

**Pennington Borough Council
Regular Meeting – November 3, 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 flag salute.

Also present were Borough Administrator Eileen Heinzl, Superintendent of Public Works 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.

Mayor Persichilli asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

Meeting open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public.

Mayor's Business

Ms. Linda Martin, owner of Flutter Boutique at 20 South Main Street and President of the Pennington Business and Professional Association stated that she would like to invite Mayor and Council to the Holiday Walk on December 5th from 6 to 9 pm. Mr. Meytrott stated that the Police Department is ready to assist with the event. Mr. Marciante asked if there is a rain date because last year it rained and the business owners put a lot of work into the event. Ms. Martin stated that this event has always been rain or shine as there are people involved that have to be scheduled in advance. Ms. Martin stated that she could go back to the committee and bring up the suggestion for consideration for next year.

Mayor Persichilli announced that Borough Engineer, Carmela Roberts will be receiving an award from the NJ Society of Municipal Engineers for the Downtown Streetscape Project. Mayor Persichilli stated that the project was selected in a three-way tie for second place in the Municipal Construction Projects for populations under 20,000 people. Mayor Persichilli stated that the fact that our engineer will be recognized at the League of Municipalities tells us something about the kind of work that she has been doing.

Mayor Persichilli stated that today he along with Mr. Marciante, Mrs. Heinzl and Mr. Davy met with Senator Shirley Turner to talk about PILOT programs for non-profits, legislation and ideas for what can be done about the situation with the Pennington School. Mayor Persichilli stated that he has been trying to work with the school to negotiate payment for some of the services that are provided to the school. Mayor Persichilli stated that Senator Turner gave them some things to think about and discussions will continue.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the October 6, 2014 Regular Meeting, second by Council Member Griffiths with all members present voting in favor.

Public Hearing

Mayor Persichilli invited Chief Financial Officer, Sandy Webb to come forward to present the Best Practices Worksheet. Mrs. Webb stated that Council has before them the Governor's Best Practices Worksheet which has been required for the last four or five years. Mrs. Webb stated that three years ago it became a requirement that the worksheet be presented to Council for discussion on the answers that she, Mrs. Sterling and Mrs. Heinzl have certified. Mrs. Webb stated that one of the reasons for doing this is to promote financial accountability, transparency and sound management practices. Mrs. Webb stated that when this first came out the questions were primarily finance but now it is not just about finance as you can see from the questions. Mrs. Webb stated that there are fifty questions and we are required to answer yes to at least ninety percent of them to avoid loss of State Aid. Mrs. Webb stated that she is pleased to report that the Borough will not be losing any State Aid though we do have a couple of questions that she would like to review because we are answering no on them. Mrs. Webb stated that question 6 asks whether elected officials are required to attend a course on obligations of elected officials and we do not require that here in the Borough, but it might be something for Council to discuss. Mrs. Webb stated question 18 asks whether the audit was filed within six months after the close of the fiscal year and if you

recall Bob Morrison was here a couple of meetings ago, so our audit was filed in September and we will work to get the audit for this year completed so that we can answer yes next year. Mrs. Webb stated that question 20 asks whether the Annual Debt Statement was filed by January 31. Mrs. Webb stated that she filed it Saturday February 1st so next year she will make sure it is in by January 31st. Mrs. Webb stated that question 44 refers to sick leave. Mrs. Webb stated that upon retirement the Borough pays a portion of accumulated sick leave as explained in the Personnel Manual. Mrs. Webb stated that there is a lot of press and legislative activity to try to get municipalities to eliminate payouts for sick leave. Mrs. Webb stated that the final question refers to "light duty" for employees on Workmen's Compensation. Mrs. Webb stated that with the size of the Borough's workforce, light duty is really tough to do, so that is a question that might always be no for us.

Mrs. Webb stated that one other item that she wanted to discuss was the matter of a fixed asset inventory. Mrs. Webb stated that Council has in front of them a proposal from Acclaim Inventory. Mrs. Webb stated that one of the items that we were cited for in the audit report also relates to question 15 on the worksheet which asks if there have been any repeat comments in the audit report. Mrs. Webb stated that for the past eight to ten years we have not have had any comments in the audit report, but in the 2013 audit we were cited for not having a fixed asset inventory. Mrs. Webb stated that one of the items discussed at the work session meeting was to seek quotes for having a fixed asset inventory completed. Mrs. Webb stated that she tried to obtain two quotes and received only one from Acclaim Inventory with three options depending on the threshold of the equipment to be tagged. Mrs. Webb stated that for the difference in price she would recommend that anything over \$500 be tagged and inventoried. Mrs. Webb stated that the cost would be \$2,500 and if that is something that Council would endorse then we can move forward with issuing a purchase order.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2014-19 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2014-19**

**ORDINANCE PROHIBITING PARKING IN DESIGNATED
STREET LOCATIONS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council, on the recommendation of its Public Safety Committee, seeks to improve the safety of Borough streets by prohibiting parking in designated locations;

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

1. Section 200-10 of the Code of the Borough of Pennington, concerning street locations on which parking is prohibited at all times, is amended to add additional street locations on which parking is prohibited, with new language underlined, as follows:

"No person shall park a vehicle at any time on any of the following streets or parts thereof:

| Name of Street | Side | Location |
|--|--------------|--|
| Academy Street | North | From South Main Street west the entire length to Burd Street, except on Sundays and holidays |
| <u>Academy Street</u> | <u>South</u> | <u>From Burd Street east for 35 feet</u> |
| <u>Academy Street</u> | <u>South</u> | <u>From North Main Street west for 25 feet</u> |
| Baldwin Court | North | 23 feet from the intersection with Baldwin Street for a distance of 900 feet |
| Borough Hall [Alley] <u>Driveway North</u> | <u>Both</u> | From Main Street west a distance of 100 feet |
| Borough Hall [Alley] <u>Driveway South</u> | <u>Both</u> | From Main Street west a distance of 128 feet |
| Burd Street | East | From Academy Street north a distance of 370 feet |
| Burd Street | East | From West Delaware Avenue south a distance of 145 feet |
| Burd Street | West | Entire length |
| East Delaware Avenue | North | From Main Street east a distance of 200 feet |
| East Delaware Avenue | South | From Main Street east a distance of 900 feet |
| East Franklin Avenue | South | Entire length |

| | | |
|-----------------------------|-------------|--|
| East Welling Avenue | South | From Baldwin Street west a distance of 50 feet |
| Green Avenue | East | From Broemel Place north to West Franklin Avenue |
| Green Avenue | West | From Broemel Place to West Delaware Avenue |
| <u>Laning Avenue</u> | <u>Both</u> | <u>West from South Main Street 25 feet</u> |
| North Main Street | Both | From Delaware Avenue north a distance of 65 feet |
| <u>North Main Street</u> | <u>West</u> | <u>North 40 feet from the South Borough Hall Driveway</u> |
| Railroad Place | Both | Entire length with the exception of the paved parking area on the old train station side |
| Reading Street | West | Entire length |
| South Main Street | East | From Academy Street to a point 200 feet north of Curlis Avenue, except on Sundays and holidays |
| South Main Street | East | From Delaware Avenue south a distance of 120 feet |
| South Main Street | East | From East Curlis Avenue south a distance of 65 feet |
| South Main Street | West | From Academy Street north a distance of 50 feet |
| South Main Street | West | From Delaware Avenue south for a distance of 199 feet to the entrance to Pennington Court |
| South Main Street | West | From Ingleside Avenue north a distance of 161 feet |
| South Main Street | West | From 199 feet south of Delaware Avenue for a distance of 508 feet, except Sunday |
| South Main Street Extension | West | From East Welling Avenue north a distance of 242 feet |
| South Main Street | West | From West Curlis Avenue north a distance of 50 feet |
| <u>South Main Street</u> | <u>West</u> | <u>North from Laning Avenue 35 feet</u> |
| <u>South Main Street</u> | <u>West</u> | <u>South from Laning Avenue 35 feet</u> |
| <u>South Main Street</u> | <u>West</u> | <u>South from Academy Street 35 feet</u> |
| West Delaware Avenue | North | From Main Street west a distance of 60 feet |
| West Delaware Avenue | North | From Green Avenue to a point 100 feet east thereof |
| West Delaware Avenue | North | From Green Avenue to the Borough limits |
| West Delaware Avenue | South | Entire length |
| West Franklin Avenue | North | Entire length |
| West Franklin Avenue | South | From Route 31 east the entire length to Knowles Street |
| West Franklin Avenue | South | From Green Avenue east for a distance of 50 feet |

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

Council Member Tucker made a motion to open the Public Hearing on Ordinance 2014-19, second by Council Member Marciante. 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 2014-19, second by Council Member Tucker with all members present voting in favor.

Mayor Persichilli read Ordinance 2014-20 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2014-20**

**AN ORDINANCE AMENDING CERTAIN UNIFORM CONSTRUCTION CODE FEES AND
AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the State of New Jersey, Department of Community Affairs requires the Borough of Pennington to collect certain fees on their behalf; and

WHEREAS, Borough Council seeks to incorporate these fees into Chapter 98 of the Code of the Borough of Pennington, concerning Fees;

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

1. Article XV, Chapter 98 of the Code of the Borough of Pennington, concerning Uniform Construction Code fees, is hereby amended under Section 98-55 to increase the fee for training and certification of inspectors, as follows (with deletion of existing fees denoted by brackets [] and new fees denoted by underlining):

§ 98-55. Fee for training and certification of inspectors.

A fee will be charged for training and certifications of inspectors as required in accordance with N.J.A. C. 5:23-4.19(b). [The fee shall be \$0.00265 per cubic foot of volume of new buildings and additions and \$0.00135 per \$1,000 of the value of construction for alterations.] The fee shall be in the amount of \$.00371 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction including alterations shall be \$0.00190 per dollar of the cost of alteration.

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

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2014-20, second by Council Member Tucker. There were no comments from the public. Council Member Tucker made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2014-20, second by Council Member Tucker with all members present voting in favor.

Committee Reports

Planning & Zoning / Environmental Commission / Economic Development / Open Space / Library –
Mrs. Gnatt reported that the Planning Board and the Environmental Commission did not meet in October. Mrs. Gnatt stated that the Open Space Commission did not hold a meeting in October due to a lack of quorum but they will be meeting on November 12th. Mrs. Gnatt stated that the Open Space Commission will be discussing revisions to the Borough Open Space and Recreation Plan and if approved it will be submitted to the Planning Board and if approved it will become part of or referenced in the Master Plan. Mrs. Gnatt stated that paperwork for acquisition of the Carter Road property has been prepared and submitted to Green Acres. Mrs. Gnatt reported that the Brown Property acquisition is still pending. Mrs. Gnatt stated that Mr. Ogren met with Mr. Lawver and she was able to attend a portion of the meeting and at this point there is no further interest in the Thomson Property and the focus is now on the Lovero Property. Mrs. Gnatt stated that the Lovero Property is behind the Public Works Building and stretches for twelve acres up Route 31. Mrs. Gnatt stated that there is potential for the Penn East Pipeline to run through this property which would affect marketability of the property. Mrs. Gnatt stated that more information will be forthcoming.

Mrs. Gnatt reported that the Library is in the midst of the “Design an Ox” contest, there will be one winner in each age category who will receive an art set. Mrs. Gnatt stated that the winter program is underway and the Library is seeking a science speaker. Mrs. Gnatt stated that electrical and lighting work was scheduled to be complete on October 30th. Mrs. Gnatt stated that Library Director, Kim Ha, Terry Epstein and Kathleen Nash met with two top web design candidates and a decision will be made soon. Mrs. Gnatt stated that the library is in the process of updated the catalog system.

Mrs. Gnatt stated that she wanted to clarify her report from the September meeting regarding request for payments. Mrs. Gnatt stated that based on a recent Memorandum of Understanding there is a split on utility bills of 50/50 and building maintenance bills of 60/40. Mrs. Gnatt stated that a question came up regarding the 50/50 split. Mrs. Gnatt stated that before the Board will approve the administration fee of \$4,000 due for 2014, the Board has requested an accounting for if the Borough just provided payroll services. Mrs. Gnatt stated that the Board agreed to pay the Borough for the 2013 administration fee and also the reimbursement for expenses paid by the Borough in 2013 for library expenses. Mrs. Gnatt stated that the Library has requested payment of unused balances for 2012. Mrs. Gnatt stated that she reported back to the Library that it would be difficult to identify the cost for doing only payroll for the Library and what would be involved for

the Library to perform other functions and remain in compliance with State Regulations. Mrs. Gnatt stated that she will report back to the Board that it would be difficult and costly for the Library if they wanted to assume responsibility for purchase order processing, budgeting and payroll that is currently being processed by the Borough. Mrs. Gnatt stated that because the library allocation is still considered taxpayer dollars, the library would have to comply with all State Regulations and this compliance is currently being done by the Borough.

Mrs. Gnatt reported that Eric Holtermann, Weed Tucker and Eileen Heinzl attended that Economic Development Commission meeting. Mrs. Gnatt stated that Mr. Holtermann reported that the Historic Development Commission will be giving an award this year to recognize a resident or business that has worked with the commission. Mrs. Gnatt reported that Mr. Holtermann suggested that the Economic and Historic Preservation Commissions work together and present their awards jointly. Mrs. Gnatt stated that Mr. Tucker gave a presentation on the upcoming 125th Anniversary celebration which is underway. Mrs. Gnatt stated that a report was given on the recent breast cancer awareness week. Mrs. Gnatt stated that the "Hope is in the Bag" campaign was very successful for a first time endeavor. Mrs. Gnatt stated that a discussion was held regarding available commercial real estate in the Borough. Mrs. Gnatt stated that a discussion took place with regard to the Grease Trap Ordinance. Mrs. Gnatt stated that with regard to the budget, the Economic Development Commission would like to join the Mid-Jersey Chamber of Commerce and update their current brochure.

Parks & Recreation – Mr. Lawver reported that the Parks and Recreation Committee met to wrap things up for the year. Mr. Lawver stated that the Columbus Day concert and movie night were very successful. Mr. Lawver stated that new members are being sought for next year.

Personnel / Public Works – Mr. Davy had no report.

Public Safety / Shade Tree – Mr. Marciante stated that the Public Safety Committee met to discuss the proposal from Hopewell Township for Temporary Police Coverage which will be discussed later in Closed Session.

Finance – Mr. Griffiths had no report.

Historic Preservation / Board of Health / Senior Advisory Board – Mr. Tucker reported that the Historic Preservation Commission did not meet but they are working with Economic Development to present three awards in January.

Mr. Tucker stated that the Board of Health did not meet; the next meeting will be their annual joint meeting with Hopewell Borough and Montgomery Township in December.

Mr. Tucker stated that Council Members have a copy of the Senior Coordinators report for September. Mr. Tucker stated that saga of a new Senior Center continues, more information will follow after the November 20th meeting of the Hopewell Township Planning Board. Mr. Tucker stated that Rick Smith has repaired potholes in the parking lot of the current Senior Center and five handicapped spaces have been reserved. Mr. Tucker stated that estimates are being obtained for termite damage, roof work and repairs to the hand washing sink. Mr. Tucker stated that chairs that need to be replaced might be covered by the Senior Foundation.

Mr. Tucker stated that a meeting of the Pennington 125 Committee was held. Mr. Tucker stated that plans are in the works for a celebration in 2015, subcommittees were appointed and an action plan was developed. Mr. Tucker stated that events will continue throughout the year. Mr. Tucker stated that Pennington Borough was incorporated in April of 1890 and a kick-off event is scheduled for April of 2015. Mr. Tucker stated that they currently have thirteen volunteers but they need more people. Mr. Tucker stated that the next meeting is scheduled for November 19th at 7:00 pm at Borough Hall.

Mr. Tucker stated that a Veteran's Day Celebration will be held on Saturday, November 8th at 11:00 am, at Aliger Park in Hopewell Township.

Mr. Griffiths stated that if there is in fact termite damage at the Senior Center he would encourage it to be taken care of as soon as possible as that can cause other problems.

New Business

**Borough of Pennington
Resolution #2014 – 11.2**

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 \$ 820,010.81 from the following accounts:

| | |
|--------------------|---------------|
| Current | \$ 785,141.95 |
| W/S Operating | \$ 27,745.78 |
| Developers' Escrow | \$ 3,199.25 |
| Grant Fund | \$ 2,721.60 |
| Unemployment Fund | \$ 1,202.23 |
| TOTAL | \$ 820,010.81 |

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 2014-11.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 11.3**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 4.14 FOR
ST. MATTHEWS CHURCH**

WHEREAS, St. Matthews Church submitted raffle application RA: 4.14 on October 23, 2014 for a raffle to take place on December 6, 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 30, 2014; and

WHEREAS, St. Matthews Church 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, St. Matthews Church, 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: 4.14 for St. Matthews Church be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 4.14 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 | | | | Abstain |
| Gnatt | X | | | | Marciante | M | | | |
| Griffiths | S | | | | Tucker | X | | | Abstain |

Council Member Marciante made a motion to approve Resolution 2014-11.3, second by Council Member Griffiths with all members present voting in favor with the exception of Mr. Lawver and Mr. Tucker who both abstained.

**BOROUGH OF PENNINGTON
RESOLUTION #2014 – 11.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 (FINAL) TO
TOP LINE CONSTRUCTION CORPORATION FOR WORK COMPLETED ON THE 2013 ROAD
IMPROVEMENT PROGRAM**

WHEREAS, Top Line Construction Corporation has completed all 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. 4 (final) in the amount of \$ 4,470.93; and

WHEREAS, this is the final 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 \$ 4,470.93 pursuant to final payment request No.4 is hereby authorized.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2014-11.4, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 11.5**

RESOLUTION AUTHORIZING WATER AND SEWER SERVICE FOR A SINGLE FAMILY RESIDENCE ON VANNOY AVENUE

WHEREAS, the Borough of Pennington is party to an Agreement dated August 15, 1977 (“Agreement”, attached) among the Borough of Pennington, the Township of Hopewell and the Hopewell Township Municipal Utilities Authority which grants to Pennington Borough the sole and exclusive right or franchise to provide sewer service to certain properties located in Hopewell Township which are contiguous to Pennington Borough and have frontage on Vannoy Avenue, identified in Schedule “A” of the Agreement, as amended by Agreement dated April 10, 1980 (“Amended Agreement”, also attached); and

WHEREAS, the owner of 2635 Pennington Road, Hopewell Township, New Jersey, (Block 68, Lot 4 on the Hopewell Township Tax Map, Block 908, Lot 1 on the Pennington Borough Tax Map) has requested confirmation of sewer and water service for a proposed single family residential lot that he intends to sub-divide from his main lot and which will have frontage on Vannoy Avenue in the Borough; and

WHEREAS, approval of the proposed subdivision from the lot at 2635 Pennington Road will be required from the Planning Boards of both Pennington Borough and Hopewell Township; and

WHEREAS, at its meeting on September 8, 2014, the Pennington Borough Council authorized water and sewer service for a single family residential lot consistent with all applicable Borough ordinances, rules and regulations, provided that the lot is duly approved for subdivision by the respective planning boards of Hopewell Township and Pennington;

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

1. Water and Sewer service for the single-family residential lot proposed to be subdivided from the property known as 2635 Pennington Road in Hopewell Township with frontage on Vannoy Avenue in Pennington Borough is hereby conditionally authorized, consistent with the decision of Borough Council at its meeting on September 8, 2014, which this resolution adopts and ratifies;
2. This authorization is conditioned upon (a) approval of the proposed subdivision creating the lot by the Planning Boards of Hopewell Township and Pennington Borough, (b) compliance with the terms and conditions of the attached Agreement and Amended Agreement and all applicable Borough ordinances, rules and regulations; and (c) such amendment of the Agreement and Amended Agreement as may be necessary to include the newly created single-family lot.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-11.5, second by Council Member Tucker. Mr. Marciante asked if this request has gone before the Planning Board. Mrs. Heinzel stated that the time line for this is that Mr. Fuccello would get this will-serve letter from the Borough and then a meeting will take place with Hopewell Township as there are quite a few steps in the process.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2014-11.6**

RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION AND EXECUTION OF GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PARK AVENUE

WHEREAS, Park Avenue in the Borough, between King George Road and Eglantine Avenue, is severely deteriorated and in need of reconstruction;

WHEREAS, grant funds for making improvements to Park Avenue are available from the New Jersey Department of Transportation;

WHEREAS, the improvements contemplated include narrowing of existing pavement, excavation and replacement of existing pavement, installation of concrete curbing on both sides of the street, construction of a sidewalk on the southerly side of the roadway, upgrading of existing inlets to meet NJDOT Bicycle Safe Grate Standards and Stormwater Regulations, and replacement of existing signage, all of which are consistent with the Circulation and Sidewalk Plan in the Borough Master Plan, providing for a continuous sidewalk route from Eglantine Avenue to Delaware Avenue and a traffic calming effect for this residential area;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that in order to obtain the needed funding, the Borough Engineer is hereby authorized to submit to the New Jersey Department of Transportation, on behalf of the Borough of Pennington, an electronic grant application identified as MA-2015 – Pennington Borough – 00457; and

BE IT FURTHER RESOLVED, that Borough Council formally approves the grant application for this project; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to take all actions necessary to support the Borough Engineer in effecting the above grant application; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Pennington, and their signatures shall constitute acceptance of the terms and conditions of the grant agreement and approval of execution of the grant agreement.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014-11.6, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 11.7**

RESOLUTION OPPOSING PROPOSED PENN EAST PIPELINE PROJECT ON PROPERTY OWNED AND/OR AFFECTING THE BOROUGH OF PENNINGTON, MERCER COUNTY, NEW JERSEY

WHEREAS, Penn East Pipeline Company, LLC plans to construct a 108 mile, 36-inch diameter Pipeline from Wilkes-Barre, Pennsylvania to Hopewell Township, New Jersey; and

WHEREAS, the Pipeline is planned to transport approximately one billion cubic feet of natural gas per day; and

WHEREAS, the Pipeline is planned to be operational on or about November 1, 2017; and

WHEREAS, Penn East is in the process of finalizing negotiations with potential customers, and therefore the final capacity and resulting pipe size and compression is subject to change; and

WHEREAS, on October 7, 2014, Penn East requested that the Federal Energy Regulatory Commission (“FERC”) initiate an environmental review under the National Environmental Policy Act (“NEPA”) pre-filing process; and

WHEREAS on October 10, 2014, the Director of the Office of Energy Projects for FERC approved the company’s use of the pre-filing review process; and

WHEREAS, FERC has selected Tectra Tech as the third-party contractor to prepare the National Environmental Policy Act documentation; and

WHEREAS, Penn East intends to file a formal application with FERC on or before July, 2015; and

WHEREAS, the pre-filing process and the formal application process both provide opportunities for public input and intervention; and

WHEREAS, on September 23, 2014, Penn East representatives made a public presentation to the Hopewell Township Committee and approximately 400 residents of Hopewell Township, Hopewell Borough and Pennington Borough to explain the nature of the project and its potential impact on the Hopewell Valley; and

WHEREAS, the proposed route crosses property that is environmentally sensitive and is owned by Pennington Borough and purchased and maintained with the expenditure of public funds; and

WHEREAS, the proposed route crosses property that is within the “Well Head Protection Zone” designated by the New Jersey Department of Environmental Protection and will have a permanent deleterious impact on ground water that Pennington Borough residents depend upon for domestic consumption; and

WHEREAS, the proposed route crosses wetlands and stream corridors which are highly valued by residents, are essential to quality of life in Pennington Borough and are irreplaceable; and

WHEREAS, the proposed Pipeline project will cause further damage to Pennington Borough residents by raising health and safety concerns, lowering property values, and negatively affecting the public health, safety and welfare; and

WHEREAS, damage to Pennington Borough residents caused by the proposed Pipeline, if constructed, will be permanent and irreparable;

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Council of the Borough of Pennington, Mercer County, New Jersey that the governing body opposes the Penn East Pipeline project; and

BE IT FUTHER RESOLVED that the Mayor and Borough Administrator are hereby authorized to take such actions as they deem necessary to participate and intervene in the regulatory process to protect the interests of the Borough and its residents; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Governor Chris Christie, U.S. Senator Shirley K. Turner, Assemblywoman Bonnie Watson Coleman, Assemblyman Reed Gusciora, affected municipalities in Luzerne, Carbon, Northhampton and Bucks Counties in Pennsylvania and Hunterdon and Mercer Counties in New Jersey and the New Jersey State League of Municipalities.

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 | M | | | | Marciante | X | | | |
| Griffiths | X | | | | Tucker | X | | | |

Council Member Gnatt made a motion to approve Resolution 2014-11.7, second by Council Member Lawver. Mr. Lawver asked if this resolution would be registered with FERC, Mrs. Heinzl stated that it would. Mr. Lawver stated that the big question that is not being answered is why Penn East is not using the Trans Co. Right of Way. Mr. Lawver asked if that question should be addressed in this resolution. Mrs. Heinzl stated that later in the agenda there is a resolution requesting a scoping meeting because Penn East would be required to answer questions like Mr. Lawver’s under that format. Mrs. Heinzl stated that Penn East has stated that co-location is not a possibility because there is not sufficient capacity but that is their position and she is not sure how far it has been explored. Mrs. Heinzl stated that she attended a meeting last week of some officials from other Municipalities and the goal is to gather a repository of research so that when some of these towns hire a professional that person would have the benefit of research that has already been done. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution 2014-11.8**

RESOLUTION TO AMEND THE 2014 ADOPTED BUDGET (CHAPTER 159) SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR BODY ARMOR REPLACEMENT FUNDS

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

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

WHEREAS, the Borough of Pennington has been notified that it will receive \$921.76 from the State of New Jersey, through the Division of Criminal Justice, for Body Armor Replacement for the Borough Police Department, and it therefore wishes to amend its 2014 Budget to include this amount as revenue with a corresponding appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the year 2014 in the sum of \$ 921.76 which is now available as revenue from:

Body Armor Replacement, and

BE IT FURTHER RESOLVED, that a like sum of \$ 921.76 be and the same is hereby appropriated under the caption of:

Body Armor Replacement

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

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-11.8, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2014 – 11.9**

A RESOLUTION REQUESTING THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) TO CONDUCT A FORMAL SCOPING MEETING IN LIEU OF AN OPEN HOUSE FORMAT

WHEREAS, the natural gas pipeline proposed by PennEast Pipeline Company LLC is presently the only proposed pipeline route in the State of New Jersey that is not in compliance with New Jersey policy of co-location in an existing Right of Way; and

WHEREAS, the construction of the proposed PennEast pipeline will, therefore, certainly cause irreparable harm to the environment and resources of Pennington Borough; and

WHEREAS, due to PennEast LLC not co-locating the proposed pipeline route, as a result it is absolutely necessary to take steps to assure alternatives including co-location will be fully evaluated and then ordered as is prescribed by the United States National Environmental Policy Act (NEPA); and

WHEREAS, the express Congressional purpose of NEPA is: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation;" (National Environmental Policy Act, 42 U.S. Code § 4321); and

WHEREAS, the National Environmental Policy Act requires that:
"(2) all agencies of the Federal Government shall—

...
(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

...
(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal

which involves unresolved conflicts concerning alternative uses of available resources;(42 U.S. Code § 4322); and

WHEREAS, to date PennEast LLC scheduled only one (1) Open House meeting for a two (2) hour period for all stakeholders and the public in New Jersey, and as the Open House meetings do not offer a reasonable opportunity for stakeholders and the public to provide specific information to PennEast LLC for use in preparing the required environmental resource review materials for submission to FERC; and

WHEREAS, given the short timeline of the FERC review process it is critical to provide fair and reasonable opportunities for all stakeholders and the public to identify all relevant issues for this major pipeline project, pursuant to the National Environmental Policy Act; and

WHEREAS, Scoping is the process of defining and refining the scope of an environmental impact statement (EIS) and the alternatives to be investigated pursuant to the FERC rules; and

WHEREAS, in order to assure timely and relevant information is provided to FERC by PennEast LLC, a reasonable and sufficient number of Scoping meetings should be held with at least two weeks advance written notice provided to all stakeholders and to the public within the communities that are or may be impacted by this proposed pipeline; and

WHEREAS, the proposed route is expected to change a number of times between this date and when PennEast may decide to file a formal application with FERC; and

WHEREAS, all route changes will impact and irreparably harm previously unidentified lands, and Scoping meetings may not have addressed the environmental impacts to lands on newly proposed routes; and

NOW THEREFORE BE IT RESOLVED on this 3rd day of November, 2014, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the Borough Council shall hereby take all steps necessary to insure that all PennEast Pipeline proposed routes be reviewed in detail and in full compliance with the fundamental public policies and directives for the protection of environmental resources and for the implementation of alternatives when unresolved conflicts arise as set forth in the National Environmental Policy Act, U.S. Code § 4332(E); and

BE IT FURTHER RESOLVED that the Borough Council hereby finds and urges that because of our significant environmental resources - including but not limited to Category 1 surface waters, environmentally sensitive lands, preserved open space, preserved farmlands, organic farmlands, public parklands, and lands protected with conservation easements - that will be irreparably harmed if the PennEast pipeline is constructed as proposed, a complete Environmental Impact Statement (EIS) be conducted in accordance with the National Environmental Policy Act; and

BE IT FURTHER RESOLVED that the Borough Council hereby urges FERC to give due and careful consideration to the overall cumulative impact of building a completely new pipeline through the Borough's significant environmental resources and to the State policy of co-location in existing Right of Ways; and

BE IT FURTHER RESOLVED that the Borough shall take all necessary steps to ensure that a sufficient and reasonable number of Scoping meetings shall occur with at least two weeks written notice to all stakeholders and the public in all impacted communities regarding any and all proposed routes and route changes with the goal of ensuring that the EIS will include accurate, detailed, and complete documentation and analysis of all environmental resources along all proposed routes including the "final" route at least two weeks in advance of PennEast LLC filing any formal application with FERC; and

BE IT FURTHER RESOLVED that a copy of this Resolution be distributed to Governor Chris Christie, U.S. Senator Robert Menendez, U.S. Senator Cory Booker, Congressman Rush Holt, Congressman Leonard Lance, Senator Shirley K. Turner, Assemblywoman Bonnie Watson Coleman, Assemblyman Reed Gusciora, Senator Christopher Bateman, Assemblyman Jack M. Ciattarelli, Assemblywoman Donna Simon, Senator Michael J. Doherty, Assemblyman Erik C. Peterson, Assemblyman John DiMaio, Mercer County Board of Chosen Freeholders, Hunterdon County Board of Chosen Freeholders, Affected Municipalities in Hunterdon and Mercer Counties in New Jersey, Affected Municipalities in Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and the New Jersey State League of Municipalities.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2014-11.9, second by Council Member Tucker with all members present voting in favor.

Council Discussion

Request to use Senior Center for Meetings – Mrs. Heinzl stated that a resident who lives on Reading and is involved in a group in opposition of the Penn East Pipeline has requested that they be allowed to meet in the Senior Center. Mrs. Heinzl stated that she wanted to bring this before Council because in the past other organizations have requested to meet in the Senior Center and there are issues such as insurance and opening and closing of the building. Mrs. Heinzl stated that currently there are a couple of Borough Committees that use the building for meetings, but we have not opened the building up for outside organizations in the past. Mayor Persichilli stated that due to the insurance issues and other concerns it would not be a good idea. Mayor Persichilli stated that there are enough churches and other places where groups can meet. Council Members were in agreement not to allow use of the Senior Center.

Request for Sewer Connection – Linden Lane – Mrs. Heinzl stated that she received a request for sewer hookup for a property at the end of Linden Lane in Hopewell Township. Mrs. Heinzl stated that a few houses on Linden Lane are in Pennington Borough. Mrs. Heinzl stated that this resident stated that he has a questionable septic system and he was wondering if a connection to the Borough would be allowed. Mrs. Heinzl stated that the bottom line is that this property is completely in Hopewell Township and it has been the policy of the Borough in the past to grant hook ups for water and sewer to properties that have some portion in Pennington Borough. Mrs. Heinzl stated that she advised that resident of past practice but she would follow up with him regarding this discussion.

Professional Reports

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.

Mr. Mike Pisaro, Policy Director for the Stonybrook Millstone Watershed expressed his thanks to Borough Council for the resolutions that were approved regarding the Penn East Pipeline. Mr. Pisaro stated that this project is going to go through a vast majority of New Jersey that has been preserved either as Open Space or as Farmland. Mr. Pisaro stated that three quarters of the pipeline will go through “virgin” land which means that it is land that has not been co-located. Mr. Pisaro stated that these properties have been preserved with taxpayer funds and open space funds and it would affect, according to Penn East, sixty water bodies of which quite a few are C-1 water bodies which are the best water in New Jersey. Mr. Pisaro stated that this includes Baldwin Creek and Stony Brook and it will impact not only Pennington Borough property but also Rosedale Park, the Baldwin Wildlife area and places where residents of Pennington Borough recreate. Mr. Pisaro urged Mayor and Council to continue to oppose the pipeline and to continue to work with other municipalities to coordinate efforts. Mr. Lawver asked if the municipalities in Pennsylvania are also opposed. Mr. Pisaro stated that he has talked to one other town, but they have not been as pro-active as municipalities in New Jersey. Mr. Marciantie stated that he is in favor of stopping the pipeline, but what bothers him more is that if they are not going to co-locate, then they will be running right through the railroad tracks. Mr. Marciantie stated that one of the most dangerous things would be to have a fire or a derailment which would severely impact Pennington Borough. Mr. Pisaro stated that pipelines are not safer and there have been multiple accidents. Mr. Pisaro stated that one of the questions with the process is there is no coordinated plan for bringing pipelines in. Mr. Pisaro stated that DEP has fifteen different pipelines and there is another one coming to the east of where the Penn East pipeline will be. Mr. Pisaro stated that in reality, we should be asking the Federal Government to have a coordinated plan for these lines and not to criss-cross the State. Mr. Pisaro stated that another question is “is there a need” and some of the Penn East filings suggest that this gas is not going to be used here in New Jersey, it will be shipped out. Mr. Pisaro stated that one of the pre-filing documents suggests that this would give the opportunity to sell the gas at the highest price and that would not be in New Jersey.

Closed Session

AT, 8:00 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:

- Contract Negotiations – Proposal for “Zone” Type Police Coverage
- Contract Negotiations – Sewer Lateral Repair – 17 Baldwin Street

At 8:44 PM, Council returned to Open Session

**BOROUGH OF PENNINGTON
RESOLUTION 2014- 11.10**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT
RELATING TO BALDWIN STREET SANITARY SEWER LATERAL REHABILITATION
PROJECT**

WHEREAS, the sewer lateral relating to the residence at 17 Baldwin Street is in need of repair;

WHEREAS, the Borough intends to retain an appropriate contractor to open the street at or near the place the damage is believed to have occurred and identify the source of the problem, then repair the damage;

WHEREAS, in conformance with the Local Public Contracts Law and anticipating that the work in question will cost substantially less than \$17,500, the Borough has solicited competitive quotations for the work from multiple contractors, which have been sent detailed information and specifications concerning the work and materials required;

WHEREAS, the Borough has received quotes from three contractors below \$17,500., and as further authorized by the Local Public Contracts Law, the Borough wishes to choose the quotation of the contractor most advantageous, price and other pertinent factors considered;

WHEREAS, Borough Council seeks to delegate to the Borough Administrator, upon the recommendation of the Borough Water and Sewer Engineer, the selection of the contractor whose quotation meets these criteria;

WHEREAS, the Chief Financial Officer has determined that funds for the work are available;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator, upon the recommendation of the Borough Water and Sewer Engineer, is hereby authorized to issue such purchase orders as are needed to secure the services of that one of the three contractors described above whose proposal is most advantageous, price and other pertinent factors considered.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2014 – 11.10, second by Council Member Marciante with all members present voting in favor.

Closed Session Minutes (approval for content but not for release)

Council Member Marciante made a motion to approve the Closed Session Minutes of October 6, 2014 for content but not for release, second by Council Member Griffiths with all members present voting in favor.

At 8:45 PM the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk