

**Pennington Borough Council
Regular Meeting – September 8, 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, Griffiths, Lawver, Marciante and Tucker in attendance. Mrs. Gnatt arrived after the roll call.

Also present were Borough Administrator Eileen Heinzl, Superintendent of Public Works Rick Smith, Public Safety Director Bill Meytrott, Borough Attorney, Walter Bliss, Chief Financial Officer Sandy Webb and Borough Auditor, Bob Morrison.

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.**

Mr. Dan Pace of 9 Railroad Place stated that his comments do not pertain to items on the agenda. Mr. Pace stated that he recently read in the minutes on line that a resident had complained about overgrowth on the sidewalks. Mr. Pace stated that he walks around Pennington a lot and the bushes don't bother him so much, but low hanging branches on trees are a problem. Mr. Pace stated that he sent an e-mail to Mrs. Heinzl identifying some places where low hanging branches are a problem. Mr. Pace stated that he would like to thank the Police Department and the Public Works Department for addressing his concerns so quickly.

Introduction of New Police Officer

Mayor Persichilli introduced Mr. Jeffrey Janoski who was recently hired as a Police Officer. Mr. Bliss administered the Oath of Office to Mr. Janoski.

Mayor's Business

Pennington School Update – Mayor Persichilli stated that several months ago he told Borough Council that he has been talking to the Pennington School regarding the possibility of a Payment in Lieu of Taxes (PILOT). Mayor Persichilli stated that this endeavor actually started several years ago. Mayor Persichilli stated that two years ago he began discussions with the Head Master who has recently left the school and the Chief Financial Officer. Mayor Persichilli stated that he explained that the Borough is interested in receiving a PILOT to offset some of the services that are provided to the Pennington School. Mayor Persichilli stated that he along with Mr. Davy and Mrs. Heinzl met with the school, had a very lengthy discussion regarding Council's concerns and they agreed to present the request to the Board. Mayor Persichilli stated that he received an e-mail from the school indicating that the Board met and they are not inclined to change their position on additional payments to the Borough. Mayor Persichilli stated that the letter indicates that they would be willing to meet again to discuss this further. Mayor Persichilli stated that he has called to try to set up a meeting and he hasn't heard back from them yet. Mayor Persichilli stated that presently the school gives \$2,000 to the Police Department and \$2,000 to the Fire Department. Mayor Persichilli stated that he plans to meet with the school again to express his disappointment about their decision. Mayor Persichilli stated that along with the school property, they also have purchased several properties that have been purchased for faculty thereby removing that property from the tax rolls. Mayor Persichilli stated that he tried to explain that for every property that comes off the tax rolls it's a loss in revenue for the Borough. Mayor Persichilli stated that he showed the school a list of properties and how much tax revenue that each property generated and asked for a reasonable amount based on the information provided. Mr. Lawver stated that a few years ago he did a quick survey to find out how much other private schools pay to the municipalities and though he doesn't remember the numbers, they were more than \$2,000. Mr. Lawver asked if that list had been updated as that might be helpful when meeting with the school. Mr. Marciante stated that as of today there are nine children attending Hopewell Valley Schools at a cost per student of over \$20,000. Mr. Tucker stated that he does not have an issue with asking the school for a PILOT, but the facts need to be accurate and put into perspective. Mr. Tucker stated that yes there are children that attend the public school, but there are children in the area that attend the Pennington School. Mr. Marciante stated that has nothing to do with this discussion. Mr. Marciante stated that if someone is privileged enough to send their child to private school, that's a choice. Mr. Marciante stated that residents are footing the bill for nine children that are not paying taxes. Mr. Griffiths asked if the Borough is actively invoicing residences owned by the Pennington School for garbage services. Some discussion took place with regard to whether bills are going out. Mr. Griffiths asked Mrs. Heinzl to look into this and if it hasn't been done invoice retroactively to when each property came off the tax rolls. Mr.

Griffiths stated that Borough Council needs to make it clear to the Pennington School that the Borough is not in the business of providing free services to non-profit organizations. Mr. Griffiths stated that he does not think the Borough is under any obligation to provide services such as chipping, brush pickup, trash pickup etc. Mr. Marciante stated that the problem with doing that is that there are a lot of non-profits in town and do we do the same for all of them? Mr. Griffiths stated that we should and he would recommend a consistent policy for all non-profits. Mayor Persichilli stated that he will continue to try and set up a meeting with the school and he would like Mrs. Heinzl to be involved. Mr. Davy volunteered to attend the meeting along with the Mayor and Mrs. Heinzl. Mr. Marciante asked Mr. Bliss why properties that are used for faculty housing only are taken off the tax rolls. Mr. Bliss stated that falls under the Pingry Schools Case.

Mr. John Tredrea asked how many homes in Pennington are owned by the Pennington School. Mrs. Heinzl stated that there are fifteen residential properties, three of them are not on the actual school campus. Some discussion took place regarding properties owned by the school. Mrs. Heinzl stated that she would verify the numbers with the Tax Collector. Mr. Tredrea asked how long the Pennington School has been giving the \$2,000 donation to the Police Department. Mr. Meytrott stated about four or five years.

Presentation of Borough Audit

Mayor Persichilli introduced Mr. Bob Morrison of Hodulik and Morrison. Mr. Morrison stated that since there a couple of new Council Members he would like to take a minute to briefly review the audit process. Mr. Morrison stated that New Jersey requires every municipality to have an annual audit to determine that the Borough Financial Statements are fairly presented, that the Borough followed applicable rules and regulations set by the Division of Local Government Services and that those standards were followed consistently from the prior year to the current year. Mr. Morrison stated that New Jersey does not follow the National Accounting Standards for Government's which are set by the Government Accounting Standards Board which is headquartered in Connecticut. Mr. Morrison stated that New Jersey's accounting standards are set by the State Legislature and are codified in the various sections of the State Statutes. Mr. Morrison stated that means the Borough is a statutory basis of accounting rather than the national standard. Mr. Morrison stated that the audit process requires that they come in and evaluate where they think there might be risks that the financial statements could be misstated, meaning that a mistake was made whether intentional or unintentional and that mistake was not caught and corrected in the normal course of operations. Mr. Morrison stated that they perform tests of internal controls to make sure that checks and balances that are in place are working and they also perform tests of compliance with the various laws and regulations. Mr. Morrison stated that New Jersey has procurement laws under the Local Public Contracts Statute which requires bidding once a certain threshold has been reached, unless an exception to the law is available such as use of a State Contract or a professional services contract. Mr. Morrison stated that they come in and perform these tests and when all is said and done they evaluate the results of the audit and determine whether or not the financial statements are fair, check to see if there is anything that they found to be a mistake and if so review those matters with the CFO and Administrator, come to an agreement on items and then the report is issued. Mr. Morrison stated that Council Members have a copy of the report and it is a lengthy volume.

Mr. Morrison stated that essentially three reports were issued on top of the Financial Statements. Mr. Morrison stated that they issue an opinion on the Financial Statements (pages 2-4), a report on internal control and compliance, pursuant to Government Auditing Standards and then a report on Length of Service Annuity Plan for volunteers. Mr. Morrison stated that they also prepare a set of Comments and Recommendations which appear in the back of the document. Mr. Morrison stated that one thing changed this year from prior years. Mr. Morrison stated that in the past, the State of New Jersey was not concerned with whether or not a municipality was maintaining a record of fixed assets. Mr. Morrison stated that under the National Standard, fixed assets get booked on the general balance sheet and depreciation is taken as an item of expense, in New Jersey that does not happen, there is just a separate statement and some disclosures in the notes. Mr. Morrison stated that when the mandate for fixed asset accounting first came down there was push back from a lot of the municipalities because of the costs associated. Mr. Morrison stated that it would require taking an inventory, tagging each item, obtaining software to maintain the records and the State did not push it. Mr. Morrison stated that when Pay-to-Play came around, the State forgot about it, because the minute that they tried to get a company to handle fixed assets, there would be Pay-to-Play files claimed. Mr. Morrison stated that is now many years behind us and as of last year the Auditor community began getting notifications from the State indicating that for the 2013 Audit cycle, if a town was not compliant with the regulations regarding fixed assets, they wanted the Opinion qualified and they wanted the Letter on Internal Control and Compliance to site a non-compliance and they wanted a Recommendation in the Comments and Recommendations section of the report. Mr. Morrison stated that what this means for Pennington Borough is that the Borough has all of these things in the audit because the Borough does not maintain a record of fixed assets as required by the State of New Jersey. Mr. Morrison stated that this does not mean that fixed assets are not tracked; they are kept on lists for insurance purposes. Mr. Morrison stated that lists of things that are not required to be maintained under the fixed asset standard because of low value are kept. Mr. Morrison stated the Borough knows what is owned and there are periodic checks to make sure that things have not gotten lost. Mr. Morrison stated that the lists that are kept are an effective control over movable fixed assets than conformance with the regulation would give, but the State is not satisfied with that. Mr. Morrison stated that going forward, the Borough is faced with a choice to either spend money to comply or to not comply and have a recommendation in the audit. Mr. Morrison stated that is the only recommendation in the audit report and anyone who reads the

report for instance a Bond Rating Agency, would understand that not having fixed assets in light of everything that is being done right is not a big deal. Mr. Morrison stated that the question is what to do from the State's perspective. Mr. Morrison stated that if the Borough does not do a fixed asset inventory we will have to answer no to one of the questions on the Best Practices Survey. Mr. Morrison stated that one no answer does not have an effect on State Aid. Mr. Morrison stated that is the only downside to not complying with the State requirements for fixed assets. Mr. Morrison stated that because the Borough does not receive a large amount of State Aid, a Federal Single Audit is not needed. Mr. Morrison stated that if the time ever comes where the Borough is required to do a Federal Single Audit, having a qualified opinion in the audit would double the work that they have to do and they would encourage from a cost benefit perspective to seriously consider implementing Fixed Asset Accounting.

Mr. Morrison stated that he had a brief conversation with Sandy Webb, Chief Financial Officer and he suggested that the Borough make some inquiries as to how much it would cost to have the inventory, tagging and electronic file done by an outside vendor. Mr. Morrison stated that if it is an inexpensive proposition than compliance is always better than non-compliance.

Mr. Griffiths stated that this item comes up every year and Mr. Morrison has always maintained that it would not be cost effective to comply. Mr. Griffiths thanked Mr. Morrison and stated that each year Mr. Morrison brings this issue of fixed assets to Council's attention stating that it would not be cost effective to perform a fixed assets inventory. Mr. Griffiths stated that coincidentally the finance committee recently discussed beginning the process of compiling and inventory of equipment in the public works department for purposes of planning for replacement. Mr. Griffiths asked if there is any guidance as to what is required such as tagging each piece of equipment. Mr. Morrison stated that it does not have to be that sophisticated, it could be as simple as permanent marker, so long as each piece of equipment can be identified and the records should show serial numbers.

Mr. Morrison stated that a couple of the Joint Insurance Funds did procurement of this service for their members. Mr. Morrison stated that might be something to look into since multiple participants usually results in a better price. Mr. Griffiths asked Sandy Webb how this will affect the Borough with regard to the Best Practices Survey. Mrs. Webb stated that we should be ok as we don't have many negative responses. Mr. Davy stated that our response to the recommendation in the audit should be worded in such a way so that we don't raise any flags with the State. Mr. Morrison stated that the Chief Financial Officer will address the recommendation in the Corrective Action Plan that will come before Council at the next meeting.

Mr. Morrison stated that the Opinion on the Financial Statements states that, except for the Fixed Asset issue, the Borough followed the standards set by the State of New Jersey, the numbers that were presented for audit were found to be accurate and that the standards are being used consistently from year to year. Mr. Morrison stated that they are very happy with the statements that were audited. Mr. Morrison stated that as far as compliance goes, all of the testing that was done which includes IRS Regulations as well as fifteen or more compliance standards that the State of New Jersey requires and the generally accepted auditing principles showed no material weaknesses in internal control and no reportable non-compliance issues other than the fixed assets. Mr. Morrison stated that for an organization the size of Pennington, the internal controls are as good as they can be. Mr. Morrison stated that as far as the Financial Statements, in the current fund the Borough started off the year with a fund balance of \$809,000 of which \$455,000 was used to balance the 2013 budget, \$522,000 was regenerated resulting in a fund balance of \$876,000 at year end. Mr. Morrison stated that it has been the practice of the Borough to use a good chunk of that to balance the budget, so \$506,000 was used in 2014. Mr. Morrison stated that means that the Borough is using roughly fifty-six percent of available fund balance and that is a number the bond rating agencies would be happy with, given that the Borough is regenerating fund balance each year. Mr. Morrison stated that there are several things that are contributing to the regenerating of fund balance; there was a favorable budget variance in budgeted revenues of \$34,000, most of which came from the construction code fees. Mr. Morrison stated that is encouraging because hopefully it will result in some growth in the ratable base and some added taxes down the road. Mr. Morrison stated that current tax collections were \$59,000 to the good and delinquent taxes came in spot on. Mr. Morrison stated that the tax collection rate increased and that resulted in the \$59,000 increase. Mr. Morrison stated that the Borough had a tough decision to make in 2013 and also in 2014 as to what tax collection rate to use because of the up-tick the Borough legally could have anticipated up to that percentage. Mr. Morrison stated that in 2012 the Borough could have budgeted up to 98.6% and but only budgeted 98.07% . Mr. Morrison stated that collections came in at 98.3% so had the Borough anticipated the entire 98.6% there would have been a deficit in current tax collections. Mr. Morrison stated that this conservative approach to the budget has been beneficial to the Borough in the past few years. Mr. Morrison stated that in 2013 we have seen across the State a general up-tick in collections and if the trend continues there is the potential to be more aggressive with the budget in 2015. Mr. Morrison stated that being conservative is good and to be conservative you have to have a decent fund balance.

Mr. Morrison stated that as far as the Water/Sewer Utility goes, that is more problematic. Mr. Morrison stated that the Borough is operating on a thin margin when it comes to the operations of the Utility. Mr. Morrison stated that to balance the budget over the past two years, the surplus used has been 98 and 98.5%. Mr. Morrison stated that does not leave a lot of room. Mr. Morrison stated that there have been shortfalls in the water/sewer fee revenues for the last couple years and as a result in 2014, the rates were raised and the way that the ordinance is structured it should regenerate the revenue that was lost and it should discourage use of water during peak hours. Mr. Morrison stated that the hope is to see more revenue, but also to see lower water bills. Mr. Davy stated that in the audit it looks like there was an

increase in water/sewer revenues. Mr. Morrison stated that the Borough anticipated more than what was collected the year before so the revenues were \$20,000 short of what was budgeted, even though it was slightly higher than collections the year before. Mr. Morrison stated that even so, revenues did not make up for the additional \$30,000 that was budgeted. Mr. Griffiths stated that the assumption was that the rate increase that year would produce the revenue and it did not. Mr. Morrison stated that calculations were put together and submitted to the State for the last couple of years indicating the rate structure, the billings and the projections for the year. Mr. Morrison stated that has resulted in the State allowing the Borough to anticipate revenue beyond the actual amounts collected in the prior year. Mr. Morrison stated that after two years of not reaching that number in 2014 the State rejected the special item of revenue and we had to do an amendment to increase the amount of fund balance that was used. Mr. Morrison stated that when you are using 50-60% of fund balance in the current fund, but 98% in the utility, that is an indication of where the fiscal stress is. Mr. Morrison stated that to some extent, the outcome of the water/sewer utility cannot be as cleanly and neatly projected as the current fund. Mr. Morrison stated that the weather can have a big influence on the amount of water used and also infiltration which affects sewer fees.

Mr. Morrison stated that as far as debt goes, the Borough's debt has been declining over the last 10 years. Mr. Morrison stated that since 2007, the Borough's overall debt, which includes both general and utility is down 27% which is about \$2.2 million. Mr. Morrison stated that the Borough's statutory debt position is less than 1/2 of 1%. Mr. Morrison stated that the State has a cap of 3% on how much debt you are allowed to have. Mr. Morrison stated that not that he would encourage it, but the Borough could legally issue roughly \$15 million in debt tomorrow and the State could not stop us. Mr. Morrison stated that the limit has been declining because the ratable's have been dropping.

Mr. Morrison stated that the Borough is in good shape debt service wise and there are infrastructure issues that the Borough is well aware of. Mr. Morrison stated that the issue that the Borough will have is that the next big drop in the payment schedule for bonded debt is not until 2020. Mr. Morrison suggested looking into pay as we go or notes with minimum payments or a trip to the Local Finance Board asking for a special maturity schedule. Mr. Morrison stated that deferred infrastructure is never a good idea. Mr. Morrison stated that considerations should be need based and let the financing follow. Mr. Davy asked if the debt service drop off was mostly in the water/sewer utility? Mr. Morrison stated that it is actually in both funds. Mr. Morrison stated that with bond anticipation notes, you get three years before you have to start making principal payments and the principal payments are not onerous for the first couple of years. Mr. Morrison stated that the law states that you have to do permanent financing or payoff notes by the tenth anniversary. Mr. Morrison stated that the Borough is getting into an area where significant capital projects can take place funded by notes and be able to get to 2020, though he would be more comfortable with that a year from now. Mr. Morrison stated that even if projects are not authorized, the Borough could be working on planning phases. Mr. Griffiths stated that he understands that for the current fund, but he is concerned about the utility because even short-term interest payments would impact rates. Mr. Griffiths stated that he has said this before, but it bears repeating, anything that is spent in water/sewer will impact rates. Mr. Griffiths stated that the relief in 2020 is \$150,000 which equates to 15% of the revenue for the utility. Mr. Griffiths stated that the Borough is currently walking a tight-rope between rates and debt relief. Mr. Morrison stated that the Borough has only been able to regenerate water/sewer utility by not fully expending the budget. Mr. Morrison stated that the Borough needs to continually monitor spending in the utility budget. Mr. Griffiths stated that we have also worked towards reallocating labor costs which is also a tight-rope because reducing those costs in the utility, increases the costs in the current fund. Mr. Morrison stated that municipal government is being encouraged with the cap law and the 2% levy cap to draw down it's fund balance to continue operations and to the extent that there is no fund balance municipalities have had to shrink the size of government. Mr. Morrison stated that at some point services and costs come into direct conflict and because of that no one has the types of fund balances that the bond rating agencies used to love about New Jersey.

Mayor Persichilli thanked Mr. Morrison for his report. Mr. Morrison stated that once again his staff got the complete cooperation of the Borough staff and they make the auditor's job much easier and his staff enjoys coming here. Mayor Persichilli thanked the Borough staff for accommodating the auditors and for coming out with good results.

Mayor Persichilli stated that he would like to amend the agenda to relocate the Public Comment Period. Mayor Persichilli invited anyone with comments or questions for Council to come forward at this time.

There were no comments from the public.

Ordinances for Public Hearing and Adoption

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 of 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 Griffiths made a motion to open the Public Hearing on Ordinance 2014-17, 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 Gnatt with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-17, second by Council Member Gnatt with all members present voting in favor.

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	\$10,986.70
Technical Assistant Trainee	\$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
Part Time Tax Collector	\$ 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

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 open the Public Hearing on Ordinance 2014-18, second by Council Member Lawver. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Lawver with all members present voting in favor. Council Member Tucker made a motion to adopt Ordinance 2014-18, second by Council Member Marciante with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Economic Development / Open Space / Library – Mrs. Gnatt reported that she was unable to attend meetings held last month as she was on vacation, but she has requested minutes of the meetings. Mrs. Gnatt stated that she will make a report at the next meeting.

Parks & Recreation – Mr. Lawver stated that there have not been any meetings held, but there was a very successful concern on Labor Day.

Personnel / Public Works – Mr. Davy stated that meetings were held, but the two items that he would report on are on for Council Discussion so he will hold his comments until later in the meeting.

Public Safety / Shade Tree – Mr. Marciante reported that the Borough has hired a fifth Police Officer and that should help with overtime costs. Mr. Marciante stated that radios in the vehicles have been replaced with digital radios. Mr. Marciante stated that the Pedestrian Crossing sign on Main Street is not working still. Mr. Marciante stated that the Borough has purchased two in street Pedestrian Crossing signs in the interim. Mr. Meytrott stated that the signs will remain until the actual flashing lights are repaired by Mercer County Department of Transportation. Mr. Meytrott stated that Mercer County is having a hard time obtaining the part so only one-half of the sign is working. Mr. Meytrott stated that the part alone is \$3,600 and the County will be paying for the part. Mr. Meytrott stated that the in street signs will be relocated once the flashing signal is replaced. Mr. Meytrott stated that one will be placed at South Main and Ingleside and one will be at South Main and Academy. Mr. Meytrott stated that we are prohibited from using the signs at

controlled intersections.

Mr. Marciante stated that Delaware Avenue has been paved and will be striped soon.

Mr. Marciante stated that he had a phone call from a resident on Hale Street regarding the parking situation on Saturday night on Hale Street and Laning Avenue. Mr. Marciante stated that there was parking on both sides of the street and there was a confrontation. Mr. Marciante stated that in the future when there is a large gathering at the Pennington School, something needs to be done about parking, whether that is restricting parking on one side of the street or some other solution.

Finance – Mr. Griffiths stated that the finance committee met and is recommending that the Borough hire Phoenix Advisors to bring us into compliance with SEC requirements. Mr. Griffiths stated that a good discussion was held with regard to public works inventories of street repairs, infrastructure issues which might qualify for NJEIT funding and inventory of minor issues that will require internal budgeting and inventory of public works vehicles that will need replacement. Mr. Griffiths stated that the public works committee will look into a Municipal On-Line Auction Service to get rid of equipment without having an on-site auction. Mr. Griffiths stated the finance committee is recommending that Mr. John Meier of Water Resource Management be asked to review all Water/Sewer Ordinances and we will be asking for a quote for the review. Mr. Griffiths stated that Mr. Davy has provided a cost estimate for installing planters on the corner of Main and Delaware Avenue to avoid trip and fall risks in the future. Mr. Griffiths stated that the committee discussed considering appointing Roberts Engineering as the engineer for NJEIT projects along with other relevant cost efficient options. Mr. Griffiths stated that with regard to water/sewer rates the committee has asked Mrs. Heinzl to coordinate with Sandy, Wayne and Betty to come up with a rate structure for implementation and revenue generation beginning in 2015. Mr. Griffiths stated that the finance committee has agreed to pay-off the \$75,000 short term note that was borrowed from East Brunswick last year for the Streetscape Improvements. Mr. Griffiths stated that \$50,000 short-term note for water/sewer projects will be discussed at the next meeting. Mr. Griffiths stated that the committee is planning to meet again in September. Mr. Griffiths stated that Public Works Superintendent, Ricky Smith will be invited to learn about the budgeting process and to discuss allocation of public works salaries in an effort to provide some relief in the current process for Betty and Ricky.

Mayor Persichilli stated that in the past Council has received a priorities list of road projects and he would like to see that list updated to reflect what roads need repair and the order in which the projects will be undertaken. Mayor Persichilli stated that residents often inquire about various roads in the Borough and when they might be repaired and it would be nice to be able to give a general idea. Mayor Persichilli asked if there was any activity on the additional Streetscape work. Mrs. Heinzl stated that a grant request was submitted and we are still waiting to hear. Mr. Griffiths stated that the list of roads should also include if there are water/sewer infrastructure concerns that need to be addressed so that grant applications can be coordinated with requests for NJEIT funds. Mr. Griffiths stated that a letter was received from Roberts Engineering recommending that the next request for a DOT grant be to repair either the three streets that were damaged last winter or Park Avenue. Mr. Griffiths stated that reconstruction of Park Avenue would involve infrastructure repairs. Mr. Davy stated that there is a concern because the Borough has instructed Roberts Engineering that the Borough wants to concentrate on King George Road and Park Avenue and apply for NJEIT funds. Mr. Davy stated that the Borough has already received a DOT grant to partially cover the project. Mr. Davy stated that at the same time, Roberts Engineering is suggesting that the Borough also apply for repairs to the three damaged streets, Lewisbrook, West Welling and Reading. Mr. Davy stated that there is concern about the timing because the repairs to King George Road and Park Avenue make sense and should be the priority. Mr. Davy stated that Carmela Roberts states that even though temporary repairs have been made to the three roads, an application should be done to make permanent repairs. Mrs. Heinzl stated that she had a discussion with Carmela Roberts regarding timing on the applications and Ms. Roberts felt that with regard to timing applying for Park Avenue would be good because it would follow along with repairs to King George Road, but Ms. Roberts wants Council to be mindful of these other roads which have only been repaired temporarily and if we have another bad winter the roads could suffer further damage. Mr. Griffiths asked how the repairs are holding up so far. Mr. Smith stated that they are ok. Mr. Davy stated that he would recommend that the Borough stay the course with the plan to concentrate on King George Road and Park Avenue and in the subsequent year look at the other three roads. Mr. Marciante asked if NJEIT funding can also be used for road work. Mr. Davy stated that we plan to request that but we are waiting to see if the infrastructure funding is granted. Mr. Lawver stated that is great, but it starts us down the path of bonding and financing road repairs and historically that has not been the Borough's agenda. Mr. Griffiths stated that awards of DOT funding are declining and he is concerned that going forward the Borough is going to have to look at funding some part of road projects out of capital funds though he hopes that it does not come to that. Mr. Griffiths stated that it seems that the ratio of awards to applications is declining.

Historic Preservation / Board of Health / Senior Advisory Board – Mr. Tucker reported that the Board of Health did not meet over the summer and the Senior Advisory Board did not meet for lack of a quorum. Mr. Tucker stated that there are no immediate Historic Preservation issues. Mr. Tucker stated that there were about 300 attendees for the annual Senior Picnic which was a great success thanks to the efforts of Senior Coordinator Abigail Meletti, Hopewell Township Recreation Director Judy Neiderer and Hopewell Township Employees. Mr. Tucker stated that since the Senior Advisory Board did not meet, the July report will be included along with next month's report. Mr. Tucker stated that he and his wife participated in an excellent AARP Driver Education Program at the Senior Center. Mr. Tucker stated that it was well worth the time and expense and attendees qualify for a small discount on auto insurance. Mr. Tucker stated that on a personal note he would like to commend Mercer County for the timely and efficient paving of East and West Delaware Avenue with little inconvenience to residents and businesses. Mr. Tucker stated that hopefully the

striping of the triangle at the intersection of South Main and Lawrenceville-Pennington Road will be completed soon because there is some confusion when making a left turn. Mr. Tucker reported that Dr. William Hawkey was installed as the 23rd Head Master of the Pennington School. Mr. Tucker reminded Borough Council that Pennington was incorporated in 1890 and next year will mark its 125th Anniversary, and we should be thinking of a way to recognize this milestone.

New Business

**Borough of Pennington
Resolution #2014 – 9.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,903,116.13 from the following accounts:

Current	\$ 1,712,612.59
W/S Operating	\$ 149,946.57
Developers' Escrow	\$ 11,844.50
COAH Trust	\$ 208.00
Other Trust	\$ 200.00
Open Space Trust	\$ 28,304.47
TOTAL	\$ 1,903,116.13

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-9.2, second by Council Member Griffiths. Mr. Griffiths had comments on Roberts Engineering bills. Mr. Lawver questioned a bill from National Reprographics for folders for the police department. Mr. Meytrott stated that the amount ordered will probably last for three or more years. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 - 9.3**

RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2013 ANNUAL AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than

forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 2014-9.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 - 9.4**

**BOROUGH OF PENNINGTON, NEW JERSEY
(the "Issuer")**

RESOLUTION AUTHORIZING A REVIEW OF COMPLIANCE WITH PRIOR ANNUAL CONTINUING DISCLOSURE OBLIGATIONS AND PARTICIPATION IN THE SECURITIES AND EXCHANGE COMMISSION'S MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE

WHEREAS, the above-defined Issuer has previously issued one or more series of bonds, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

WHEREAS, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market disclosure information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), which secondary market disclosure information may consist of one or more of the following: audited financial statements, municipal budgets, other financial and operating data and ratings changes; and

WHEREAS, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "SEC Initiative"), a limited-time program ending at 5:00 p.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, should the SEC determine than an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations, issuers participating in the SEC Initiative agree to accept certain non-monetary penalties, in lieu of unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the SEC Initiative; and

WHEREAS, by participating in the SEC Initiative, issuers agree to accept the following penalties,

if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings, (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

WHEREAS, on July 24, 2014, the Division of Local Government Services issued Local Finance Notice 2014-9 (i) alerting local governments to the SEC Initiative, (ii) strongly recommending that local governments examine their continuing disclosure contractual obligations and past official statements in order to determine if it is advisable for an issuer to participate in the SEC Initiative and (iii) cautioning local governments that fail to complete a disclosure assessment in connection with the SEC Initiative will likely have difficulty accessing capital markets, difficulty in receiving timely approvals of the Local Finance Board or Director of the Division of Local Government Services, as applicable, and decreased scores on the future "Best Practices Questionnaires"; and

WHEREAS, the Issuer desires to conduct a disclosure audit which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Audit"); and

WHEREAS, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Audit; and

WHEREAS, based on the results of the Disclosure Audit, and weighing heavily the known, non-monetary penalties that may come through the Issuer's participation in the SEC Initiative versus the unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the SEC Initiative, as necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:

Section 1. The Issuer hereby authorizes completion of the Disclosure Audit.

Section 2. The Issuer hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to complete the Disclosure Audit in accordance with the terms submitted to the Borough by Phoenix Advisors, LLC. The Borough recommends and advises Phoenix Advisors, LLC to undertake the policies set forth in Local Finance Notice 2014-9.

Section 3. In the event the Disclosure Audit reveals that the Issuer **may** have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the SEC Initiative.

Section 4. Any action taken by the Chief Financial Officer, or any other officer of the Issuer, with respect to the Disclosure Audit, the engagement of Phoenix Advisors, LLC and participation in the SEC Initiative is hereby ratified and confirmed.

Section 5. 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	X				Marciante	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-9.4, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014-9.5**

**RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED
VACATION TIME FOR SGT. STEVEN FRIEDMAN**

WHEREAS, Borough Sergeant Steven Friedman has requested of Borough Council that he be permitted to carry into the year 2015 any unused vacation time that he will not have used as of the end of this calendar year;

WHEREAS, the basis for this request is that Sergeant Friedman has been unable to use vacation time because he and another officer have had to work to make up for the loss of an injured officer who was

out for a period of two months and the hiring of a new officer who will require three to four months of training; and

WHEREAS, Sgt. Friedman currently has an unused balance of twenty and one quarter (20.25) vacation days (243 hours);

WHEREAS, the agreement between the Borough and the Pennington PBA provides in Article XXI, par. 4, that an officer may carry over up to one-half of one year's vacation allotment in a given year and no more;

WHEREAS, the Borough Personnel Manual also provides, in Article V, Section E, par.2, that up to one-half of vacation time earned in a particular year may be carried over to the subsequent year and no more, except the Personnel Manual provides further that exceptions may be made in highly extraordinary circumstances upon approval of the full authorized membership of Borough Council;

WHEREAS, Sgt. Friedman's request has been reviewed by the Borough Council and it has been determined that the exception permitted by the Personnel Manual is in the best interest of the Borough and ought to be granted in this case, subject to the following requirement:

1. that Sgt. Friedman use up the additional carried-over vacation by June 30, 2015 or forfeit the time;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that Sgt. Friedman is hereby authorized to carry-over into 2015 all of the unused vacation days he earned in 2014 provided he use up all such time on or before June 30, 2015 or forfeit the time, and provided he otherwise comply with the requirements set forth 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	X			
Griffiths	M				Tucker	S			

Council Member Griffiths made a motion to approve Resolution 2014-9.5, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014-9.6**

**RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED
VACATION TIME FOR OFFICER DOUGLAS PINELLI**

WHEREAS, Borough Sergeant Steven Friedman has requested of Borough Council that Officer Douglas Pinelli be permitted to carry into the year 2015 any unused vacation time that he will not have used as of the end of this calendar year;

WHEREAS, the basis for this request is that Officer Pinelli has been unable to use vacation time because he and Sergeant Friedman have had to work to make up for the loss of an injured officer who was out for a period of two months and the hiring of a new officer who will require three to four months of training; and

WHEREAS, Officer Pinelli currently has an unused balance of eight (8.125) vacation days (97.5 hours);

WHEREAS, the agreement between the Borough and the Pennington PBA provides in Article XXI, par. 4, that an officer may carry over up to one-half of one year's vacation allotment in a given year and no more;

WHEREAS, the Borough Personnel Manual also provides, in Article V, Section E, par.2, that up to one-half of vacation time earned in a particular year may be carried over to the subsequent year and no more, except the Personnel Manual provides further that exceptions may be made in highly extraordinary circumstances upon approval of the full authorized membership of Borough Council;

WHEREAS, Sgt. Friedman's request has been reviewed by the Borough Council and it has been determined that the exception permitted by the Personnel Manual is in the best interest of the Borough and ought to be granted in this case, subject to the following requirement:

1. that Officer Pinelli use up the additional carried-over vacation by June 30, 2015 or forfeit the time;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of

Pennington that Officer Pinelli is hereby authorized to carry-over into 2015 all of the unused vacation days he earned in 2014 provided he use up all such time on or before June 30, 2015 or forfeit the time, and provided he otherwise comply with the requirements set forth 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 2014-9.6, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-9.7**

**RESOLUTION AUTHORIZING FIRST AND FINAL PAYMENT TO
RICHARD T. BARRETT PAVING CO. FOR PAVEMENT BASE REPAIRS ON WEST WELLING
AVENUE, READING AVENUE
AND LEWIS BROOK ROAD**

WHEREAS, pursuant to a contract between Richard T. Barrett Paving Co. and the Borough of Pennington (Roberts Engineering Group LLC, file no. PEN3706), Richard T. Barrett Paving Co. has completed pavement base repairs on West Welling Avenue, Reading Avenue, and Lewis Brook Road; and

WHEREAS, the work has been inspected and approved by Roberts Engineering Group, LLC, and the Borough Engineer recommends payment to Richard T. Barrett Paving Co. in the amount of \$16,600.90;

WHEREAS, this payment to Richard T. Barrett Paving Co. constitutes a first and final payment and will close the project out;

WHEREAS, funds for this payment are available in the General Capital Fund under Ordinance 2014-13;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to have Richard T. Barrett Paving Co. paid \$16,600.90 in full and final payment for their work on this project.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-9.7, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014- 9.8**

**RESOLUTION AUTHORIZING CHANGE ORDER
NO. 1 (FINAL) TO ADJUST CONTRACT QUANTITIES TO AS-BUILT QUANTITIES AND ADD
SUPPLEMENTAL WORK FOR 2013 ROAD IMPROVEMENT PROJECT (KING GEORGE
ROAD)**

WHEREAS, Roberts Engineering Group, LLC has recommended a certain Change Order No. 1 with regard to the Contract between the Borough of Pennington and Top Line Construction Corporation for the project known as 2013 Road Improvement Program (Roberts Engineering Group, LLC File No. PEN3705);

WHEREAS, Change Order No. 1 would adjust contract quantities to as-built quantities and add supplemental work for replacement of a deteriorated inlet;

WHEREAS, the net proposed adjustment would decrease the Contract by \$10,921.20; and

WHEREAS, the proposed Change Order No. 1 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. 1 adjusting contract quantities and adding supplemental

work under the contract with Top Line Construction Corporation 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	X			
Gnatt	X				Marciante	X			
Griffiths	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-9.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 9.9**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO
TOP LINE CONSTRUCTION CORPORATION FOR WORK COMPLETED ON THE 2013 ROAD
IMPROVEMENT PROGRAM**

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

WHEREAS, Roberts Engineering Group has reviewed Top Line Construction Corporations' application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No. 3 in the amount of \$17,658.58 less 2% retainage in the amount of \$ 360.38; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corporation in the amount of \$ 17,658.58 pursuant to payment request No.3 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 2014-9.9, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 9.10**

**RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR COSTS OF
GRASS CUTTING AT 404 BURD STREET, PURSUANT TO
SECTION 136-8 OF THE PENNINGTON BOROUGH CODE**

WHEREAS, the Borough Police Department has received a property maintenance complaint regarding high grass at Block 905, Lot 15, 404 Burd Street; and

WHEREAS, after investigation by the Police Department it was determined that this high grass condition constituted a nuisance as defined by Section 136-3A (6) of the Borough Code;

WHEREAS, pursuant to Section 136-7 of the Code, whenever a nuisance of this kind is declared, a violation shall be given to the owner in writing to remove or abate the same within a specified time not less than five (5) days from the service of the violation notice; and

WHEREAS, on July 26, 2014, a notice of violation was posted at 404 Burd Street by the Pennington Police Department notifying the homeowner that if the problem was not taken care of by August 6, 2014, the owner would be subject to fines and penalties as set forth in local and state regulations; and

WHEREAS, pursuant to Section 136-8 of the Code, whenever the owner, tenant or occupant notified has not complied with the notice as specified and the nuisance has not been abated or removed under the direction of the enforcing official, any cost or expense incurred by the Borough for abating or removing the nuisance or condition or causing it to be abated or removed may be recovered; and

WHEREAS, on August 6, 2014, the owner of 404 Burd Street in the Borough, also known as Block 905, Lot 15 on the Borough Tax Map, had failed to cut the grass as directed in the violation notice; and

WHEREAS, on August 8th, 2014, the Department of Public Works cut the grass and incurred costs totaling \$710.00 as set forth in the attached certification by Richard Smith, Superintendent of Public Works;

WHEREAS, the computation of charges in the annexed certification is based on the rates set forth in Chapter 98 of the Borough Code, and Mayor and Council find same to be reasonable;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$710.00 is hereby certified to the Tax Collector and shall be charged against Block 905, Lot 15 and shall become a lien and tax thereon and be added to and become part of the taxes next to be levied and assessed against such property, pursuant to Section 136-8 of the Pennington 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	S			
Gnatt	X				Marciante	X			
Griffiths	X				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-9.10, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014-9.11**

**RESOLUTION AMENDING RESOLUTION 2014-6.5 TO CHANGE SOURCE OF FUNDS FOR
FIRST AND FINAL PAYMENT TO GREENLEAF LAWN AND
LANDSCAPE, INC. FOR ADDITIONAL WORK ON
DOWNTOWN STREETScape IMPROVEMENTS**

WHEREAS, on June 2, 2014, Borough Council adopted Resolution 2014-6.5 authorizing first and final payment to Greenleaf Lawn and Landscape, Inc. in the amount of \$13,176.25, for additional work on Downtown Streetscape Improvements (Roberts Engineering Group, LLC, file no. PEN3704-01);

WHEREAS, the aforesaid Resolution mistakenly identifies the Borough’s Open Space Trust Fund as the source of funds for this payment;

WHEREAS, the actual source of funds for the first and final payment to Greenleaf Lawn and Landscape, Inc. for this project will be General Capital – Ordinance No. 2003-9, and Council therefore seeks to amend Resolution 2014-6.5 to so provide;

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

1. Resolution 2014-6.5 is hereby amended to delete any reference to the Open Space Trust Fund, including the reference in the sixth recital identifying the Open Space Trust Fund as the source of funds for the aforesaid payment to Greenleaf Lawn and Landscape, Inc.;
2. Resolution 2014-6.5 is hereby further amended to replace the language in the sixth recital with the following language:

“WHEREAS, funds for this payment are available under General Capital – Ordinance No. 2003-9”;

3. the aforesaid authorization of payment to Greenleaf Lawn and Landscape, Inc. from the Open Space Trust Fund is hereby rescinded, and full and final payment of Greenleaf Lawn and Landscape, Inc. from funds available under General Capital – Ordinance No. 2003-9, in the same amount of \$13,176.25, 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	X			
Gnatt	X				Marciante	X			
Griffiths	S				Tucker	M			

Council Member Tucker made a motion to approve Resolution 2014-9.11, second By Council Member

Griffiths with all members present voting in favor.

Council Discussion

Proposed Bus Stop on Broemel Place – Mr. Marciante stated that he and Mr. Meytrott went out and looked at the site and they would recommend that the bus stop be put where the old oil tank is and it should be out of the way there. Mr. Lawver agreed with the location, but stated that he still is unclear as to why a bus stop can't be located by the Pennington School tennis courts on Green and Delaware. Mr. Lawver asked if the requested resolution would be done at the next meeting. Mr. Davy asked if Council could approve the resolution tonight. Mr. Bliss stated that this is a slippery slope; resolutions should be listed on the agenda. A resolution will be prepared for the October meeting.

Block Party Request – East Welling Avenue – Mayor Persichilli stated that Council Members have a copy of a request from Kathleen O'Connor. Council Members were in favor of the request. Mayor Persichilli asked Mrs. Heinzl to notify the resident.

2015 – Municipal Aid Applications – Mr. Davy stated that this item has already been discussed.

Fucello – Request for Water/Sewer Service – Mrs. Heinzl stated that Mr. Fucello is in the audience if Council has any questions. Mrs. Heinzl explained that Dr. Sternberg owns property at the corner of Vannoy Avenue and South Main Street and Mr. Fucello is interested in purchasing a portion of the property and subdividing it to create a new lot to build a new house. Mrs. Heinzl stated that there is an agreement from 1977 that allows the existing properties on Vannoy Avenue that have frontage property in the Borough, with the rest of their property in Hopewell Township, to connect to the Pennington sanitary sewer line. Mrs. Heinzl stated that the properties did connect with the exception of Dr. Sternberg who does not front on Vannoy, his property fronts on South Main. Mrs. Heinzl stated that the proposed new building lot would front on Vannoy Avenue. Mrs. Heinzl stated that she has had several conversations with Mr. Pogorzelski of Hopewell Township regarding moving this application forward. Mrs. Heinzl stated that there will have to be a sub-division application made to both the Pennington Planning Board and the Hopewell Township Planning Board. Mrs. Heinzl stated that the issue is the connection to the Borough's sewer and water services. Mrs. Heinzl stated that the Planning Board discussed this request and Planning Board Attorney, Ed Schmierer wrote a memo suggesting that the first point of business would be for the Borough to entertain a request for a "will-serve", in other words if the sub-division were to be approved, would the Borough approve the request for water and sewer services. Mrs. Heinzl stated that if the Borough grants the request the 1977 agreement would need to be amended to reflect this newly created lot. Mr. Lawver asked if all the other houses on Vannoy have service from Pennington because, like this property would, they have a sliver of property in the Borough. Mrs. Heinzl said that was correct and Mr. Lawver stated that then he sees no reason not to grant the request. Council Members were in agreement with Mr. Lawver. Mrs. Heinzl stated that because there are several steps involved, Council can agree to approve services pending review and approval of the sub-division request by both Pennington Borough and Hopewell Township Planning Boards.

Quotes for Additional Streetscape Work – Mr. Davy stated that he has provided a copy of a proposal submitted by Mr. Tony DiCocco. Mr. Davy stated that the proposal is for custom made planter boxes along the curb line on the corner of Main and Delaware. Mr. Davy stated that we also have a proposal to put bollards and chains along the curb line. Mr. Davy stated that the proposal for bollards and chains is around \$15,000 mainly because the Borough would have to gain access to the property owner's portion of the property to install a base and that is driving the cost up. Mr. Davy stated that the proposal from Mr. DiCocco makes a lot of sense and would be very attractive. Mr. Davy stated that an agreement will need to be made with the property owner because the planters would be on top of the curb and project onto his property. Mr. Marciante stated that if Council takes action on this he will abstain because he is friends with Mr. DiCocco. Mrs. Heinzl asked if the planters would be permanently affixed or set on top of the curb. Mr. Davy stated that would not be permanently affixed. Council Members agreed to move ahead with the planters. Mr. Davy stated that the next step would be to have a conversation with the property owner.

Parking Restrictions at Intersections – Mr. Marciante stated that he and Mr. Meytrott visited intersections at Academy and Main Street where cars are parked too close to the intersection and Laning and Main Street where bushes block the view. Mr. Marciante stated that they are recommending that the bushes at Laning and Main be cleaned up immediately and they are also recommending that the set back for parking be shortened. Mr. Meytrott stated that the problem looking at individual intersections and trying to come up with a set number of feet because each individual intersection presents its own set of problems. Mr. Meytrott stated that the question arises as to how to determine what direction to go in. Mr. Lawver stated that he did not think that it is not feasible to have one set-back for all intersections. Mr. Lawver asked if there is a safety standard or insurance standard that provides a line of sight. Mr. Meytrott stated that the line of state that is currently utilized is under Title 39 which does not take into consideration anything other than a flat footage designation. Mr. Meytrott stated that he is not aware of any insurance designations. Mr. Meytrott stated that usually what happens is that a traffic engineer will come out and look at each intersection to determine where the site line may be and that is where the ordinance gets set. Mr. Meytrott stated that the problem with that is it can be costly depending on how many intersections are look at. Mr. Marciante stated that the intersections involve County Roads. Mr. Meytrott stated that the setbacks are set by Ordinance; the question is how to determine how the setbacks are set. Mr. Lawver asked if the County Traffic Engineer could be consulted. Mr. Meytrott stated yes, however there are other intersections contained within the Borough that need to be looked at too. Mr. Lawver asked what other intersections within the Borough need to be looked at. Mr. Meytrott stated that they only looked at a couple, but North Main Street, Eglantine and Delaware, Burd and

Welling, Burd and Curlis and Burd and Voorhees, all of them should be looked at. Mr. Tucker asked if there would be a problem with having different setbacks for different streets or should we try to be consistent. Mr. Bliss stated that he did not see a problem. Mr. Lawver suggested getting the County Engineer to come out to Pennington and then listen to his arguments and rationales for setbacks and then apply those ideas to Borough intersections.

Letter from William A. Slover – Mayor Persichilli invited Mr. Slover to come forward. Mr. Bill Slover of 1 Academy Street stated that his wife Maria was also in attendance. Mr. Slover stated that their house is on the Southeast corner of Academy and Burd Streets. Mr. Slover stated that their house is for sale and their realtor noticed the recently erected signs limiting parking on Academy, on the East side of Burd Street and on the North side of West Delaware limiting parking to two hours between the 8am and 6pm, Monday through Saturday. Mr. Slover stated that their realtor said this is going to be a problem for potential buyers. Mr. Slover stated that his wife runs her business out of the house and it is not uncommon for her to have clients come and meet with her for more than two hours. Mr. Slover stated that the reason he is before Council is because of the restriction on Academy. Mr. Slover stated that there are three or four spaces on Academy between Burd and Crawley are restricted. Mr. Slover stated that his realtor first pointed out the ordinances to him he thought that maybe the reason for the signs was because of the traffic flow. Mr. Slover stated that as everyone knows when you travel on Burd Street it is often the case that in either direction you have to stop to let someone go through. Mr. Slover stated that does not apply to Academy as the cart way is wider and there is not nearly as much traffic. Mr. Slover stated that his realtor then told him that she had a conversation with someone who works for the Pennington School who said that the reason the ordinance was proposed and adopted was because the school did not want their students to park there all day. Mr. Slover stated that if that is true than he is even more concerned because why are residents being inconvenienced so that the Borough can advance a very private administrative convenience for the Pennington School. Mr. Slover stated that it does not matter what the motive of the Borough Council was to pass the ordinance, but he is asking if Council would reconsider it for at least the three or four spaces on Academy. Mr. Slover stated that they do have their house for sale and whether or not it sells he does not know, but his realtor feels that the parking will be a problem with a potential buyer.

Mr. Marciante stated that he proposed the ordinance and it was not for the Pennington School but it was so that students would not park there. Mr. Marciante stated that there was an incident one day where a student parked and when to get out of his car and almost got hit because the road is narrow. Mr. Marciante stated that was on Burd Street. Mr. Marciante stated that on Academy you have 25 feet up from the corner where there should be no parking and 25 feet from Crawley where there should be no parking, so basically there is one parking spot left in that area. Mr. Marciante stated that there are two off street parking spaces on the property and there is parking by the church. Mr. Marciante stated if the signs were removed, there would be students parked there all day anyway. Mr. Slover stated that he appreciates what is being said, and he has often wondered why there were no signs indicating no parking here to corner and they would have no problem with that. Some discussion took place with how the 25 feet is measured.

Mr. Griffiths stated that a potential solution might be the “Wrigley Field” approach where the intent of the parking ordinance is to allow residents to park where there is often a high influx of non-residents and it is parking by permit only. Mr. Griffiths stated that cars that park in permitted spots that do not have a permit would be ticketed. Mr. Meytrott stated the he recommended that several years ago for Burd Street and Borough Council was not in favor of the idea. Mr. Griffiths stated that there are not designated spaces for specific residents; the spaces are for Borough residents only. Mr. Slover stated that would mean his wife’s clients would still not be able to park. Mrs. Slover asked what about out of town guests as they only have two spots in their driveway. Mrs. Slover stated that she has lived here for thirty years. Mayor Persichilli stated that the Slover’s bought their house understanding the parking and the restrictions. Mayor Persichilli stated that football field was there and parking has always been an issue. Mayor Persichilli stated that Council has always tried to resolve the issue along the street because there are problems. Mayor Persichilli stated that Council has talked to the Pennington School about additional parking on campus to try and keep the students from parking on the streets as much as possible and those negotiations are ongoing. Mayor Persichilli stated that the bottom line is that there was an incident not too long ago regarding a house on Delaware Avenue with no off street parking. Mayor Persichilli stated that the new owner came to Council to request parking and it was denied. Mayor Persichilli stated that parking is a problem throughout town and people have to do what they can to find parking. Mayor Persichilli stated that he is not sure what the Slover’s are asking for because if the parking is opened up again, the students will be parking there. Mr. Slover stated that when they bought the house the existing parking problem did not exist and now because there is a problem with certain kinds of parking by students of the school, the solution has been to restrict the parking in such a way that it harms them more than it does to solve the problem. Mr. Slover stated that he could understand restricting parking close to the intersection and if cars that park there were ticketed consistently that would probably solve that problem, but restricting the other three spaces it seems that the Borough is trying to solve a problem that doesn’t really exist, at their expense. Mr. Tucker asked about parking on Crawley. Mr. Slover stated that there are only four or five spaces on Crawley and it is a tight street. After some discussion, Mayor Persichilli asked Mr. Meytrott to take another look at the parking.

FEMA – Flood Insurance Study – Mrs. Heinzl stated that she has a map and from looking at the map there does not seem to be any properties in the Borough that are affected. Mrs. Heinzl stated that the letter that was received is seeking appeals to the determination of the flood zones and if the Borough wanted to appeal, we would have to demonstrate with data why they are incorrect. Mrs. Heinzl stated that residents have been notified of this and the Borough has the option of doing a press release to indicate to residents that there are no known properties in the Borough that are in the flood zone. Mr. Lawver stated that if there were Pennington residents that would be affected, than he would say we should look into this, but if there are no

residents impacted then we don't need to worry about it. Mrs. Heinzl stated that the press release could include an invitation for residents to come in and view the map to verify that their property is not in the flood zone. Mrs. Heinzl stated that at some point there may be an ordinance that Council needs to adopt, but we have not gotten anything on that yet.

Penn East Letter – Mrs. Heinzl stated that she received a phone call from Paul Pogorzelski who wanted the Borough to be aware that two of the properties that have been identified as part of the potential route for the Penn East connection though they are in Hopewell Township are actually owned by the Borough. Mrs. Heinzl stated that the one property is by Old Mill Road where the dam is and the other is where the Public Works Building is situated. Mrs. Heinzl stated that Hopewell Township is going to have a public information session for people who are interested in learning more on September 23, 2014 at the Performing Arts Center at the High School. Mrs. Heinzl stated that Pennington residents are welcome to attend the meeting. Mr. Davy stated that these two properties are miles apart indicating that there must be quite a line in Hopewell Township. Mayor Persichilli stated that it is important for Pennington residents to know that there is a meeting and that they are welcome to attend.

Mrs. Heinzl stated that Council has tentatively scheduled a workshop meeting for September 23rd and she would like Council to be aware that this meeting is for their benefit and the agenda is not set in stone at this point. Mrs. Heinzl stated that if anyone on Council had an item that they would like to discuss that they let her know so that we can put it on the agenda. Mrs. Heinzl stated that since this is the first meeting of this type, there are a lot of items on the agenda. Mrs. Heinzl stated that as we get closer to the meeting date, we might want to deal with the most pressing items and defer some things to another date.

Fire / Emergency Alarms – Mr. Marciante stated that we are running into a problem with the Police Department having to enforce fire alarms. Mr. Marciante stated that these calls should be enforced by the Fire Safety Bureau. Mr. Marciante stated that the Police Department would still enforce burglar alarms. Mr. Marciante stated that this would require an ordinance to indicate who has the power to enforce the ordinance. Mr. Marciante stated that the fee for fire alarm registration should also be revisited. Mr. Meytrott stated that currently the Borough contracts with the Bureau of Fire Safety for fire inspections and rightfully so the enforcement of fire alarms should be with them.

Professional Reports

Mrs. Heinzl stated that the Borough Planners, Coppola & Coppola Associates have given notice that they will be retiring at the end of this year. Mrs. Heinzl stated that Winn Thompson, Chairman of the Planning Board has appointed a small committee to do a search. Mrs. Heinzl stated that we have the RFP from 2010 and there will be a meeting this week to discuss what the RFP should include so that it can be advertised as soon as possible. Mrs. Heinzl stated that because there are some big applications coming up, Mr. Thompson would like to get this done quickly.

Mr. Bliss stated that he has asked for a Closed Session.

Public Comment

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.

Closed Session

AT, 8:58 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Potential Litigation – Sewer Lateral

At 9:11 PM, Council returned to Open Session

Mr. Marciante stated that Grace Scheetz, a long time Borough resident will be 100 years old on September 21st and he would like Borough Council to do something to recognize this milestone. Mr. Marciante stated that there will be an open house at the firehouse.

At 9:12 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Davy.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk