

**Pennington Borough Council
Regular Meeting – October 5, 2015**

Council President, Joseph Lawver called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll. Mayor Persichilli and Council Member Griffiths were absent. Mrs. Chandler arrived after the roll call.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Borough Attorney Walter Bliss, Borough Auditor Robert Morrison and Chief Financial Officer Sandra Webb.

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

Council President Lawver asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Council President Lawver read the following statement:

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

Mr. Lawver invited anyone in attendance for the Public Comment session at the end of the meeting to come forward and speak at this time.

Mr. Bob Meisick of 200 Pennview Drive in Hopewell Township representing the Pennington Presbyterian Church came forward. Mr. Meisick stated that the Presbyterian Church will be holding a 5K race. Mr. Meytrott stated that he was planning to address this later in the meeting as Council will need to approve the event and there are some items that he would like to address. Mr. Lawver stated that Council would address the request later in the meeting..

Mayors Business

Mr. Lawver announced that Ron Roveda has resigned from the Economic Development Commission and we will be looking for a new member to fill the vacancy.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the September 8, 2015 Regular Meeting, second by Council Member Marciante with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the September 23, 2015 Special Meeting, second by Council Member Marciante with all members present with the exception of Mr. Davy and Mrs. Gnatt who abstained.

Presentations

Mr. Lawver invited Mr. Bob Morrison, Borough Auditor to come forward to present the audit report for 2014. Mr. Morrison reported that the good news is that the Borough's financial condition remained very strong during 2014 and from a personal perspective he has become very comfortable as an auditor, with the financial management and the finance committee of the Borough with the insight into the budget preparation process and the need to provide stability in the budget process going forward. Mr. Morrison explained that the Borough has taken a very steady as you go attitude with regard to tax increases and has not pushed the tax rate in good times and has fought to keep it steady in tough times. Mr. Morrison stated that if you go back historically where the Borough was in 2008 compared to right now the Borough is one cent lower now than in 2008 without all the peaks and troughs that many other municipalities in New Jersey have experienced. Mr. Morrison stated that stability in the local tax rate is a real credit to the Governing Body, the Finance Committee and the management of the Borough.

Mr. Morrison stated that with respect to the audit itself, the opinion on the financial statements is on pages 2 and 3 of the document. Mr. Morrison stated that New Jersey does not follow National Accounting Standards so we cannot compare to other states because 48 states follow the National Standards, but New Jersey does not. Mr. Morrison stated that the State of New Jersey requires all municipal governments to maintain a record of its general fixed assets. Mr. Morrison stated that Pennington began the process last year and it is a two year phase in so next year the Borough will be in compliance. Mr. Morrison stated that this record has no relevance to the

budget building process, it has no relevance to liquidity analysis, but it is something that the State requires and if the State requires it, they have to look at it. Mr. Morrison stated that the Borough has had a valuation done and the financial statements for 2014 now show a value for buildings, land and equipment owned by the Borough. Mr. Morrison stated that the standard also says that we have to report beginning balances, increases and decreases for the year. Mr. Morrison stated that we could not do that because we only had the valuation done for December of 2014. Mr. Morrison stated that the good news is that for 2015 we will be able to provide that information which will bring the Borough into compliance and he will be able to eliminate the modification to the opinion that is now present.

Mr. Morrison stated that a second report that appears on pages 5 and 6 of the audit, reports on reviews and testing of the internal controls that the Borough operates with and compliance with laws and regulations. Mr. Morrison stated that with respect to internal controls, because of the size of the Borough it is difficult to have a control structure that a larger organization would have. Mr. Morrison stated honestly the Borough would not want to have that kind of structure because that would require the hiring of more people which would cost more money and would raise taxes. Mr. Morrison stated that the report basically says that the internal controls in place are operating the way they were designed and they believe that they are appropriate for an organization the size of Pennington and they did not find any critical shortcomings in the system of internal controls. Mr. Morrison stated that they are satisfied that the Borough is operating as it should be. Mr. Morrison stated that one of the key things about internal controls is that the Governing Body in an organization of this size plays a key role in internal control. Mr. Morrison stated that the more things that come before Council for approval and that are documented in the minutes the easier it is for an outside auditor to come in and see that someone is keeping an eye on things.

Mr. Morrison stated that as far as compliance with laws and regulations, they look at a variety of things related to budget law, local finance law, public contracts law, IRS regulations and somewhere between twenty and thirty different tests are performed. Mr. Morrison stated that they did not find any non-compliance during the course of testing and they are comfortable that the Borough is operating in compliance with all laws and regulations.

Mr. Morrison stated that as far as the financial statements go, fund balance is down about \$48,000 but it is still at a comfortable level that provides cash flow. Mr. Morrison stated that what happens with towns the size of Pennington in many instances is that money is spent for grant programs or capital projects and cash is not coming in to finance the costs. Mr. Morrison stated that this results in borrowing money from general cash flows to finance costs until the grant reimbursements are processed and received or until enough is aggregated to sell bond anticipation notes. Mr. Morrison stated that the finance committee is very aware of the impact of fund balance on budgets and the use of fund balance to stabilize the tax rate which is a good thing from an auditor's perspective. Mr. Morrison stated that the finance committee has to deal with a two percent growth maximum on the tax levy and if it doesn't get applied it is lost forever. Mr. Morrison stated that the Borough has to manage the tax levy and look forward to make sure that if a budget is passed with no tax increase in one year what will be the impact in the next year and if the questions is maybe no, then gradual tax increases are necessary.

Mr. Morrison stated that with respect to grant programs, those have been cleaned up in the last cycle. Mr. Morrison stated that the thing about grant programs is that the Borough has some large grants, but if money starts getting spent and it is going to take time to get reimbursed, the Borough has to come up with cash flows to be able to pay for the projects. Mr. Morrison stated that this has been a critical issue for Pennington in the past. Mr. Morrison stated that funds have been borrowed from the current fund or the general capital fund when needed and hopefully interfunds that existed in 2014 were able to be cleared in 2015. Mr. Morrison stated that one of the key functions of the finance department on a daily basis is keeping track of where the cash flows are. Mr. Morrison stated that there are Bond Anticipation Notes that are coming due in December on the water/sewer utility and if a lot of money is being spent on grant or capital projects with a lag time in getting reimbursed, additional notes may need to be sold at the end of this year. Mr. Morrison stated that as far as permanent financing for capital projects, when the last bond issue was put together, it was structured so that after 2019, we should see a decrease in debt service. Mr. Morrison stated that last bond issue has basically set an availability date of 2019 for the next bond sale. Mr. Morrison stated that what can be done in between if there are capital projects that need to be done without waiting; the money can be spent through short term notes which can be rolled over three times before a bond sale is required. Mr. Morrison stated that we are currently set up pretty well if that is the course the Borough wants to take.

Mr. Morrison stated that as far as the water/sewer utility goes 2014 was almost a mirror image of 2013. Mr. Morrison stated that from his perspective it looks like there is some stability and

absent any big increases in the cost of treatment, the water/sewer utility should be relatively stable.

Mr. Morrison stated that as far as comments and recommendations go after covering items that are required to be covered, the net result is that there are no items that need improvement that require a recommendation, therefore a corrective action plan will not be needed.

Mr. Morrison stated that the people that they respond to as auditors are requiring a letter which he has prepared and will submit to the Clerk, essentially affirming to the Governing Body any problems that were found, any problems with the audit, any problems with personnel, did staff shop other auditors for different opinions, etc. Mr. Morrison stated that they did not find any of those things. Mr. Morrison stated that along with the audit is a letter stating that none of the intrigue that can sometimes go on with audit engagement went on in Pennington last year.

Mr. Morrison stated that he would be happy to answer any questions from Council. Mr. Morrison stated that it was a clean audit, no problems in the course of fieldwork and they got the complete cooperation of the staff and that is very much appreciated.

Mr. Lawver thanked Mr. Morrison and also thanked Sandy Webb and Betty Sterling because they are the reason behind the clean numbers.

Mr. Lawver asked Michelle Needham to give Council an update on the Parks and Recreation Commission. Mrs. Needham stated that she was asked to come and provide Council with an update on events they are running, issues that they are facing and a look into the future of what this commission does or should be doing. Mrs. Needham stated that they host the Borough Easter Egg Hunt, Memorial Day Parade, concerts, trail day and other events that have recently been phased out such as the annual swim day and Christmas caroling. Mrs. Needham stated that she has been a part of the commission for about eight years and events are run until such time as participation results in events being dropped or replaced with other events. Mrs. Needham stated that they try to get input from residents, they have upped their social media game, to try to promote events and to try to get people to provide feedback on events. Mrs. Needham stated that this year they put out a flyer in the water bills which included information on a summer concert series that was new this year. Mrs. Needham stated that they tied the concert series in with the economic development commission and the Pennington Business Association. Mrs. Needham stated that the first concert in June went well, the second in August was rained out and the third ran in to September which got too far into the fall with school starting. Mrs. Needham stated that they are constantly looking for the best way to spend Borough dollars to bring families together through recreation and events. Mrs. Needham stated that she thinks that the concert series is worth trying again but other events such as the trail day will probably be dropped due to participation. Mrs. Needham stated that they will also look into new ideas. Mrs. Needham stated that one of the issues that they run into is trying to figure out what people want. Mrs. Needham stated that we are very blessed in this area with numerous things going on during the week that residents can participate in. Mrs. Needham stated that maybe the Parks and Recreation Commission needs to figure out a couple of things that they are good at and be content with just those events. Mrs. Needham stated that another issue is finding volunteers because people have busy lives and it is difficult to find people who can commit. Mrs. Needham stated that new blood is always good and maybe it is time to find someone else to run the whole commission.

Mrs. Needham stated that she would say that for the future there is playground equipment that will likely need to be replaced, mulch versus some other type of material for the parks, and ADA compliance which are all big ticket items. Mrs. Needham stated that she does not know if funds are being budgeted in the event that something needs to be replaced or where the funds would come from if something is needed.

Mrs. Needham stated that commission members also monitor the parks along with the public works department in terms of maintenance and monitoring playground equipment. Mrs. Needham stated that they have been working with the Boy Scouts on Eagle projects in the park. Mrs. Needham stated that she coordinates with public works each year in terms of mulch replacement. Mrs. Needham stated that the Shade Tree Commission has gotten involved with maintaining the trees in the parks and she is in contact with Gabe Rosko of the Shade Tree Commission regarding the trees in the parks.

Mrs. Needham stated that the commission also coordinates the adopt-a-flag program in town which is the flags that go up each spring and come down in the fall.

Mrs. Needham stated that she would be happy to answer questions from Council. Mrs. Chandler recapped events that the commission is in charge of, the Easter Egg Hunt, Memorial Day Parade,

Trail Walk, July 4th races, the summer concert series and movie night. Mrs. Needham stated that movie night is coming up on October 11th. Mrs. Chandler stated that in addition to these events, the commission maintains the parks and handles the adopt-a-flag program. Mr. Lawver asked how ADA compliance is determined. Mrs. Needham stated that someone from the insurance company comes out each year and points out things that are necessary. Mrs. Needham stated that the Borough does not have someone who is certified. Mr. Meytrott stated that the insurance representative inspects for ADA and safety issues.

Mrs. Chandler stated that in other Borough groups the idea of a Borough calendar has come up with every groups events listed as a single resource. Mrs. Needham stated that she has met with Chris Murphy of the Pennington Business Association and Eric Kollevell of the Economic Development Commission and it seems like a good idea. Mrs. Needham stated that Hopewell Borough does one and it includes all local church events and given that there is so much going on in Pennington Borough, maybe it would be a good idea to include other activities and not just Borough events.

Mrs. Chandler stated that she finds it odd that the Parks and Recreation group is responsible for maintaining the parks. Mrs. Chandler stated that it seems that it should fall under public works. Mr. Lawver stated that it is more the eyes and ears today as opposed to how it used to be. Mrs. Chandler stated that she is referring to ordering the mulch and making decisions on trees. Mrs. Needham stated that there was a time that she was doing that but today it is more of an eyes and ears thing even though she does get involved in ordering some things, but it is not as it used to be.

Mrs. Needham briefly discussed the ongoing problem of bees in the sandbox and stated that there has been speculation that because we lost a lot of trees during Hurricane Sandy and the sandbox is now exposed to more sun light which attracts bees that maybe the sandbox should be emptied and refilled to get rid of any larvae that may be present or that the sandbox should be eliminated.

Some discussion took place with regard to whether volunteers should be expected to maintain the parks. Mrs. Chandler stated that several of the events that the Parks and Recreation Commission puts together are well attended and she would like to see them continued.

Mr. Lawver thanked Mrs. Needham for her comments.

Public Hearing

Mr. Lawver invited Chief Financial Officer, Sandra Webb to come forward to present the Best Practices Toolkit. Mrs. Webb stated that this is a requirement that came about in the last six years. Mrs. Webb stated that there are fifty questions that make up the toolkit and we have four questions that have been answered no and the idea is to limit the number of questions that are answered no because it can impact state aid. Mrs. Webb stated that the reason for the public hearing is to promote financial accountability, sound management and also transparency. Mrs. Webb stated that this gives us an idea of some of the things that State is looking for and things that maybe we need to work on. Mrs. Webb stated that she will go over the questions that we have answered no to, but there are two of them where there is only so much we can do being a small community. Mrs. Webb stated that she is happy to say that we were able to answer yes or N/A to 46 of the 50 questions. Mrs. Webb stated that she would be happy to talk about any of the questions, but she would like to begin with the ones that we answered no to. Mrs. Webb stated that the first question is number 6 which relates to whether there is a requirement that new Council Members attend an elected official's class sponsored by Rutgers University. Mrs. Webb stated that we do not require it, but we do suggest that newly elected officials attend. Mrs. Webb stated that question number 18 relates to whether the audit was filed within the first six months of the year and it was not. Mrs. Webb stated that she was hoping that Mr. Morrison would have still been here to address this question. Mrs. Webb stated that she and Mrs. Sterling were ready for the auditors and she did speak with Mr. Morrison and he said he would talk to the staff that does our audit. Mrs. Webb stated that the last two questions are numbers 44 and 45. Mrs. Webb stated that number 44 talks about whether we have a policy to not pay our employees upon separation or retirement for approved sick leave. Mrs. Webb stated that there is still language in the personnel manual though it is very limited in that an employee has to be here for so many years, they must have a bank of a certain number of hours and then the payment is a small percentage of those hours. Mrs. Webb stated that this does not come up very often in Pennington and the exposure is minimal, but since we answered no she wanted to address it. Mrs. Webb stated that there is no State requirement, but the push has been to eliminate these types of payments as well as longevity payments which we do not have. Mr. Davy stated that the personnel committee would take a look at the policy. Mrs. Webb stated that she will add a comment that there is a cap and that the personnel committee will be reviewing the policy. Mrs.

Webb stated that the last one is number 45 and that relates to light duty. Mrs. Webb stated that again because we are a small municipality it is difficult to find things that fall into the light duty category. Some discussion took place with regard to whether a plan for light duty could be put into place. Mr. Davy stated that the personnel committee would look into it.

Mr. Marciante had a question on number 11 concerning annual assessments of authorities. Mrs. Webb stated that she answered n/a to the question because she was thinking only of Stonybrook Sewer Authority but she now realizes that the question also refers to Fire Districts. Mrs. Webb stated that we might want to commit to having the Fire District annually come out and make a presentation to Council so that a dialog can be established with them. Mrs. Webb stated that it is not mandatory that the Fire District do this, but it is mandatory that a discussion take place whether it is with them or without them. Mrs. Webb stated that the answer to the question can be either n/a or yes and it won't cause an issue either way.

Mr. Marciante asked who is getting LOSAP here in the Borough. Mrs. Webb stated that would be the First Aid members. Mrs. Webb stated that we contribute to a program handled by Lincoln Financial and it is based on the number of calls. Mr. Marciante asked who manages the plan. Mrs. Sterling stated that Matt Martin of the Hopewell Township Fire District manages the plan and we pay a percentage of the bill and Hopewell Township pays the remainder.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt stated that she had no report, but Tom Ogren, Chairman of the Open Space Committee would be coming to the November meeting with a report.

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

Public Safety – Mr. Marciante stated that the police contract is close to being settled. Mr. Meytrott asked if Council would like to address the request from the Presbyterian Church at this time. Mr. Meytrott stated that he has had some discussions with the Pennington Presbyterian Church over the past couple weeks regarding a foot race on December 5th, 2015 beginning at 9:00am. Mr. Meytrott stated that initially this presented a problem for the Business and Professional Association because of the time and the location but the location has now been moved off of Main Street and will not require closing any part of Main Street at 9:00am on a Saturday morning. Mr. Meytrott stated that the race will now start and end at the church entrance on Delaware Avenue and not affect Main Street. Mr. Meytrott stated that he has presented this change to the Business Association and they no longer have a problem with the event. Mr. Meytrott stated that Mr. Miesick who spoke earlier is here to get councils blessing for the event. Mr. Meytrott stated that he would recommend approval of the event. Council Members had no objections.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver stated that movie night will be held on Sunday, October 11th at 7:30pm.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that Historic Preservation met to discuss the house tour which despite the weather was a great success with over 300 in attendance. Mrs. Chandler stated that the Environmental Commission met and reviewed the American Properties project and some comments regarding the review were presented to the Planning Board. Mrs. Chandler stated that the Green Team held a Styrofoam collection event, a huge amount was collected. Mrs. Chandler stated that the Economic Development Commission met but she had no report.

Finance – No report due to Mr. Griffith's absence.

Ordinances for Introduction

Council President Lawver announced that Ordinance 2015-14 was pulled from tonight's agenda and will be considered for introduction at a later date.

BOROUGH OF PENNINGTON ORDINANCE 2015-14

**ORDINANCE CONCERNING WATER AND SEWER CONNECTIONS
AND AMENDING THE BOROUGH CODE TO DELETE TAPPING FEES**

Ordinances for Public Hearing and Adoption

Council President Lawver read Ordinance 2015-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2015-9**

**ORDINANCE AMENDING CERTAIN REQUIREMENTS AFFECTING INSTALLATION OF
EXTERIOR GREASE INTERCEPTORS BY RESTAURANTS AND OTHER FOOD
ESTABLISHMENTS, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Chapter 159 of the Code of the Borough of Pennington requires installation of exterior grease interceptors by restaurants and other establishments which prepare, process or serve food unless the property owner can demonstrate objectively that the property does not discharge concentrations of grease and oil in excess of the maximum concentration permitted by the Code;

WHEREAS, the Code now requires that for the restaurant or other food establishment to demonstrate that the property does not discharge grease and oil in prohibited concentrations, the owner must install and maintain a suitable control manhole in the building sewer conveying wastewater from the property, to permit observation, sampling and testing of wastes;

WHEREAS, although construction and maintenance of a control manhole in the building sewer conveying wastewater from the property is less expensive than installation of an exterior grease interceptor, the expense may needlessly burden the owners of restaurants and food establishments if a less expensive option for testing wastewater is feasible;

WHEREAS, the additional option contemplated is an interior grease interceptor with a spout, faucet or other means of access to permit sampling and testing of effluent;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 159 of the Code of the Borough of Pennington, concerning Sewer Use, is hereby amended to modify the requirements for installation of external grease interceptors by the owners of properties in which any food establishment or facility is located (with new language underlined and deleted language bracketed) as follows:

1. Section 159-13.2 is amended to provide:

Section 159-13.2. When Interceptor Required.

The owner of a property containing a food establishment or facility which opens for business after October 1, 2015 [in operation at the time of the adoption of this amendatory ordinance] may elect to defer installation of one or more exterior grease interceptors otherwise required by this chapter, provided [this election shall expire if the establishment or facility expands, constructs new facilities or makes renovation, repair or alteration of existing facilities in a manner which requires issuance of a permit by the municipal Construction Office, and provided further] that deferring the installation of the exterior grease interceptor may continue only for as long as the owner demonstrates to the reasonable satisfaction of the Borough, based on the testing of wastewater as prescribed herein, that the food establishment or facility does not discharge grease, fat or oil in excess of the maximum concentration permitted by Section 159-8D of the Code. The testing of wastewater shall comply with the following standards and procedures.

- A. The owner, at the owner's sole expense, shall install and maintain a suitable monitoring system [control manhole in the building sewer conveying wastewater from the property to] which shall permit observation, sampling and measurement of wastes being discharged from affected buildings on the property. The monitoring system shall consist of either an exterior control manhole in the sewer conveying wastewater from the building or a recessed grease interceptor inside the building with a spout or faucet or other means of access on its effluent pipe, each configured and equipped as set forth in this ordinance. The elected monitoring system [manhole] shall (1) be installed downstream of all fixtures discharging grease or oil and upstream of the building sewer; (2) include waste piping connected to all sinks, dishwashers, drains and other fixtures as needed to effect the complete segregation of fixtures receiving grease or oil so that only the waste from these fixtures is monitored by the system; (3) be accessible and safely located; and (4) together with all related waste piping and system modifications, be constructed in accordance with plans approved by the Borough Plumbing Subcode Official or the Borough Engineer, as appropriate. [The owner also shall at its expense modify the building sewerage conveyance system by installing waste piping as needed to effect the complete segregation of fixtures receiving grease or oil so that only the waste from these fixtures is monitored through the manhole. Such manhole shall be accessible and safely located and, together with all related system modifications, shall be constructed in accordance with plans approved by the Borough Plumbing Subcode Official or the Borough Engineer, as appropriate.]

- B. The owner shall, at owner's sole expense, contract with a laboratory certified by the New Jersey Department of Environmental Protection to obtain suitable samples from the monitoring system [control manhole] to determine the concentration of grease and oil in the monitored wastewater under representative operating conditions. The laboratory shall test the sampled wastewater in compliance with EPA Method 1664A HEM or such other testing protocol as may hereafter be approved by the Department of Environmental Protection for this purpose. The sampling and testing shall be performed at least quarterly. The owner shall promptly submit full details and results of such sampling and testing to the Borough Department of Health and shall maintain copies on the premises. Sampling and testing information shall include for each sample the date, exact location, method, volume and time of sampling, the name of the person(s) taking the sample, the date or dates of analysis of the sample, the name of the person(s) performing the analysis, the analytical techniques or methods used, and the results of the analysis. When the results of tested samples in three consecutive quarters indicate no more than 20% of the maximum concentration permitted by Section 159-8D of the Code, the owner may petition the Borough in writing to reduce laboratory testing to two tests per calendar year on a schedule approved by the Borough. Any change in ownership of the business or building, a change in the product produced by the business, any indication between tests that the discharge of grease or oil has increased, or a single test with a result in excess of 20% of the maximum amount permitted by the Code shall require the immediate reinstatement of quarterly testing.
- C. The sampling of wastewater shall be performed when the establishment or facility is in full operation and shall be of sufficient frequency during an ordinary day and week to permit reliable measurement of whether maximum permissible concentrations of grease, fat and oil have been exceeded. It shall be unlawful to add water to the monitored wastewater for the purpose of diluting wastes. The Borough reserves the right to conduct its own sampling and testing at the owner's expense. For this purpose, the owner or the operator of the food establishment or facility, as appropriate, shall afford the Borough and its authorized representatives immediate, full and safe access to the monitoring system [control manhole] upon request, without prior notice.
- D. Upon a determination by the Borough, based on the described sampling and testing, that the owner has failed to demonstrate that the food establishment or facility is not discharging grease, fat or oil in excess of the maximum concentration permitted by Section 159-8D of the Code, the Borough shall notify the property owner that installation of one or more exterior grease interceptors is required. The notice shall provide a deadline for completing the installation as set forth in Section 159-13.3 of the Code.
- E. All engineering, laboratory and other professional fees incurred by the Borough in connection with approvals required by this chapter or in connection with implementation of the sampling and testing procedures set forth herein shall be promptly reimbursed to the Borough by the owner.
2. Subsection C of Section 159-13.3 is amended to provide the following, leaving all other provisions of Section 159-13.3 unchanged:
- C. An owner electing to defer installation of an exterior grease interceptor by the installation of a monitoring system [construction of a control manhole] and the testing of wastewater, as provided in Section 159-13.2, shall install such system [manhole] and commence prescribed testing within 60 days of notice by the Borough that installation of one or more grease interceptors is required. If prior to October 1, 2015 [the adoption of this amendatory ordinance], such owner received notice by the Borough that installation of an exterior grease interceptor is required, the Borough shall issue a second notice to the owner, again requiring installation of an exterior grease interceptor. The owner receiving such second notice shall have 60 days thereafter to install a monitoring system [control manhole] if the owner so elects. Otherwise, within 60 days of the second notice or within the time remaining following the earlier notice under Subsection A(2), above, whichever is greater, the owner shall install the exterior grease interceptor. If at any time after installation of a monitoring system [control manhole] the Borough notifies the owner that installation of an exterior grease interceptor is required as provided herein, the installation of the interceptor shall be completed within 120 days of that notice.
3. 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 2015-9, second by Council Member Davy. Mrs. Heinzel stated that Mr. Smith who is not here tonight has agreed that the word "recessed" in Section 1, paragraph A be removed. Mr. Bliss stated that this was a drafting error and not a substantive change so Council can proceed with adoption of the ordinance. Council Member Davy made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Davy made a motion to adopt Ordinance 2015-9, second by Council Member Chandler with all members present voting in favor.

Council Member Lawver read Ordinance 2015-11 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2015-11**

**AN ORDINANCE MODIFYING THE NO-PARKING AREA ON SOUTH MAIN STREET NEAR
ACADEMY STREET**

WHEREAS, upon the recommendation of the Borough Public Safety Committee, Borough Council seeks to amend Chapter 200 of the Borough Code at Section 200-10 to modify the distance parking is prohibited on the west side of South Main Street south from Academy Street, increasing the distance from 35 feet to 74 feet;

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

1. Section 200-10 of the Code of the Borough of Pennington is hereby amended (with new language underlined and deleted language bracketed) as follows:

South Main Street	West	South from Academy Street [35] <u>74</u> feet
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2. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Gnatt made a motion to open the Public Hearing on Ordinance 2015-11, second by Council Member Davy. There were no comments from the public. Council Member Gnatt made a motion to close the Public Hearing with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2015-11, second by Council Member Marciante with all members present voting in favor.

Council President Lawver read Ordinance 2015-12 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2015-12**

**AN ORDINANCE AUTHORIZING RIGHT OF WAY USE
AGREEMENT BETWEEN THE BOROUGH OF PENNINGTON
AND FIBERTECH TECHNOLOGIES NETWORKS, LLC**

WHEREAS, Fiber Technologies Networks, L.L.C. (“Fibertech”), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBP”) in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Borough of Pennington to occupy public rights-of-way within the Borough for an initial term of ten (10) years with automatic renewals for up to three additional terms of ten (10) years unless either party provides written notice of intent not to renew at least twelve (12) months prior to expiration;

WHEREAS, it is deemed by Borough Council to be in the interest of the Borough and its residents for the Borough to grant municipal consent to Fibertech to occupy the public rights-of-way within the Borough for this purpose;

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech’s continued compliance with all existing laws, rules, statutes, regulations and ordinances of the Borough, as may be amended from time to time; and

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech entering into a written Rights-of-Way Use Agreement with the Borough substantially in the form annexed to this Ordinance, which, inter alia, requires Fibertech to indemnify, defend and hold harmless the Borough from and against any and all claims, liabilities, litigation and related costs which may arise in connection with Fibertech activities pursuant to the rights granted in the Agreement;

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

1. that non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Borough for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system pursuant to the Rights-of-Way Use Agreement annexed hereto;
2. that such consent is conditioned upon Fibertech entering into the attached Agreement and complying with its terms;

3. that the Mayor, with the attestation of the Clerk, is authorized to execute the attached Agreement on behalf of the Borough;

4. that this Ordinance shall be effective upon its passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2015-12, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt. Council Member Chandler made a motion to adopt Ordinance 2015-12, second by Council Member Gnatt with all members present voting in favor.

Council President Lawver read Ordinance 2015-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2015-13**

**AN ORDINANCE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF
NEW JERSEY AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 35**

WHEREAS, the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35 have negotiated the terms of a collective bargaining agreement effective January 1, 2015 through December 31, 2017 and renewable in accordance with its terms;

WHEREAS, the collective bargaining agreement establishes salaries and other conditions of employment;

WHEREAS, a copy of the collective bargaining agreement is available for inspection at the office of the Clerk in Borough Hall;

WHEREAS, the Borough desires to adopt this collective bargaining agreement and authorize the salary payments contained therein;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, Mercer County, State of New Jersey, as follows:

1. The collective bargaining agreement negotiated with the International Brotherhood of Teamsters Local No. 35 effective January 1, 2015 through December 31, 2017 and renewable in accordance with its terms, a copy of which is on file in the Office of the Borough Clerk, is hereby incorporated herein by reference and adopted by the Borough of Pennington.
2. In the event that the terms and conditions of the collective bargaining agreement are at variance with the Employee Manual of the Borough of Pennington, the terms and conditions of the collective bargaining agreement shall be controlling.
3. The Mayor and Clerk are hereby authorized to sign and seal the said agreement on behalf of the Borough.
4. All ordinances or portions thereof inconsistent herewith are hereby repealed.
5. This Ordinance shall take effect upon final passage and publication according to law.

Council Member Davy made a motion to open the Public Hearing on Ordinance 2015-13, second by Council Member Marciante. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Davy with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2015-13, second by Council Member Davy with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON
 RESOLUTION #2015 – 10.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Curlis Center LLC, c/o James Morrison, 118 W. Welling Avenue, Pennington, NJ 08534, for a partial refund of escrow for Planning Board application no. P15-004, for property at 250 South Main Street, Pennington, NJ 08534, Block 703, Lot 30, in the amount of \$600.00.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-10.1, second by Council Member Gnatt with all members present voting in favor.

**Borough of Pennington
 Resolution #2015 – 10.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,463,008.87 from the following accounts:

Current	\$ 927,980.80
W/S Operating	\$ 114,791.22
Developers Escrow	\$ 14,990.03
Grant Fund	\$ 182,831.31
Animal Control Fund	\$ 569.17
General Capital	\$ 217,977.40
Trust Other	\$ 75.00
COAH Trust Fund	\$ 3,553.44
Open Space Trust	\$ 240.50
TOTAL	\$ 1,463,008.87

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-10.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2015 - 10.3**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
 BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2014 ANNUAL
 AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

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

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

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

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

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

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

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

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

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

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

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-10.3, second by Council Member Davy with all members present voting in favor.

Council President Lawver asked for a consent agenda on Resolutions 2015-10.4 and 2015-10.5.

**BOROUGH OF PENNINGTON
RESOLUTION #2015-10.4**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR RECONSTRUCTION OF UPPER KING GEORGE ROAD
AND PARK AVENUE**

WHEREAS, the Borough of Pennington seeks to construct curbs, sidewalks, drainage and other roadway improvements to Upper King George Road and Park Avenue in the Borough;

WHEREAS, the funds for the proposed project are being provided by the New Jersey Department of Transportation and the Borough of Pennington without special assessment of property owners;

WHEREAS, the Borough now seeks to advertise for bids for this project as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for construction of the aforesaid roadway improvements to Upper King Georges Road and Park Avenue in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

Record of Council Vote on Passage

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

**BOROUGH OF PENNINGTON
RESOLUTION #2015-10.5**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR WATER SYSTEM UPGRADES ON
UPPER KING GEORGE ROAD AND PARK AVENUE**

WHEREAS, the Borough of Pennington seeks to construct water system upgrades to Upper King George Road and Park Avenue in the Borough;

WHEREAS, the funds for the proposed project are being provided by the New Jersey Infrastructure Trust Program (NJEIT) and the Borough of Pennington without special assessment of property owners;

WHEREAS, the Borough now seeks to advertise for bids for this project as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

1. The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for construction of the aforesaid water system upgrades to Upper King George Road and Park Avenue in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-10.4 and Resolution 2015-10.5, second by Council Member Chandler with all members present voting in favor.

Council President Lawver asked that Resolution 2015-10.6 be held until after the Closed Session.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2015-10.6**

**RESOLUTION AUTHORIZING ACCEPTANCE OF BID OF PUBLIC
SERVICE ELECTRIC AND GAS COMPANY AND EXECUTION OF
RELATED MEMORANDUM OF UNDERSTANDING FOR NEGOTIATION
OF LEASE OF PUBLIC WORKS LANDS FOR CONSTRUCTION AND OPERATION OF SOLAR
ENERGY ELECTRIC GENERATING FACILITY**

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 10.7**

**RESOLUTION AUTHORIZING SEWER SERVICE TO 312 NORTH
MAIN STREET IN HOPEWELL TOWNSHIP (BLOCK 47, LOT 3 ON
THE HOPEWELL TOWNSHIP TAX MAP)**

WHEREAS, Jonathan D. Stowe and Barbara K. Stowe, owners of the single-family house and property known as 312 N. Main Street in Hopewell Township, also known as Block 47, Lot 3 on the Hopewell Township Tax Map (“Property”), have requested sewer service from the Pennington Water and Sewer Utility;

WHEREAS, the Property abuts the Borough and is located within the Pennington Sewer Service

Area included in the 2009 amendment to the Mercer County Water Quality Management Plan, which expanded the sewer service area for Pennington to include certain residential areas in Hopewell Township adjacent to the Borough;

WHEREAS, the 2009 expansion of the Borough’s sewer service area was intended solely to meet the needs of existing properties, particularly properties experiencing septic failure, without fueling increased development;

WHEREAS, the 2009 amendment to the Water Quality Management Plan was further predicated upon expansion of the existing Pennington Treatment Plant of the Stony Brook Regional Sewerage Authority from 0.30 million gallons per day to 0.455 million gallons per day;

WHEREAS, the expansion of the Pennington Plant has not yet occurred and the available capacity for additional sewer service must be carefully husbanded, taking into account especially the projected needs of future development within Pennington;

WHEREAS, Council has determined that special circumstances favor conditional authorization of sewer service for the Property at this time because (a) the septic system on the Property is at the end of its useful life, (b) the Property is located in close proximity to Baldwin’s Creek, a FW2-NT stream flowing into a C-1 stream on the outskirts of the Borough, (c) the Property will be connected to the Borough’s main by a single residential service lateral and no extension of the main will be required, and (d) service of the single residence on the Property will have a de minimis impact on the overall capacity of Pennington’s sewer system;

WHEREAS, a condition precedent to authorization of sewer service for the Property is amendment of the 1977 Agreement among the Borough of Pennington, the Township of Hopewell and the Hopewell Township Municipal Utilities Authority (“1977 Agreement”) to designate the Property as one of the properties in Hopewell Township adjacent to the Pennington sewer collection system authorized for service by that system;

WHEREAS, the authorization of sewer service for the Property shall be further subject to the following additional conditions precedent:

1. the owners of the Property shall be responsible for performing all acts and incurring all costs needed to connect and tap into to the Borough main in the Borough, subject to compliance with the Borough Code, inspection and approval by the Borough Water and Sewer Utility and payment of applicable fees;
2. the Borough shall have no obligation to maintain the sewer lateral connecting the Property to the Borough’s main and same shall be the responsibility of the owner, Hopewell Township and the Hopewell Township Municipal Utilities Authority as appropriate;
3. the owners shall agree to install such metering devices as required by the Borough to permit accurate billing for the sewer service;
4. the owners shall obtain all approvals by Hopewell Township, the Hopewell Township Municipal Utilities Authority, Mercer County and the New Jersey Department of Environmental Protection as may be required for construction of proposed facilities in Hopewell Township;

WHEREAS, Borough Council in granting this authorization does so with specific reference to the unique characteristics of the Property and proposed service as explained and the authorization shall not be construed to acknowledge on the Borough’s part an obligation to extend service with respect to other properties in the sewer service area as expanded by the 2009 WQMP amendment except on a case by case basis;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that extension of sewer service to the Property is hereby authorized, subject to satisfaction of the following conditions precedent as further described above: (1) amendment of 1977 Agreement; (2) acknowledgment of owners’ responsibility to connect to the Borough main in the Borough; (3) acknowledgement of appropriate allocation of responsibility for repair and maintenance of the lateral; (4) agreement to install necessary metering devices; and (5) all necessary approvals.

Record of Council Vote on Passage

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

Mrs. Chandler stated that she thought that Council discussed this property and said no to the request for sewer service. Council President Lawver asked for a motion and a second before opening the discussion. Council Member Chandler made a motion to approve Resolution 2015-10.7, second by Council Member

Davy. Mr. Lawver stated that when this was last discussed it was decided to have the Public Works Committee discuss the request and come back with a recommendation. Mr. Lawver stated that the committee met, discussed the request and agreed that this is really an issue for Hopewell Township. Mr. Lawver stated that in reading through the agreements, Hopewell Township needs to determine that they want this house served and then we have to determine whether or not we can serve them. Mr. Lawver stated that we have a request from Hopewell Township to provide the property service as part of the sewage plan and it is in the sewage plan. Mrs. Chandler stated that she thought that this would open up the possibility for additional requests for service. Mr. Lawver stated that it does not because this would be within a well-defined plan. Mr. Marcianti stated that a representative from Stonybrook Sewerage Authority met with the Public Works Committee and advised that in 1977 there was a plan to incorporate certain properties and it is immaterial that this property be added, the Township agrees and we agreed. Mr., Davy stated that the homeowner and/or the Township will be responsible for maintaining the line. Mrs. Chandler asked if this would set a precedent for other requests. Mr. Lawver stated that it would not because the precedent has been set that there are certain blocks and lots in Hopewell Township that are eligible for sewer service and that is documented and agreed upon by all parties. Mr. Bliss stated that there are amendments needed on the resolution. Mr. Bliss stated that the recitals in the resolutions attempt to recite the history and restrict the implications of this approval in fact it even goes so far as to say that designation of the property as one of the properties in Hopewell Township eligible for service does not mean automatic service and it is decided on a case by case basis as this property is being decided. Mr. Bliss stated that the first change is in the third whereas clause, the word "residential" should be removed as in fact the properties covered are not just residential properties. Mr. Bliss stated that on page two, number 1 of the conditions listed should be augmented by the addition of "and tap into" after the word connect and ", subject to compliance with the Borough Code, inspection and approval by the Borough water and sewer utility and payment of applicable fees;". Mr. Bliss stated this language is strictly belt and suspenders as the Borough Code governs the fees and procedures for tapping in. Mr. Bliss asked that in condition number 3 after the word Authority, that "Mercer County" be added.

Mr. Davy stated that the resolution reads that the owners of the property will incur all the costs to connect, but they will also be incurring the costs for ongoing maintenance of the line. Mr. Davy stated that line will not belong to the Borough. Mr. Bliss stated that is correct. Mr. Bliss asked that a new number 2 be added and the current 2 and 3 be renumbered as 3 and 4. Mr. Bliss asked that the new number 2 be added to read "The Borough shall have no obligation to maintain the sewer lateral connecting the property to the Borough's main". Mr. Davy asked for further clarification of responsibility for maintenance. Mr. Bliss added "and same shall be the responsibility of the owner and Hopewell Township as appropriate." Mr. Bliss added a new number 3 to the be it resolved clause to read "acknowledgement of appropriate allocation of responsibility for repair and maintenance of the lateral", numbers 3 and 4 will be renumbered as 4 and 5. Upon a roll call vote all members present voted in favor of the resolution as amended.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-10.8**

**RESOLUTION AUTHORIZING AMENDMENT OF 1977
AGREEMENT WITH HOPEWELL TOWNSHIP AND THE HOPEWELL TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY CONCERNING PROVISION OF SEWER SERVICE TO
PROPERTY IN HOPEWELL TOWNSHIP**

WHEREAS, the owners of the single-family house and property known as 312 N. Main Street in Hopewell Township, also known as Block 47, Lot 3 on the Hopewell Township Tax Map ("Property"), have requested sewer service from the Pennington Water and Sewer Utility;

WHEREAS, the Property abuts the Borough and is located within the Pennington Sewer Service Area included in the 2009 amendment to the Mercer County Water Quality Management Plan, which expanded the sewer service area for Pennington to include certain residential areas in Hopewell Township adjacent to the Borough;

WHEREAS, Borough Council, by Resolution 2015-10.7, has approved service to the Property for the reasons explained and subject to the conditions specified in that Resolution;

WHEREAS, one such condition of approval is amendment of a certain 1977 Agreement among the Borough of Pennington, the Township of Hopewell and the Hopewell Township Municipal Utilities Authority ("1977 Agreement") to designate the Property as one of the properties in Hopewell Township adjacent to the Pennington sewer collection system authorized to receive service by that system;

WHEREAS, the proposed Agreement adopting the necessary amendment to the 1977 Agreement is attached to this Resolution;

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 execute and enter into on behalf of the Borough the attached Agreement amending the 1977 Agreement.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-10.8, second by Council Member Gnatt. Mr. Bliss asked Mrs. Heinzel if the Sunoco property should also be included in the amendment. Mr. Lawver stated that the Sunoco property receives service because they have a piece of property in the Borough. Mrs. Heinzel stated that there are properties on Vannoy Avenue that are identified in this agreement so to the extent that this agreement where all of these properties that have sewer service from our participation in the Sewer Authority it should be included. Mr. Bliss stated that in that case, both the agreement and the resolution should be amended. Mrs. Heinzel stated that there is also another property that should be added so it could be done at another time. Upon a roll call vote all members present voted in favor.

Council Discussion

There were no items for council discussion.

Professional Reports

There were no professional reports. .

Public Comment

Council President Lawver read the following statement for anyone interested in speaking before Council: Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of three (3) minutes.

There were no comments from the public.

Closed Session

AT, 8:20 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 – PSE&G

Open Session

AT, 8:45 PM, Mayor and Council returned to open session.

After discussion of Resolution 2015-10.6 in Closed Session, no action was taken on the resolution at this time.

Mr. Lawver stated that the Borough is in receipt of a letter from Mr. George Pearson a resident of Burd Street who is concerned about 404 Burd Street which currently has a blue tarp on the roof that is shredding. Mr. Davy asked if there was a bank in control of the property. Council discussed what could be done about the property. Mrs. Chandler asked if someone could look into whether this property is in violation of the Health Ordinance. Mrs. Chandler stated that the problem is that we do not have a maintenance ordinance. Mrs. Sterling stated that Mr. Blauth has been in contact via e-mail with the management company who has also been advised about the sidewalk. Mrs. Chandler stated that we don't want a maintenance ordinance, but there might be something under the Health Ordinance which would allow the Borough to do something. Mr. Marciante stated that there must be something under the construction code. Mr. Marciante stated that the roof is sagging and the house is going to cave in. Mrs. Chandler stated that if there is a health violation than what is the next step. Mr. Bliss suggested that it might be prudent to have a Health Inspector go out and assess the property. Mrs. Heinzel was asked to contact the Health Department and send a response to Mr. Pearson that the Health Department has been asked to look at the property.

Approval of Closed Session Minutes for Content But Not Release

Council Member Marciante made a motion to approve the September 8, 2015 Closed Session Minutes for content but not for release, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the September 23, 2015 Closed Session Minutes for content but not for release, second by Council Member Marciante with all members present voting in favor with the exception of Mr. Davy who abstained.

At 8:58 PM the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk