

**Pennington Borough Council
Regular Meeting – July 2, 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 Mr. Griffiths.

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.

Mayor's Business

Mayor Persichilli announced that Maryanne Heino resigned from her position as Council Member. Mayor Persichilli stated that the Democratic Committee met as required and at this time Mrs. Heinzel will fill Council in on the meeting. Mrs. Heinzel stated that she is the Chairperson of the Pennington Democratic Committee. Mrs. Heinzel explained that the procedure when there is a resignation on Council is that the committee meets to select three candidates for Council to consider for appointment to fill the vacancy. Mrs. Heinzel stated that in this case, because Mrs. Heino's term was expiring and her name would be appearing on the ballot in November to be the candidate to fill the three year term beginning in January the committee also has to choose a candidate to be placed on the ballot in November. Mrs. Heinzel stated that the committee is very fortunate to have a stellar candidate and the Pennington Democratic Committee unanimously agreed to have Mr. James Davy be the candidate to run for the seat in November. Mrs. Heinzel stated that the committee also selected Mr. Davy to fill the vacancy on Council. Mrs. Heinzel stated that the other two candidates were Meaghan Cannon Keogh and Thomas O'Neill. Mrs. Heinzel stated that both Meaghan Keogh and Thomas O'Neill are both members of the Democratic Committee and they have indicated that they would far prefer to have Mr. Davy be selected by Council to fill the vacancy. Mrs. Heinzel stated that Mr. Davy is the former Business Administrator of Hopewell Township, he has had extensive experience working with the State of New Jersey in many capacities and he has been a volunteer in town. Mrs. Heinzel stated that she would like to make a motion to nominate Mr. Davy to fill the vacancy on Council, second by Council Member Tucker. Upon a roll call vote, all members present voted in favor.

Oath of Office

Mr. Bliss administered the Oath of Office to Mr. James Davy.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Mrs. Heinzel stated that the library has for some time been planning for upgrades and renovations to the facility. Mrs. Heinzel stated that the upgrades are being funded by the library capital funds which have been accruing over many years. Mrs. Heinzel stated that as one of the first steps the Library Board has agreed to join the Middlesex Regional Educational Services Commission which is a cooperative purchasing operative. Mrs. Heinzel stated that the advantage of joining for the Library is that they can purchase shelving and other items under state contract pricing.

Mrs. Heinzel stated that the Planning Board met and discussed three items. Mrs. Heinzel stated that the first application came from the Pennington School and was for installation of temporary trailers to be used as offices. Mrs. Heinzel stated that the Planning Board approved the application. Mrs. Heinzel stated that these trailers are the beginning steps in the schools plan to construct a new humanities building.

Mrs. Heinzel stated that the Planning Board looked at the redevelopment study done by Maser Consulting. Mrs. Heinzel stated that the board was impressed with the presentation, they discussed the various proposals and will be meeting in the next several months to decide how to implement some of the suggestions.

Mrs. Heinzel stated that the third application before the planning board was for an interpretation of a resolution for 134 South Main Street. Mrs. Heinzel stated that this residence formerly housed a real estate office, the owner of the home had made an application to the planning board to convert the residence into a two family residential unit. Mrs. Heinzel stated that the application was denied. Mrs. Heinzel stated that the board was presented with a use variance interpretation to consider whether the first floor which was previously a real estate office could be used as a law office. Mrs. Heinzel stated that the board had a lengthy discussion and in the end the board agreed that the first floor could be used as a law office.

Mrs. Heinzel stated that the Environmental Commission did meet, but she was unable to attend the meeting.

Public Works/Shade Tree – Mr. Ogren stated that the Public Works Committee did not meet in the last month.

Mr. Ogren stated that the Shade Tree Commission did meet and continued their discussion of a draft shade tree protection ordinance.

Mr. Ogren updated council on DOT projects. Mr. Ogren stated that a pre-construction meeting for the Downtown Streetscape project was held this morning and that project is progressing with work expected to start next week. Mr. Ogren stated that the contractor has seventy-five days to complete the project and it is anticipated that the sidewalk work will be completed in time for the start of school.

Mr. Ogren stated that the King George Road/Curlis Avenue project is moving along. Mr. Ogren stated that plans for the project have been completed and submitted to DOT for approval. Mr. Ogren stated that the project is on schedule with the timeline that he distributed at the last meeting. Mr. Ogren stated that the next step in the process is to advertise for bids. Mr. Ogren stated that he understands that the finance committee has some concerns about proceeding with this project and he would like some input from Council.

Mayor Persichilli stated that early on in the Streetscape project he had a conversation with Mercer County about assisting with the paving of the intersection at Main and Delaware. Mayor Persichilli asked if Mr. Ogren had heard anything. Mr. Ogren stated that he has not heard from the County and maybe another phone call is needed.

Community Services/Economic Development/Personnel – There was no report due to Mrs. Heino's resignation.

Public Safety/Senior Services – Mr. Tucker reported that Director Meytrott represented the Borough at various events throughout the month.

Mr. Tucker reported the following statistics for the month of June, 2013.

1	Theft
4	Harassment Calls
102	Motor Vehicle Stops
35	Warnings
0	DUI Summons
117	Motor Vehicle Summons Issued
1	Enforcement Arrests
14	First Aid Calls

Finance – No report due to Mr. Griffiths absence.

Historic Preservation – Mrs. Dunn stated that the Historic Preservation Commission met in June. Mrs. Dunn reported that the Pennington School is on track to submit an application to the Planning Board for the September meeting. Mrs. Dunn stated that the plan is to relocate the old headmasters house and demolish the lodge. Mrs. Dunn stated that there will be no meetings in July or August unless an application comes up. Mrs. Dunn stated that they discussed and finalized plans for the Historic District signs. Mrs. Dunn stated that originally the signs were going to be done in cast aluminum but the cost was around \$3,200.00 so the commission has come up with an alternate plan which is to purchase aluminum signs which will be less costly and have less detail. Mrs. Dunn stated that the signs will serve the purpose of denoting the district and the cost for all four signs is \$400.00.

Mrs. Dunn stated that the commission also had a discussion pertaining to the wooden Welcome to Pennington signs. Mrs. Dunn stated that the commission felt that the names of the sponsors should be removed from the signs.

Mrs. Dunn stated that the last item that was discussed was the Certificate of Eligibility which would give the Borough the ability to apply for grants. Mrs. Dunn stated that the paperwork has been submitted and they are waiting for approval.

Mrs. Heinzl stated that the Welcome to Pennington signs have been discussed before, particularly concerning the sign that was sponsored by Peyton Associates who are no longer in business. Mrs. Heinzl stated that the signs are there to recognize the entities who donated the funds to put up the signs and the agreement was the signs would not be changed. Mrs. Heinzl stated that the signs were not meant to be for advertising and that is why the decision was made to have the signs donated so that the Borough did not get into the business of selling advertising space.

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. Larry Mansier stated that he is Chairman of the Senior Advisory Board and a Charter Member of the Hopewell Valley Senior Foundation. Mr. Mansier stated that the Senior Advisory Board is made up of five members from Hopewell Township and two members from each Borough. Mr. Mansier stated that he was blindsided at the May meeting of the Senior Advisory Board when Mr. Tucker reported that Pennington

Borough was not going to be contributing any funds for the Senior Coordinator position. Mr. Mansier stated that Princeton Healthcare paid all salary and benefits for the position for three years and when the time came to renew the agreement they went back to Princeton Healthcare and were told that was seed money, so somehow Hopewell Township came up with the funding. Mr. Mansier stated that brings us to where we are today where someone has to pay so that Ms. Waugh can do her job. Mr. Mansier stated that around that time the Hopewell Valley Senior Foundation was formed and began to raise money. Mr. Mansier stated that they have sought donations from various groups and people to make the current senior center better. Mr. Mansier stated that signs have been placed so that people can find the senior center, the center was painted, the bathroom has been renovated, an automatic door opener has been installed and many other things. Mr. Mansier stated that most of this work has been done through the fundraising efforts of the foundation. Mr. Mansier stated that they have also raised money and acquired a screen, optical projector, a printer, five computers and WIFI. Mr. Mansier stated that Mr. Straube also donated four used computers so they now have a total of nine computers. Mr. Mansier stated that the WIFI service costs \$60.00 per month and they have been paying that for a little over a year. Mr. Mansier stated that new tables were purchased and the Hopewell Valley Golf Club provided chairs that they were getting rid of at a price of \$10.00 per chair. Mr. Mansier stated that they have tried to make the Senior Center into a place that the seniors would like to go to. Mr. Mansier stated that Abigail Waugh has been a key factor in keeping the programs running. Mr. Mansier encouraged Council to contribute the \$5,000 to keep these programs going.

Mayor Persichilli stated that when Ms. Waugh was hired it was with the understanding that it was a self funding position. Mayor Persichilli stated that without any indication from anyone, Ms. Waugh was put on Hopewell Township's payroll and all we got was a request for much more than \$5,000. Mayor Persichilli stated that Council asked the question as to why the two Boroughs were not notified along with other questions regarding expenditures. Mayor Persichilli stated that this is nothing against Ms. Waugh personally. Mayor Persichilli stated that the Borough has looked into several options for funding the \$5,000 for this year, but the questions will continue to be asked so that an informed decision can be made for next year. Mayor Persichilli stated that Borough Council is investigating this because it is their responsibility to the taxpayers of Pennington Borough.

Sharon Boone of 37 Knowles Avenue stated that after the last meeting there are three things that she feels are important to note. Ms. Boone stated that Mr. Matheny said something that was very valuable to the discussion and that was that there was not a line item for the senior citizens and if there was a line item with a small amount of money in it then funds could be taken from somewhere else and put in to that line. Ms. Boone stated that two things to be considered when moving into a town are what the town does for its children and its seniors. Ms. Boone stated that when the budget was put together there was no consideration for the seniors.

Mr. Tucker stated that a grant from Capital Health was expected to fund the position, Pennington Borough adopted their budget without any funds for the position and then the grant fell through.

Mr. Noel Goeke of Hopewell Township stated that he is a member of the Senior Advisory Board and President of the Hopewell Valley Senior Foundation. Mr. Goeke stated that he is speaking on behalf of the Pennington Borough Seniors who are being neglected in this process. Mr. Goeke stated that it was a good deal to support the seniors when it did not cost the Borough anything as it has been for the past several years. Mr. Goeke stated that now that a fee is involved it is not right to deprive the Pennington residents who participate in senior programs. Mr. Goeke stated that the Senior Coordinator position is a valuable position for seniors who need assistance. Mr. Goeke encouraged Council to find the funds as the money would be well spent.

Terry Evanko of 140 Woolsey Court stated that the library and other programs in the Borough that have low attendance are supported by Borough Council. Ms. Evanko stated that senior citizens pay taxes and don't have children in the schools so there is a give where they are not receiving. Ms. Evanko urged Council to find the funds for this year.

Mrs. Heinzl stated that the library does not receive any additional funds from the Borough other than the 1/3 of a mil calculated amount that appears on the tax bills. Mrs. Dunn stated that she did some research regarding the library and what she learned is that the library does not receive any additional funds from the Borough. Mrs. Dunn stated that the library runs about 25 programs with 770 children and 915 adults participating. Mrs. Dunn stated that there are three part-time employees and the Director is also part-time. Mrs. Dunn stated that these employees receive no health benefits or pension. Mrs. Dunn stated that there are 17 seniors volunteering two hours per week with is greatly appreciated. Mrs. Dunn stated that she asked for information regarding daily patrons, circulation of materials, the number of programs and how many people attend each program and all of the information was provided. Mrs. Dunn stated that the library does apply for grants and they have community outreach programs.

Mrs. Evanko stated that her point was that there are other programs sponsored by the Borough that do not have high attendance.

Mrs. Dunn stated that there are several different groups that relate to seniors and she is trying to determine how these groups all fit together. Mrs. Dunn stated that there is the 501-3c that is able to apply for grants and accept donations, there is the ride program that is funded separately through a trust account. Mrs. Dunn stated that this year the money came from Bristol Myers Squibb and there is no commitment to date to fund this program next year. Mrs. Dunn stated that there is the Senior Advisory Board and then there is the County Lunch Program. Mrs. Dunn stated that all of these programs and groups need to be coordinated and

summarized. Mrs. Dunn stated that last is the senior programming which is what is being discussed here. Mrs. Dunn stated that this includes programs and the newsletter which amounts to around \$15,000. Mrs. Dunn stated that next year the cost for senior programming will become \$95,000 because it includes salary, benefits, mileage and training and it could be even higher if the ride program is not being funded by an outside source. Mrs. Dunn stated that what bothers her is that the cost will go up significantly, but no new participants are added and no new programs are added. Mrs. Dunn stated that we are not talking about \$5,000, it's much bigger than that. Mrs. Dunn stated that rather than continuing to kick this issue down the road, it needs to be addressed now. Mrs. Dunn stated that the discussion should include how all these groups communicate with each other and what the needs of the community are. Mrs. Dunn stated that she is not fighting this issue to win, she is arguing for a good solution. Mrs. Dunn stated that there are also senior programs offered through the YMCA and the Schools.

Mrs. Megan Stout of 130 West Welling Avenue stated that she participates in senior programs and her husband has served on the Senior Advisory Board for eight years. Mrs. Stout suggested that Mr. Tucker should report at the meetings about what is going on at the Senior Advisory Board Meetings just like he reports on public safety.

New Business

**Borough of Pennington
Resolution #2013 – 7.2**

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 \$ 912,680.10 from the following accounts:

Current	\$ 714,412.47
W/S Operating	\$ 198,077.38
COAH Trust	\$ 190.25
TOTAL	\$ 912,680.10

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	S				Ogren	X			
Griffiths	X				Tucker	X			

Council Member Heinzel made a motion to approve Resolution 2013-7.2, second by Council Member Dunn with all members present voting in favor.

**Borough of Pennington
Resolution #2013-7.3**

**RESOLUTION AUTHORIZING THE SALE OF
BOROUGH EQUIPMENT AND PERSONAL
PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, the Borough is in possession of certain equipment and personal property no longer needed for public use; and

WHEREAS, it is the desire of the Mayor and Council to sell these items at public auction;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the Borough is hereby authorized to sell certain equipment and personal property no longer needed for public use at a public auction to be held on August 3rd, 2013 at the Public Works Facility located on Delaware Avenue in Pennington and the Borough Clerk is hereby authorized and directed to advertise same in accordance with the requirements of N.J.S.A. 40A:11-36(3).

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	X			
Griffiths	X				Tucker	S			

Council Member Heinzl made a motion to approve Resolution 2013-7.3, second by Council Member Tucker. Mrs. Heinzl asked if this auction would include library items as well. Mrs. Sterling stated that the library had some items in the storage area that will be on the list. Mr. Davy asked if there was a list of items that would be sold. Mrs. Sterling stated that the list is in the process of being finalized. Mrs. Sterling stated that Mr. Wittkop has provided a list of public works items and Sergeant Friedman will be completing a list of police items this weekend. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2013-7.4**

**A RESOLUTION AUTHORIZING THE BOROUGH OF PENNINGTON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on July 2, 2013 the governing body of the Borough of Pennington , County of Mercer, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Pennington.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Record of Council Vote on Passage

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

Council Member Heinzl made a motion to approve Resolution 2013-7.4, second by Council Member Dunn. Mrs. Heinzl stated that this is the same agreement that the library executed at their meeting. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution 2013-7.5**

**RESOLUTION AUTHORIZING TERMINATION OF
2006 AGREEMENT WITH BRISTOL-MYERS SQUIBB
CONCERNING WATER MONITORING**

WHEREAS, on July 25, 2006, Bristol-Myers Squibb Company ("BMS") and the Borough of Pennington ("Borough") entered into an agreement ("the 2006 Agreement") requiring BMS to maintain a water-monitoring program on its Hopewell property to ensure that operations on its Hopewell campus have no adverse effect on private residential potable water wells on King Georges Road and East Delaware Avenue in the Borough;

WHEREAS, a copy of the 2006 Agreement is attached to this Resolution for reference;

WHEREAS, the monitoring program has included monthly groundwater elevations in nine wells, quarterly surface water elevations in BMS’ “Large pond” and two Stony Brook locations, quarterly stream flow measurements in the Stony Brook and semi-annual water quality sampling in the Stony Brook;

WHEREAS, current and historic data obtained from this water monitoring has consistently indicated that (a) operations on the BMS Hopewell campus have no adverse effect on surface-water quality and quantity, and (b) although the aquifer may experience seasonal water-level fluctuation, the groundwater level is stable from year to year;

WHEREAS, on July 19, 2012, BMS initiated use of public water supplied by New Jersey American Water Company and ceased using its onsite potable wells, and thereafter, as required by the New Jersey Department of Environmental Protection, it decommissioned the wells;

WHEREAS, BMS’ use of water from its “Large Pond” is limited to fire protection;

WHEREAS, BMS proposes to continue the water monitoring program for one year after its cessation of the use of ground and surface waters, seeking to terminate the 2006 Agreement with the Borough and a similar agreement with Hopewell Township, thus ending its water monitoring;

WHEREAS, the 2006 Agreement is no longer required to protect private wells in the Borough;

WHEREAS, also attached to this Resolution is a copy of a proposed agreement (hereafter referred to as “Termination Agreement”) terminating the 2006 Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to execute the Termination Agreement substantially in the form attached hereto, subject only to such changes in form as the Borough Attorney may require to achieve its purpose.

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	M			
Griffiths	X				Tucker	S			

Council Member Ogren made a motion to approve Resolution 2013-7.6, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution 2013 – 7.6**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH _____
FOR REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE PROPOSED ACQUISITION OF OPEN SPACE**

**Borough of Pennington
Resolution 2013 – 7.7**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH _____
FOR REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE PROPOSED ACQUISITION OF OPEN SPACE**

Mrs. Sterling stated that Resolution 2013-7.6 and 2013-7.7 are the same resolution. Mrs. Sterling stated that three proposals were received, two were in the agenda packages and the third was distributed to Council prior to the meeting. Mrs. Sterling stated that the proposals are for appraisals on the Brown Property in Hopewell Township. Mayor Persichilli stated that he would like to hold off on these two resolutions and Resolution 2013-7.8 until after Council Discussion.

Council Discussion

Update on Fire Department Addition – Mr. Roger Demareski of 1 Walking Purchase Drive and Captain of the Pennington Fire Department stated that he came before Council about a year and a half ago with a project to address space needs for the fire house. Mr. Demareski stated that the fire company is fortunate to have apparatus space, but administrative space is very cramped. Mr. Demareski stated that they came before Council and at the time they had two hurdles, the first was to appear before the Planning Board because the building as it sits now is in violation of zoning and the other hurdle is that the deed for the building was issued in 1967 and updated later and it specifies that the fire company essentially bought the building for \$1.00 and the land is owned by the Borough. Mr. Demareski stated that the deed has a stipulation about how close the building can come to the front property line. Mr. Demareski stated that the direction they were given by Council was to go before the Planning Board and if approved come back to Council to discuss the

deed restriction. Mr. Demareski stated that the Planning Board approved their application in December and the resolution acknowledges that their approval is subject to the deed being changed.

Mr. Demareski stated that the land behind the fire house is essentially licensed to the Fire Company for parking and there is an agreement to share the parking with the First Aid Squad. Mr. Demareski stated that neither organization could function without the parking in the back of the building. Mr. Demareski stated that he understands that the Borough received a grant to do a study on the land behind the fire house and the old public works site. Mr. Demareski stated that Mr. Blackwell came before Council and it was agreed that until the parking can be resolved and the study was complete, Council wanted to hold off on any decision. Mr. Demareski stated that he met with Mr. Ogren a couple months ago and the Maser plans were shared. Mr. Demareski stated that the plan shows the parking lot in the back of the fire house as being critical to development of the site and he along with Mr. Jim DeForté and Mr. Lee Abey reviewed the plans and felt that they need the parking and maybe it could be a shared use. Mr. Demareski stated that with that said they are coming back to Council to seek an amendment to the deed to lift the restriction on the front setback so that they can move forward with the project. After a brief discussion, Council directed Mr. Bliss to prepare a resolution for the next meeting.

Block Party Request – Voorhees Avenue – Council received a request from a resident of Voorhees Avenue for a block party with a request to close a portion of the road on July 4th, 2013. Mayor Persichilli stated that Council gets several of these requests each year and as long as the Police and Public Works Departments are aware and don't have a problem then he did not see any reason not to approve the request. Council Member Heinzl made a motion to approve the request, second by Council Member Tucker with all members present voting in favor.

Senior Services Coordinator – Mayor Persichilli stated that he has had some discussions with Mayor Sandom of Hopewell Township. Mayor Persichilli stated that Mayor Sandom has discussed with the committee and they are in agreement with amending the current agreement regarding the senior center so that once they pay the Borough the amount due, we can then turn around and pay them the same amount towards the senior coordinator position. Mrs. Heinzl stated that she would like to make a motion to prepare a resolution for the next meeting. Mrs. Heinzl stated that she appreciates all of the discussion that has taken place on this issue but her take away has been that just because there was a failure in the process it should not impact the services that the seniors have already had a half a year's benefit of. Mr. Tucker seconded the motion with all members present voting in favor.

Finance Report – Mayor Persichilli stated that the finance committee prepared a great memo that addresses a number of issues. Mayor Persichilli asked in the absence of Mr. Griffiths if Mrs. Heinzl or Mrs. Dunn would like to comment. Mrs. Heinzl stated that she was invited to attend the finance committee meeting even though she is not a member. Mrs. Heinzl stated that the finance committee had two very informative, very comprehensive meetings. Mrs. Heinzl stated that she would like to limit her discussion to the Open Space Fund. Mrs. Heinzl stated that she was under the impression from the last meeting that there was more money in the fund than there actually is. Mrs. Heinzl stated that based on the numbers provided by Chief Financial Officer Sandy Webb, the conclusion that the finance committee reached is that there is not enough money to proceed with acquisition of the property discussed and therefore putting money into the appraisals would not make sense.

Mr. Ogren stated that he was surprised to see the memo from the finance committee which he did not get until late this afternoon. Mr. Ogren stated that the report shows \$267,000 being set aside to fund the cost of the federal grant for the Lawrence Hopewell Trail Project. Mr. Ogren stated that he raised the question several months ago if open space funds could be used to fund the project until reimbursements are made and he was told no. Mr. Ogren stated that if you take the \$267,000 out of the equation, there would be plenty of funds for the acquisition that is being proposed. Mr. Ogren stated that the alternative is to do a bond ordinance to fund the \$267,000 for the trail project and he would like some clarification on why there has been a turn around on the funding for the project. Mrs. Heinzl stated that she thought that Mr. Bliss had given an opinion indicating that open space funds could be used to fund costs for the project prior to reimbursement.

Mr. Ogren stated that Council should be aware that it could be a year from now when the land is actually acquired. Mr. Ogren stated that he does agree that the appraisals may be outdated at that time. Mr. Ogren stated that if the Borough does not take action soon, Green Acres will use the \$400,000 somewhere else. Mr. Ogren stated that at the very minimum Council should approve Resolution 2013-7.8 to prepare a site map for the property.

Mrs. Dunn asked if Council could hold off on the appraisal resolutions until we have an answer on the use of Open Space Funds. Mr. Ogren stated that we could, however he would like to approve the resolutions but not tell the appraisers to go ahead until we get an answer to the questions.

Mr. Bliss stated that he was never asked for an opinion on use of open space funds to front the cost of the project, there was an opinion from the Chief Financial Officer that it could not be done. Mr. Bliss stated that he would be happy to address the question if Council would like him to. Mayor Persichilli asked Mr. Bliss to address the question. Mr. Bliss stated that he will reach out to Chief Financial Officer, Sandy Webb to get an opinion from her as well. Mr. Bliss stated that he would not recommend approving the resolutions and holding on to them.

Mr. Ogren asked that Council take action on Resolution 2013-7.8 to approve preparation of a site map of the property.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2013 – 7.8**

**RESOLUTION AUTHORIZING EXPENDITURES FROM
OPEN SPACE FUND TO PREPARE A SITE MAP FOR PROPOSED OPEN SPACE ACQUISITION**

WHEREAS, Pennington citizens have authorized the creation of an Open Space Trust Fund in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for, among other things, development and maintenance of lands acquired for recreation and conservation purposes, as determined by the governing body of the municipality;

WHEREAS, Pennington Borough is considering the acquisition of Block 92, Lots 1.01 and 1.03 in Hopewell Township funded partially by Green Acres Funds and partially by Borough Open Space Funds; and

WHEREAS, a site map is needed in order to complete required appraisals; and

WHEREAS, the Borough of Pennington desires to have Round Mountain Ecological, LLC of 74 Old High 28, Whitehouse Station, NJ 08889 prepare the site map; and

WHEREAS, the estimated cost of the proposed work is \$ 50.00;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to make expenditures from the Borough’s Open Space Fund for the aforesaid expenditure for a site map of Block 92, Lots 1.01 and 1.03 in an amount not to exceed \$50.00.

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 2013-7.8, second by Council Member Dunn with all members present voting in favor.

Mr. Ogren stated that one other item is the advertisement for bids for the King George Road/Curlis Avenue project. Mr. Ogren stated that according to his time line that he handed out at the last meeting the date for advertisement for bids is July 18th. Mr. Ogren stated that Mr. Griffiths asked him to come up with a detailed analysis of funding for the road projects and he received an e-mail from Mr. Griffiths indicating that capital ordinance could be done to authorize the issuance of notes to fund the project until reimbursements are made. Mrs. Dunn stated that this was not discussed at the finance committee meeting. Mrs. Dunn stated that there are reimbursements due for the Safe Routes to Schools Project and the Sked Street Project and she asked Mr. Griffiths if those reimbursements came in would that be enough to fund the costs for the King George Road/Curlis Avenue project until reimbursements are made on that project. Mrs. Sterling stated that the problem with that is that there are interfunds due to the current and capital funds that need to be cleared prior to the end of the year once those reimbursements come in. Mayor Persichilli stated that a decision on whether to proceed with the King George Road/Curlis Avenue project should wait until Mr. Griffiths can be here. Mr. Ogren stated that if advertisement does not take place in accordance with his schedule, then the project can’t really be done this year anyway because the work would have to be done in the fall. Mrs. Heinzel suggested holding a special meeting once Mr. Griffiths gets back from vacation. Mrs. Sterling stated that Council should be aware that depending on how the bids come in there are concerns about engineering costs as there is not a lot of money left in that budget. Mr. Ogren stated that he has made Carmela Roberts aware of the fact that we want to set aside \$12,000 out of the grant to cover construction inspection costs. Mr. Ogren stated that if the bids come in too high the project would have to wait till 2014.

Mrs. Heinzel stated that the memorandum from the finance committee represents a very conservative approach to how we proceed with budgeting items and with adhering to the budget. Mrs. Heinzel stated that the message that she got from CFO Sandy Webb is that we really need to adhere to what is in the budget. Mrs. Heinzel stated that is why the senior issue is what it is because we didn’t budget for it and you can’t just patch the budget as you go along. Mr. Ogren stated that this is a “Pennington” approach and most towns routinely will issue short term notes for these kinds of projects. Mr. Ogren stated that he doesn’t know why we should be any different. Mayor Persichilli stated that someone should reach out to Mr. Griffiths and if we need to schedule a special meeting then we will do that. Mrs. Dunn stated that she would send Mr. Griffiths an e-mail.

Professional Reports

Mr. Meytrott stated that the Downtown Streetscape project could be starting as early as next week and there will most likely be some disruptions to the businesses and it might be a good idea to get something to the newspapers. Mr. Meytrott stated that they will work as best as they can with the business owners and customers and with the traffic at large to try to get the project done quickly. Mr. Meytrott stated that the goal is to have the project mostly done prior to the start of school. Mr. Ogren stated that he has met with and notified all of the business owners and the contractor under his contract with the Borough is required to notify all of the business owners two weeks prior to the start of construction.

Mrs. Heinzl stated that she was speaking with a resident who rides their bike down Main Street to the pool and there are some bushes growing out over the sidewalk and it is difficult to see cars backing out of driveways. Mr. Meytrott stated that they would take a look at that.

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.

Chris Shultis of 400 Reading Street distributed a handout to Council regarding their property. Chris stated that they have an easement on their property and they have an agreement with the Borough to have part of their fence on the easement. Chris stated that currently the fence is a four foot split rail fence. Chris stated that the property is presently up for sale and they have had a lot of issues with their neighbors at 402 Reading. Chris stated that the neighbors have six visible dogs and they recently lost a cash sale on their house because the dogs were barking through the fence. Chris stated that there were a couple of more instances and they are having difficulty selling their house. Chris stated that they are here tonight to ask for permission to change the fence to a six foot privacy fence along that side of the yard where the easement is to remove the visible threat of the dogs. Chris stated that they do understand that the new owner will have to come to Council to get an agreement to keep the fence and if that does not take place they will have to take the fence down.

Mr. Bliss stated that the Borough's interest is in protecting the easement and that is the reason for these agreements. Mr. Bliss stated that the agreement pertains only to the homeowner and allows the construction of a fence assuming that it complies with zoning regulations with the understanding that if the Borough needs access to the easement we can take the fence down and it will have to be replaced at the homeowners expense and also with the understanding that the agreement is only with the homeowner and if the property is sold the new owner would have to have a new agreement.

Mr. Bliss stated that agreement for this change would be subject to zoning requirements. Mr. Bliss stated that this decision is impelled a little bit by circumstances because it has to be done in writing which would be the subject of an agenda item at the next meeting. Mr. Bliss stated that because there is an urgency here in terms of selling the house, doing what has to be done to check out the zoning and viability of the fence, he suggested that this could be addressed on subject tonight to get Council's feel on the situation and even to take action subject to certain conditions one of which would be a formal agreement that would be adopted at the next meeting. Mr. Bliss stated this owner already has an agreement with the Borough and the only thing that is changing is the composition and height of the fence. Mr. Bliss stated if Council agrees tonight it would be subject to compliance with zoning regulations. Council Members agreed to allow the homeowners to proceed with changing the fence and a formal agreement will be acted on at the next meeting.

Chris Shultis stated that the dogs are a big issue and there are six dogs in the yard and only four of them are licensed. Chris stated that they and their other neighbors have made numerous complaints to the police department and to animal control and they are not getting anywhere. Chris stated that they are very distressed that they can't sell their home because of these dogs.

Mr. Bliss stated that the resolution is essentially that Council will approve construction of such a fence provided that the terms of the crossing of the easement are identical to the existing agreement and that the composition and height of the fence are in compliance with applicable zoning and that Council will adopt a formal written agreement by resolution to govern the fence at the next meeting. Mr. Bliss stated that if the zoning officer requires a declaration of Council's intent the Borough Clerk is authorized to report what was decided by Council tonight. Mr. Bliss stated that in the meantime the homeowner can file the zoning permit and proceed with construction of the fence if the zoning approval is granted. Council Member Heinzl made a motion, second by Council Member Tucker with all members present voting in favor.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk