

**Pennington Borough Council
Regular Meeting – August 4, 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, 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.

Approval of Minutes

Council Member Tucker made a motion to approve the minutes of the July 7, 2014 Regular Meeting, second by Council Member Gnatt with all members present voting in favor.

Public Hearing

Mr. Bliss stated that tonight is the public hearing date for the Application for Renewal of Municipal Consent submitted by Comcast of Hopewell Valley, Inc. Mr. Bliss stated that under the applicable Statute, notice has been published in the Hopewell Valley News on July 18th, 2014 and on July 24th, 2014 which meets the notice requirements of the Statute. Mr. Bliss asked if there was anyone in the audience representing Comcast of Hopewell Valley or if there was anyone in the audience who would like to comment on the application. No one came forward. Mr. Bliss stated that this is the Public Hearing and he would ask that Council formally convene a public hearing by vote and open it to comment. Mr. Bliss stated that just to give some background on the process; Council Members have in their packages Resolution 2014-8.15. Mr. Bliss stated that if Council approves the Resolution, it would grant an extension of the franchise of Comcast of Hopewell Valley covering all of Pennington Borough. Mr. Bliss stated that the terms of that coverage are subject to review by the New Jersey Office of Cable Television. Mr. Bliss stated that if Council grants consent tonight, that consent is subject to negotiation of an acceptable ordinance with the cable television provider. Mr. Bliss stated that the ordinance would contain the basic terms which are governed for the most part by Statute. Mr. Bliss stated that the Borough receives a franchise fee of two percent of basic subscription service in the Borough and the duration of the franchise is up to fifteen years. Mr. Bliss stated that it is unclear in the documents provided what the proposed duration is, but he assumes it is fifteen years, however those terms would be included in an ordinance. Mr. Bliss stated that he would ask that if consent is granted tonight, after holding the Public Hearing, that Council instruct the Borough Attorney to prepare an ordinance in consultation with the cable television provider which must be submitted to the New Jersey Office of Cable Television for approval within forty-five days of approval action. Mr. Bliss stated that once the ordinance is returned from the New Jersey Office of Cable Television it must be introduced for first reading and then public hearing no later than thirty days after first reading.

Mayor Persichilli read Resolution 2014-8.15 by title.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 8.15**

**RESOLUTION APPROVING APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT BY
COMCAST OF HOPEWELL VALLEY, INC.**

WHEREAS, Borough Council of the Borough of Pennington has reviewed and considered the Application of Comcast of Hopewell Valley, Inc. for Renewal of Municipal Consent to continue to operate its Cable Television System in the Borough of Pennington (“Comcast Application”);

WHEREAS, the Comcast Application was filed effective May 15, 2014;

WHEREAS, the Borough Council has reviewed the Application in accordance with the municipal consent process set forth in N.J.S.A. 48:5A-22 to -29;

WHEREAS, the Borough Council held a public hearing on August 4, 2014 and received public comment on the Comcast Application in accordance with N.J.S.A. 48:5A-23 and N.J.A.C. 4:18-11.6;

WHEREAS, the presentation at the public hearing and the comments made by the public supported the conclusion that consent to the Application would serve the interests of Borough residents;

WHEREAS, the Borough Council has determined that the presence of a second provider of cable television service to Borough residents is likely to provide them with increased choice, increased service quality and improved service offerings;

WHEREAS, the Borough Council has determined that such competition and choice in the provision of cable television service caused by continued operation of the Comcast cable television service in Pennington is likely to have a positive impact on the Borough of Pennington and its residents;

WHEREAS, after evaluating the Comcast Application and the Applicant's responses to questions at the public hearing, the Borough Council has determined that Comcast of Hopewell Valley Inc. possesses the requisite legal, financial, technical capability, and general fitness to provide cable television service and that it will respond in a timely manner to all technical questions and concerns raised in the hearing;

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing, that the Borough Council of the Borough of Pennington hereby grants to Comcast of Hopewell Valley, Inc. renewal of municipal consent to operate a cable television system within the Borough of Pennington. Such municipal consent, subject to negotiation of an acceptable ordinance, shall be codified in the form of a municipal ordinance, which shall be passed in accordance with N.J.S.A. 48:5A-24.

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 open for Public Hearing, second by Council Member Davy. 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 approve Resolution 2014-8.15, second by Council Member Davy. Mr. Marciante asked if this resolution is approved tonight and Council wants the option to telecast borough meetings at some time in the future can it be in the request. Mr. Bliss stated that would be a term of the negotiated ordinance, this consent is subject to the negotiation of an ordinance and that would be the kind of provision that a municipality would negotiate. Upon a roll call vote, all members present voted in favor.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2014-17 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014 -17**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 215, ZONING, OF THE CODE OF THE BOROUGH OF PENNINGTON COUNTY OF
MERCER, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 215-63 REGARDING
"ESTABLISHMENT OF ZONES", SECTION 215-64 REGARDING A NEW "ZONING MAP",
AND SECTION 215-78.1 REGARDING THE "MU-3 MIXED USE ZONE"**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, in the County of Mercer and the State of New Jersey, that Chapter 215, entitled "Zoning", of the Code of the Borough of Pennington is hereby amended and supplemented (with deletions bracketed [] and new language underlined), in order to implement the recommendations of the February 2014 "Land Use Plan Amendment: Supplemental Modifications To The September 2013 Master Plan And Development Regulations Periodic Reexamination Report", as adopted by the Planning Board on March 12, 2014, as follows:

SECTION 1. Section 215-63, entitled "Establishment of Zones", of Chapter 215 of the Code of the Borough of Pennington, is amended as follows:

"§215-63. Establishment of Zones.

For the purpose of this chapter, the Borough of Pennington is hereby divided into the following zones:

R-80	Residence Zone
R-100	Residence Zone
R-A	Apartment-Townhouse Residence Zone
O-R	Office Residence Zone
TC	Town Center Zone
TCB	Town Center Buffer Zone
B-H	Highway Business Zone
O-B	Office (Building) Business Zone
P-O	Professional Office Zone
MU-1	Mixed Use Zone 1
MU-2	Mixed Use Zone 2
E-1	Education Zone
E-2	Education Zone 2
<u>MR</u>	<u>Mixed Residence Zone</u> "

SECTION 2. Section 215-64, entitled "Zoning Map", of Chapter 215 of the Code of the Borough of Pennington is amended as follows:

"§215-64. Zoning Map.

The boundaries of all zone districts shall be shown on a map attached to and made a part of this chapter and titled "Zoning Map", dated [February 2007] July 2014. Said map and all notations and references thereon are hereby incorporated into and declared to be a part of this chapter."

SECTION 3. The "Schedule of Area, Yard and Building Regulations" chart in Section 215-66 of Chapter 215 of the Code of the Borough of Pennington is amended to replace any reference to the "MU-3 Mixed Use Zone" with a new "MR Mixed Residence Zone." The text of Section 215-66 remains unchanged.

SECTION 4. Section 215-78.1, entitled "MU-3 Mixed Use Zone", of Chapter 215 of the Code of the Borough of Pennington, is deleted in its entirety and a new Section 215-78.1, to be entitled "MR Mixed Residence Zone," is substituted as follows:

"§215-78.1. [~~MU-3 Mixed Use Zone~~]* MR Mixed Residence Zone.

* Text of deleted MU-3 Mixed Use Zone is attached.

A. Purpose & Definition.

- (1) One of the purposes of this zone is to provide for "age-targeted dwelling units" as a residential option for the Pennington and surrounding community. For purposes of this zone, the term "age-targeted dwelling unit" is defined as attached, one-family dwelling units designed with a master bedroom on the first floor intended to attract as purchasers empty nesters, childless couples or households which are downsizing but who wish to remain in the Pennington community.
- (2) Another purpose of this zone is to comply with the substantive rules and regulations of the New Jersey Council on Affordable Housing promulgated pursuant to the New Jersey Fair Housing Act.
- (3) Another purpose of this zone is to balance the need for affordable housing, good site plan design and landscaped open spaces with potential private interests in developing the zone and to implement the recommendations of the February 2014 "Land Use Plan Amendment: Supplemental Modifications To The September 2013 Master Plan And Development Regulations Periodic Reexamination Report", as adopted by the Planning Board on March 12, 2014. The flexibility that has been incorporated in these ordinance provisions also is expected to encourage the zone's potential for innovative site plan design and the highest quality landscaped open space. Any proposed site plan shall preserve as much of the mature landscape specimens within the zone as possible.

B. Permitted Primary Uses.

- (1) A mixed residential housing development on tracts of land at least twelve (12) acres in size which is planned, approved and constructed as a single entity, which does not exceed a density of six and two-thirds (6.667) dwelling units per gross acre of land or a maximum of eighty (80) units, whichever is less, and which consists of the following:
 - (a) Townhouse dwelling units;
 - (b) Age-targeted attached one-family dwelling units where the master bedroom is located on the first floor of the unit; and

- (c) Affordable one-family apartment or townhouse dwelling units.
- (2) Municipal parks, playgrounds, and public purpose uses, including municipal buildings and/or structures connected with the governmental function or a governmental service.
- (3) Conservation areas, open spaces, and common open spaces, including passive and active recreational facilities.
- (4) Detached one-family dwelling units existing prior to the adoption of this ordinance.

C. Permitted Accessory Uses.

- (1) Common recreational facilities as specifically approved by the Planning Board within the specified open space areas in order to satisfy the needs of the residential population within the development.
- (2) Landscaping features including benches, trellises, and other such features customarily associated with the permitted primary uses, as the case may be.
- (3) Fences and walls in accordance with the design provisions specified in Section 215-24 of this chapter, provided that no fence or wall shall be permitted in the front of an individual unit, building or lot developed with a dwelling unit.
- (4) Patios, balconies and decks.
- (5) Off-street parking and private garages.
- (6) Signs in accordance with Subsection 215-78.1 I. hereinbelow and Article III of this chapter.
- (7) Stormwater facilities.
- (8) Pump stations to serve a mixed residential housing development.

D. Height, Area, Yard and Distance Requirements For Permitted Uses.

- (1) No dwelling unit shall exceed thirty-five feet (35') in height and two and one-half (2½) stories.
- (2) The minimum distances between buildings shall be thirty feet (30'), which shall be measured horizontally in feet from the front, side and rear of each building.
- (3) The minimum distance between a building and an internal street shall be twenty feet (20'), and the minimum distance between a building and a parking area shall be ten feet (10').
- (4) A minimum fifty foot (50') setback from the right-of-way of State Highway Route 31 and from the Pennington Pointe development to the north, a minimum forty foot (40') setback from any other existing street line, and a minimum twenty-five foot (25') setback from any other tract boundary line shall be required for any building or structure, except approved driveways, signs or fencing.
- (5) Within the required tract boundary setback areas referred to above in Subsection 215-78.1 D.(4), a landscape buffer screening shall be required, except within wetland and wetland buffer areas. If the existing vegetation is not sufficient to provide adequate buffering as determined by the Planning Board, the vegetation shall be supplemented with densely planted evergreen trees at least six feet (6') high at time of planting, spaced no more than ten feet (10') apart on-center.
- (6) Fee simple lots encompassing individual dwelling units may be freely disposed and arranged on a tract of land, provided they are super-imposed upon an approved site/subdivision plan for the subject development and meet the following provisions:
 - (a) The boundaries of any fee simple lot shall not infringe upon the required tract boundary setbacks, wetlands, wetlands transition areas, stormwater management basins or other similar common elements or structures (e.g., parking lots, sidewalks, streets, etc.).

- (b) The fee simple lot shall not extend more than fifteen feet (15') from the rear of a dwelling unit and shall not extend more than eight feet (8') from the side of an end dwelling unit except to encompass a driveway for a side entry garage.

E. General Requirements.

- (1) The development shall be connected to approved and functioning public sanitary sewer and water systems.
- (2) No direct vehicular access shall be permitted onto State Highway Route 31.
- (3) At least fifty percent (50%) of the market rate units in a mixed residential housing development shall be age-targeted attached one-family dwelling units.
- (4) Any development shall strive to maintain the existing trees onsite to the greatest extent possible.
- (5) No rear of any dwelling unit shall face West Franklin Avenue; no rear of any dwelling unit shall face Knowles Street unless sufficiently buffered. The existing streetscape along Knowles Street and West Franklin Avenue shall be enhanced with landscaping.
- (6) Any mixed residential housing development shall be conceived, designed, and preliminarily approved as a single entity, whether constructed all at one time or in stages over a period of time as a result of a phasing plan provided at the time of final site plan application and approved by the Planning Board.
- (7) The entirety of a mixed residential housing development shall be planned and developed with a common architectural theme which shall be subject to review and approval by the Planning Board; the architectural theme shall include the appearance of buildings, signing, fencing, lighting, paving, curbing, and landscaping. 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 neighborhood.
- (8) All areas not covered by buildings or structures (e.g., parking lots, parking spaces, driveways, sidewalks, walkways, curbs, etc.) shall be suitably landscaped with grass, shrubs, and trees and shall be maintained in good condition.
- (9) Sidewalks shall be provided along all street frontages, except State Highway Route 31, and elsewhere throughout the development so as to provide connections to other areas in the Borough. Sidewalks only are required on one side of the internal streets within the development.
- (10) A mixed residential housing development shall provide adequate passive and/or active recreational facilities within the specified open spaces in order to satisfy the needs of the anticipated residential population of the development. All recreational facilities shall adhere to the standards set forth in the Barrier Free Subcode of the Uniform Construction Code of the State of New Jersey.

F. Building Requirements.

- (1) No dwelling unit shall contain more than three (3) bedrooms.
- (2) Townhouses shall be at least twenty feet (20') wide but no wider than twenty-six feet (26'), with a maximum of eight (8) units per building. No age-targeted dwelling unit shall exceed thirty-five feet (35') in width, and no more than four (4) units shall be attached in any one (1) building.
- (3) The maximum size of any market rate dwelling unit shall be 2,500 gross square feet, excluding garages, cellars and those basements that are not considered a "story" by definition.
- (4) Strong architectural controls governing the appearance of the dwellings and lots shall be included in any homeowners' association documents and/or lease agreements and shall be subject to review and approval by the Planning Board.

- (5) 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 (1') vertical to eight feet (8') horizontal.
- (6) All building facades shall have vertical and/or horizontal offsets to create visual breaks and articulation along each façade; long, monotonous, uninterrupted walls are not permitted.
- (7) Patios, balconies, first floor decks, and privacy fences may be permitted, subject to the specific approval by the Planning Board of specific standards and designs submitted as part of the site plan application and as included in the Homeowners' Association documents, provided that such decks are located in rear yard areas only. Affordable one-family apartment units may have second floor decks in any yard area, provided the decks are an integral design of the apartment building as approved by the Planning Board at the time of the original site plan application.

G. Low" and "Moderate" Income Housing Requirements.

- (1) For a mixed residential housing development, there shall be a minimum of twenty percent (20%) of the total number of dwelling units set aside as affordable dwelling units subsidized or otherwise made available to "low" and "moderate" income households in accordance with the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH).
- (2) The affordable dwelling units shall be dispersed throughout the development to the greatest extent possible. The appearance and the type of affordable units shall not be distinguishable from that of a market rate unit.
- (3) The affordable dwelling units shall meet the bedroom distribution requirements set forth in N.J.A.C. 5:80-26.3 and shall be constructed and marketed in accordance with COAH's prevailing rules and 5:80-26.1.

H. Off-Street Parking Requirements.

- (1) Each driveway leading to the garage of a residential unit shall be at least eighteen feet (18') in length, measured between the garage door and the curb or between the garage door and a sidewalk, whichever distance is less.
- (2) Dwelling units shall provide parking in accordance with the requirements of the Residential Site Improvement Standards (RSIS).
- (3) In instances where no on-street parking is permitted, designated off-street guest parking spaces shall be provided at a ratio of one-half (1/2) space per market rate residential unit.
- (4) See Section 215-23 of this chapter for additional requirements.

I. Sign Requirements.

All signage shall be in accordance with the requirements specified in Article III, "Sign Regulations", and specifically Section 215-39 of this chapter, except as follows:

- (1) A mixed residential housing development shall be permitted one (1) ground mounted free-standing sign no larger than eight (8) square feet in area identifying the name of the development along each street from which direct access is provided.
- (2) The permitted free-standing signs shall not exceed four feet (4') in height and shall be set back at least five feet (5') from all property and street lines.
- (3) The free-standing signs may be lighted, provided the lighting is exterior to the sign and is located at the top of the sign and focused downward onto the sign."

SECTION 5. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause if this ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 6. This ordinance shall take effect immediately upon final adoption, publication and the filing of said ordinance with the Mercer County Planning Board, all in accordance with the law.

Council Member Lawver made a motion to introduce Ordinance 2014-17, second by Council Member Tucker. Mr. Lawver stated that on page 3, D-4 references a minimum 50 foot set-back from the right of way on State Highway 31 and in particular from Pennington Point Development north, and he is wondering why the 50 foot set-back and similarly the 40 foot set-back from any other existing street. Mr. Lawver asked if the existing houses have a 40 foot set-back already. Mrs. Heinzl stated that she did not know, but the design of the project provides open space as well as a buffer of trees. Mrs. Heinzl stated that the front of the proposed houses will face the road, but the design is to give the development a sense of privacy. Mr. Lawver stated that he is late to the game on this item, but it seems that the houses could be facing Franklin with driveways in the back and that could be appealing. Mr. Lawver stated that his questions relate to why the Borough is being so restrictive when he would think that it would be better to match what is already there rather than require the 40 or 50 foot set-backs. Mrs. Heinzl stated that the developer collaborated on this ordinance and it was decided that this is what would work for both the developer and the Borough. Mrs. Heinzl stated that she has distributed to Council the Land Use Amendment to the Master Plan that was done prior to the drafting of this ordinance and that document gives a good background as to what the overall vision of the site is in terms of the overall vision of the Master Plan. Mr. Marcianti asked if there is a print of what the layout of the development will be. Mrs. Heinzl stated that a representative from American Properties is here tonight.

Mr. Greg Kanter of American Properties came forward. Mr. Kanter stated that the 50 foot set-back along Pennington Pointe is due to the wetlands and it really couldn't be any closer. Mr. Kanter stated that the Board was concerned that the set-back be as far away from Route 31 as possible and that is why there is a 50 foot set-back. Mr. Kanter stated that as for the 40 foot set-back, the Board wanted more buffer along the two other streets. Mr. Kanter stated that the development is designed to be a stand-alone association development and they have tried to address the concerns regarding open space. Mr. Kanter stated that the corner of Knowles and Franklin will provide walkway access through the development and also along Knowles Street. Mr. Griffiths asked if COAH issues have been addressed in this plan. Mr. Kanter stated that twenty percent affordable housing will be provided so of the eighty units, sixteen will be affordable housing. Mr. Kanter stated that the current zone only calls for eight units. Mr. Marcianti asked if affordable units could be dedicated to community volunteers. Mr. Kanter stated that he and Roger Demareski of the Fire Department looked into that and the COAH rules are very specific and unfortunately volunteers would have to apply and meet the requirements just like anyone else. Mr. Lawver asked if the no access from Route 31 was a request by American Properties or by the State. Mr. Kanter stated that was actually in the current zone and the Board wanted to keep that in. Mr. Kanter stated that the grade is very steep, so it probably would not have worked to have access to Route 31. Mr. Kanter stated that they are also trying to keep the traffic away from Route 31. Mr. Lawver asked why the restriction on the width of the townhouses. Mr. Kanter stated that the Borough wanted to keep in-line with the housing in town and most of the housing in town is narrow. Mr. Lawver stated that the ordinance also calls for strong architectural controls governing appearance of dwellings, etc. and is that marketable. Mr. Kanter stated that is more for the initial start-up to provide for good architectural features for a nice development. Mr. Kanter stated that the guidelines are more for the developer and not the association necessarily. Mrs. Heinzl stated that the idea is to avoid the "cookie-cutter approach" and to break it up to make it architecturally pleasing. Mr. Lawver stated that he does not understand what is going on with patios, balconies and first floor decks and also affordable units can have second floor decks. Mr. Kanter stated that the affordable units are stand-alone buildings interspersed throughout the community and each building has four units so they are essentially flats with two units on each floor. Mr. Kanter stated that some of the units that face the street will have a second floor balcony. Mr. Davy asked if there is water and sewer capacity to support this change. Mr. Kanter stated that it seems as though water capacity is good. Mr. Kanter stated that they have spent a lot of time researching the sewer capacity, meeting with John Kantorik of the Stony Brook Sewer Facility and talking with the DEP. Mr. Kanter stated that the Borough's current capacity would provide enough for half of the development and so they would only be allowed to build half. Mr. Kanter stated that there is an approved expansion to increase from 300,000 gallons to 445,000 gallons. Mr. Kanter stated that a new permit has been issued to Stony Brook that requires four limits that the new plant would have to meet. Mr. Kanter stated that these have been concerns for Stony Brook and the basis for the argument over the past several years. Mr. Kanter stated that two of the limits have been removed and according to NJ DEP and Stony Brook the other two limits will be removed under a Statewide regulation early next year. Mr. Kanter stated that as of right now they will build the development in phases and then it seems that there is now a time frame for the expansion of the sewer plant so they will be able to complete the development. Mr. Marcianti asked if American Properties can afford to spread this out over five years. Mr. Kanter stated that if the zoning is approved, it will be an eighteen month to two year process to get final approvals and depending on sales it could spread out to five years. Mr. Marcianti stated that the expansion is at least five years out. Mr. Kanter stated that where there was no time frame for the expansion before, this new permit was a huge hurdle for the plant to overcome and now there is an end in sight. Mr. Griffiths asked if there is an estimate of the total valuation of the project. Mr. Kanter stated that the average cost will be in the low \$400,000 for the 64 marketable units and \$100,000 each for the affordable units for a total of around \$25 to \$35 million. Mr. Bliss stated that this is first reading on the ordinance and it will need to be referred back to the Planning Board to determine consistency with the Master Plan. Upon a roll call vote all members present voted in favor of introduction of Ordinance 2014-17.

Mayor Persichilli read Ordinance 2014-18 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-18**

**AN ORDINANCE FURTHER AMENDING “AN ORDINANCE TO PROVIDE FOR
AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS
AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY
OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2014.”**

WHEREAS, Borough Council seeks to increase the authorized annual salary for the Borough Tax Collector to \$28,256.65; and

WHEREAS, Borough Council also seeks to increase the authorized annual salary for Utility Collector to \$28,256.65;

WHEREAS, Borough Council further intends to provide for a Part-Time Tax Collector, to be paid on an hourly basis at the rate of \$25.00 to & \$75.95 per hour as needed to obtain qualified back up for the Tax Collector;

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

1. Section I.a of Borough of Pennington Ordinance No. 2014-12 (“AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2014,” is hereby amended to provide for the following:

Borough Administrator	\$ 35,000.00
Borough Clerk	\$ 39,329.80
Treasurer	\$ 62,390.67
Tax Collector	\$ [18,268.05] <u>28,256.65</u>
Utility Collector	\$ [18,268.05] <u>28,256.65</u>
Technical Assistant to Construction Technical Assistant Trainee	\$10,986.70 \$18.00/hr
Tax Assessor	\$ 12,000.00
Zoning Officer	\$ 8,120.71
Land Use Admin/Admin Asst.	\$ 47,330.45
Deputy Registrar	\$ 2,045.15
Supt. of Public Works – to July 31, 2014	\$ 55,588.67
Supt. Of Public Works – Effective August 1, 2014	\$ 75,000.00
Supt. of Water Dept.	\$ 23,654.55
Supt. of Sewer Dept.	\$ 23,654.55
Judge of Municipal Court	\$ 11,409.10
Prosecutor	\$ 3,868.19
Court Administrator	\$ 15,945.07
Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,194.85
Plumbing Sub-Code	\$ 37.27 / hour
Fire Sub-Code	\$ 37.83 / hour
Electric Sub-Code	\$ 10,084.56
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 75.95
<u>Part Time Tax Collector</u>	<u>\$ 25.00</u>	<u>\$ 75.95</u>
Police Department:		
Crossing Guards	\$ 15.00	\$ 24.25
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 35.00

2. This ordinance shall take effect upon final adoption and publication according to law, except the salary increases for Tax Collector and Utility Collector shall be retroactive to July 7, 2014.

Council Member Tucker made a motion to introduce Ordinance 2014-18, second by Council Member Lawver with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2014-15 by title.

BOROUGH OF PENNINGTON ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING ORDINANCE 2014-11 ESTABLISHING TWO-HOUR PARKING DURING CERTAIN HOURS ON THE EAST SIDE OF BURD STREET FROM WEST DELAWARE AVENUE TO LANING AVENUE

WHEREAS, the Public Safety Committee recommended to Borough Council that parking be restricted during certain hours on parts of the East Side of Burd Street from West Delaware Avenue to Laning Avenue;

WHEREAS, the proposed parking restriction applies to the east side of Burd Street from 145 feet south of West Delaware Avenue to 370 feet north of Academy Avenue and from Academy Avenue south to Laning Avenue, and would limit parking to two hours from 8:00 a.m. to 6:00 p.m., except Sundays and holidays;

WHEREAS, Ordinance 2014-11 effected these parking restriction but omitted the word “north” from the description of the location of the restrictions on east Burd Street;

WHEREAS, the omitted word “north” is supplied by this ordinance;

WHEREAS, the two-hour restriction amends Chapter 200, Section 200-11.2, of the Code of the Borough of Pennington;

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

1. Chapter 200, Section 200-11.2 of the Code of the Borough of Pennington, is hereby amended to read as follows (with new language underlined and deletions denoted by brackets):

“Sec. 200-11.2. Parking restricted to two hours during certain hours.

No person shall park a vehicle on any of the following streets or parts thereof for longer than two hours, between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays:

Name of Street	Side	Location
Academy Avenue	South	From Burd Street to Crawley Avenue
Burd Street	East	From 145 feet south of West Delaware Avenue to 370 feet <u>north</u> of Academy Avenue and from Academy Avenue south to Laning Avenue
Green Avenue	East	From Delaware Avenue a distance of 100 feet
West Delaware Avenue	North	From 60 feet west of Main Street west a distance of 24 feet, which shall be reserved as parking

for the handicapped, and from 145 feet west of Main Street west a distance of 515 feet”

2. This Ordinance shall take effect upon passage and publication in accordance with law.

Council Member Griffiths made a motion to open the Public Hearing on Ordinance 2014-15, second by Council Member Lawver. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2014-15, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-16 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-16**

AN ORDINANCE FURTHER AMENDING “AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2014.”

WHEREAS, Ordinance 2014-12 amended the Salary Ordinance of the Borough to delete the annual salary rate for Technical Assistant to Construction in the maximum amount of \$10,986.70;

WHEREAS, the deletion was made in anticipation of the resignation of the salaried Technical Assistant to Construction effective May 28, 2014;

WHEREAS, in fact the salaried Technical Assistant has not resigned as expected and will remain in the position indefinitely;

WHEREAS, Borough Council intends to restore authorization for payment of Technical Assistant at the maximum annual salary rate of \$10,986.70;

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

3. Section I.a of Borough of Pennington Ordinance No. 2014-12 (“AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2014,” is hereby amended to provide for the following:

Borough Administrator	\$ 35,000.00
Borough Clerk	\$ 39,329.80
Treasurer	\$ 62,390.67
Tax Collector	\$ 18,268.05
Utility Collector	\$ 18,268.05
Technical Assistant to Construction	\$10,986.70
<u>Technical Assistant Trainee</u>	\$18.00/hr
Tax Assessor	\$ 12,000.00
Zoning Officer	\$ 8,120.71
Land Use Admin/Admin Asst.	\$ 47,330.45
Deputy Registrar	\$ 2,045.15
Supt. of Public Works – to July 31, 2014	\$ 55,588.67
Supt. Of Public Works – Effective August 1, 2014	\$ 75,000.00
Supt. of Water Dept.	\$ 23,654.55
Supt. of Sewer Dept.	\$ 23,654.55
Judge of Municipal Court	\$ 11,409.10
Prosecutor	\$ 3,868.19
Court Administrator	\$ 15,945.07

Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,194.85
Plumbing Sub-Code	\$ 37.27 / hour
Fire Sub-Code	\$ 37.83 / hour
Electric Sub-Code	\$ 10,084.56
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

e. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 75.95
Police Department:		
Crossing Guards	\$ 15.00	\$ 24.25
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 35.00

- This ordinance shall take effect upon final adoption and publication according to law [except the ordinance shall be effective on May 5, 2014 for the hourly rate of pay for the new Technical Assistant to Construction, and on May 28, 2014 for the salary of the present Technical Assistant to Construction].

Council Member Davy made a motion to open the Public Hearing on Ordinance 2014-16, 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 Griffiths with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-16, second by Council Member Griffiths with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Economic Development / Open Space / Library – Mrs. Gnatt reported that Mr. Ogren attended a special council meeting to update Borough Council Members on open space and funding options. Mrs. Gnatt reported that she was unable to attend the Environmental Commission meeting. Mrs. Gnatt stated that the Library is discussing updating their website and how to fund those updates

Parks & Recreation – Mr. Lawver had no report.

Personnel / Public Works – Mr. Davy reported that the Personnel Committee met and reviewed the proposed job description for the position of Public Works Coordinator and that is on the agenda for approval later in the meeting. Mr. Davy stated that subsequent to that will be the appointment of David Stout to the position and that is also on for approval later in the meeting. Mr. Davy stated that there is a vacancy in the Public Works Department. Mr. Davy stated that an employee was let go during his probationary period and the number two candidate from the most recent interview process was contacted and he was still interested in the position. Mr. Davy stated that a resolution is on for later in the meeting to appoint Andrew Potts to the position of Laborer in the Public Works Department.

Mr. Davy stated that the Public Works Committee met and would like to request that Borough Council approve a request to the NJ DOT for an extension of the Upper King George Road Project pending the NJEIT loan request for funding for the water line. Mr. Davy stated that Mercer County will be paving Delaware Avenue on or about August 11th. Mr. Davy stated that we recently received word from FEMA with regard to funding for generators for the Borough Hall and the Public Works Building. Mr. Davy stated that we have received a letter stating that we will be receiving reduced funding and the Public Works Committee is recommending that since the funding will now only cover one generator that it be for the Public Works Facility. Mr. Davy stated that we have also received word that we will not be receiving Discretionary Aid for West Welling, Reading and Lewis Brook.

Mr. Davy asked that Council take action to approve a request for an extension for Upper King George Road. Mayor Persichilli asked for a motion. Mr. Davy stated that the request is that the NJ DOT allow Pennington Borough to delay the Upper King George Road Project for an additional year pending the NJEIT application. Council Member Lawver made a motion, second by Council Member Tucker with all members present voting in favor.

Mr. Bliss stated that given that this was not on the agenda, it should be formalized at the next meeting.

Public Safety / Shade Tree – Mr. Marciante stated that later in the meeting Council will take action to appoint Jeffrey Janoski to the vacancy in the Police Department. Mr. Meytrott stated that Mr. Janoski will start with the Department on August 19th. Mr. Marciante stated that the new police vehicle is ready and will replace a 2006 Ford Crown Victoria. Mr. Marciante stated that repairs on the Crown Victoria were substantial. Mr. Marciante stated that Mercer County has taken over maintenance of the pedestrian crossing lights on Main Street and on Delaware Avenue. Mr. Meytrott stated that the County has been out looking at the lights at the Tollgate School and they are trying to determine why they are not working. Mr. Marciante stated that the Public Safety Committee has asked Mr. Meytrott to write a letter to the County regarding the light at Main and Delaware. Mr. Marciante stated that there is a lot of traffic back up in the morning and evening. Mr. Meytrott stated that he talked to the County Traffic Engineer who stated that he would probably not approve a delay, but he might approve a green arrow for left turns. Mr. Meytrott stated that the lanes cannot be changed because of the right lane turn.

Mr. Marciante stated that he and Mr. Meytrott went out and measured the intersections of Academy and Main and Lanning and Main. Mr. Marciante stated that the Lanning intersection is obstructed by bushes and you cannot see oncoming traffic and that needs to be addressed. Mr. Marciante stated that on Academy, people are parking too close to the corner and it is difficult to see around. Mr. Marciante stated that he would like to ask Mr. Bliss to draft an ordinance to address these issues.

Mr. Marciante stated that a meeting was held with Hopewell Township for coverage if the department is short-handed for various reasons. Mr. Marciante stated that so far discussions are not going well.

Finance – Mr. Griffiths had no report.

Historic Preservation / Board of Health / Senior Advisory Board – Mr. Tucker stated that no meetings were held this summer for Historic Preservation or Board of Health. Mr. Tucker stated that Council Members have a report in their packages from Abigail Mellini.

New Business

**Borough of Pennington
Resolution #2014 – 8.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued in the amount of \$57.12 to Julia Crislip, 104 S. Main Street, Pennington, NJ 08534, for balance of a Planning Board escrow account, Application No. P11-001.

BE IT RESOLVED, that a refund be issued in the amount of \$2,892.88 to Wells Fargo Real Estate Tax Service, LLC, ATTN:Refunds/ Financial Support Unit, 1 Home Campus, MAC X2302-04D, Des Moines, IA 50328-0001, for an overpayment of 2014 3rd quarter taxes in the amount of \$2,892.88 for 21 East Curlis Avenue, Block 801, Lot 16.

BE IT RESOLVED, that a refund be issued in the amount of \$870.50 to Edward Fletcher, 4 West Welling Avenue, Pennington, NJ 08534, for balance of a Planning Board escrow account, Application No. P13-011.

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	S				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-8.1, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 8.2**

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 \$ 2,487,444.45 from the following accounts:

Current	\$ 2,375,324.78
W/S Operating	\$ 83,953.80

Developers' Escrow	\$	5,780.00
General Capital	\$	19,358.10
Water/Sewer Capital	\$	2,699.00
Open Space Trust	\$	308.50
Unemployment Trust Fund	\$	20.27
TOTAL	\$	2,487,444.45

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	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-8.2, second by Council Member Griffiths. Mr. Griffiths asked about repairs that were made to public works vehicles and also about where these vehicles are on the replacement plan. Mr. Smith stated that these vehicles are not in terrible shape. Mr. Griffiths also asked about bills from Coppola and Coppola regarding the Ordinance amendment. Mrs. Sterling stated that American Properties put up escrow for the ordinance amendment. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014-8.3**

**RESOLUTION TO AMEND THE BOROUGH
POLICY AND PROCEDURES MANUAL**

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has directed member municipalities to amend their personnel manuals to incorporate policies recommended by its Personnel Policy Committee based on recognized best practices, changes in applicable laws, and policies recommended by the members of the Fund;

WHEREAS, it is the intent of the Pennington Borough Council to amend its Personnel Policies and Procedures Manual and Employee Handbook to incorporate these changes;

WHEREAS, the Borough of Pennington Personnel Policies and Procedures Manual and Employee Handbook was first effective May 1, 2008 and has since been amended by Borough Council Resolutions 2010-5.16, 2010-7.5, 2010-9.8, 2010-16, 2011-11.9, 2012-5.16, 2013-1.22, 2014-4.12 and 4.13, and 2014-7.12;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough of Pennington Personnel Policies and Procedures Manual and Employee Handbook is amended as follows:

1. Article IV, Section M, concerning Time and Attendance Policies, is amended by the addition of new Subsection 7, entitled Timesheets, which shall read in its entirety as follows:

“Non-exempt employees are required to accurately record their work time on the designated time record, sign it and return it to his/her supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time and holiday time on the designated time record. Non-exempt and exempt employees should turn the time record into his/her supervisor.

The supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative.”

2. The text of Article IV, Section N, as amended by Council Resolution 2012-5.16, and now entitled E-Mail, Voice mail, Computer and Internet Usage Policy, is hereby deleted and replaced with the following new Section N, entitled Communication Media Policy, which shall read in its entirety as follows:

Communication Media Policy:

The Borough’s Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy,

“Communication Media” includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough’s mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough’s local or wide-area networks.”

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough’s Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough’s Communication Media.** By using the Borough equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough’s ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough’s Communication Media for legitimate business purposes. Employees may not use Borough Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data are protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough’s computing environment.

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

The Borough encourages employees to share information with co-workers and with those

outside the Borough for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Borough. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Employees may engage in social media activity during work time through the use of the Borough's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor or Business Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Mayor or Business Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

3. Article IV is amended to add new Section Q, pertaining to Use of Vehicles, which shall read in its entirety as follows:

“Unless an employee receives permission from the Mayor or Borough Administrator, Borough-owned vehicles shall be used only on official business and all passengers must be on Borough business.

Vehicles may be taken home only with the advance approval of the Mayor or Borough Administrator, which may include temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business; any other use is not permitted. At no time shall children be in a Borough vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.”

4. Article V, Section J, concerning Family and Medical Leave Act Policy, is amended as follows:

Family and Medical Leave Act Policy:

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act (“FLA”). In order to be eligible for such leave, employees must have: one (1) year of service with the Municipality; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Municipality reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Borough Clerk.

Commencing July 1 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Borough with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any one of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

5. Article V is amended by the addition of a new Section M, entitled Domestic Violence Leave, which shall read in its entirety as follows:

Domestic Violence Leave:

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act"

provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave can not be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

6. Article V is amended by the addition of a new Section N, entitled Payment for Accumulated Absences, which shall read in its entirety as follows:

"To the extent a Borough ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Borough shall only make such payment if the Borough Administrator or Chief Financial Officer certifies that such amount is due and that proper documentation establishing the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work."

7. Article VII, Section C, Subsection 4.e, concerning Workers Compensation and entitled "What are the Benefits?" is amended by the addition of the following bullet points:

- "All required medical treatment must be performed by a Workers Compensation Physician appointed by the Borough's Workers Compensation insurer and payment for unauthorized medical treatment may not be covered pursuant to the New Jersey Workers Compensation Act.

- Unless directly provided for in a collective bargaining agreement, the Borough will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensatin Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8."

BE IT FURTHER RESOLVED, that these amendments shall be effective immediately.

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	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Davy made a motion to approve Resolution 2014-8.3, second by Council Member Tucker. Mr. Bliss stated that the Mid Jersey Joint Insurance Fund requires the Borough to adopt certain amendments to the Personnel Manual in order to maintain our deductibles. Mr. Griffiths stated that unrelated to this there was a discussion at one point regarding amending the policy with regard to retiree health benefits. Mr. Griffiths asked if the Personnel Committee has met to discuss this yet. Mr. Griffiths stated that the Borough recently had a retired employee who got married and his spouse has now been added at the Borough's expense. Mr. Griffiths stated that several months ago, a discussion took place with regard to closing that loophole in the Personnel Manual. Mr. Davy stated that the Personnel Committee will look into it. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-8.4**

RESOLUTION AUTHORIZING THE HIRING OF JEFFREY JOSEPH JANOSKI AS PROBATIONARY POLICE OFFICER IN THE PENNINGTON POLICE DEPARTMENT

WHEREAS, the Borough of Pennington has a need for a qualified person to fill the position of Police Officer in the Pennington Police Department ; and

WHEREAS, the Public Safety Director has reviewed 9 applications for the position and the Oral Interview Board established by the Public Safety Director interviewed 3 of these applicants, and on this basis recommended the hiring of Jeffrey Joseph Janoski for this position;

WHEREAS, the recommended hiring of Jeffrey Joseph Janoski is contingent on successfully passing both a medical and psychological exam;

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

1. the hiring of Jeffrey Joseph Janoski as Probationary Police Officer in the Pennington Police Department is hereby approved;
2. Mr. Janoski's salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Janoski's start date shall be determined by the Public Safety Director.

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 2014-8.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014- 8.5**

**RESOLUTION AUTHORIZING CHANGE ORDER
NO. 3 (FINAL) TO ADJUST CONTRACT QUANTITIES TO AS-BUILT QUANTITIES AND ADD SUPPLEMENTAL WORK**

WHEREAS, Van Cleef Engineering Associates has recommended a certain Change Order No. 3 with regard to the Contract between the Borough of Pennington and DeSantis Construction for the project known as Pennington Connection to Lawrence-Hopewell Trail (Federal Project No. TCP-099NJ(004)CON, NJDOT Job No. 6508301, VCEA File No. 7071);

WHEREAS, Change Order No. 3 would adjust contract quantities to as-built quantities and add supplemental work required by the Mercer Count Soil Conservation District and Additional Rate for Police Traffic Directors as explained in the attached documentation from Herbert J. Seeburger, Jr., PE, CME for the firm, dated July 16, 2014;

WHEREAS, the proposed adjustment would decrease the Contract by \$52,952.26; and

WHEREAS, the proposed Change Order No. 3 does not require the expenditure of additional funds for the project;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 3 adjusting contract quantities and adding supplemental work as per the contract with DeSantis Construction as set forth above, is 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	M			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2014-8.5, second by Council Member Tucker. Mr. Marciante asked who will be responsible for maintenance of the extension. Mr. Bliss stated that the next resolution authorizes final payment request No. 6. Mr. Bliss stated that payment No. 6 is the final payment on the project and the contractor will need to provide a maintenance bond to the Borough as owner and its successor. Mr. Bliss stated that the contemplation is that there will be a successor but that needs to be addressed. Mr. Bliss stated that the Borough is the owner under the grant. Mr. Bliss stated that this is a County Road and he would assume that the County would take responsibility for maintenance. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 8.6**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 6 (FINAL) TO
DESANTIS CONSTRUCTION FOR WORK COMPLETED ON THE PENNINGTON
CONNECTION TO LAWRENCE-HOPEWELL TRAIL PROJECT**

WHEREAS, DeSantis Construction has completed work pursuant to the contract for the Pennington Connection to Lawrence-Hopewell Trail Project (Federal Project No. TCP-09NJ(004)CON, NJDOT Job No. 6508301 and Van Cleef Engineering Associates File #7071); and

WHEREAS, Van Cleef Engineering Associates has reviewed DeSantis Constructions’ application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.6 in the amount of \$28,304.47 including all retainage; and

WHEREAS, this is the final payment under the contract; and

WHEREAS, funds are available in Account #: T-03-00-850-850-256; and

WHEREAS, final payment is subject to approval of the Maintenance Bond and documentation submitted by DeSantis Construction by the Borough Attorney;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to DeSantis Construction in the amount of \$28,304.47 pursuant to payment request No.6 (final) is hereby authorized, provided, however, that no such payment shall be made until the aforesaid maintenance bond has been reviewed 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	X				Marciante	M			
Griffiths	X				Tucker	S			

Council Member Marciante made a motion to approve Resolution 2014-8.6, second by Council Member Tucker. Mr. Bliss stated that this resolution is subject to receipt of the Maintenance Bond which gives the Borough a little breathing space to try to address the issue of maintenance. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2014 – 8.7**

RESOLUTION AUTHORIZING SUBMISSION OF A REQUEST TO THE GREEN ACRES PROGRAM, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A GRANT TO FUND OPEN SPACE ACQUISITION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Pennington received approval from the Green Acres Program in 2002 to request Planning Incentive Grants for open space acquisitions; and

WHEREAS, the Borough of Pennington desires to acquire additional open space and seeks a Green Acres grant of \$400,000.00 for this acquisition;

WHEREAS, at a special meeting of Borough Council on July 14, 2014, by voice vote, Council authorized the submission of Supplemental Funding Request under the Green Acres Program for acquisition of Equus Capital Partners’ property on Carter Road in Hopewell Township, known as Block 39, Lots 12, 14.02, 14.03 and 15, and Block 40, Lot 14, in Hopewell Township; and

WHEREAS, on July 29, 2014, before the deadline of July 31, 2014, the Borough Administrator sent a letter to the Green Acres Program submitting the Borough’s application, signed by the Mayor, for supplemental funding for this acquisition;

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid action of Borough Council on July 14, 2014 is hereby formally ratified and it is hereby confirmed that Mayor Anthony J. Persichilli is authorized to:

- (a) Submit a funding request to the Green Acres Program; and
- (b) Provide additional information and furnish such documents as may be required.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-8.7, second by Council Member Gnatt. Mr. Griffiths asked if there is a specified amount or limitation on Open Space Funds. Mrs. Heinzl stated that this resolution ratifies the decision that was made at the Special Meeting. Mrs. Heinzl stated that this resolution is for acquisition of the Carter Road property. Council agreed that the whereas clause that refers to Open Space Funds should be deleted. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014 – 8.8**

RESOLUTION AUTHORIZING JOB DESCRIPTION FOR PUBLIC WORKS OPERATION COORDINATOR IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Borough of Pennington, in consultation with the Superintendent of Public Works and the Personnel Committee seeks to authorize the attached job description for Public Works Operation Coordinator in the Public Works Department;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the attached job description for Public Works Operation Coordinator in the Public Works Department 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	M			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Lawver made a motion to approve Resolution 2014-8.8, second by Council Member Tucker. Mayor Persichilli thanked everyone involved with putting this job description together. Mayor Persichilli stated that we have been working very hard at getting job descriptions together for all positions. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2014-8.9**

APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, Chapter 39, Article VIII of the Code of the Borough of Pennington, entitled "Officers and Employees", provides for the appointment of a "Municipal Housing Liaison" to administer the Borough of Pennington's affordable housing program pursuant to Chapter 58 of the Borough Code, entitled "Affordable Housing Ordinance Provisions; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Pennington, in the County of Mercer and the State of New Jersey, that Eileen Heinzl, Borough Administrator, is hereby appointed the "Municipal Housing Liaison" for the administration of the Borough's affordable housing program, pursuant to and in accordance with the Borough Code.

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	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-8.9, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014 – 8.10**

**RESOLUTION AUTHORIZING ACQUISITION
 OF POLICE VEHICLE**

WHEREAS, there is a need for a new vehicle for the Police Department; and

WHEREAS, there is a vehicle available under New Jersey State Contract No. 82925 from Cherry Hill Winner Ford for a total price of \$32,011.08 as set forth in the attached quotation;

WHEREAS, the vehicle sought to be purchased is a 2015 Ford Interceptor, V-6, with all-wheel drive, appropriately equipped for the intended police purposes;

WHEREAS, this vehicle is available under New Jersey State Contract No. 82925 from Cherry Hill Winner Ford for a total price of \$32,011.08 as set forth in the attached quotation;

WHEREAS, acquisition of the vehicle can be financed through Ford Credit for payments of \$11,499.60 per year over three years, payable annually in advance, as further set forth in the attached quotation by Ford Credit;

WHEREAS, this purchase under State Contract does not require advertising for public bids;

WHEREAS, the funds needed to pay for the vehicle are available in Account No. 4-01-25-240-000-277;

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

1. Acquisition of the described police vehicle pursuant to the attached quotations, including expenditures of up to \$32,011.08 for the acquisition, with financing, 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	X				Marciante	M			
Griffiths	X				Tucker	S			

Council Member Marciante made a motion to approve Resolution 2014-8.10, second by Council Member Tucker. Mr. Lawver stated that six and a half percent seems high and asked why the vehicle is being financed this way. Mr. Meytrott stated that this is the Ford Motor Municipal Lease rate and the vehicle will be purchased for \$1.00 at the end of the lease. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014 – 8.11**

**RESOLUTION AUTHORIZING ACQUISITION
 OF PUBLIC WORKS VEHICLE**

WHEREAS, there is a need for a dump truck for the Public Works Department ; and

WHEREAS, the vehicle sought to be purchased is a 2015 Ford F450 Cab & Chassis appropriately equipped for the intended public works purposes;

WHEREAS, this vehicle is available under New Jersey Sate Contract No. A83559 from Cherry Hill Winner Ford for a total price of \$62,578.00 as set forth in the attached quotation;

WHEREAS, this purchase under State Contract does not require advertising for public bids;

WHEREAS, the funds needed to pay for the vehicle are available in Account No. C-04-14-013-000-252;

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

1. Acquisition of the described public works vehicle pursuant to the attached quotations, including expenditures of up to \$62,578.00 for the acquisition, 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	X				Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-11, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014 – 8.12**

**RESOLUTION AUTHORIZING ACQUISITION
 OF PUBLIC WORKS VEHICLE**

WHEREAS, there is a need for a pick-up truck with a utility body for the Public Works Department; and

WHEREAS, the vehicle sought to be purchased is a 2015 Ford F250 4-Wheel Drive with Utility Body appropriately equipped for the intended public works purposes;

WHEREAS, this vehicle is available under New Jersey Sate Contract No. A83576 T2100 from Cherry Hill Winner Ford for a total price of \$32,986.00 as set forth in the attached quotation;

WHEREAS, this purchase under State Contract does not require advertising for public bids;

WHEREAS, the funds needed to pay for the vehicle are available in Account No. C-04-14-013-000-252;

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

1. Acquisition of the described public works vehicle pursuant to the attached quotations, including expenditures of up to \$32,986.00 for the acquisition, is hereby authorized.

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	S				Marciante	X			
Griffiths	X				Tucker	X			

Council Member Davy made a motion to approve Resolution 2014-8.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014-8.13**

**RESOLUTION AUTHORIZING THE HIRING OF ANDREW J. POTTS AS LABORER IN THE
 DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough of Pennington has need for a qualified person to fill the position of

Laborer in the Department of Public Works;

WHEREAS, interviews were conducted on February 2014 to fill a vacancy in the Public Works Department; and

WHEREAS, the Superintendent of Public Works and the Assistant Superintendent of Public works reviewed 28 applications for the position and interviewed 9 of these applicants; and

WHEREAS, there were two strong candidates for the position and the second candidate was contacted by the Assistant Superintendent of Public Works to fill the current vacancy and he is still available and interested in the position; and

WHEREAS, the Assistant Superintendent has recommended hiring Andrew J. Potts and this recommendation has been reviewed and approved by the Personnel Committee;

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

1. the hiring of Andrew J. Potts as Laborer in the Department of Public Works is hereby approved;
2. Mr. Pott’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and Teamsters Local 35;
3. Mr. Pott’s start date shall be determined by the Superintendent of Public Works.

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	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Davy made a motion to approve Resolution 2014-8.13, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2014-8.14**

**RESOLUTION AUTHORIZING THE PROMOTION OF DAVID STOUT TO THE POSITION OF
 PUBLIC WORKS OPERATIONS COORDINATOR EFFECTIVE JULY 5, 2014**

WHEREAS, the Borough of Pennington had a need to create and fill the position of Public Works Operations Coordinator following the retirement of W. Jeffrey Wittkop; and

WHEREAS, the position was created and approved under Ordinance 2014-14, establishing as a rate of pay \$25.57 per hour effective upon commencement of duties on July 5, 2014, to be raised to \$28.02 per hour upon completion of a six-month probationary period and the recommendation of the Superintendent of Public Works; and

WHEREAS, Mr. David Stout has been performing the duties of Public Works Operations Coordinator since July 5, 2014;

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

1. The appointment of David Stout is hereby appointed to the position of Public Works Operations Coordinator is hereby approved and ratified effective July 5, 2014.
2. Mr. Stout’s salary for this position will be \$25.57 per hour effective July 5, 2014 and will be raised to \$28.02 per hour upon completion of a six-month probationary period and recommendation of the Superintendent of Public Works as set forth in Ordinance 2014-14.
3. Mr. Stout’s salary will be retroactive to July 5, 2014.

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	X				Marciante	X			
Griffiths	X				Tucker	S			

Council Member Davy made a motion to approve Resolution 2014-8.14, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 - 8.16**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND
GUY AND EILEEN CASTRANOVA PERMITTING CONSTRUCTION OF FENCE OVER
DRAINAGE EASEMENT AT 11 CHADWELL COURT**

WHEREAS, Guy J. Castranova and Eileen A. Castranova (“the Castranovas”) are the owners of real property known as 11 Chadwell Court in the Borough of Pennington, also known as Block 403, Lot 30 on the Borough Tax Map (“Property”);

WHEREAS, a 20-foot wide drainage easement owned by the Borough of Pennington (“Borough Drainage Easement”) runs along the southerly rear boundary of the Property as shown on the attached plan of survey;

WHEREAS, the Castranovas wish to construct a fence which crosses the Borough Drainage Easement in two locations, as further shown on the attached plan of survey, in order to enclose the yard for their two dogs;

WHEREAS, that portion of the fence which the Castranovas intend to build across the westerly end of the Drainage Easement would be 48 inches high and contain a gate 60 inches wide for access by small vehicles; and that part of the fence crossing the Easement on the easterly end would also be 48 inches high but would include a gate 72 inches wide, and the two gates would be made of white wood picket fence or ornamental aluminum;

WHEREAS, that part of the fence intended to run along the southerly edge of the Drainage Easement, which is also the rear property line, would be a wooden 3-rail split-rail fence with green wire to contain the dogs;

WHEREAS, the Castranovas therefore seek to enter into an agreement with the Borough permitting the fence to cross the Drainage Easement as proposed, subject to conditions;

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

1. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into an agreement on behalf of the Borough of Pennington granting permission to the Castranovas to install and maintain the proposed fence across the Borough Drainage Easement as substantially described in the annexed plan, subject to the following conditions:

- (a) The proposed fence shall not obstruct the Borough Drainage Easement.
- (b) If for any reason in its sole judgment the Borough must remove the fence to address any obstruction or otherwise gain access to the Drainage Easement, or the Borough otherwise damages the fence, the Borough shall not be responsible for replacing, repairing or rebuilding the fence. Any such removal of the fence by the Borough shall not require prior approval by the Castranovas.
- (c) The Borough shall be held harmless by the Castranovas from all costs and other liabilities (including reasonable attorneys’ fees) arising from the presence of the fence in the Drainage Easement;
- (d) This agreement permitting the fence in the Borough Drainage Easement shall be personal to the Castranovas, shall not be transferable by them, shall be revocable at will by the Borough, shall not run with the land and shall not be recorded.

2. Notwithstanding authorization of the aforesaid agreement by Borough Council, construction of the fence shall be subject to applicable zoning and related approvals.

Mr. Bliss asked if the Castranova’s were present. Mr. Castranova was in the audience. Mr. Bliss stated that his understanding is that this drainage easement may not be owned by the Borough and rather the Rockwell Green Homeowners Association. Mr. Bliss stated that he spoke with Murray Peyton and he is on the committee that approves requests like this one for the Association. Mr. Bliss stated that he has not heard back from Mr. Peyton, however in speaking with him Mr. Bliss stated that Mr. Peyton’s position was that this should come before the Association first. After a brief discussion as to ownership of the easement, Council took no action on the resolution.

Council Discussion

Proposed Bus Stop on Broemel Place – Mr. Meytrott stated that several years ago there was a request for a

bus stop on Broemel Place and the Council at the time decided that at that Broemel Place was not a good place to have a bus stop. Mr. Meytrott stated that at that time, it was suggested to NJ Transit that Green Street closer to Delaware Avenue would be a better location. Mr. Meytrott stated that his understanding is that NJ Transit approached the Pennington School because they wanted to erect an open air bus stops and they were unable to obtain an agreement with the school to erect the structure. Mr. Meytrott stated that the problem with Broemel is the traffic due to the Fire Department, the Post Office and The Shoppes of Pennington and where they want to put the bus stop is right in that area. Mr. Lawver stated that it might be unacceptable to put a bus stop on Broemel, but it is no different than the bus that stops there every day on a "scheduled driver's rest stop". Mr. Meytrott stated that there is really no good location on Broemel. Mr. Davy asked for Mr. Meytrott's opinion on this request. Mr. Meytrott stated that he would leave it alone and not approve the request. Mr. Meytrott stated that if a bus stop is established on Broemel Place, the people who complained the last time about increased traffic would have a very good point. Mr. Meytrott stated that buses are very large vehicles and it is difficult to see coming out of Broemel. Mr. Gnatt stated that there is a defacto spot there now. Mr. Lawver stated that by not permitting a bus stop there, we are not really changing anything, so why don't we find the best spot for a stop and make it as safe as possible and give the people that ride the bus the convenience of having a shelter. Mr. Meytrott agreed and stated that is why when this was previously considered the Borough looked at Green Street as an option. After a brief discussion as to location, Mr. Marciante suggested that he and Mr. Meytrott go out and look to see if there is a good location.

Mr. Davy stated that the next two discussion items were already addressed under the Public Works Report.

Discretionary Aid – Emergency Road Repair

FEMA – Generator Grant -

Professional Reports

Mrs. Heinzl stated that she would like to schedule the first quarterly planning workshop for some time in September, more information will follow.

Public Comment

There were no comments from the public.

At 8:17 PM, Council Member Tucker made a motion to adjourn the meeting, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk