge No. 5 submitted raffle application RA: 2.13 on March 21, 2013 for a raffle to take place on May 18, 2013 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on March 28, 2013; and

WHEREAS, The F & AM Trenton Cyrus Lodge No. 5 meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, The F & AM Trenton Cyrus Lodge No. 5 in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.13 for The F & AM Trenton Cyrus Lodge No. 5 be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Findings and Determinations for RA: 2.13 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2013-4.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013 – 4.4**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN
2013**

WHEREAS, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 2 tables (with umbrellas) and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 2 tables (with umbrellas) and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.
- E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.
- F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.
- G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.
- H. The outdoor dining area approved by this resolution shall not operate until Emily Matticoli and Emily’s Café and Catering, LLC, have filed with the Borough Clerk a current Certificate of Insurance which certifies that:

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and
- (3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.
- (4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2013.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2013-4.4, second by Council Member Heinzel. Mrs. Heino stated that she would like to have a discussion on this and the next resolution which is a similar request from Vito’s Pizza. Mr. Ogren stated that the two cases are very different. Mrs. Heinzel stated that each business is required to apply each year to offer outdoor dining so that Council can keep a handle on what is being proposed and whether insurance requirements are up to date. Mrs. Heino stated that her interest in holding a discussion is from a streetscape perspective and to find out what Council’s stand is regarding how the Borough envisions the downtown area. Mayor Persichilli stated that Borough Council reviews the plans submitted and in the past there have not been any concerns. Mayor Persichilli stated that with regard to Emily’s Café the request is the same as last year. Mrs. Heino asked if from a property ownership standpoint does ownership end where the building meets the sidewalk. Mr. Bliss stated that it is actually where the lot line ends, but roughly it would be where the building meets the sidewalk. Mrs. Heino stated that in essence, granting these requests virtually expands their footprint and for having done that they are using public property to generate revenue and the Borough does not receive any tax benefit from that. Mayor Persichilli stated that when this was adopted it was not Council’s intention to gain revenue. Mrs. Heino stated that these requests come into conflict with the Streetscape project because as that project gets underway, the amount of walkway will decrease. Mayor Persichilli stated that Council will have to address that when the time comes. Mayor Persichilli stated that right now, it is not an issue, but next year once the Streetscape project is complete, it might be a different story. Mrs. Dunn asked if Council could have any input on what types of tables and chairs are used once the Streetscape project is complete. Mayor Persichilli stated that might be something to consider when next years requests are made. Mrs. Heino stated that Council should consider that other business that are not food establishments might also come forward to request use of the right of way to promote their businesses. Mr. Bliss stated that this was originally done to promote a vibrant and friendly downtown. Mr. Bliss stated that to the extent that those goals conflict with the Streetscape project, these consents are totally revocable. Mr. Bliss stated that if Council wanted to allow non food businesses to use the right of way, it is a question of vision for the downtown area. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013 - 4.5**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2013**

WHEREAS, Egnazio (Nat) Casano is the owner of Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 5 tables and 20 chairs on the Main Street side of the restaurant and 3 tables and 12 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito’s Pizza is hereby granted permission to locate up to 8 tables and 32 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 5 tables and 20 chairs on the Main Street side of the restaurant and no more than 3 tables and 12 chairs on the Delaware side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Egnazio Casano and Vito's Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

G. The outdoor dining area approved by this resolution shall not operate until Mr. Casano and Vito's Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer's liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days' written notice of any cancellation of this insurance.

H. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Mr. Casano or Vito's Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2013.

Record of Council Vote on Passage

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

Council Member Heinzel made a motion to approve Resolution 2013-4.5, second by Council Member Griffiths. Mrs. Heinzel stated that it is Borough Council's job to balance the interest of the residents and the downtown merchants and to ensure safety. Mrs. Heinzel stated that the sketch submitted by Vito's Pizza does not provide enough information, for instance the dimensions of the tables and chairs. Mrs. Heinzel stated that information is needed to ensure that there is adequate passage for pedestrians. Mrs. Heinzel stated that the amount of chairs and tables requested when stacked outside the restaurant might provide a dangerous situation not to mention that it would not be aesthetically pleasing. Mr. Griffiths stated that a chair is at least eighteen inches in width and can be up to twenty-four inches. Mr. Griffiths stated that he wonders if this sketch was done without thinking because the amount of tables and chairs is double what it was last year. Mr. Griffiths stated that there is no way that what is proposed on the sketch would fit. Mrs. Heinzel asked if anyone knew if it was Vito's intention to double the amount of tables and chairs. Mr. Ogren stated that the proposed plan would not work with the Streetscape design. Mr. Tucker stated that he would not have a problem with approving the same plan as last year as a compromise. Mr. Tucker stated that in the meantime it could be determined whether Vito's intention was to increase their outdoor seating. Mr. Bliss amended the resolution to allow the same amount of tables and chairs as last year. Upon a roll call vote all members present voted in favor of the resolution as amended. Mayor Persichilli stated that he would stop in to Vito's tomorrow and let him know what was approved.

**Borough of Pennington
Resolution #2013 – 4.6**

**RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM)
PLAN AMENDMENT ENTITLED: PROPOSED AMENDMENT TO THE MERCER COUNTY
WATER QUALITY MANAGEMENT PLAN**

WHEREAS, the Borough of Pennington desires to plan for the orderly development of wastewater facilities within Pennington Borough; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on March 4, 2013 that proposes a Wastewater Management Plan (WMP) for Mercer County prepared by Mercer County with its consultants CDM Smith;

NOW, THEREFORE, BE IT RESOLVED, on this 1st day of April, 2013, by the governing body of the Borough of Pennington that:

1. The Borough of Pennington hereby consents to the amendment entitled proposed amendment to the Mercer County Water Quality Management Plan, and publicly noticed on March 4, 2013, prepared by Mercer County with its consultants CDM Smith, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

Council Member Dunn made a motion, second by Council Member Heinzl. Mr. Ogren stated that the reason for this proposed amendment is to accommodate two projects, one being the environmental center at the Stonybrook Watershed and the other is to provide sewer service to the Kooltronic property which is approximately one hundred acres. Mr. Ogren stated that he has some concern about the adequacy of the water service to this property. Mr. Ogren stated that he is concerned that the pumps that would be going down into the aquifer might affect the water table for our wells. Mr. Wittkop did not think that it would be a problem. Mrs. Heinzl stated that this seems like a conceptual plan and she is wondering what the purpose is. Mr. Ogren stated that the purpose of this is that Mercer County controls where stormwater can be disposed of throughout the County under a 201 plan. Mr. Ogren stated that this is an amendment to the plan which will expand the service area for sewage disposal and without this step permit applications cannot be submitted. Mrs. Heino asked why this is coming before Pennington Borough Council when the properties being discussed are in Hopewell Township. Mr. Ogren stated that this amendment will go before each municipality in Mercer County. Mr. Griffiths asked what the consequences would be if Council does not approve the Resolution. Mr. Ogren stated that he would like to hold the resolution until more information about the impact on the aquifer can be obtained. Mrs. Heinzl stated that the cover letter states that if Pennington Borough does not submit the requested resolution the DEP maintains the option of considering approval of the amendment without our consent. Mrs. Heinzl stated that she also would like to have more information so that Council can determine what position to take. Mr. Wittkop stated that if there were a serious drought period, then Pennington wells may be affected, but normal pumpage should not affect Pennington Borough. Mr. Wittkop stated that he did not see any change when BMS had their wells. Mrs. Heino stated that she had concerns with wastewater being discharged back into the earth potentially contaminating Pennington water. Mr. Wittkop explained that waste water would have to be handled separately and would require DEP approval. After some discussion, Council Members did not feel that they had enough information to vote on this Resolution.

**Borough of Pennington
Resolution #2013 – 4.7**

RESOLUTION AMENDING THE 2013 BUDGET

WHEREAS, the local municipal budget for the year 2013 was approved on the 14th day of March 2013; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer that the following amendments to the approved budget for the calendar year of 2013 be made:

Current Fund		<u>From</u>	<u>To</u>
Current Fund – Anticipated Revenues:			
General Revenues			
1.	Surplus Anticipated	\$ <u>440,892.75</u>	\$ <u>455,892.75</u>
2.	Surplus Anticipated With Prior Written Consent of the Director of the Division of Local Government Services		
	Total Surplus Anticipated	\$ <u>440,892.75</u>	\$ <u>455,892.75</u>
5.	Subtotal General Revenues	\$ <u>1,024,740.96</u>	\$ <u>1,039,740.96</u>
7.	TOTAL GENERAL REVENUES	\$ <u>3,213,605.86</u>	\$ <u>3,228,605.86</u>
		<u>From</u>	<u>To</u>
Current Fund – Appropriations			
8.	General Appropriations		
	(A) Operations within “CAPS”		
	Insurance	\$ <u>215,768.00</u>	\$ <u>230,768.00</u>
	Total Operations (Item 8A) within “CAPS”	\$ <u>2,026,871.77</u>	\$ <u>2,041,871.77</u>
	Total Operations Including Contingent within “CAPS”	\$ _____	\$ <u>15,000.00</u>
Detail:			
	Salaries and Wages	\$ 1,027,100.00	\$ 1,027,100.00
	Other Expenses	\$ 999,771.77	\$ 1,014,771.77
(H-1)	Total General Appropriations for Municipal Purposes Within “CAPS”	\$ <u>2,251,742.77</u>	\$ <u>2,266,742.77</u>
(L)	Subtotal General Appropriations (Items H-1) and (O)	\$ <u>2,968,605.86</u>	\$ <u>2,983,605.86</u>
9.	TOTAL GENERAL APPROPRIATIONS	\$ <u>3,213,605.86</u>	\$ <u>3,228,605.86</u>

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2013 local municipal budget so amended.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2013-4.7, second by Council Member Tucker. Mr. Griffiths distributed a handout to Council Members which offered a comparison of the 2013 amended budget and the 2012 budget versus actual expenses. Mr. Griffiths stated that the proposed budget reflects a decline in expenses which he would credit to the various departments and their management of taxpayer dollars. Mr. Griffiths stated that there are also line item changes that contribute to the decline and lastly there is a decline in debt service. Mr. Griffiths reviewed line item changes, specifically engineering. Mr. Griffiths asked if there was some urgency to including engineering costs for moving the storage bins from the old public works site as that money would be better utilized for the streetscape changes. Mr. Ogren stated that moving the bins goes along with how fast Council would like to move on selling the property on Broemel Place. After some discussion, Council agreed to defer the engineering of the storage bins to next year.

Mr. Griffiths stated that health insurance is another line for discussion. Mr. Griffiths stated that in the water/sewer budget we are beginning to reallocate expenses charged more rationally and some expenses currently charged to water/sewer are coming back into the regular budget. Mr. Griffiths stated that this is a good time to do this and it bodes well for the continued solvency and prosperity of the water/sewer utility. Mr. Griffiths stated that another reason that the health insurance line has increased is that a retired employee who retired as a single person has now married and as part of the retirement agreement for health benefits a spouse or dependents are also covered. Mr. Griffiths stated that he would encourage the Personnel

Committee to take a look at this policy to avoid this exposure in the future. Mr. Griffiths stated that also built into the health insurance number are funds for the hiring of a new police officer.

Mr. Griffiths stated that debt service and interest are down for 2013 and next year another dip can be expected before it levels back off in 2015. Mr. Griffiths stated that this is due to old debt being paid off and new debt being distributed over the next five years. Mr. Griffiths stated that in seven years barring any new debt, the Borough will be in much better shape.

Mr. Griffiths stated that with regard to water and sewer the key is that receipts are declining, down 2 percent in 2012 keeping in mind that we had a rate increase last year that was targeted to raise 1.9 percent and had there not been an increase the decline would have been 3.9 percent. Mr. Griffiths stated that he brings this up because if rent income continues to decline due to conservation or other factors that is a concern. Mr. Griffiths stated that reallocation of expenses should help with absorbing the decline in rents so that rates will not have to be raised unreasonably this year to compensate for the decline. Mr. Griffiths stated that keeping an eye on receipts throughout the year will help with addressing the rates for next year. Mr. Griffiths stated that because the general budget is in a relatively good position it will allow for further reallocation of expenses next year.

Mrs. Heino questioned as to whether the analysis of pumped water versus billed water which suggested that the loss of pumped to billed for 2012 was 21.4 percent. Mrs. Heino asked if that directly affects the bottom line. Mr. Griffiths stated that the billable number varies independently of the pumped number. Mr. Griffiths stated that water pumped but not billed is a non-revenue number. Mr. Griffiths stated that even if the numbers come together we will still be billing for what actually flows through the meter.

Mrs. Heino asked if installing new meters would bring revenue back to the Borough. Mr. Griffiths stated that if installing new meters increases the volume or accuracy of the meters and the rates remained the same, then there would be a net revenue increase. Mr. Griffiths stated that there might be some motivation at this time to take a serious look at meter replacement. Mr. Griffiths stated that some of the decline in revenue can probably be attributed to deterioration of the meters. Mr. Wittkop stated that he recently replaced a meter and it was tested as being 8 percent slow. Mr. Wittkop stated that the meter was roughly 26 years old. Mr. Wittkop stated that the Borough replaced a lot of meters in 1986 and 1987. Mr. Wittkop stated that going with a new meter system he would expect to see a 5 percent increase in revenue. Mr. Wittkop stated that Council should bear in mind that if there is a loss in revenue on the water side there is also a loss in revenue on the sewer side because the meter readings are used for both water and sewer. Mr. Wittkop stated that the Borough is pretty tight on water leaks and the last couple of times he has done leak detection, only a few small leaks were found. Mrs. Dunn asked what the average age of the meters in town was. Mr. Wittkop stated that the majority of meters are over 26 years old and there are some that are older than that. Mr. Wittkop stated that commercial water companies replace meters every 5 years. Mr. Wittkop stated that the State suggests that meters be replaced at 750,000 gallons or 12 years.

Mr. Griffiths stated that debt service on the water/sewer side is also decreasing this year and it will plateau and slightly increase in 2020 barring no new debt issuance.

Upon a roll call vote, all members present voted in favor of the Resolution.

Public Hearing and Adoption of 2013 Budget

Council Member Tucker made a motion to open the public hearing on the 2013 budget, second by Council Member Griffiths. There were no comments from the public. Council Member Tucker made a motion to close the public hearing, second by Council Member Dunn with all members present voting in favor. Council Member Griffiths made a motion to adopt the budget for 2013, second by Council Member Tucker with all members present voting in favor.

Council Discussion

Liquor License – Mayor Persichilli stated that Council has not talked about this since the last time it was offered for sale. Mayor Persichilli stated that the first time a license was offered for sale was three years ago at \$300,000, then two years ago it was offered again at \$275,000. Mayor Persichilli stated that he has had a couple of inquiries from people in town as to whether the license could be modified to include just the sale of wine and beer. Mayor Persichilli stated that he does not know the answer to that, but he is bringing it up for discussion as to whether to reconsider the sale and at what cost. Mayor Persichilli stated that he sees this as a good source of revenue. Mr. Bliss stated that he did not think that there was a separate license for the sale of wine and beer only. Mr. Ogren stated that one of the problems with trying to sell a liquor license is that Pennington does not currently have a site for a restaurant. Mr. Ogren stated that there is the potential for a site on Broemel Place and he would suggest holding off on sale of a license. Mayor Persichilli stated that there are people interested now if the license were offered for wine and beer only and at a lesser amount. Mr. Ogren stated that he would strongly recommended holding off on any decisions until Council gets the report on the landfill site next month. Council Members agreed to wait for the report.

Professional Reports

Mr. Meytrott reminded Council Members to complete the MEL on-line training. Mr. Meytrott stated that the Borough receives a \$250.00 EPL reduction for each Council Member who completes the training. Mr. Bliss stated that he had requested a closed session so that Council Members could meet the new assigned Counsel, but he was unable to put that together, so there is no need for a Closed Session.

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 came forward and stated that the new Librarian is doing a terrific job. Mr. Pace said he has attended a number of programs and he is looking forward to more programs.

Mr. Pace also commented on the deer issue. Mr. Pace stated that Mercer County has had a deer hunt on Baldpate Mountain for many years but this past winter Mercer County held a deer hunt on the old Pole Farm. Mr. Pace stated that it was bow hunting for a limited time and he does not know the results. Mr. Pace stated that he would encourage Council to contact the Park Commission for more information.

At 9:00 PM, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk