

**Pennington Borough Council  
Regular Meeting – December 1, 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 there is a revised agenda to include a Council Discussion item regarding a mortgage rehabilitation payoff.

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.**

Ms. Terri Evanko of 140 Woolsey Court presented a letter of resignation and asked not to be re-appointed to the Senior Advisory Board. Ms. Evanko thanked Mayor and Council for the honor and privilege of representing Pennington Borough on the Senior Advisory Board. Ms. Evanko stated that due to increased responsibilities in other areas she is unable to continue on the Senior Advisory Board.

**Mayor’s Business**

Mayor Persichilli read the following Proclamations by Title:

**PROCLAMATION**

**WHEREAS;** it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

**WHEREAS,** Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

**WHEREAS,** Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

**WHEREAS,** Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women,5,383 children and 1,016 men. Additionally, Womanspace has assisted more than 204,015 callers over the last 30 years; and

**WHEREAS,** the Borough of Pennington applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women, children and men; and

**WHEREAS,** as Mayor of Pennington Borough I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 8, 2014, as a visible symbol of that support; and

**WHEREAS,** the proceeds from Communities of Light 2014 will be used to fund vital services for victims of domestic violence and sexual assault.

**NOW, THEREFORE, BE IT PROCLAIMED THAT,** I Anthony Persichilli, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby Proclaim Monday, December 8, 2014, as

**Communities of Light Day**

and hereby commend Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

#### PROCLAMATION

**WHEREAS;** human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

**WHEREAS,** human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical abuse; and

**WHEREAS,** human traffickers target impoverished and marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain; and

**WHEREAS,** human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

**WHEREAS,** the United Nations' International Labour Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and it is estimated that more people are now harmed by Human Trafficking worldwide than have been at any other point in human history. Approximately 80% of the victims are women and girls, and 50% are younger than age 18; and

**WHEREAS,** many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue. Under New Jersey and U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

**WHEREAS,** we recognize that New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state; and

**WHEREAS,** human trafficking is modern-day slavery, a practice that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded; and

**WHEREAS,** on February 1, 1865, President Abraham Lincoln signed the 13<sup>th</sup> Amendment to the United States Constitution. Once ratified, it officially outlawed slavery and involuntary servitude except as punishment for a crime; and

**WHEREAS,** although the Federal Government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for enforcement and prevention to occur; and

**WHEREAS,** the New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and

**WHEREAS,** the people of New Jersey, regardless of political persuasion, creed, race, or national origin, stand together with the global community to protect the fundamental freedoms and rights of all person, to fight the proliferation of human trafficking in all of its forms, and to assist survivors of modern day slavery; and

**WHEREAS,** the Borough of Pennington stands committed to protecting human rights and individual freedom by eliminating human trafficking; and

**WHEREAS,** the Borough of Pennington is resolved to support the goals and ideals of observing a National Month of Human Trafficking Awareness in January of each year and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to Human Trafficking; and

**WHEREAS,** the Borough commends the work of Womanspace, Inc. and the NJ Coalition Against Human Trafficking for the county and statewide efforts to end human trafficking through education, advocacy and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end human trafficking.

**NOW, THEREFORE, BE IT PROCLAIMED THAT,** I Anthony Persichilli, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby Proclaim January of each year as: Human Trafficking Awareness Month in the Borough of Pennington, to raise awareness about the signs and consequences of human trafficking, to promote reporting mechanisms and opposition to human trafficking in all of its forms, and to encourage support for

the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2014-21 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2014-21**

**AN ORDINANCE AUTHORIZING ACQUISITION OF A REVOCABLE EASEMENT ON THE  
PROPERTY KNOWN AS 2 SOUTH MAIN, BLOCK 503, LOT 14 ON THE TAX MAP OF THE  
BOROUGH**

**WHEREAS**, Karen Marino and David C. Clark (“Owners”) are the owners of certain real property known as 2 South Main Street, also known as Block 503, Lot 14 on the Tax Map of the Borough of Pennington, located at the corner of Main Street and Delaware Avenue adjacent to the public right-of-way on both South Main Street and West Delaware Avenue and presently used as a beauty salon owned and operated by Owners (“the Property”);

**WHEREAS**, the Borough has constructed a sidewalk in the public right-of-way which dips down at the corner of the Property and for a distance along South Main Street, requiring construction of an inner curb between the sidewalk and that portion of the adjoining land at a higher elevation than the sidewalk (“Inner Curb”);

**WHEREAS**, Borough and Owners agree that it is in their mutual interests to place and maintain planters along the inside edge of the Inner Curb extending wholly or in part onto the Property, subject to the terms and conditions set forth in the attached Agreement (“Agreement”);

**WHEREAS**, the Agreement provides that the Borough will be permitted to enter onto the Property as needed to place and maintain planters extending wholly or in part onto the Property, the planters to be placed side by side along the full length of the Inner Curb at a height of 18 inches, extending back from the edge of the Inner Curb approximately 12 inches, any changes in the dimensions or arrangement of the planters requiring written agreement;

**WHEREAS**, the Agreement further provides that the Borough agrees to procure the planters and any replacements for them at its sole expense;

**WHEREAS**, the planters shall be filled with soil and, at the Borough’s discretion, also contain plantings, the planters and any plantings to remain the property of the Borough;

**WHEREAS**, the Agreement provides further that the Borough shall, at its sole expense, maintain the planters and repair and replace them from time to time as it reasonably determines to be necessary, and, also in its discretion, shall care for and replace any plantings;

**WHEREAS**, Owners agree to permit the Borough and its employees and contractors to enter upon the Property to the extent as reasonably necessary to maintain, repair and replace the planters and to care for and replace any plantings;

**WHEREAS**, Owners agree that they shall not disturb the planters or plantings and, absent an emergency, shall not alter or move or attempt to repair or replace the planters;

**WHEREAS**, the Agreement shall be revocable by either party upon 90 days’ prior written notice;

**WHEREAS**, the Borough shall indemnify and hold harmless Owners from and against any and all liability arising from the presence of the planters on the Property;

**WHEREAS**, the parties also agree to cooperate in recording the Agreement or any revocation of the Agreement, at the expense of the Borough;

**WHEREAS**, it is the intention of the Borough, with the agreement of the Owners, to acquire a revocable easement in the Property requiring the adoption of an authorizing ordinance in a form suitable for recording;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized (a) to enter into the attached Agreement on behalf of the Borough for the purpose of acquiring an easement in the Owners’ Property subject to the terms of the Agreement, and (b) to take such steps as may be necessary to have the Agreement recorded for this purpose; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall be effective upon passage and publication as provided by law.

Council Member Tucker made a motion to introduce Ordinance 2014-21, second by Council Member Marciante. Mr. Bliss stated that there are two items on the agenda for tonight concerning the Village Salon property and the easement for planters which would define the inner curb that currently exists. Mr. Bliss stated that later in the meeting there is a resolution authorizing the Mayor to sign an agreement with the property owners. Mr. Bliss stated that the owners have already signed the agreement and the only deficiency in the agreement is that it is not in recordable form. Mr. Bliss stated that a recordable easement must be acquired by ordinance and must be in a proper form. Mr. Bliss stated that the revised form of agreement is attached to the ordinance and the signed agreement is attached to the resolution. Mr. Bliss stated that there will be an effective agreement upon adoption of the resolution but to the extent that the Borough wants to record it the ordinance needs to be adopted. Upon a role call vote, all members present voted in favor.

### **Committee Reports**

#### **Planning & Zoning / Environmental Commission / Economic Development / Open Space / Library –**

Mrs. Gnatt reported that the Open Space Committee met on November 12<sup>th</sup>. Mrs. Gnatt distributed a financial summary prepared by Mr. Ogren that was presented to the Open Space Committee. Mrs. Gnatt stated that Mr. Ogren's summary reflects a negative balance in the Open Space Fund pending reimbursements from the Lawrence Hopewell Trail grants and FEMA money that was reimbursed to the Current Fund. Mr. Griffiths stated that he did not think that the numbers on the report that was distributed are supported by any other source and so he did not see that they have any relevance. Mr. Griffiths stated that the numbers are inaccurate and Council policy has been that anytime financial numbers are brought before Council that they be reviewed by the Chief Financial Officer or the Treasurer before being presented. Mrs. Heinzl stated that the Borough staff has been working on compiling the figures and processing reimbursements to the Open Space Fund prior to year end. Mr. Davy inquired as to reimbursement from Friends of Open Space for appraisals done on the Brown Property. Mrs. Heinzl explained that the Borough is still in negotiation on the contracts for that property. Mrs. Gnatt stated that the Open Space Committee also discussed the acquisition of that property. Mrs. Gnatt reported that there was a site visit of the Carter Road property on November 14<sup>th</sup> by potential donors. Mrs. Gnatt stated that the committee discussed the revised location of the Penn East Pipeline. Mrs. Gnatt stated that Mr. Ogren reported on a discussion that was held with Council Member Lawver regarding future acquisitions of Open Space properties with the focus being towards the Lovero property. Mrs. Gnatt stated that a draft of the Borough Open Space Plan was reviewed, discussed and revised. Mrs. Gnatt stated that the plan has been provided to the Planning Board with a recommendation that it be adopted and included by reference into the Borough Master Plan.

Mrs. Gnatt stated that the Economic Development Commission met on November 24<sup>th</sup>. Mrs. Gnatt stated that Mr. Eric Holtermann, Chairman of the Historic Preservation Commission attended the meeting as the two commissions will hold a joint 2015 Annual Awards Celebration at Sun Bank on January 28<sup>th</sup>, 2015 from 6pm to 8pm. Mrs. Gnatt stated that some names for nominees were discussed, a vote will be taken and a follow up meeting will take place on December 3, 2014. Mrs. Gnatt stated that the commission is interested in joining the Mid Jersey Chamber of Commerce and updating the current business brochure and they would like to request additional funds be allocated for these items in the 2015 budget. Mrs. Gnatt stated that the commission also discussed the 125<sup>th</sup> anniversary celebration scheduled for kickoff in April of 2015. Mrs. Gnatt stated that The Pennington School will be sponsoring an exhibit in their Arts Center and they are looking for participation from the business community. Mrs. Gnatt stated that the Holiday Walk sponsored by the Pennington Business and Professional Association will be held on Friday, December 5<sup>th</sup>.

Mrs. Gnatt stated that the Environmental Commission did not meet in November. Mrs. Gnatt stated that she was unable to attend the meeting of the Library Board and she will report on that after receipt of the minutes.

**Parks & Recreation** – Mr. Lawver had no report.

**Personnel / Public Works** – Mr. Davy stated that the Personnel Committee met and discussed a number of things. Mr. Davy stated that working through the Police Department the Borough is looking into providing identification badges for employees who interact with the public. Mr. Davy stated that a personnel policy regarding identification badges will be coming to Council for inclusion in the Borough Personnel Manual. Mr. Davy stated that in 2015, the Personnel Committee will be reviewing and possibly updating Policies and Procedures over the course of the year. Mr. Davy stated that this is a big job and will be split up and presented to Council in sections.

Mr. Davy stated that the Public Works Committee met and reviewed the issue of property owner responsibility for water and sewer service connections. Mr. Davy stated that they also reviewed recommendations made by John Meier of Water Resource Management and they will be recommending that the policies be clarified to reflect that homeowners are responsible for laterals from the curb to the residence and the Borough would be responsible for laterals under the roadway.

**Public Safety / Shade Tree** – Mr. Marciante reported that Probationary Police Officer Jeff Janoski is now on solo ride. Mr. Marciante reported that negotiations for temporary coverage are pending waiting for revisions from Hopewell Township. Mr. Marciante stated that this weekend was Small Business Saturday for shopping and he received several complaints from people who came to town to have lunch and shop and received tickets for over extending the time limits on parking. Mr. Marciante suggested that next year the Borough put something in place to relax the parking restrictions for that day only. Mr. Meytrott stated that for one or two years the Borough tried to forgive the time limits on parking in the Borough parking lot only. Mr. Meytrott stated that some people liked it and some did not. Mr. Meytrott stated that he checked with the

Business Association president and she was going to try and come to the meeting tonight and ask for that relaxation again for this year. Mr. Meytrott stated that she is still checking with members of the group and she is undecided as to what direction to go in. Mr. Meytrott stated that he attended a meeting and spoke to the Business Association last month regarding time limit parking in the entire business area. Mr. Meytrott stated that there is a mix of opinions on the parking limits. Mayor Persichilli asked if Council Members have an opinion on whether or not to relax the parking limits for the month of December. After some discussion, Council agreed to leave the parking limits alone for this year. Mr. Marciante stated that No Parking signs have been put up at intersections as indicated in a recently adopted ordinance. Mr. Marciante stated that the last thing to be addressed is removal of bushes on Lanning Avenue. Mr. Marciante stated that the pedestrian signals at the Toll Gate School have not worked for months. Mr. Marciante stated that residents are complaining that the signals are not working and it is time to act on getting them repaired. Mr. Marciante stated that Pennington Borough got the grant and had the work done and once completed the lights became the responsibility of Mercer County. Mr. Marciante stated that Hopewell Township is having the same problem that we are having. Mr. Marciante asked Mr. Bliss if it would be feasible for the Borough to contact the manufacturer directly instead of relying on Mercer County. Mayor Persichilli stated that the Borough does not want to be in the business of maintaining these lights and that was the reason for the agreement with Mercer County. Mr. Meytrott stated that he has been in contact with the County Engineer who indicated that they are having the same problem with these lights in other areas of the County. Mr. Meytrott stated that he has also spoken with Hopewell Township and the problem is that they are having difficulty getting the parts that are needed to do the repair. Mayor Persichilli stated that if other municipalities are having this same problem then it is the County that should take responsibility for contacting the manufacturer. Mr. Marciante stated that along those same lines is the Code Red contract. Mr. Marciante stated that Council agreed back in January that the Borough was going to join Code Red for emergency notifications. Mr. Marciante stated that the company was going to come in and get the system up and running, several meetings were held, the resolution and contract were processed and then it was discovered that Mercer County had the system and would be willing to provide the services at no charge to municipalities for a period of time. Mr. Marciante stated that was back in May and we still do not have approval from Mercer County. Mayor Persichilli stated that he will contact Mercer County regarding the pedestrian signals and the Code Red services.

**Finance** – Mr. Griffiths stated that the finance committee met and discussed several items. Mr. Griffiths stated that progress was made on an inventory of infrastructure repairs, the emergency backhoe services contract needs to be addressed and several new pieces of equipment are needed for the Public Works Department in 2015. Mr. Griffiths stated that there are no present concerns with the 2014 budget versus actual although some transfers are needed to cover year end expenditures. Mr. Griffiths stated that the committee reviewed the report provided by John Meier of Water Resource Management regarding ordinance revisions. Mr. Griffiths stated that the Borough Administrator will be looking into the fee structure for sidewalk inspections vs permit fees charged. Mr. Griffiths stated that the Chief Financial Officer will be reviewing revenue and expense shortfalls for 2014 to come up with a rate increase for water/sewer charges in 2015.

**Historic Preservation / Board of Health / Senior Advisory Board** – Mr. Tucker reported that the Board of Health did not meet in November but they will be participating in a joint meeting with Hopewell Borough and Montgomery Township on December 10<sup>th</sup>.

Mr. Tucker stated that the Senior Advisory Board did meet and Council Members have a report that was submitted by the Senior Services Coordinator. Mr. Tucker reported that Rick Smith is waiting for responses from contractors on work on various issues at the Senior Center. Mr. Tucker reported that the Hopewell Township Planning Board is scheduled to meet December 5<sup>th</sup>, one of the items to be discussed is the parking problem at the site of the proposed senior center on Scotch Road.

Mr. Tucker stated that the Historic Preservation Commission is represented on the 125<sup>th</sup> Anniversary Celebration Committee. Mr. Tucker stated that the commission will also be joining with the Economic Development Commission to present awards for Historic Preservation. Mr. Tucker stated that there are three restoration projects being discussed and he will have a report in the near future.

Mr. Tucker stated that a planning committee has been formed to work on the 125<sup>th</sup> Anniversary Celebration, two meetings have been held and plans are developing for a yearlong celebration with activities spread throughout 2015. Mr. Tucker stated that Catherine Chandler has agreed to co-chair the committee along with him. Mr. Tucker stated that the next meeting will be held Wednesday, December 17<sup>th</sup>, volunteers are still needed. Mr. Tucker reviewed some of the events that are being discussed.

**New Business**

**BOROUGH OF PENNINGTON  
RESOLUTION #2014 – 12.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued in the amount of \$76.76 to Wells Fargo Real Estate Tax Service, LLC, Attn: Financial Support Unit 1, 1 Home Campus, MAC X2302-04D, Des Moines IA 50328-0001, for an overpayment of 2014 added 4<sup>th</sup> quarter taxes in the amount of \$76.76 for 435 Burd Street , Block 906 , Lot 26;

**BE IT RESOLVED**, that a refund be issued in the amount of \$4007.08 to CoreLogic, Attn. Refunds, 1 CoreLogic Drive, West Lake, TX 76262, for an overpayment of 2014 added 4<sup>th</sup> quarter taxes in the amount of \$4007.08 for 320 Hale Street, Block 701, Lot 19.

**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 2014-12.1, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2014 – 12.2**

**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 \$ 483,855.19 from the following accounts:

Current	\$ 437,238.16
W/S Operating	\$ 41,724.10
Trust Other	\$ 200.00
Grant Fund	\$ 4,470.93
Open Space Fund	\$ 222.00
<b>TOTAL</b>	<b>\$ 483,855.19</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2014-12.2, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2014 – 12.3**

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

**WHEREAS**, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

**WHEREAS**, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, and capital improvement fund or interest and redemption charges;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2014 budget appropriations:

<u>Appropriations:</u>	<u>To:</u>	<u>From:</u>
Streets – Salaries	\$15,000.00	
Salary and Wage Adjustment		\$15,000.00
Borough Property – Salaries	\$ 5,000.00	
Borough Clerk – Salaries	\$ 8,800.00	

Tax Collector – Salaries	\$ 2,500.00	
Borough Administrator – Salaries		\$ 6,000.00
Legal Services – Other Expense		\$ 5,300.00
Planning Board – Salaries	\$ 1,500.00	
Police – Salaries	\$ 7,500.00	
Group Insurance – Other Expense		\$14,000.00
<b>Total Current Fund</b>	<b>\$ 40,300.00</b>	<b>\$40,300.00</b>

**BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2014water/sewer budget appropriations:

Water – Salaries	\$ 10,000.00	
Sewer – Salaries		\$10,000.00
<b>Total Current Fund</b>	<b>\$ 10,000.00</b>	<b>\$10,000.00</b>

**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 2014-12.3, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2014-12.4**

**RESOLUTION AUTHORIZING PURCHASE OF WATCHGUARD 4RE-HD IN-CAR VIDEO SYSTEM UNDER STATE CONTRACT FOR POLICE VEHICLES**

**WHEREAS**, the Pennington Borough Police Department is required to upgrade its in-car video equipment; and

**WHEREAS**, the Public Safety Director has determined that the required equipment is available under the State Contract known as Watch Guard Digital In Car Video, (Contract #: A81300); and

**WHEREAS**, the Public Safety Director has obtained a quote for the required equipment from Watch Guard Digital In Car Video located at 415 Century Parkway, Allen, Texas 75013; and

**WHEREAS**, Watch Guard Digital is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

**WHEREAS**, the proposed purchase of video equipment from Watch Guard Digital is subject to all the terms and conditions of the aforesaid State Contract; and

**WHEREAS**, a copy of the proposal from Watch Guard Digital In Car Video in the amount of \$29,269.00, is attached to this Resolution; and

**WHEREAS**, purchase of the video equipment on State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the General Capital Account under Ordinance 2014-13;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the acquisition of digital video equipment for the Pennington Borough Police Department pursuant to the attached proposal from Watch Guard Digital In-Car Video is hereby authorized, and the Borough Administrator and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2014-12.4, second by Council Member Tucker. Mr. Meytrott explained what was being purchased and provided a brief summary of the history of equipment currently being used. Mr. Meytrott answered questions from Council regarding the system and what it can do. Upon a roll call vote all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2014-12.5**

**RESOLUTION AUTHORIZING AGREEMENT WITH KAREN MARINO AND DAVID C. CLARK  
TO PLACE AND MAINTAIN PLANTERS ON THE PROPERTY  
KNOWN AS 2 SOUTH MAIN STREET, BLOCK 503, LOT 14**

**WHEREAS**, Karen Marino and David C. Clark (“Owners”) are the owners of certain real property known as 2 South Main Street, also known as Block 503, Lot 14 on the Tax Map of the Borough of Pennington, located at the corner of Main Street and Delaware Avenue adjacent to the public right-of-way on both South Main Street and West Delaware Avenue and presently used as a beauty salon owned and operated by Owners (“the Property”);

**WHEREAS**, the Borough has constructed a sidewalk in the public right-of-way which dips down at the corner of the Property and for a distance along South Main Street, requiring construction of an inner curb between the sidewalk and that portion of the adjoining land at a higher elevation than the sidewalk (“Inner Curb”);

**WHEREAS**, Borough and Owners agree that it is in their mutual interests to place and maintain planters along the inside edge of the Inner Curb extending wholly or in part onto the Property, subject to the terms and conditions set forth in the attached Agreement (“Agreement”);

**WHEREAS**, the Agreement provides that the Borough will be permitted to enter onto the property as needed to place and maintain planters extending wholly or in part onto the Property, the planters to be placed side by side along the full length of the Inner Curb at a height of 18 inches, extending back from the edge of the Inner Curb approximately 12 inches, any changes in the dimensions or arrangement of the planters requiring written agreement;

**WHEREAS**, the Agreement further provides that the Borough agrees to procure the planters and any replacements for them at its sole expense;

**WHEREAS**, the planters shall be filled with soil and, at the Borough’s discretion, also contain plantings, the planters and any plantings to remain the property of the Borough;

**WHEREAS**, the Agreement provides further that the Borough shall, at its sole expense, maintain the planters and repair and replace them from time to time as it reasonably determines to be necessary, and, also in its discretion, shall care for and replace any plantings;

**WHEREAS**, Owners agree to permit the Borough and its employees and contractors to enter upon the Property to the extent as reasonably necessary to maintain, repair and replace the planters and to care for and replace any plantings;

**WHEREAS**, Owners agree that they shall not disturb the planters or plantings and, absent an emergency, shall not alter or move or attempt to repair or replace the planters;

**WHEREAS**, the Agreement shall be revocable by either party upon 90 days’ prior written notice;

**WHEREAS**, the Borough shall indemnify and hold harmless Owners from and against any and all liability arising from the presence of the planters on the Property;

**WHEREAS**, the parties also agree to cooperate in recording the Agreement or any revocation of the Agreement, at the expense of the Borough;

**WHEREAS**, Owners have executed the form of Agreement attached and same may be the basis for installation of the planters as agreed, although the Borough’s acquisition of an easement in the Property requires the adoption of an ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached Agreement on behalf of the Borough, and to take such steps as may be necessary to implement that Agreement, with the understanding that the Borough will proceed forthwith with the adoption of an ordinance necessary to acquire an easement in the Property.

**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 2014-12.5, second by Council Member Tucker with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2014- 12.6**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
TO ROOT 24 HOURS, INC. FOR REPAIR OF SANITARY SEWER LATERAL RELATING TO  
THE RESIDENCE AT 17 BALDWIN STREET**

**WHEREAS**, the Borough has solicited quotes from contractors for repair of the sewer lateral relating to the residence at 17 Baldwin Street;

**WHEREAS**, the Borough has received quotes from three contractors below \$17,500;

**WHEREAS**, Resolution 2014-11.10, adopted by Borough Council, authorized the Borough Administrator, upon the recommendation of the Borough Water and Sewer Engineer, to issue a purchase order for the services of that contractor whose proposal is most advantageous to the Borough, price and other pertinent factors considered;

**WHEREAS**, following adoption of Resolution 2014-11.10, Van Note Harvey Associates, the Borough’s Water and Engineer, recommended award of the contract to Root 24 Hours, Inc., of Camden, New Jersey, whose offered price of \$9,350.00 was the lowest among the three contractors;

**WHEREAS**, the Chief Financial Officer has determined that funds for the work are available in the Water/Sewer Capital Fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby specifically authorized to issue a purchase order for the services of the aforesaid Root 24 Hours, Inc. in accordance with its proposal for the work, at a price not to exceed \$9,350.00.

**Record of Council Vote on Passage**

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

Council Member Tucker made a motion to approve Resolution 2014-12.6, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2014-12.7**

**RESOLUTION CORRECTING ACCOUNT NUMBER IN RESOLUTION 2014-10.8, PERTAINING  
TO FUNDS FOR PAYMENT REQUEST NO. 6 TO A&A CURBING, INC.**

**WHEREAS**, Borough Council Resolution 2014-10.8 authorizes payment to A&A Curbing, Inc. in the amount of \$4,980.17 pursuant to Payment Request No. 6 under A&A Curbing’s contract with the Borough of Pennington for Downtown Streetscape Improvements (Roberts Engineering Group, file no. PEN3704);

**WHEREAS**, Resolution 2014-10.8, in the fifth recital concerning the availability of funds, mistakenly identifies Borough Account T-03-00-850-850-256 as the source of funds for the authorized payment and the correct account is Account G-02-44-951-000-250;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Resolution 2014-10.8 is hereby amended to change the account number cited in the fifth recital to G-02-44-951-000-250; and

**BE IT FURTHER RESOLVED** that Resolution 2014-10.8, as amended, is in all other respects ratified and approved.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2014-12.7, second by Council Member Griffiths with all members present voting in favor.

**Council Discussion**

**Carl Fuccello / Dr. Sternberg – Request for water/sewer connection** – Mrs. Heinzl stated that Mr. Fuccello was present and Council might recall that Mr. Fuccello attended a recent Council meeting to request

water and sewer service for a property that Mr. Fucello is acquiring through a sub-division of Dr. Sternberg's property. Mrs. Heinzl stated that the property has frontage on Vannoy Avenue and lies within the Borough, though the bulk of the property is in the Township. Mrs. Heinzl stated that the sub-division is going to require approvals from both the Borough and the Township Planning Boards. Mrs. Heinzl stated that the first step of the process was for Mr. Fucello to obtain a will-serve letter from the Borough regarding the sub-divided property and that was granted. Mrs. Heinzl stated that a meeting was held with Hopewell Township which included their Zoning Officer and the Township Administrator. Mrs. Heinzl stated that the first issue that came up was that if this property is sub-divided, the existing property that Dr. Sternberg resides in would have an insufficient lot to maintain his septic system. Mrs. Heinzl stated that Dr. Sternberg declined to tie into the Borough sewer system and he has recently replaced his septic system. Mrs. Heinzl stated that it was suggested at the meeting that a request be made to the Borough that if the septic system on Dr. Sternberg's property fails that he would be able to tie into the Borough water and sewer system consistent with the agreement which covers the rest of the properties on Vannoy Avenue. Mr. Carl Fucello came forward and answered some questions and concerns of Council Members. Mr. Griffiths stated that he did not have a problem granting the request with the understanding that it be put in writing that any costs for connecting to the system be covered by the property owner. Mr. Bliss was asked to prepare a resolution for the next meeting. Mr. Fucello stated that the next step following approval of this request would be taking the approval before the Township Board of Health and from there he would be able to begin the formal application process. Mayor Persichilli stated that if the Township Administrator needs confirmation of the decision he or Mrs. Heinzl would provide confirmation prior to voting on the resolution at the next meeting.

**Mortgage Rehabilitation Payoff** – Mr. Bliss stated that in 2006 the owner of 15 Ingleside Avenue received a loan under the Borough Housing Rehabilitation Program as part of the Affordable Housing Plan. Mr. Bliss stated that the terms of the loan were that the funds were to be used for rehabilitation of the property in particular correction of code violations. Mr. Bliss stated that the amount of the loan which was \$16,500 was paid directly to the contractor and the quid pro quo was that if the property and the owner remained in compliance with the conditions of the loan, income requirements and the like and did not sell the property in the six year period then the loan would be forgiven. Mr. Bliss stated that the Borough received a call this afternoon notifying us that the property is due to close this Thursday, December 4, 2014. Mr. Bliss stated that the Estate of the homeowner would like the Borough to provide a release of mortgage, assuming that the conditions have been met. Mr. Bliss stated that he has not had time to investigate thoroughly whether there has been compliance with conditions of the mortgage note or secondly prepared the requisite paperwork which the seller's attorney should prepare. Mr. Bliss stated that what he is proposing tonight is that Council authorize the Borough Attorney to advise the attorneys for the buyers and seller that the Borough Rehabilitation Mortgage Loan of \$16,500 will be released upon presentation of a suitable document and that the Borough will execute and deliver that release provided that the Borough is provided an affidavit that establishes that the owner has complied with the terms of the mortgage and that Council approves the release in a formal resolution and finally that pending those two steps, the attorney's will hold the transaction in escrow if in fact they proceed with a closing on December 4<sup>th</sup>. Mr. Bliss apologized for not having more information but back in 2006, Housing Services, Inc. (HSI) was administering the program for the Borough and this is the only loan that was effected under the program. Mr. Bliss stated that HSI no longer is under contract with the Borough but it does appear that the mortgage has been satisfied and the funds were used to rehabilitate the property and the owner maintained qualification for the loan over six years, now eight years and therefore the Borough can release the mortgage lien. Mr. Bliss asked for Council authorization to move forward with the assumptions as stated keeping in mind that there is nothing formally accomplished until Council approves a resolution releasing the mortgage lien.

### **Professional Reports**

Mrs. Heinzl stated that she received an e-mail from Kerri Ward regarding parking on West Delaware Avenue. Mrs. Heinzl stated that the parking spaces are partially in the business district and extend further down in front of residential properties. Mrs. Heinzl stated that Kerri Ward is in attendance. Mayor Persichilli asked Mr. Meytrott if the parking restrictions are in place because Pennington School students and staff would park for long periods of time. Mr. Meytrott stated that when the time limit parking was instituted it was extended because of complaints from merchants that customers could not find parking due to cars being parked in the spaces all day. Mr. Meytrott stated that there were a number of students who were parking for extended periods of time and that is one of the reasons that the time limits were extended. Mr. Davy asked if Mr. Meytrott has reviewed the request and did he have a recommendation. Mr. Meytrott stated that he just saw it this afternoon. Mr. Meytrott stated that in terms of the Police Department it really does not make much difference whether there are time limits or not. Mr. Meytrott stated that they have always deferred to the Business Association as to what their recommendations would be.

Mrs. Kerri Ward came forward and stated that there are also a couple of other residents here to speak on this issue. Mayor Persichilli asked Mrs. Ward why she is making the request. Mrs. Ward stated that she lives at 31 West Delaware Avenue, her husband works at the Pennington School and they have one parking spot, but they have two cars. Mrs. Ward stated that she can't park in front of her house. Mayor Persichilli stated that there is one house on Delaware that does not even have any parking off street. Mayor Persichilli stated that several years ago the homeowner at the time came to Council to request a parking space or a permit to park and he was told no because the Borough cannot issue specific spaces to specific homeowners. Mayor Persichilli stated that the house was purchased knowing that there was no parking off street. Mayor Persichilli asked if Mrs. Ward's husband who works for the school could get parking from the school. Mayor Persichilli stated that one of the reasons that the time limits were put into place was to ensure turnover and to eliminate parking of cars all day and all night including residents. Mr. Marciante asked if the problem is that homeowners have to go out in the morning to move their cars? Mrs. Ward stated that the problem is that historically the parking restrictions have not been enforced and so residents got into the habit of parking in spaces with time limits. Mr. Marciante stated that the same problem occurred on Burd Street because the students at the Pennington School do not have enough spaces to park and until the school figures out a way to provide more parking the students will swarm the town and park wherever they can. Mr. Marciante stated that one sign was removed on Academy and that space was

occupied the next day. Mrs. Ward asked if there was an option to provide residents with parking permits and the answer was no. Mr. Tucker asked if the house was owned by the school and Mrs. Ward said yes. Mr. Griffiths stated that if the house is owned by the school then it is the responsibility of the school to provide parking.

Mr. Jay Neary who lives in Penn View Heights but owns property on West Delaware Avenue asked if there was a way to absolve the residents who live on West Delaware from the parking restrictions. Mr. Neary stated that they are not asking for a particular parking spot, they are willing to fight for an open space, but when they find that space, they want to be able to park there and not be subjected to the two hour limit. Mr. Neary stated that it is a big imposition for the residents that live on West Delaware to have to remember to move their cars or risk getting a \$50.00 ticket. Mr. Neary stated that the residents are not asking for a change in the parking limitations, they are asking for some sort of registration process for residents to record their vehicle and license number so that when an officer is getting ready to issue a ticket, they would have a listing of residents that are absolved of the parking limitations.

Mayor Persichilli stated that the issue is that the Pennington School causes problems with parking throughout town and it is their responsibility if they are going to buy up houses and take them off the tax records then they need to provide parking for the people that live in these homes. Mr. Meytrott stated that some years ago the Borough had a permit parking system and the Business Association requested of the Borough Council at the time to do away with the permit system. Mr. Meytrott stated that system would work in this circumstance because the permits exempted residents of the Borough from the parking restrictions.

Mr. Chris Czornyek of 18 West Delaware Avenue stated that he lives in the house on West Delaware that has no driveway or off street parking. Mr. Czornyek stated that he bought the house in March of 2010 knowing the parking situation. Mr. Czornyek stated that he is not asking for the parking restrictions to be changed however he would like Council to consider the possibility of parking permits for residents who live on streets where there is restrictive parking. Mr. Czornyek suggested limiting the permits to one per household. Mr. Czornyek stated that they are not looking for assigned spots or lifting of the restrictions, they are just looking for a means to avoid getting ticketed as there are times when it is difficult to work within the restrictions.

Mayor Persichilli stated that if Council were to consider this request it would become a serious problem because we don't have that many spaces in town. Mayor Persichilli stated that he understands what is being requested, but there is just no simple solution to the problem. Mayor Persichilli stated that until the Pennington School is willing to address the parking situation, we will continue to monitor parking in town to ensure that there is adequate parking for people patronizing local businesses.

Mayor Persichilli suggested that Mrs. Ward approach the Pennington School and ask for parking from them. Mr. Griffiths stated that Borough Council has to hear from all constituents, one of them being the Business Association. Mr. Griffiths suggested that the residents go to the Business Association and if an amicable agreement can be reached, Council might consider the request. Mr. Griffiths stated that residents and business owners need to work together and come up with a plan that will work. Mr. Lawver stated that when the time restrictions were put into place there was a parking committee made up of residents and business owners that met and presented a plan to Council. Mayor Persichilli stated that parking is an ongoing problem in town and until more parking can be provided it will continue to be a problem.

### **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.**

### **Closed Session**

**AT, 8:30 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:

- Comcast Agreement – Draft Ordinance

At 8:55 PM, Council returned to Open Session. Council Member Marciante made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk