

**Pennington Borough Council
Special Meeting – October 20, 2014**

Mayor Persichilli called the Special Meeting of the Borough Council to order at 6:02 pm. Borough Clerk Betty Sterling called the roll with Council Members Davy, Griffiths, Lawver, Marciante and Tucker in attendance. Council Member Gnatt arrived at 6:15 pm.

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

Mayor Persichilli announced that notice of this meeting has been given to the Hopewell Valley News, The Times of Trenton and was posted on the bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Council Discussion

Open Space Acquisition – Lovero Property – Mr. Lawver stated that he asked that be on the agenda for two reasons. Mr. Lawver stated that the first is that in his opinion as the Borough looks to preserve the greenbelt around Pennington Borough the most visible piece that is left is the Lovero Property. Mr. Lawver stated that the second element of this is water supply and the Lovero Property has a well on it, it was dug twenty-five to thirty years ago and municipal testing at the time showed promise though it has never been used significantly. Mr. Lawver stated that exploration would be needed, but it is along a seam where the Borough's most productive wells exist. Mr. Lawver stated that there is a fairly good likelihood that the well would produce a good amount of water. Mr. Lawver stated that as we look at water supply, there are really two choices, one is to dig another well or an interconnection. Mr. Lawver stated that it is time to seriously look at water supply options. Mr. Lawver stated that acquisition of the Lovero property would secure open space and provide a needed water source. Mr. Lawver stated that if Council Members are open to considering this then he would volunteer to lead the charge. Mr. Griffiths stated that he supports the idea. Mayor Persichilli stated that this has been discussed before and he thinks it would be a good option to the water supply problem and it would be a good use of open space funds. Discussion took place regarding who would own the property and how that would affect the use of the well. Mr. Lawver stated that it would take some research to see how it could work. Mr. Marciante stated that he is in favor of the idea, but asked if it is better to approach the owner now, or wait until after the proposed pipeline goes through. Mr. Marciante stated that the pipeline would have a direct impact on the value of the property. Mrs. Heinzl stated that there is a question as to whether the pipeline can run through that property. Mrs. Heinzl stated that we have learned that the property is part of our well head protection area and there is some suggestion that it might be difficult to lay the pipeline through that area. Mr. Bliss stated that the Borough's argument against the pipeline would be to protect the well head area. Mayor Persichilli stated that tonight Council is not committing to anything we are only agreeing to consider looking into the possibility of acquiring the property. Mr. Davy asked if the pipeline does go through, would the Borough only consider acquiring the property that does not include the easement for the pipeline. Mr. Griffiths stated that there are a lot of details that need to be worked out, but he thinks it is worth looking into.

Route 31 Development Plan – Liquor License – Mayor Persichilli stated that there are two reasons this is on the agenda, one is to discuss the sale of a liquor license. Mrs. Heinzl stated that this plan came about as the result of a grant to study the old Public Works site. Mrs. Heinzl stated that the vision is to have a thoroughfare between West Delaware and Broemel Place that would open up the tract for retail use. Mrs. Heinzl stated that this is a difficult property because it is a difficult location and the former landfill is on one side of the property. Mrs. Heinzl stated that a developer would have to have a creative vision to develop the property. Mrs. Heinzl stated that she copied the Zoning Ordinance for Council and it shows the types of uses that would be permitted and Maser Consulting did a memorandum that lists a few developers that might be interested in the site. Mrs. Heinzl stated that this might also be a location for a restaurant with a liquor license and it is worth discussing. Mayor Persichilli stated that he was recently approached by a local person about a liquor license because there has been some interest expressed. Mayor Persichilli stated that the last time this came up the question was whether to offer the license at a lower price or to hold on to the license until this piece of property is developed. Mr. Lawver asked if a liquor license could be tied to a specific location. Mayor Persichilli stated that the resolution would list specific requirements for the license. Mr. Davy stated that it should be part of the development package rather than trying to sell it now because waiting would add value to the license. Mr. Bliss stated that there is a time restriction on getting the license in use from the time of sale and development projects can take a while. Mayor Persichilli asked if the consensus is to wait on selling a license until we see what happens with the property. Mr. Griffiths stated that there is no strong financial urgency to selling the license at this time. Mr. Lawver stated that issuing a liquor license is not so much a financial question as much as a quality of life question. Mr. Lawver asked if residents in town would value a restaurant that they could walk to and get a drink.

Use of Borough E-Mail Accounts – Mr. Bliss stated that Council Members and staff should be using their Borough e-mail accounts. Mr. Bliss stated that e-mails are considered Open Public Records and they should be separate from personal e-mails. Mr. Bliss stated that there are cautions in using e-mails in place of public meetings. Mr. Bliss stated that anytime an e-mail conversation that involves an affective majority of Council could result in a legal issue. Mayor Persichilli stated that there has been some discussion about a new e-mail system because the current system is not as responsive as other email systems. Mrs. Heinzl stated that right now you cannot get the Borough e-mail on your Smart Phone. Mrs. Heinzl stated that she received a quote from City Connections which would upgrade us to a new e-mail system that would solve the phone problem and would also be more user friendly and provide from keeping a calendar. Mrs. Heinzl stated that the cost

would be about \$5,000 more than what we are paying now. Mrs. Heinzel asked if it makes sense to shop around for some other e-mail systems. Mr. Lawver stated that he does not think that Council would need the calendar option, but he does not know about the staff. Mrs. Heinzel stated that this might not be the best solution, but there is a problem with the current e-mail that needs to be solved so that everyone will be able to use their e-mail accounts properly. Mr. Griffiths stated that he has had conversations with City Connections and it would not be difficult to route the penningtonboro.org email accounts to dedicated g-mail accounts. Mrs. Heinzel stated that the main thing to remember is that every e-mail that is sent or received is a public record and so everyone needs to be careful when sending or receiving e-mails. There was some discussion as to use of g-mail accounts as a surrogate e-mail. Council Members decided it was worth looking into as a less expensive option. Mrs. Heinzel stated that she would look into it.

2015 Budget Plan – Mr. Griffiths stated that for 2014, Council authorized \$34,000 in unbudgeted items. Mr. Griffiths stated that Roberts Engineering has requested an additional \$2,500 for general engineering costs through the end of the year. Mrs. Sterling stated that the general engineering purchase order which was issued for \$6,000 is exhausted. Mrs. Sterling stated that this is a difficult number to pinpoint at the beginning of the year. Mrs. Sterling stated that this year, a couple of items came up that would not have been known when Carmela Roberts puts in her estimated costs for the year. Mrs. Sterling stated that Council has asked Ms. Roberts to do work related to the corner of Main and Delaware and other items that were not anticipated. Mrs. Sterling stated that when that last group of invoices came in brought it to the attention of Roberts Engineering that the purchase order for general engineering did not have enough funds left to cover the invoices that were submitted. Mrs. Sterling stated that she asked Ms. Roberts to submit an estimate for an amount to get through the end of the year. Mr. Griffiths stated that these items add up over time, there is the \$10,000 increase for 2014 for Wayne's salary, \$7,500 for Mr. Wittkop's paid vacation time, \$6,000 for Roberts Engineering for Emergency Road Repairs, \$11,000 for the NJEIT application. Mr. Griffiths stated that these items though small are large in terms of percentage. Mr. Griffiths asked if there is any urgency to the request for an additional \$2,500. Mrs. Sterling stated that the request is an estimate to get through the end of the year and we may not actually use all of the funds requested in which case they would be canceled back to the budget. Mrs. Sterling stated that Roberts Engineering is very easy to work with when it comes to these purchase orders. Mrs. Sterling stated that on a couple other projects when the invoices have come in over the budgeted cost, Roberts Engineering has issued credits for overages. Mrs. Sterling stated that this situation is different in that it is a request for general engineering and there are things that will come up before the end of the year that we may not know about now. Mr. Lawver referred to previous history and stated that he is a little concerned about some of the charges. Mrs. Heinzel stated that Mrs. Sterling explained this well. Mrs. Heinzel stated that this request is for charges going forward and there will be charges related to the FEMA grant for a generator. Mrs. Heinzel stated that we were initially told that the grant would be enough to cover generators at the Public Works Building and at Borough Hall. Mrs. Heinzel stated that the grant amount has now changed and we will only be getting a grant to cover one generator at the Public Works Building. Mrs. Heinzel stated that means that the grant application has to be rewritten and the specifications have to be redone and that results in additional charges, through no fault of the engineer. Mrs. Heinzel stated that in order to meet the deadline for submission of the grant, Roberts Engineering is already working on the required documentation. Mr. Lawver asked if the means they are already spending the \$2,500. Mr. Lawver stated that would like a figure for work that is underway that we have asked her to do. Mr. Griffiths stated that there was money allocated in the budget for the grant for the generators, but this is another example of a moving target grant where rules change and it has to be redone. Mr. Griffiths stated that he has a problem with these indefinite grants and he is uncomfortable with the vagueness. Mrs. Heinzel stated that Ms. Roberts is attempting to be pro-active in her estimate and some things are beyond her control. Mrs. Heinzel stated that there are things that come up where the engineer's involvement is sought without thoughts towards charges that might be incurred. Mrs. Sterling stated that she asked Ms. Roberts to send the request so that Council would be able to discuss it this evening. Mr. Griffiths asked that we find out if any work has been done that we have not been billed for and if that work is included in the \$2,500 request. Mr. Griffiths stated that we have had problems in the past with engineering bills and he does not want to get into the same situation. Mayor Persichilli stated that to be fair to Roberts Engineering, we had major problems with our previous engineer and he does not see the same problems with the current engineer. Mayor Persichilli stated that what he sees is Council coming up with ideas or asking her to do things and it is hard to forecast what the charges might be. Mayor Persichilli stated that the first line of her request talks about discretionary aid for King George, quotes for bollards at Village Salon and we asked her to do this work. Mayor Persichilli stated that these things were requested and completed and now we are being billed and in the process of that she is getting to the limit of what was originally allocated. Mayor Persichilli stated that we have put a stop to multiple people calling the engineer and that has helped with the bills. Mrs. Heinzel stated that this is a good example of how going forward we can plan better and be better aware of projects that may come up over the course of a year. Mrs. Heinzel stated that Council did not anticipate applying for discretionary aid for King George Road, but the grant award came in less than anticipated and a decision was made to pursue the application. Mayor Persichilli stated that another item was the road deterioration, which we did not anticipate, but we asked the engineer to do the work. Mr. Davy asked for an accounting of what has been charged to the engineering budget.

Mr. Griffiths stated that for 2015 there are some incremental items that will affect the budget including a \$20,000 increase for Wayne Blauth, additional health benefits for employees and spouses, increases in insurance and a two percent salary increase. Mr. Griffiths stated that items that will not recur are Mr. Wittkop's paid vacation time and the overlap between Mr. Wittkop and Mr. Smith. Mr. Griffiths asked Chief Financial Officer, Sandy Webb if she had any additional comments. Mrs. Webb stated that we will be working with Rick Smith to allocate public works salaries a little differently than we have done in the past so there may be some disparity in some of the salary lines, but overall totals should remain the same. Mrs. Webb stated that she and Mrs. Sterling will sit down with Mr. Smith to come up with a process for allocating

public works salaries.

Professional Services Agreements - Mrs. Sterling stated that in the course of the audit process, the Borough Auditor commented that some of our Professional Services resolutions do not include an amount. Mrs. Sterling stated that the auditors would like all resolutions for Professional Services to include a not to exceed amount when they are authorized and if there is a need to increase that amount the request would have to come before Council for approval. Mrs. Sterling stated that this item was put on the agenda to bring it to Council's attention for next year. Mrs. Sterling stated that for most of them we can look back to previous years and come up with an average amount to put in the resolutions.

Custodial Agreement – Hopewell Valley School District – Mrs. Heinzl stated that this item came up in connection with a discussion with the library. Mrs. Heinzl stated that the library shares in the cost of custodial services. Mrs. Heinzl stated that we are currently billed by the school district based on the hourly rate of the person who does the cleaning. Mrs. Heinzl stated that it is difficult for the library to predict what their costs are going to be for the year. Mrs. Heinzl stated that it was discussed that it might be better to have a shared services agreement with the school district for these services. Mrs. Heinzl stated that subsequently, Mrs. Sterling found that the Borough had an agreement with the school district up until June of 2005, but then even though the services were still being provided there was no official agreement. Mrs. Heinzl stated that she has reached out to Mr. Colavita at the school district and they did not have a problem with having a formal agreement for these services. Mrs. Heinzl stated that one of the benefits of doing an agreement with a set amount that is billed quarterly would be that the library would have a set figure that they could budget for these services. Mr. Lawver asked why the amount changes each year. Mrs. Heinzl stated that it is based on the hourly rate of the employee who comes to clean so it can fluctuate based on who is assigned to do the cleaning. Mrs. Sterling stated that the school district is also slow in sending out the bills so if there was a set quarterly amount it would be better than waiting to be invoiced. Mrs. Sterling stated that in the past the final quarter bill was not received until January and the library budget did not have funds to cover the costs. Mrs. Sterling stated that she has looked back at the past few years and the amount suggested by Mr. Colavita is in line with the actual costs for the Borough. Council Members were in agreement that it would be better to have a shared services agreement for these services and Mrs. Heinzl was asked to follow up with the school district.

Water Resource Management – Mrs. Heinzl stated that this goes back to the discussion regarding Professional Services agreements in terms of scoping out work that will be done in the coming year. Mrs. Heinzl stated that we have found in the course of this year that some unanticipated costs have come through. Mrs. Heinzl stated that whenever Dave Stout is out for whatever reason, Water Resource Management charges \$150.00 per day in addition to the \$1,500 monthly charge. Mrs. Sterling stated that as a result of that the original purchase order which was set up for \$10,000 is going to fall short before the end of the year. Mrs. Heinzl explained that the contract was authorized for not to exceed \$60,000, but the purchase order was only set up for an initial \$10,000 after a discussion with Mr. Wittkop. Mr. Davy stated that as he understands it then, there is a purchase order problem and not a budget problem. Mr. Davy stated that as long as we don't exceed the contract amount, then this is simply a purchase order problem. Mr. Griffiths asked if Council needs formal action to authorize increasing the purchase order. Mr. Bliss stated that as long as the contract amount is not exceeded then Council does not need to take action. Mrs. Heinzl stated that this is part of the bigger discussion that going forward having a standard form of professional services agreement might be a good idea. Mr. Griffiths suggested keeping an excel spreadsheet on blanket purchase orders to account for expenses throughout the year. Mr. Bliss asked if Council would like to pursue the idea of a uniform agreement for professional services. Council Members were in agreement that it would be helpful to have all agreements uniformly the same.

Water/Sewer Rates – Connection Fees – Mrs. Heinzl stated that she will be meeting with Rick Smith and Wayne Blauth to try and get a handle on all of the water/sewer rates. Mrs. Heinzl stated that John Myer of Water Resource Management was authorized to review of all of our water/sewer ordinances and they are waiting for him to weigh in with respect to the rates. Mr. Davy stated that he thought that Mr. Myer was not going to get involved with the rates. Mr. Smith stated that John Myer was looking at the rates for connection fees only. Mrs. Heinzl stated that we need to pull in all resources when working on determining whether the rates are appropriate for services rendered. Mr. Griffiths stated that we know that a rate increase is needed as per Mrs. Webb's recommendation. Mr. Griffiths stated that another thing to consider is whether the Borough wants to get into a program to fund future infrastructure costs. Mrs. Webb stated that in Princeton they charge a one-time fee related to future added flow through the construction permit process. Mrs. Webb stated that she will get a copy of the ordinance to Mr. Bliss for review. Mrs. Webb stated that Council needs to keep in mind that we struggle each year to put the water/sewer budget together even though fees have been increased over the past few years. Mrs. Webb stated that usage is down and leaks have been repaired and that contributes to the struggle. Mr. Lawver asked if a surcharge were put in place would it be placed in a trust for future use. Mrs. Webb stated that is what they do in Princeton. Mr. Griffiths stated that this is fairly common across the country, many municipalities have something in place where users are billed a flat fee each year for future infrastructure repairs because cost for repairs are high and could have a huge impact on a homeowners budget or a municipal budget. Mayor Persichilli stated that as Council starts to discuss the present ordinances it would be good to incorporate this idea into the ordinance. Mrs. Webb stated that Council should keep in mind that as usage decreases, the amount that is charged by Stonybrook also decreases which provides a little relief. Mr. Griffiths stated that the Borough increases for water/sewer rates are consistently 1/3 to 1/5 of what other utilities are charging. Mr. Griffiths stated that it is very expensive to maintain a water utility and these are costs of doing business. Mr. Griffiths stated that he is not sure how competitive our rates are compared to other municipalities and it would be good to have that information, however there is no doubt that other utilities are also having to increase their rates. Mr. Griffiths stated that

our expenses are consistently more than revenues. Mr. Lawver stated that driving down usage, though it decreases revenues, delays the need for a new well or interconnection. Mr. Griffiths stated that in 2019, the debt for the utility will decrease significantly which will help with constructing the budget and keeping rates down. Mr. Griffiths stated that we are working with a twenty to thirty year problem and the debt that is being paid down was incurred in the 1990's. Mr. Griffiths stated that the utility is a business where projections need to be done ten to twenty years out; right now we are looking five years out to significant relief in debt payments. Mr. Griffiths stated that we need to keep this relief in mind when constructing rate increases. Mr. Griffiths stated that until then we need to work on keeping the system running and keeping the infrastructure sound.

Other Budget Issues – Mr. Tucker stated that there are many repairs that need to be addressed at the Senior Center. Mr. Griffiths stated that he saw the list that Mr. Tucker prepared and Council needs to determine what the priorities are. Mr. Griffiths stated that he advocated that safety issues, such as the parking lot, should be addressed immediately. Mr. Griffiths stated that structural issues are tied to long term considerations of the property. Mr. Griffiths stated that there are too many things up in the air about a facility for the seniors. Mr. Griffiths stated that everyone has acknowledged that the seniors are not getting what they deserve in terms of facilities. Mr. Griffiths stated that the Merrill Lynch property in Hopewell Township, that was donated, not seems to have an insufficient parking problem. Mr. Griffiths asked how long this needs to keep coming up until we just apply for a grant and fix the current building. Mr. Tucker stated that he would like to thank Rick Smith for getting the potholes in the parking lot fixed and there are now five new handicapped spaces. Mr. Tucker stated that Mr. Griffiths is right that we don't really know where this is going, but there should be an answer on the Merrill Lynch property sometime this week. Mr. Lawver stated that the problem with fixing the senior center is that the senior community does not support renovations at the existing senior center. Ms. Terry Evanko stated that she is not sure that is the case anymore. Ms. Evanko stated that the seniors are hoping that before the end of this year they are hoping to have a solution. Ms. Evanko stated that she agrees that this is very frustrating because everyone keeps asking what is going on with a senior center. Mayor Persichilli stated that he has made numerous attempts to contact Hopewell Township to find out what is going on and he is not getting anywhere. Mayor Persichilli stated that until the time when the Township is ready to sit down with the two Boroughs with a proposal explaining each municipality's involvement, there is nothing we can do. Mayor Persichilli stated that it would be easy for the three municipalities to get together and apply to Mercer County together for a grant to fix the Senior Center, but it would not be 10 or 12,000 square feet. Mayor Persichilli stated that if the senior community is going to unrealistic in terms of what they think is needed, then we are at a stalemate. Mr. Lawver stated that the consensus last month was that if the seniors came to the Borough today and said they were ready for a 5,000 to 6,000 square foot building on Reading Street they would have the support of the Borough Council. Mayor Persichilli stated that the seniors may like the property on Scotch Road, but the three municipalities might not be able to afford it. Mayor Persichilli stated that the three municipalities won't be able to afford the costs of operations going forward. Mayor Persichilli stated that this is not a decision for the seniors to make; this is a decision for the three municipalities. Ms. Evanko stated that she has tried to express to the Senior Advisory Board that they can't just decide that they want what other municipalities have and no one seems to be able to answer the questions about what the costs of maintenance and operation of the building. Mr. Lawver stated that the costs to operate a 5 to 6,000 square foot building on Reading Street in terms of energy costs would probably be about the same as we are paying now. Mr. Lawver stated that no one has ever presented operating costs for the Merrill Lynch property. Mr. Griffiths stated that the cost for a new parking lot could be quite a lot depending on what needs to be done.

Mr. Smith stated that looking forward in terms of equipment replacement, there are some lawn mowers that will need to be replaced preferably with more efficient equipment particularly for use at the Public Works facility. Mr. Lawver stated that we should look at preserving some of the property as a meadow.

Fixed Assets – Mrs. Webb stated that she has requested some quotes and we are waiting to hear back and she will hopefully be able to report and make a recommendation at the next meeting.

Handbills – Unsolicited or unsubscribed – Mr. Marciante stated that there are properties in town that are vacant and these publications just pile up in the driveway for months at a time. Mr. Marciante stated these publications should not be allowed unless they are requested by the homeowner. Mrs. Heinzl stated that a copy of the Handbill Ordinance was included in the agenda packages. Mrs. Heinzl stated that unsolicited/unsubscribed newspapers are an exception to the prohibition of unsolicited items. Mr. Griffiths stated when this was last discussed the issue of freedom of the press came up. Mr. Bliss stated that the ordinance regulates the manner of distribution; we are not permitted to prohibit distribution. Mr. Bliss stated that under the ordinance, individual property owners can file notices of objection. Mr. Bliss stated that residents can come to Borough Hall and register, a file would be kept and notice would be sent to the vendor and if distribution continues they would be subject to a fine. Mr. Bliss stated that is how the ordinance reads now and certainly under the current language if residents are conscious of the ordinance, they can submit notices to both the Borough and to the vendor. Mr. Bliss stated that the vendor would most likely not want to sort through to find out which residences in town want to receive handouts and which do not. Mr. Bliss stated that commercial handbills under the ordinance are prohibited under the ordinance. Mr. Lawver asked if the ordinance has the teeth to stop distribution. Mr. Bliss stated that if a resident submits a notice of objection, which would then be sent to the vendor to the extent, the vendor can be identified. Mr. Lawver stated that he would not want to burden the staff with this and then never follow up on it by issuing fines. Mr. Bliss stated that his experience with news racks, which involved monitoring the manner of distribution, caused great objection with vendors. Mayor Persichilli stated that this is not going to get solved tonight but Council needs to think about how to address this issue.

Sidewalk Initiative – Mayor Persichilli stated that several years ago the Borough had a program to encourage sidewalk repairs. Mayor Persichilli stated that it might be a good time to initiate a program with a new list of problem sidewalks. Mrs. Heinzl stated that the reason that this is on the agenda is to give Council members that chance to weigh in on whether or not to resurrect this program and also to consider the question of whether the current standards need to be changed. Mrs. Heinzl stated that the current standards are fairly generous. Mr. Lawver stated that the stub toe standard of two and one half inches needs to be revisited because the original program was geared towards addressing sidewalks with a four inch or more stub toe, and at the time insurance companies were requiring that stub toes of one inch are more were required to be repaired. Mr. Lawver stated that he would suggest a standard of one or one and a half inch. Mr. Lawver stated that the standard of fifty percent deterioration is probably okay. Mayor Persichilli stated that the program worked very well and there was a lot of progress made to repair sidewalks. Mayor Persichilli stated that he would like to see this program reinstated. Mayor Persichilli stated that at the time Morris Fabian from the Public Works Department came up with an inventory of sidewalks in need of repair. Mr. Lawver stated that Mr. Fabian took pictures last time of the sidewalks that were in need of repair. Mr. Lawver stated that last time Morris took pictures so that we had documentation in case there was a problem. Mr. Smith asked if Council would want pictures again. Mr. Davy stated that it would be a good idea since Morris will be out looking at the sidewalks anyway and that way they would be on file in case of a problem. Mrs. Heinzl stated that if everyone is in agreement to go forward with this program than the “triggers” need to be determined, the amount of time in which to fix the problem needs to be decided and at what point do we start the process. Mrs. Heinzl asked if the standards are going to be changed, would that require formal action by Council. Mr. Bliss stated that he did not think that the ordinance specified the standards. Mr. Lawver stated that in the last go around residents were given one year to complete the repair, then a summons was issued and even after that, they had until the court date to make the repair and if they did so the fine was waived. Mr. Lawver stated that it was generous and he did not think that it should be changed. Mr. Lawver stated that the permit fee collected covers the inspection cost. Mrs. Sterling stated that the Borough Construction Official does the sidewalk inspections at \$150.00 per inspection. Mrs. Sterling stated that the permit fee is either \$50 or \$100. Mayor Persichilli stated that the sidewalk inspections are necessary to make sure that the repairs meet the standards. Mr. Lawver stated that at the time it was understood that the fee charged would not cover the cost of inspection, but it was looked at as an incentive or investment by the town to encourage sidewalk repairs. Mayor Persichilli stated that his sense is that Council is in agreement to go ahead with the program; the question is when to start the process. Mr. Lawver stated that letters should go out no later than March 1st. Mrs. Heinzl stated that prior to that Council will need to discuss what the standards should be.

Penn East Pipeline – Mrs. Heinzl stated that the Penn East Pipeline crosses over two properties that are not in the Borough, but are owned by the Borough, one is where the Public Works facility is located and the other is over by the old dam, which is a sliver of property. Mrs. Heinzl stated that Hopewell Township has posted a lot of good information on their website. Mrs. Heinzl stated that the main issue for the Borough is with regard to our Public Works facility. Mrs. Heinzl stated that the Borough has a wellhead protection area that is in both the Township and the Borough and is quite extensive. Mrs. Heinzl stated that the question is what position the Borough wants to take with regard to the Penn East Pipeline. Mayor Persichilli stated that both the Township and Mercer County are working on resolutions. Mr. Davy stated that the Borough should take some action with regard to protecting this well head protection area. Mrs. Heinzl stated that there are two ways to object to the pipe line, one is to object by filing to be an intervener which is what Hopewell Township is doing. Mrs. Heinzl stated that means that they become a party to the process. Mrs. Heinzl stated that he spoke with Mr. Bliss on this and that might be a consideration for the Borough since this does involve the Borough water system. Mrs. Heinzl stated that the well head protection area is a concern for Pennington Borough. Mrs. Heinzl stated that this is a Federal process and has Federal jurisdiction meaning that the local towns don't really have a say as to what they want or don't want, but there is the potential for the Borough to be more of a participant in the process if we are an intervener. Mr. Lawver stated that initially Hopewell Township and other affected municipalities are trying to pass similar if not identical resolutions in opposition and he thinks that if nothing else, to be a good neighbor Pennington should look at the resolution and tweak it for Pennington Borough and act on the resolution at the November meeting. Mr. Davy stated that the well head protection should be highlighted in the resolution. Mrs. Heinzl stated that she will put a resolution together for the November meeting. Mr. Lawver stated that we should also look into what would be involved with becoming an intervener and what costs that might be incurred. Mr. Griffiths stated that a symbolic resolution is fine, but if we start committing to expending legal funds, that is an entirely different issue. Mr. Bliss stated that Hopewell Township is considering enlisting special counsel for this issue. Mr. Bliss stated that Pennington has a unique issue with the well head protection area, so it is not a stop the pipeline issue for Pennington it is a routing issue and that would appear to be a manageable issue. Mr. Lawver stated that the concern should be filed with FERC, but also brought to the attention of Penn East because they are still laying out where the pipeline will go. Mr. Bliss stated that the pre-application process, which is where they are now, is where this would be addressed and that might require additional representation. Mr. Bliss stated that he discussed with Mrs. Heinzl the possibility of including our interests in with Hopewell Townships representation. Mr. Bliss stated that he does not know enough about the well head issue at this time. Mrs. Heinzl stated that the well head protection area is in Pennington Borough, but it is also in Hopewell Township. Mr. Davy stated that Council should act on a resolution at the next meeting. Mr. Lawver stated that in the meantime, we should also contact Penn East Pipeline and get on the FERC website in order to file comments. Mr. Lawver stated that he signed on and made comments, but that does not make him an intervener. Mrs. Heinzl stated as she understands it, an intervener becomes a party to the litigation and there is a lot of responsibility. Mayor Persichilli asked if the Township Administrator would be addressing the well head issue in their objection. Mrs. Heinzl stated that she has had some communications with Mr. Pogorzelski but she did not know if it would be addressed. Mayor Persichilli stated that he would talk to Mr. Pogorzelski because if they are going to address the issue for themselves it would effectively

address it for the Borough. Mr. Lawver stated that he would think that the Townships spin will be more on protecting private wells because the one small system in the Township is not near the pipeline. Mrs. Heinzl stated that she has looked at the FERC website and the process is extensive, but we should look into the pros and cons of filing as an intervener. Mrs. Heinzl stated that she attended a meeting with D & R Greenway and other organizations that are attempting to coordinate their opposition. Mrs. Heinzl stated that she attended the meeting and she will be attending the next meeting. Mr. Lawver asked if the Environmental Commission should be involved in these meetings because this issue has the potential to be consuming. Mrs. Heinzl stated that she has been in contact with the Chairman of the Environmental Commission, Jim Gaffney and she has forwarded information to him. Mrs. Heinzl stated that the Environmental Commission has not taken a position on this yet. Mr. Lawver asked if someone from the Environmental Commission should be the point person. Mrs. Heinzl stated that she thinks it would make sense to have both she and Mr. Gaffney involved. Mrs. Heinzl stated that she would coordinate with Hopewell Township with regard to notifying Penn East about Pennington Borough’s concern for the well head protection area and we will have a resolution drafted for the November meeting.

Municipal/Library Parking – Mr. Meytrott stated that there has been some issues with people parking in the Library Volunteer spaces and after discussing this with members of the Library, he is suggesting that the two spaces dedicated to library volunteers be moved north to the first two spaces as people come in the northern most driveway. Mr. Meytrott stated that people coming to patronize local businesses are more likely to notice the reserved spots at the northern end and also the spots will be closer to the building for the volunteers. Mr. Meytrott stated that in addition they would like to clarify the signs to make it a little more official even though the spaces are covered under the ordinance. Mr. Meytrott stated that the signs would read Permit Parking Only. Mr. Meytrott stated that a technical issue might be that the ordinance refers to the official parking lot map of the Borough and we would have to change the map to reflect the change in the location of the two spaces. Mr. Meytrott stated that he would suggest that the signs be changed first to see how it goes and then revisit the map issue down the road. Council agreed with Mr. Meytrott’s suggestion.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 10.9**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.14 FOR
PENNINGTON FIRE COMPANY LADIES AUXILIARY**

WHEREAS, Pennington Fire Company Ladies Auxiliary submitted raffle application RA: 2.14 on October 2, 2014 for a raffle to take place on November 14, 2014 and a copy of that application is attached to this resolution; and

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

WHEREAS, the required waiting period was satisfied on October 9, 2014; and

WHEREAS, Pennington Fire Company Ladies Auxiliary meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Pennington Fire Company Ladies Auxiliary in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.14 for Pennington Fire Company Ladies Auxiliary be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.14 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Tucker made a motion to approve Resolution 2014-10.9, second by Council Member Griffiths with all members present voting in favor with the exception of Mr. Marciante who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 10.10**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 3.14 FOR
PENNINGTON FIRE COMPANY LADIES AUXILIARY**

WHEREAS, Pennington Fire Company Ladies Auxiliary submitted raffle application RA: 3.14 on October 8, 2014 for a raffle to take place on November 14, 2014 and a copy of that application is attached to this resolution; and

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

WHEREAS, the required waiting period was satisfied on October 15, 2014; and

WHEREAS, Pennington Fire Company Ladies Auxiliary meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Pennington Fire Company Ladies Auxiliary in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 3.14 for Pennington Fire Company Ladies Auxiliary be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 3.14 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2014-10.10, second by Council Member Tucker with all members present voting in favor with the exception of Mr. Marciante who abstained.

Public Comment

Mayor Persichilli asked that anyone wishing to speak come forward and state their name and address for the record and please limit comments to the Governing Body to a maximum of 3 minutes.

Mr. John Ellis of 326 Burd Street encouraged Borough Council to be active and diligent regarding the threat of the Penn East pipeline. Mr. Ellis encouraged Council to take a look into what it does mean to be an intervener and to take a look at what Hopewell Township is planning to do with regard to Special Counsel and ways in which Pennington Borough might or might not participate in the process. Mr. Ellis also urged that the Borough Administrator be the point person involved in the process and not someone on the Environmental Commission. Mr. Ellis stated that this is a serious issue and he hears some concern, but also a sense of relaxedness and he would urge Council to view this as a high priority.

Mrs. Pat Priesing of 323 Burd Street agreed with Mr. Ellis and she also agrees that the Borough Administrator should be the point person. Mrs. Priesing stating that she does not like hearing that this is not in our backyard because the pipeline will affect Pennington if it comes through the way it is scheduled now and we need to be as proactive as we can. Mrs. Priesing stated that there are negative consequences to what this pipeline can do, not just with regard to the location of the pipeline but in the surrounding areas. Mrs. Priesing stated that at what cost do we “need” this pipeline. Mrs. Priesing stated that Council needs to be together on this issue with other municipalities. Mrs. Priesing urged Council to be forceful in their objections to this issue.

Mayor Persichilli stated that he would like to publically recognize our new Business Administrator and commend her on her efforts on this issue.

AT 7:55 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Lawver.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk