

**Pennington Borough Council  
Special Meeting – January 12, 2015**

Council President Joe Lawver called the Special Meeting of the Borough Council to order at 6:00 pm. Borough Clerk Betty Sterling called the roll, all members were present with the exception of Mayor Persichilli.

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

Mr. 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.

**Open to the Public – Agenda Items Only**

Mr. 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.**

There were no comments from the public.

**Ordinances for Introduction**

Mr. Lawver read Ordinance 2015-1 by title.

**BOROUGH OF PENNINGTON  
Ordinance No. 2015-1**

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON  
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF  
THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

**WHEREAS**, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

**1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):**

§ 206-1. Base and usage charges.

Base and usage charges for water and sewer customers and related provisions are set forth in Section 98-41 of the Code.

[ A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less  [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)  [From] To (Percent Change)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)  [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)  [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)  [From] To (Percent Change)
Less than 1	\$27.96 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	\$8.97 (+5.0%)
1	\$42.68 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	\$8.97 (+5.0%)
2	\$121.27 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	\$8.97 (+5.0%)

3	\$272.03 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	] \$8.97 (+5.0%)
4	\$399.77 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	\$8.97 (+5.0%)
6	\$747.01 (+2.0%)	\$6.59 (+2.0%)	\$6.98 (+2.5%)	\$7.68 (+4.0%)	\$8.97 (+5.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
\$30.98 (+2.0%)	\$7.03 (+2.0%)	\$7.52 (+2.5%)	\$8.08 (+4.0%)	\$8.70 (+5.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

2. Section 98-41 of the Code, concerning water and sewer charges, is hereby amended as follows:

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
Less than 1	[\$27.96] \$29.08 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)
1	[\$42.68] \$44.39 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)
2	[\$121.27] \$126.82 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)
3	[\$272.03] \$282.91 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)
4	[\$399.77] \$415.77 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)
6	[\$747.01] \$776.89 (+[2]4.0%)	[\$6.59] \$6.85 (+[2]4.0%)	[\$6.98] \$7.26 (+[2.5]4.0%)	[\$7.68] \$7.98 (+4.0%)	[\$8.97] \$9.33 (+[5]4.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
[\$30.98] \$32.22 (+[2]4.0%)	[\$7.03] \$7.31 (+[2]4.0%)	[\$7.52] \$7.82 (+[2.5]4.0%)	[\$8.08] \$8.40 (+4.0%)	[\$8.70] \$9.05 (+[5]4.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Griffiths made a motion to introduce Ordinance 2015-1, second by Council Member Chandler. Mr. Bliss stated that in addition to the increase in Section 2 of the ordinance, the rate schedule is being removed from Section 206 in order to consolidate all of the fees in one place which is Chapter 98. Upon a roll call vote all members present voted in favor.

Mr. Lawver read Ordinance 2015-2 by title.

**BOROUGH OF PENNINGTON  
Ordinance No. 2015-2**

**AN ORDINANCE INCREASING CERTAIN FEES RELATING TO WATER AND  
SEWER USAGE AND AMENDING THE BOROUGH CODE**

**WHEREAS**, upon the recommendation of the Public Works Committee of Borough Council, increase are warranted in certain of the fees relating to water and sewer usage in the Borough of Pennington, as set forth in Chapter 98 of the Borough Code;

**WHEREAS**, further Code amendments are required with respect to item for which water and sewer charges are imposed, including installation of water meters and house inspections, as set forth in Chapter 206 of the Borough Code;

**WHEREAS**, the following provisions concerning amendments to the Borough Code indicate the deletion of language with brackets and the addition of new language with underlining;

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

1. Chapter 98 of the Borough Code, in particular Section 98-43, subsection A, concerning water and sewer connection fees, is amended as follows:

“98-43. Connection fees.

Connection fees pursuant to Section 206-3 of this Code are as follows:

A. Standard connection fees:

- (1) Standard water connection is \$[1,400] **2,100**.
- (2) Standard sewer connection is \$[2,400] **3,000**.

2. Chapter 206 of the Borough Code, in particular Section 206-3, subsection A, concerning connection fees, is amended as follows:

“206-3. Connection fees.

A. There are hereby established standard connection fees as set forth in Chapter 98 of this Code as may be amended from time to time.

- (1) Standard water connection is \$[1,341] **2,100**.
- (2) Standard sewer connection fee is \$[2,136] **3,000**.

3. Chapter 98 of the Borough Code, in particular Section 98-45, subsection A, concerning meter fees, is amended as follows:

“98-45. Meter fees.

Meter fees charged pursuant to Section 206-5 of the Code are as follows:

A. Meters one inch or less shall be [purchased from] **provided by** the Borough. Meters greater than one inch are provided by the applicant and must be approved by the Superintendent of Public Works or designated representative.

[Cost	Meter Size
\$120.00	5/8” and ¾”
\$220.00	1”]

4. Chapter 206 of the Borough Code, in particular Section 206-5, subsection A, concerning Meter fees, is amended as follows:

“206-5. Meter fees.

A. Meters one inch or less in size shall be [purchased from] **provided by** the Borough. Meters greater than one inch are provided by the applicant and must be approved by the Superintendent of Public Works or designated representative.”

5. Chapter 98 of the Borough Code, in particular Section 98-47, subsections E and F, concerning readings and inspections upon sale of home, are amended as follows:

“98-47. Administrative fees.

E. Non-quarterly or additional meter readings \$[60] **50**. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)

F. House Inspections: regular fee, \$[60] **100**; fee if less than two weeks’ notice, \$[120] **200**.”

6. Subsections of Code provisions not specifically amended by this ordinance shall remain unaffected.

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

Council Member Griffiths made a motion to introduce Ordinance 2015-2, second by Council Member Davy with all members present voting in favor.

**Council Discussion**

**Carter Road** – Mr. Bliss stated that the original hope was that we would have a resolution prepared for action this evening. Mr. Bliss stated that the partners in the acquisition need Borough Council to take action on our piece of the agreement but in reviewing the contract it was unclear where the local match was coming from. Mr. Bliss stated that it was decided to hold off on taking any action given that the original closing date of January 30<sup>th</sup> has been changed. Mr. Bliss stated that in conversation with Michelle Hovan of Hopewell Borough they were also unclear on where the local match was coming from and they will also not be taking action until it is cleared up. Mrs. Heinzl stated that the Borough contribution is coming from Green Acres and that requires a match which is coming from the NJ Conservation Foundation, but that has not been made clear in the documents that were provided.

**Public Comment**

Mr. 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, 6:08 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 – Comcast
- Pending Litigation – Pennington Investments – Tax Appeal
- Personnel – Selection of Engineer for NJEIT Grant

**Open Session**

AT, 6:32 PM, Mayor and Council returned to open session.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2015 – 1.20**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEALS CONCERNING BLOCK 202,  
 LOT 1, BOROUGH OF PENNINGTON**

**WHEREAS**, Pennington Investments LLC (“PI”) is the owner of commercial real property known  
 as Block 202, Lot 1, also known as 21 Route 31 North, in the Borough of Pennington (“the Property”);

**WHEREAS**, PI has brought successive tax appeals contesting the amount of the assessment of the  
 Property in tax years 2013 and 2014, and these tax appeals are presently pending in New Jersey State Tax  
 Court under docket nos. 2719-2013 and 3002-2014, respectively;

**WHEREAS**, PI and the Borough wish to resolve these tax appeals amicably without the expense,  
 delay and uncertainty of further litigation, and PI and the Borough Tax Assessor have tentatively agreed upon  
 a settlement as further set forth below;

**WHEREAS**, pursuant to the terms of this settlement, PI would withdraw its 2013 appeal (docket  
 no. 2719-2013) and its 2014 appeal (docket no. 3002-2014) will be settled on the following terms: PI’s total  
 assessment for 2014 will be reduced from \$4,516,200 to \$3,900,000, with tax refund to be taken in the form  
 of credit against future taxes; PI’s total assessment for 2015 will be maintained at \$3,900,000; and PI’s total  
 assessment for 2016 will be \$3,700,000;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of  
 Pennington, that the proposed settlement is hereby approved, subject to a formal settlement agreement  
 acceptable in form to the Borough Attorney.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	X				Griffiths	X			
Davy	M				Lawver	X			
Gnatt	X				Marciante	S			

Council Member Davy made a motion to approve Resolution 2015-1.20, second by Council Member  
 Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2015-1.21**

**RESOLUTION APPOINTING ENGINEER UNDER NJEIT PROGRAM FOR WATER MAIN  
 REPLACEMENT ON KING GEORGE ROAD AND PARK AVENUE**

**WHEREAS**, the Borough has applied for funding through the NJEIT grant program for water main  
 replacement on King George Road and Park Avenue in the Borough;

**WHEREAS**, Borough Council seeks to contract with Roberts Engineering Group, LLC to provide  
 professional engineering services pursuant to the attached proposal for services;

**WHEREAS**, expenditures for these engineering services, including disbursements, shall not exceed  
 \$ 82,000.00 without prior written approval by Borough Council;

**WHEREAS**, award of formal contract shall be contingent upon approval of funding under the NJEIT Program;

**WHEREAS**, the Chief Financial Officer has certified the funds are available for this contract;

**WHEREAS**, this a contract for Professional Services which may be awarded without public bidding;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Roberts Engineering Group, LLC is hereby awarded contract for engineering services under the NJEIT Program pursuant to the annexed proposal, contingent upon award of funding under the NJEIT Program, and subject to approval as to form by the Borough Attorney.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2015-1.21, second by Council Member Davy with all members present voting in favor.

Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk