

**Pennington Borough Council
Regular Meeting – June 2, 2014**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Davy, Gnatt, Griffiths, Lawver, Marciante and Tucker in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Jeff Wittkop, Assistant Superintendent of Public Works Rick Smith, Public Safety Director Bill Meytrott and Borough Attorney, Walter Bliss.

Mayor Persichilli announced that notice of this meeting has been given to the Hopewell Valley News, The Times of Trenton and 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.**

There were no comments from the public.

Mayor's Business

Mayor Persichilli stated that because of recent activity on Borough Council, Deborah Gnatt has resigned from the Planning Board.

Mayor Persichilli asked Mr. Tucker to read the following Proclamation.

**PROCLAMATION
Recognizing and Honoring William Jeffrey Wittkop**

Whereas, William Jeffrey Wittkop joined the Pennington Department of Public Works in 1991 and rapidly rose through the ranks to become Superintendent of the Department and soon was wearing three hats as head of Public Works and the Water and Sewer Departments being certified to juggle all three positions with expertise and efficiency; and

Whereas, Jeff Wittkop, as he is known by all, in his early days served as a Special Police Officer and now is a longtime honorary member of the Pennington Fire Company helping to protect the people of Hopewell Valley; and

Whereas, Jeff Wittkop supervises a well-trained and dedicated staff as they efficiently and effectively in a friendly and timely manner contribute to the quality of life we enjoy in Pennington collecting trash, chipping brush, clearing fallen limbs and trees, addressing sewer and water issues, maintaining our two clean and friendly parks enjoyed by many, especially children and maintaining our streets and sidewalks, and:

Whereas, under Jeff Wittkop's supervision, our DPW staff prepares for and cleans up after many public events from band concerts, parades, PB&PA Holiday Walk, attended by hundreds of folks, to Pennington Day with thousands of participants and visitors. The town is so clean shortly after these events that one would never realize they had happened that day, and;

Whereas, Jeff Wittkop and his DPW crew are at their very best during emergency situations no matter the season or event. There is no better example than when Hurricane Sandy rumbled north along the Eastern Seaboard and then crashed into Pennington on October 29, 2012. The DPW crew worked diligently around the clock constantly clearing debris, opening some streets to passage while closing others to keep folks safe from toppled trees, utility poles, and dangerous fallen electrical wires never missing a trash collection during the storm and the ensuing nor'easter which dropped five inches of snow in our area. Wittkop proclaimed, "I've never missed a trash collection in 21 years and this storm isn't stopping me now", and

Whereas, always being responsive to the concerns and interests of our citizens throughout his 22 year tenure from 1991 to 2014 Jeff Wittkop has worked tirelessly for the betterment of Pennington gaining the thanks, appreciation, and respect of a grateful community earning retirement from his long and faithful service to Pennington effective August 1, 2014.

Now, therefore I, **Anthony J. Persichilli, Mayor of the Borough of Pennington**, join Pennington Borough Council members James Davy, Deborah Gnat, Glen Griffiths, Joseph Lawver, Charles Marciante, Edwin Weed Tucker, and former Council Member Eileen Heinzl, now Administrator, in thanking and honoring William Jeffrey Wittkop for his long and faithful service and wish him a long, healthy, happy and productive retirement.

Mayor Persichilli presented Mr. Wittkop with a Pennington Borough jacket. Mrs. Heinzl announced that an open house will be held on October 11, 2014 from 6 to 10pm at the Pennington Fire Company.

Mayor's Appointments

Mayor Persichilli announced the following appointments for the Planning Board. Mayor Persichilli asked for advice from Mr. Bliss regarding the appointments. Mayor Persichilli stated that with the recent changes in Borough Council there has been some discussion as to these appointments. Mayor Persichilli stated that he would like to appoint Eileen Heinzl as his designee to the planning board, Tom Ogren would be moved to Josh Levy's spot on the planning board, Josh Levy would be moved to an alternate position. Mayor Persichilli asked Mr. Bliss if these appointments could be made and if a resolution was needed. Mr. Bliss stated that at some point a resolution should be done but it was not needed to make the appointments. Mrs. Heinzl stated that she consulted with Ed Schmierer who is the Planning Board Attorney and he was of the opinion that the appointments could be done. Mr. Bliss stated that he would prepare a resolution for the next meeting.

Mr. Bliss stated that the agenda should be amended to include Resolution 2014-6.13 relating to the Council Discussion of the Comcast Application.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-5 by title.

**Borough of Pennington
Ordinance No. 2014- 5**

**AN ORDINANCE AMENDING CHAPTER 215, ZONING, OF THE CODE
OF THE BOROUGH OF PENNINGTON BY ADDING A NEW SECTION ENTITLED
ROUTE 31 CORRIDOR BUSINESS OVERLAY ZONE AND REVISING THE ZONING MAP.**

WHEREAS, based on the land use recommendations of Maser Consulting in its June, 2013 Route 31 Redevelopment Study, the Borough seeks to create a Route 31 Business Overlay Zone;

WHEREAS, the proposed Route 31 Business Overlay Zone will be located on lands known as Block 206, Lots 3, 4 and 12 in the B-H Zone District and lands known as Block 206, Lots 5, 6 and 7 in the R-80 Zone District;

WHEREAS, the proposed Route 31 Business Overlay Zone will replace the existing Affordable Housing Overlay Zone located on the lands known as Lot 5 in Block 206 in the R-80 Zone District;

WHEREAS, the proposed ordinance is consistent with the Borough Master Plan and Development Regulations Periodic Reexamination Report adopted by the Borough Planning Board on October 19, 2013;

WHEREAS, on November 13, 2013, the Planning Board reviewed a version of the proposed ordinance and proposed it for consideration by Borough Council;

WHEREAS, Borough Council has amended the ordinance as initially proposed to clarify the relationship between the Overlay Zone and underlying zoning;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 215, Zoning, of the Code of the Borough of Pennington, is hereby amended as follows:

1. Section 215-78.2, providing for an Affordable Housing Overlay Zone, is repealed.
2. The following new Section 215-78.2 providing for a Route 31 Corridor Business Overlay Zone is adopted as follows:

Section 215-78.2. Route 31 Corridor Business Overlay Zone (as shown on revised zoning map).

- A. Purpose. To create a mixed-use, pedestrian-friendly development that is aesthetically pleasing. The permitted uses are intended to be compatible with and complement each other to create a pedestrian-oriented shopping environment consistent with the character of the surrounding community.

All new development and redevelopment on lands within the Route 31 Corridor Business Overlay Zone shall comply with the provisions of the Overlay Zone.

- B. Permitted primary uses.
- (1) Retail businesses as listed in Section 215-72 (B-H zone).
 - (2) Personal service establishments as listed in Section 215-72 (B-H zone).
 - (3) Office uses as listed in Sec. 215-73 (O-B zone).
 - (4) Restaurants.
 - (5) Banks and financial institutions.
 - (6) Child care centers.
 - (7) Studios, including art, dance, music, etc.
 - (8) Health clubs/exercise facilities.
 - (9) (10) Passive and/or active recreation areas.
 - (11) Municipal services, including emergency response services.
 - (12) A mixture of one or more of the aforementioned uses within a structure or on a parcel.
- C. Permitted secondary uses.
- (1) Off-street parking facilities for the use of clients, customers, employees and residents.
 - (2) Sidewalk sales by adjacent retail merchandise stores when authorized by a permit issued by the Borough Clerk.
 - (3) Outdoor dining contiguous to restaurants.
 - (4) Signs.
 - (5) Fences, walls and retaining walls in accordance with the provisions of § 215-24.
 - (6) Roof-mounted solar panels.
- D. Conditional uses.
- (1) Retail businesses with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 2 automobiles per drive-through window shall be provided.
 - (2) Banks and financial institutions with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 3 automobiles per drive-through window shall be provided.
- E. Prohibited uses.
- (1) Retail uses where an individual store/tenant is greater than 10,000 square feet.
 - (2) Auto repair, service, and/or gas stations.
 - (3) Automobile sales.
 - (4) Drive-through facilities related to a restaurant.
- F. Bulk standards.
- (1) Minimum lot size shall be 10,000 square feet.
 - (2) Minimum lot width shall be 100 feet.
 - (3) Setbacks for structures shall be as follows:
 - (a) Minimum front yard along Broemel Place shall be 10 feet; the minimum setback along Route 31 shall be 20 feet, except where sight triangles are needed at intersections.
 - (b) Maximum front yard shall be 50 feet.
 - (c) Minimum side yard shall be 20 feet.
 - (d) Minimum rear yard shall be 50 feet.
 - (4) Minimum distance between buildings on the same property shall be 20 feet.
 - (5) Maximum lot coverage shall be 65%.
 - (6) Maximum building height shall be 3 stories and 40 feet.
- G. Off-street parking, automobiles.
- (1) General design standards.
 - (a) All parking spaces within any parking area shall be clearly marked and maintained to show the parking arrangement within said parking area.
 - (b) All parking spaces shall measure no less than 9 feet in width by 18 feet in length.
 - (c) The number, location, size and marking of spaces shall conform to the design requirements required for such spaces by the State of New Jersey [barrier-free design (N.J.S.A. 52:32-12)] and the Americans with Disabilities Act of 1990.
 - (d) Parking lots shall be interconnected with adjacent parking lots to facilitate vehicular and pedestrian circulation.
 - (e) Parking lots shall be located to the side or rear of a building. A single row of parking shall be permitted within the front yard.
 - (2) Schedule of off-street parking requirements.
 - (a) The following non-residential off-street parking requirements shall be followed:
 1. Retail businesses – one space for each 300 square feet of building floor area
 2. Personal service establishments – one space for every 300 square feet of building floor area
 3. Business, professional offices, banks and financial institutions – one space for each 250 square feet of building floor area
 4. Child care centers – one space for each 300 square feet of building floor area

5. Studios and health club/exercise facility – one space for every 400 square feet of building floor area
 6. Restaurants – one space for each three seats, plus one space for each two employees employed therein
- (b) Shared parking. Nothing in the above requirements shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:
1. On-site shared parking. For parcels containing a multiple occupant building or two or more buildings with different permitted uses, on-site shared parking may be implemented.
 - a. A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building or in separate buildings on the same parcel. Office and retail uses are considered to be weekday uses, while residential and restaurant uses are considered to be evening/weekend uses.
 - b. 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains office space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.
 2. Off-site shared parking. For parcels that cannot accommodate all or a portion of their required parking spaces, the differential parking requirement may be shifted to an adjacent property determined by the Zoning Officer to have parking in excess of zoning requirements or parking that is demonstrated to be unused during normal hours of operation. This would require the submission of a memorandum of agreement between the two property owners, which demonstrates the shifting of parking spaces from one site to an adjacent site.

H. Off-street parking, bicycle.

- (a) For retail uses, one bicycle space shall be provided for every 10 retail employees and at least one bicycle space shall be provided for every 5,000 square feet of retail space for customers.
- (b) For non-residential uses other than retail, one bicycle space shall be provided for every 10 workers and at least one bicycle space shall be provided for every 10,000 square feet of space.
- (c) All bicycle racks shall be within 200 feet of the building entrance.

I. Off-street loading requirements.

(1) General requirements.

- (a) No off-street loading area or berth shall be located in any front or side yard except side yards for buildings on a corner lot. All loading areas/berths shall have unobstructed access that is at least 10 feet wide to and from a street. Such access may be combined with access to a parking lot.
- (b) All required loading areas/berths shall be on the same lot as the uses(s) to which they are accessory.

(2) Schedule of off-street loading requirements.

- (a) For restaurants, the number of berths shall be:
 1. One loading area/berth shall be provided for restaurants with less than 5,000 square feet of gross floor area.
 2. Two loading areas/berths shall be provided for restaurants with more than 5,000 square feet of gross floor area.

J. General Requirements .

(1) Landscaping.

Any front or side yard with a parking area visible from the street shall be screened with a row of shrubs at least 2 ft. high when mature. Street trees shall be planted along any street frontage 30-40 ft. on center and foundation plantings shall be included along the building façade. A landscaped or grass strip at least 5 feet wide shall be provided along the front and side yard property lines.

(2) On-site Circulation.

Driveways with appropriate cross easements providing access between adjacent lots shall be permitted and provided where feasible. On-site circulation systems and parking areas shall be designed to accommodate the interconnection between adjacent lots.

(3) Pedestrian Access.

Adequate and safe pedestrian access between uses or separate buildings in the development or on adjacent lots shall be provided, and the design of the development shall promote non-vehicular, pedestrian-friendly access, inclusive of bicycle racks, benches or other such amenities. Sidewalks shall be provided along street frontages and throughout the development.

(4) Building Design.

(a) All buildings shall have a dual pitched, single ridge roof (such as a true and complete gable, hip or gambrel roof or a mansard roof where the lower slope is steeper and deeper than the upper slope) with a minimum pitch of one foot vertical to eight feet horizontal. No flat roof shall be permitted; provided, however, that where roof-mounted equipment is necessary and/or preferable for the operation of the building, a facade roof treatment exhibiting the appearance of such a dual pitched, single ridge roof on all sides of the building may be permitted if specifically approved by the Planning Board as part of a submitted site plan application for the development.

(b) All portions of all buildings on one lot shall be compatibly designed with a common architectural motif, whether constructed all at one time or in stages over a period of time. The architectural design and material surface and color of all building walls on all sides of all buildings shall be suitably finished for aesthetic purposes and shall be compatible in design and scale with the surface materials existing within the area.

K. The revised Zoning Map prepared by Coppola & Coppola Associates, Princeton Junction, New Jersey, May, 2014, is hereby adopted.

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

Council Member Marciante made a motion to introduce Ordinance 2014-5, second by Council Member Davy. Mayor Persichilli stated that this ordinance is being done as a result of the landfill redevelopment study. Mr. Lawver asked for clarification on which lots this concerns and whether this changes the current zoning. Mrs. Heinzl addressed Mr. Lawver's concerns and upon a roll call vote, all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2014-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-13**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$598,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$568,100
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$598,000, and further including the aggregate sum of \$29,900 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$568,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
1. Acquisition of police radios.	\$31,696	\$30,111	10 years
2. Acquisition of DVD recorders for the Police Department.	\$36,979	\$35,130	7 years
3. Acquisition of public works vehicles.	\$105,654	\$100,371	5 years
4. Acquisition of a generator.	\$13,735	\$13,048	15 years
5. Several street repairs, as listed on file in the office of the Borough Clerk.	\$409,936	\$389,440	10 years
	<u>\$598,000</u>	<u>\$568,100</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.04 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$568,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$32,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to

update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2014-13, second by Council Member Davy. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Tucker with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2014-13, second by Council Member Gnatt with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014-14**

**ORDINANCE AMENDING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 35 TO
INCORPORATE TITLE AND RATE OF PAY FOR
PUBLIC WORKS OPERATIONS COORDINATOR**

WHEREAS, the Borough of Pennington (“Borough”) and the International Brotherhood of Teamsters Local 35 (“Teamsters Local 35”) are parties to an Agreement, first effective January 1, 2009 and since extended through December 31, 2014, concerning terms and conditions of employment for specified job categories of employees in the Department of Public Works of the Borough;

WHEREAS, the Agreement contains in Article 28 a table of position titles and applicable rates of pay with corresponding effective dates;

WHEREAS, the Borough and Teamsters Local 35 agree to amend the Agreement to recognize a new title created by the Borough to be known as Public Works Operations Coordinator;

WHEREAS, the rate of pay for the Public Works Operations Coordinator shall be \$25.57 per hour effective upon commencement of duties on July 5, 2014 and raised to \$28.02 per hour upon completion of a six-month probationary period and the recommendation of the Superintendent of Public Works;

WHEREAS, the form of proposed Amendment to Agreement is attached to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Mayor is hereby authorized to enter into the attached Amendment to Agreement between the Borough of Pennington and the International Brotherhood of Teamsters Local 35 for the purposes stated above.

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

Council Member Davy made a motion to open the Public Hearing on Ordinance 2014-14, second by Council Member Tucker. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Davy with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-14, second by Council Member Gnatt with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Library – No report given.

Public Works / Shade Tree – No report given.

Personnel / Community Services / Economic Development – No report given.

Public Safety / Senior Services – Mr. Tucker reported that on May 1st, the department assisted the Library with the annual Busy Town event. Mr. Tucker reported that the Hopewell Township Committee presented Life Saving Awards to several members of their Police Department and Officer Doug Pinelli for his efforts in reviving an over the road truck driver who suffered a heart attack. Mr. Tucker stated that Pennington Day took place on May 17th with approximately 5,000 in attendance. Mr. Tucker stated that the Pennington Police were assisted by five officers from the Mercer County Sheriff’s Department. Mr. Tucker stated that there were no calls for services. Mr. Tucker stated that the department also assisted with the annual Memorial Day Parade along with two officers from the Mercer County Sheriff’s Department. Mr. Tucker stated that Council Members have a copy of the monthly statistics for review.

Mr. Tucker reported briefly on the Senior Services report.

Finance – No report given. Mayor Persichilli reminded Council of his comments from the last meeting. Mayor Persichilli stated that no funds will be spent or authorized until the finance committee and our CFO have been consulted.

Historic Preservation – No report given.

New Business

**Borough of Pennington
Resolution #2014 – 6.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$3,671.17 to Janice P. Pell, 9 Chadwell Court, Pennington, NJ 08534, for an overpayment of 2014 2nd quarter taxes in the amount of \$3,671.17 for 9 Chadwell Court, Block 405, Lot 2.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-6.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 6.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 174,002.13 from the following accounts:

Current	\$ 150,349.53
W/S Operating	\$ 23,006.10
Developers’ Escrow	\$ 646.50
TOTAL	\$ 174,002.13

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	X				Marciante	S			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2014-6.2, second by Council Member Marciante with all members present voting in favor.

**Borough of Pennington
Resolution 2014 – 6.3**

**RESOLUTION TO AMEND THE 2014 ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR
2014 CLEAN COMMUNITIES GRANT AWARDS**

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

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

WHEREAS, the Borough of Pennington has received \$ 4,590.43 from the New Jersey Department of Environmental Protection and wishes to amend its 2014 Budget to include this amount as revenue;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2014 in the sum of \$ 4,590.43, which is now available as revenue from:

DEP – Clean Community Grant Award Program

BE IT FURTHER RESOLVED that a like sum of \$ 4,590.43 be and the same is hereby appropriated under the caption of:

DEP – Clean Community Grant Award Program

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-6.3, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 6.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO
ALPINE PAINTING AND SANDBLASTING CONTRACTORS, INC. FOR WORK COMPLETED
ON THE WATER STORAGE TANK REHABILITATION PROJECT**

WHEREAS, Alpine Painting and Sandblasting Contractors, Inc. has completed work pursuant to the contract for the Water Storage Tank Rehabilitation Project (Van Note Harvey Engineering, PC Project No. VNHA#41809-210.71); and

WHEREAS, Van Note Harvey Associates, PA has reviewed Alpine Painting and Sandblasting Contractors' application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No. 1 in the amount of \$134,950.00 less 2% retainage in the amount of \$2,699.00; and

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

WHEREAS, funds are available in Account #: W-06-07-009-000-250 (Ord. 2007-9); and

WHEREAS, the payment authorized by this resolution is conditioned upon the receipt of signed Application for Payment and supporting documents from the Contractor and approval of same by Van Note Harvey Associates, PA;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Alpine Painting and Sandblasting Contractors, Inc. in the amount of \$132,251.00 pursuant to payment request No.1 is hereby authorized, provided, however, that no such payment shall be made until the aforesaid application for payment and supporting documents have been received and approved as provided above.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	M				Marciante	S			
Griffiths	X				Tucker	X			

Council Member Gnatt made a motion to approve Resolution 2014-6.4, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-6.5**

**RESOLUTION AUTHORIZING FIRST AND FINAL PAYMENT TO
GREENLEAF LAWN AND LANDSCAPE, INC. FOR ADDITIONAL
WORK ON DOWNTOWN STREETScape IMPROVEMENTS**

WHEREAS, pursuant to a contract between Greenleaf Lawn and Landscape, Inc. (“Greenleaf”) and the Borough of Pennington (Roberts Engineering Group LLC, file no. PEN3704-01), Greenleaf has completed additional work on Downtown Streetscape Improvements at the intersection of West Delaware Avenue and Main Street;

WHEREAS, the additional work consists of decorative bollards, bike racks, black powder coated chain, and installation of brick pavers;

WHEREAS, the work has been inspected and approved by Roberts Engineering Group, LLC, and the Borough Engineer recommends payment to Greenleaf in the amount of \$13,176.25 (a reduction in the original contract amount of \$143.75);

WHEREAS, Greenleaf has submitted a maintenance agreement approved by the Borough Attorney as conforming to the specifications of the RFP;

WHEREAS, this payment to Greenleaf constitutes a first and final payment and will close the project out;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to have Greenleaf Lawn and Landscape, Inc. paid \$13,176.25 in full and final payment for their work on this project.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	X				Tucker	S			

Council Member Marciante made a motion to approve Resolution 2014-6.5, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2014 – 6.6**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO
TOP LINE CONSTRUCTION CORPORATION FOR WORK COMPLETED ON THE 2013 ROAD
IMPROVEMENT PROGRAM**

WHEREAS, Top Line Construction Corporation has completed work pursuant to the contract for the 2013 Road Improvement Program (Roberts Engineering Group File No: PEN3705); and

WHEREAS, Roberts Engineering Group has reviewed Top Line Construction Corporations’ application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 1 in the amount of \$149,258.38 less 2% retainage in the amount of \$2,990.57; and

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

WHEREAS, funds are available in Account #: G-02-44-953-000-250; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corporation in the amount of \$146,537.81 pursuant to payment request No.1 is hereby authorized.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-6.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 - 6.7**

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND COUNTY OF MERCER FOR EMS DISPATCH SERVICES BEGINNING JULY 1, 2014

WHEREAS, Capital Health System, through its LifeComm emergency service dispatch center, has been providing emergency medical dispatch and communication support services (collectively “EMS dispatch services”) to the greater Mercer County area;

WHEREAS, effective July 1, 2014, Capital Health System will no longer be providing these services;

WHEREAS, beginning July 1, 2014, EMS dispatch services for the greater Mercer County area will be available through Mercer County, and Mercer County is interested in providing EMS dispatch services to Pennington under a shared services agreement;

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., permits local units of government to enter into a contract with any other local unit for the joint provision within their combined jurisdiction of any service which any party to the agreement is empowered to render within its own jurisdiction;

WHEREAS, under the proposed shared services agreement, Mercer County would arrange for and provide EMS dispatch services, including emergency medical dispatch and community support services, for the Borough of Pennington;

WHEREAS, the term of the proposed agreement is 30 months, from July 1, 2014 through December 31, 2016;

WHEREAS, Pennington would pay for these services through an annual assessment representing the cost of calls made to and received by the County for EMS dispatch services within Pennington’s boundaries;

WHEREAS, for the first six months of the agreement, Pennington will be assessed a prorated amount pursuant to its history of calls in the amount of \$1,190, as set forth in the chart attached to the agreement;

WHEREAS, a copy of the proposed shared services agreement is attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the annexed Shared Services Agreement with Mercer County for the provision of EMS dispatch services as described therein.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-6.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-6.8**

RESOLUTION SUPPORTING PROJECT UNDER SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the Borough of Pennington is currently preparing a grant application to the federally funded Safe Routes to School program, sponsored by the New Jersey Department of Transportation, to provide funding for infrastructure projects within the vicinity of Toll Gate Elementary School;

WHEREAS, the grant if received would fund installation of new curb, sidewalks and handicap ramps along South Main Street from Curlis Avenue to a point approximately 375 feet south of Welling Avenue;

WHEREAS, the grant application requires that the Borough governing body show support for the project in the form of a resolution, including certification of continual ownership and maintenance for the useful life of the project, a minimum 20 years after completion;

WHEREAS, Borough Council believes in the importance of this project for the safety of our school children;

WHEREAS, Borough Council certifies that the proposed improvements will be continually owned by the Borough and the Borough will continually provide for the maintenance of the improvements for the useful life of the improvements, or a minimum of 20 years after completion;

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

1. Borough Council expresses its full support for the construction of new curb, sidewalks and handicap ramps as proposed in the Borough’s aforesaid grant application under the Safe Streets to School Program;
2. Borough Council hereby certifies that the Borough will continually own and the Borough will continually provide for the maintenance of the proposed improvements for the useful life of the improvements, or a minimum of 20 years after completion;
3. Borough Council hereby authorizes and directs the Borough Administrator to ensure that a copy of this Resolution is included in the aforesaid application to the Safe Streets to School Program, and to take such other steps as may be necessary to support this application.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-6.8, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 - 6.9**

**RESOLUTION SUPPORTING PROJECT UNDER TRANSPORTATION
ALTERNATIVES PROGRAM**

WHEREAS, the Borough of Pennington is currently preparing a grant application to the federally funded Transportation Alternatives Program, sponsored by the New Jersey Department of Transportation, to provide funding for construction of the Downtown Streetscape Phase II project;

WHEREAS, the grant if received would fund sidewalk and curb improvements on Delaware Avenue and to the East and West of the section of North Main Street recently improved, as well as a continuation of improvements on South Main Street;

WHEREAS, the Transportation Alternatives Program provides funding for “non-traditional” projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation’s intermodal system;

WHEREAS, the grant application requires that the Borough governing body show support for the project in the form of a resolution, including certification of continual ownership and maintenance for the useful life of the project, a minimum 20 years after completion;

WHEREAS, Borough Council believes in the importance of this project for maintaining the beauty and vitality of our Downtown and its pedestrian-friendly environment;

WHEREAS, Borough Council certifies that the proposed improvements will be continually owned by the Borough and the Borough will continually provide for the maintenance of the improvements for the useful life of the improvements, or a minimum of 20 years after completion;

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

1. Borough Council expresses its full support for the construction of curb, sidewalk and other improvements proposed in the Borough’s aforesaid grant application under the Transportation Alternatives Program;
2. Borough Council hereby certifies that the Borough will continually own and continually provide for the maintenance of the proposed improvements for the useful life of the improvements, or a minimum of 20 years after completion;
3. Borough Council hereby authorizes and directs the Borough Administrator to ensure that a copy of this Resolution is included in the aforesaid application to the Transportation Alternatives Program and to take such other steps as may be necessary to support this application.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-6.9, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 6.10**

**RESOLUTION IN SUPPORT OF A COMPLETE STREETS POLICY
FOR PENNINGTON BOROUGH**

WHEREAS, Pennington Borough is committed to creating a pedestrian and bikeway system to the extent feasible, by creating street corridors that safely accommodate all road users of all ages, abilities and disabilities; and

WHEREAS, the New Jersey Department of Transportation Complete Streets policy states “A Complete Street is defined as means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.”; and

WHEREAS, as part of this policy, the New Jersey Department of Transportation strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs; and

WHEREAS, the benefits of complete streets include: improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the Pennington Borough Council supports to the extent practicable, the application of a Pennington Borough “Complete Streets” policy that will apply to all road, bridge, and building projects undertaken by East Windsor; and

WHEREAS, the Pennington Borough Council hereby supports a “Complete Streets” initiative and urges its continuation throughout Mercer County in an attempt to create a comprehensive, integrated, connected street network and safely accommodates all road users of all abilities and disabilities and for all trips;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Pennington Borough, in the County of Mercer, State of New Jersey that it hereby supports a “Complete Streets” policy for all public street projects, wherever possible and practicable, that are undertaken by the Borough of Pennington, the County of Mercer and the municipalities within the County of Mercer in order to ultimately achieve a network of roadways that may safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to bicyclist and pedestrian safety.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the County of Mercer, the municipalities within Mercer County and the NJ Department of Transportation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-6.10, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-6.11**

RESOLUTION AUTHORIZING RETENTION OF BOUCHER & JAMES, INC., CONSULTING ENGINEERS, FOR PRELIMINARY ENVIRONMENTAL ASSESSMENT OF BROWN PROPERTY (BLOCK 92, LOTS 1.01 AND 1.03, HOPEWELL TOWNSHIP)

WHEREAS, the Borough of Pennington seeks to acquire certain open space lands in Hopewell Township, designated as Block 92, Lots 1.01 and 1.03 on the Hopewell Township Tax Map and commonly known as the Brown Property;

WHEREAS, the proposed acquisition is to be funded by grants from Green Acres and the County of Mercer supplemented by funds from the Friends of Hopewell Valley Open Space;

WHEREAS, in connection with this acquisition, Green Acres requires a Preliminary Assessment of the Property to search for potential visible or documented indications of hazardous material misuse on the site that may become a liability to the landowner;

WHEREAS, after solicitation of proposals, it has been determined that Boucher & James, Inc., Consulting Engineers, located in Doylestown, Pennsylvania (“Boucher & James”), is able to perform the work at a reasonable cost in conformance with the requirements of the Green Acres Program;

WHEREAS, a copy of the proposal of Boucher & James dated May 14, 2014 (“the Proposal”) is attached to this Resolution, indicating a cost of \$1,950. for performing the services described in Section II of the Proposal (“Scope of Services”), less a nonprofit discount of 15%, bringing the total cost down to \$1,657.;

WHEREAS, in Section IV of the attached proposal (“Conditions of Services”) Boucher & James describes a variety of situations in which costs for additional services may be necessary;

WHEREAS, before performing any additional services or incurring additional costs, Boucher & James shall submit a written description of the additional services or costs to the Borough Administrator and same shall be approved by the Borough Administrator in writing before they may be performed or incurred;

WHEREAS, the Borough Administrator will by this Resolution be granted the authority to authorize additional costs without further approval by Borough Council up to an additional cost of \$1,000, bringing the total contract cost authorized by this Resolution to \$2,657;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this contract from the Pennington Borough Open Space Fund, and expenditures from that Fund are hereby authorized for this purpose;

WHEREAS, it is further understood that the costs incurred by the Borough’s Open Space Fund for these acquisition-related services are eligible for reimbursement by the Friends of Hopewell Valley Open Space and the County of Mercer;

WHEREAS, it is further understood that the services to be performed by Boucher & James pursuant to the Proposal shall not commence unless and until a formal contract of sale between the Borough of Pennington and the owners of the Brown Property is executed;

WHEREAS, retention of the services of Boucher & James constitutes a contract for professional services as that term is defined by the Local Public Contracts Law;

WHEREAS, Boucher & James understands that it must comply with New Jersey law concerning equal employment opportunity as set forth in the annexed Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to sign and accept the attached Proposal of Boucher & James on behalf of the Borough, subject to such amendments, acceptable to the Borough Attorney, as necessary to incorporate by reference all of the additional terms set forth in this Resolution, including:

1. procedure for obtaining permission to exceed initial contract price and the limits for same;
2. the requirement of advance notice before commencement of services;
3. the condition making efficacy of the contract and commencement of services subject to execution of a formal contract of sale for the Brown Property;
4. compliance with equal employment opportunity as set forth in the annexed Exhibit A.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	M				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Gnatt made a motion to approve Resolution 2014-6.12, second by Council Member Tucker. Council briefly discussed the resolution. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2014 – 6.12**

RESOLUTION AMENDING RESOLUTION 2014-1.8 ESTABLISHING COMMITTEES OF COUNCIL FOR 2014

WHEREAS, Pennington Borough Council approved Resolution 2014-1.8 establishing certain committees of its members as will assist it in the coming year; and

WHEREAS, Resolution 2014-1.8 requires amending due to the resignations of Dina Dunn and Eileen Heinzl;

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

1. The following committees of Council are hereby created, each to consist of 3 Council members, of whom one shall be chair and two shall be Committee members:
 - a. Personnel
 - b. Public Safety
 - c. Public Works
 - d. Finance
 - e. Community Service
 - f. Planning and Zoning

Each such committee shall monitor the functioning of Borough Government within its subject area and shall report regularly thereon to Council, making such recommendations for action by the governing body as the committee deems appropriate. No such committee shall have decision-making powers with respect to any administrative or policy matter.

2. One member of Council shall serve as liaison to the following Boards or Commissions:
 - a. Planning and Zoning Board
 - b. Senior Advisory Board
 - c. Library Board
 - d. Historic Preservation Commission
 - e. Shade Tree Commission
 - f. Environmental Commission
3. The chairpersons and members of the above committees and the above liaisons shall be appointed by the Mayor with the advice and consent of Council.
4. Appointments and assignments by the Mayor for 2014 are amended as set forth in the attached list. All such appointments and assignments are hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	S			
Gnatt	X				Marciante	X			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2014-6.12, second by Council Member Lawver. Mayor Persichilli briefly reviewed the changes and upon a roll call vote, all members present voted in favor.

**Council Assignments
Revised – June 2, 2014**

Chairperson [Representative to]	Department	Members
Charles Marciante [Board of Health] [Senior Advisory Bd.] [Shade Tree Commission]	Public Safety Police, Crossing Guards, Fire First Aid, Emergency Mgmt.	Jim Davy Weed Tucker
James Davy [PBPA]	Public Works Water & Sewer, Engineering, Streets, Trash, Recycling, Public Property	Charles Marciante Joe Lawver

James Davy

Personnel

Coordinate with all departments on hiring and personnel policies. Review all Borough personnel job descriptions.

Deborah Gnatt

Weed Tucker

Deborah Gnatt

[Planning Board]
[Environmental Comm.]
[Library Board]
[Open Space]
[Economic Development]

Planning & Zoning

Planning Board
Construction Code Enforcement

Glen Griffiths

Finance

Budget, Accounting, Tax Assessment & Collection, Water & Sewer Collections, Insurance

Joe Lawver

James Davy

Joe Lawver

[Parks & Recreation]
[HV Rec. Comm.]
[Mercer County Social Services]

Community Services

Parks and Recreation

Weed Tucker

Historic Preservation

**BOROUGH OF PENNINGTON
RESOLUTION 2014-6.13**

**RESOLUTION SCHEDULING HEARING ON
APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT BY COMCAST OF HOPEWELL
VALLEY, INC.**

WHEREAS, Comcast of Hopewell Valley, Inc. (“Comcast”) has filed with the Borough Clerk an application for renewal of Municipal Consent for continued operation of its cable television system in the Borough of Pennington;

WHEREAS, the effective date of the application is May 15, 2014;

WHEREAS, Borough Council intends to review the application in accordance with the Municipal Consent process set forth in N.J.S.A. 48:5A-22, et seq.;

WHEREAS, pursuant to N.J.S.A. 48:5A-23.b., Council must schedule a hearing on the application to be held no sooner than 60 nor later than 90 days after the filing of such application, the hearing being permitted to be adjourned from time to time but not to any date later than 30 days from the date it was first convened;

WHEREAS, pursuant to N.J.S.A. 48:5A-23.c., notice of receipt of the application and the date scheduled for hearing thereon must be published in at least one newspaper of general circulation in the Borough not later than the 45th day prior to such hearing and again not sooner than 14 days nor later than 7 days prior to such hearing;

WHEREAS, further in accordance with N.J.S.A. 48:5A-23.c., additional applications may be received by the municipality until the 15th day prior to the hearing unless otherwise provided by law;

WHEREAS, further in accordance with N.J.S.A. 48:5A-23.c., the notice of receipt of application and notice of hearing shall specify: the identity of the applicant; the time and place of the hearing; and the place at which and time within which the application filed with the Borough Clerk may be examined by residents of the Borough and other interested parties;

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

1. The initial hearing on the Comcast application is scheduled for August 4, 2014.
2. The hearing shall be conducted in Council Chambers in the Pennington Municipal Building beginning at 7 PM or as soon thereafter as the matter may be reached.
3. A copy of the Comcast application shall be made available for inspection by Borough residents and other interested parties in the Office of the Borough Clerk during normal business hours.
4. The Borough Clerk shall cause to be published notices of hearing as required by law.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	M				Lawver	X			
Gnatt				abstain	Marciante	X			
Griffiths	X				Tucker	S			

Council Member Davy made a motion to approve Resolution 2014-6.13, second by Council Member Tucker. Mr. Tucker inquired as to whether this should include Verizon. Mr. Bliss stated that Verizon was the subject of a consent resolution in 2006. Mr. Bliss stated that this item was listed for Council Discussion. Mr. Bliss stated that Comcast has submitted an application for Renewed Municipal Consent for extension of their services. Mr. Bliss stated that we are still researching the background and he has spoken with Comcast and they will be sending relative material beginning with the nature and duration of their current franchise. Mr. Bliss stated that the original franchise was granted in 1984 by ordinance and it was for a fifteen year franchise with a renewal for ten for a total of twenty-five years bringing us to 2014. Mr. Bliss stated that initially this item was listed for Council Discussion to determine how Council wanted to proceed with review of the application, however in the meantime it became apparent that the time frames under the statute for conducting a hearing are such that we should schedule the hearing tonight rather than waiting for the July meeting. Mr. Bliss stated that this resolution would schedule the hearing on August 4th with two rounds of notices going out, one in June and one by the end of July. Mr. Bliss stated that in the meantime, Borough Council needs to do it's homework on what to do with this application and what the background facts are. Mr. Bliss stated that tonight all that needs to be done is scheduling the hearing and providing for notices to be published. Mr. Marciante asked what Council can do with this request, for example, could rates be reduced. Mr. Bliss stated that what can be done is one of the big questions, though clearly there are details of the franchise that Council should look at. Mr. Bliss stated that he immediately looked at the bonding and that dates back twenty-five years and it is a \$25,000 bond so that needs to be looked at. Mr. Bliss stated that this is the time to address any complaints with service and to get it on record for future councils. Mrs. Gnatt stated that she would have to recuse herself from these discussions because her husband is an attorney in one of the Law Firms that received a copy of the application. Mr. Tucker asked if others are invited to compete for the service. Mr. Bliss stated that the Statute does say that anyone else can submit an application up to fifteen days prior to the hearing. Mr. Bliss stated that the provision of the Statute is part of this resolution. Mr. Bliss stated that he would have to explore the practical significance of it. Mr. Bliss stated that every five to ten years when this comes up he mentions that it would be great if someone on Council wanted to become a cable expert. Mr. Bliss stated that this is an opportunity for a public airing of community satisfaction with the Comcast service and if there is a shopping list of problems, this is the time to present it. Upon a roll call vote, all members present voted in favor.

Council Discussion

Improvements to Upper King George Road – Mr. Griffiths stated that he had a brief discussion with Mrs. Heinzl and since King George Road, Park Avenue and a couple of other streets require not only surface repair, but also infrastructure repair or replacement, the approach that Council needs to pursue is a packaging of road projects into a long term strategic plan. Mr. Griffiths stated that this plan should include application for a loan from DEP for infrastructure improvements. Mr. Griffiths stated that there are many variables involved because surface improvements fall under NJDOT Grants and water main repairs would fall under loans for infrastructure repairs or replacement. Mr. Griffiths explained that the loans are often forgiven for up to fifty percent or more and the terms are very favorable with low or no interest. Mr. Griffiths stated that Council should keep in mind that any repairs to infrastructure will affect rates charged to residents. Mr. Griffiths stated that in 2019, there is a cliff of debt service when payments of debt service will be reduced by \$150,000 which is equivalent to being able to borrow \$2,000,000 with no impact on rates. Mr. Griffiths stated that we are working towards this threshold, however if we are able to get loans, we are able to pursue water main replacements without having to affect rates. Mr. Griffiths stated that this is a complicated package and it would be helpful to lay it out in a complete proposal indicating priorities, variables, funding sources and timing.

Mrs. Heinzl stated that she had a conversation with Borough Engineer, Carmela Roberts. Mrs. Heinzl stated that Ms. Roberts has a lot of experience with pursuing funding through this program with good results though she does caution that there will be a lot of work and some up-front costs involved. Mrs. Heinzl stated that we have been awarded a grant for Upper King George Road and Mrs. Roberts has suggested that we apply for a one year extension which would give the Borough time to pursue applying for a loan through the trust fund for infrastructure improvements. Council decided that this be referred to the public works committee for further discussion and recommendations.

Block Party Request – Mayor Persichilli stated that we have received a request from residents of Rockwell Green for a block party. Council Member Tucker made a motion to approve the request, second by Council Member Griffiths with all members present voting in favor.

Professional Reports

Mr. Wittkop thanked Mayor and Council for the Proclamation and Jacket.

Public Comment

At 7:50 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Tucker.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk