

**Pennington Borough Council  
Regular Meeting – February 2, 2015**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll, all members were present.

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

Mayor Persichilli 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.

Mayor Persichilli asked everyone to stand for the Flag Salute.

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

Mayor Persichilli read the following statement:

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

There were no comments from the public.

**Mayor's Business**

Mayor Persichilli read the following Proclamation:

***PROCLAMATION BY THE MAYOR AND  
BOROUGH COUNCIL OF PENNINGTON***

***WHEREAS;** the year 2015 marks the one hundredth twenty-fifth anniversary of the incorporation of the Borough of Pennington, in Mercer County, a one square mile municipality which exceeds in importance its diminutive size; and*

***WHEREAS;** first settled about 1708 as Queenstown, honoring Queen Anne, and later known as Penny Town, Pennington has continued since its earliest settlement to be recognized for its desirable location with its reputation for its quality of life and welcome environment for business and family living; and*

***WHEREAS;** town leaders petitioned the New Jersey Legislature to establish a municipality with a government separate from Hopewell Township, Pennington Borough was incorporated in 1890 by an act of the New Jersey Legislature; and*

***WHEREAS;** home to six churches, Pennington's earliest settlers saw their 1709 Presbyterian Church house Hessian soldiers during the Revolutionary war, while these then unwelcome visitors exercised their horses over the church's cemetery wall; and*

***WHEREAS;** in 1838 the Elders of the Methodist Church raised five thousand dollars to establish what is now known as The Pennington School, a prestigious college preparatory academy, that has educated many foreign and domestic students, allowed the use of its fields and facilities to be used for community events and added its history to the charm of Pennington; and*

***WHEREAS;** the Borough of Pennington, in taking great pride in their Hopewell Valley School system serves as home to the Toll Gate Elementary School and the district school administration offices.*

***WHEREAS;** since its incorporation, the Borough of Pennington has continuously improved its quality of life including in the 1970's the construction of a modern sewer system, upgrading of water lines, reconstruction of its water tower, and revision of its zoning master plan becoming a more welcome environment for business and additional homes; and*

***WHEREAS;** after a horrendous fire that completely destroyed the Pennington School's O'Hanlon Hall in 1980, Pennington residents rallied to help raise funds to replace the building. Like a phoenix rising from the ashes, Pennington Day was born. Proceeds from this first event raised funds to build Stainton Hall. Today The Pennington Day street fair draws thousands of visitors, raising thousands of dollars for local charities in a classic example of how great good can come from tragedy; and*

***WHEREAS;** Pennington serves as a Hopewell Valley town center to churches, schools, fine restaurants, attractive parks, and unique business supported by Pennington Business Association, Economic Development Commission, and the Parks and Recreation Commission; and*

***WHEREAS;** having adopted the motto "Celebrating our Hometown Heritage for 125 years," many dedicated residents of the Borough, who are recognized for their pride and zeal for their community will mark the one hundred twenty-fifth anniversary of the borough's incorporation with a year-long series of celebration marking that milestone event in our history,*

***NOW, THEREFORE, BE IT PROCLAIMED THAT,** the Mayor and Council of the Borough of Pennington hereby proclaim the one hundred twenty-fifth anniversary of Pennington's incorporation, a year of celebration honoring the history of our community with best wishes for continued success and prosperity for generations to come. On this the 2<sup>nd</sup> day of February, 2015.*

**Appointments (with Council Approval)**

Mayor Persichilli announced the following appointments to the Library Board of Trustees:

Diana Deane appointed to a 5 year term expiring December 31, 2019

Kathleen Nash appointed to an unexpired term ending December 31, 2015

Council Member Davy made a motion to approve the appointments, second by Council Member Marciante with all members present voting in favor.

**Approval of Minutes**

Mayor Persichilli stated that the minutes were not listed on the agenda however they were included in the packages for Council Members to review. Mayor Persichilli asked for an amendment to the agenda to include the approval of minutes.

Council Member Davy made a motion to approve the minutes of the Special Meeting held December 29, 2014, second by Council Member Gnatt. Upon a roll call vote, Council Members Davy, Gnatt and Marciante voted in favor of the minutes and Council Members Chandler, Griffiths and Lawver abstained.

Council Member Lawver made a motion to approve the minutes of the Reorganization Meeting held January 5, 2015 second by Council Member Chandler with all members present voting in favor with the exception of Council Members Davy and Gnatt who abstained.

Council Member Marciante made a motion to approve the minutes of the Regular Meeting held January 5, 2015, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member Davy who abstained.

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2015-3 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2015 – 3**

**ORDINANCE CLARIFYING PROPERTY-OWNER RESPONSIBILITY FOR MAINTENANCE  
AND REPAIR OF WATER AND SEWER LINES**

**WHEREAS**, Borough Council retained John Meier of Water Resource Management to study practices in other New Jersey municipalities defining the responsibilities of property owners for maintenance and repair of water and sewer lines serving their properties;

**WHEREAS**, the Public Works Committee of Borough Council has reviewed the Meier report in relation to prior practice in the Borough and recommended that the Borough ordinances on this subject be clarified;

**WHEREAS**, with respect to sewers, the pipe for conveying sanitary sewage or industrial waste from a building to the sanitary sewer in the street or easement is designated by the Borough Code as the "house connection or building sewer" ( Sec. 159-1);

**WHEREAS**, the house connection or building sewer is generally comprised of the "soil pipe or soil line" and the "service lateral" (Sec. 159-1);

**WHEREAS**, the "soil pipe or soil line" is defined as the pipe extending from the house or building being serviced to the service lateral at the curblineline, at the outside boundary of an easement or at such other point in the right-of-way to which it is or may be connected, to be installed and maintained at the expense of the property owner (Sec. 159-1);

**WHEREAS**, the "service lateral" is defined as the pipe extending from its connection with the soil pipe or soil line to the sanitary sewer in the street or easement (Sec. 159-1);

**WHEREAS**, the intent of this ordinance is to state clearly that, with the exception of damage caused by the act or neglect of the property owner, the property owner's responsibility for repair and maintenance of the house connection or building sewer shall be limited to repair and maintenance of the soil pipe or soil line;

**WHEREAS**, with respect to water lines, existing Code provisions require insertion of definitions to distinguish between segments of the water line between the house or building being serviced and the Borough water main, as well as further amendments to provide allocation of responsibility for repair and

maintenance of water lines in a manner similar to that for sewer lines;

**WHEREAS**, clarification of responsibility for repairs and maintenance, limiting property-owner responsibility for routine repair and maintenance to a segment of the water line, shall not diminish the property-owner's responsibility for damage or extra cost relating to any part of the water line caused by the owner's act or neglect;

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

1. Section 159-18 of Chapter 159 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

159-18. Responsibility [of property owner] for house connection.  
Unless otherwise approved by the Superintendent, the house connection shall be installed at a gradient of not less than ¼ inch to a foot and shall be laid in a straight line. The property owner shall install and maintain and bear the entire cost and expense of the soil pipe or soil line. [The property owner shall be responsible for the maintenance of the house connection.] The owner shall keep it in good repair and protect it from damage which might permit [the entrance into it] entry of any liquids or solids not originating in the building which it serves. The owner shall not be responsible for repair or maintenance of the service lateral, except the owner shall be held liable for any damage or extra costs to the sewer system, or Sewer Department, as a result of damage to or obstruction of the [house connection or for failure to maintain it] service lateral or sewer system caused by tampering or other act or neglect of the property owner or other user of the property, including without limitation tampering or other act or neglect in the maintenance or use of the owner's soil pipe or soil line. All leaks or breaks in the service connection shall be reported promptly to the Sewer Department and repaired. Repairs shall be subject to the same requirements and same inspection as provided for new house connections.

2. Chapter 209 of the Borough Code, concerning Water Conservation, is hereby amended by the insertion of a new Section 209-8, Definitions, which shall include the following new definitions (underlined) in alphabetical order:

Curb Valve and Curb Stop. The curb valve is located underground at the property line of the house or building being serviced and is accessed through the curb box. The curb valve connects the water service line to the water system and operates as a shut-off valve.

Water Lateral. The water lateral refers to the entire water line between the connection at the house or building being serviced and the Borough water main.

Water Service Line. The water service line is that portion of the water lateral extending from the house or building being serviced to the curb valve and curb box, but does not include the curb valve or curb box.

3. Section 209-6 of Chapter 209 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

209-6. Responsibility for water lateral.

[All users shall be responsible for the maintenance and repair of the water lateral from the Borough's main to the property being serviced.] The property owner shall install and maintain and bear the entire cost and expense of the water service line. The owner shall keep it in good repair and protect it from damage. The owner shall not be responsible for repair or maintenance of the water lateral beyond the water service line, except the owner shall be held liable for any damage or extra costs to the water system, or Water Department, as a result of damage to or obstruction of the water lateral or water system caused by tampering or other act or neglect of the property owner or other user of the property, including without limitation tampering or other act or neglect in the maintenance or use of the owner's water service line. Any leaks discovered in these lines must be repaired promptly to the satisfaction of the Superintendent of Public Works.

4. Section 206-9 of Chapter 206 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

206-9. Damages.

- A. Where Borough property (meters, outside readers, etc.) [which] is damaged by tampering or other act or neglect by the owner or user of the property being serviced and requires replacement or repair, the [user] property owner shall be responsible for the cost of replacement or repair, including all labor and materials necessary for restoration, except in cases of normal wear and tear and for normal maintenance and upgrade unless otherwise provided in this Code.

- B. If the owner or [a] user of a property being serviced, or his/her or its servant or agent, damages a portion of the water or sewer system either by acts performed or failure to act where action is indicated and thereafter the Borough must mobilize its Water and Sewer Departments and shut off or turn on water services, or cause the clearing of a line stoppage or the repairing of the system, the cost of the work performed by the Borough shall be charged to the property owner [party causing the damage] in accordance with the fees established in Sec. 206-6 hereof.
5. This ordinance shall be effective upon passage and publication in accordance with law.

Council Member Davy made a motion to introduce Ordinance 2015-3, second by Council Member Chandler. Mr. Bliss made a correction to the ordinance that was provided in the Council packages. Some discussion took place with regard to responsibility for damages caused by trees and tree roots. Mr. Bliss suggested review of the nuisance ordinance regarding trees and tree roots. Mr. Bliss also suggested that responsibility for trees and roots should be addressed in a separate ordinance and not included in this ordinance or the nuisance ordinance. Upon a roll call vote, all members present voted in favor of the ordinance as corrected.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli 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 Lawver made a motion to open the Public Hearing on Ordinance 2015-1, second by Council Member Chandler. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2015-2, second by Council Member Griffiths with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2015-1, second by Council Member Griffiths with all members present voting in favor.

Mayor Persichilli 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:

- 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 Chandler made a motion to open the Public Hearing on Ordinance 2015-2, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Chandler made a motion to approve Ordinance 2015-2, second by Council Member Griffiths with all members present voting in favor.

### Committee Reports

**Planning & Zoning / Open Space** – Mrs. Gnatt reported that the Open Space Committee met in January. Mrs. Gnatt stated that the committee unanimously elected Tom Ogren as Chairman and Dan Pace as Secretary. Mrs. Gnatt stated that the committee discussed the fund balance in the Open Space Trust account and asked that the Borough Administrator contact DOT in order to determine the status of reimbursements for projects. Mrs. Sterling stated that she has been in contact with the DOT and as of last week they requested cancelled checks for the Lawrence Hopewell Trail and those were provided so hopefully final reimbursement is close.

Mrs. Gnatt stated that the committee discussed the status of several open space acquisitions that are pending. Mrs. Gnatt stated that they discussed the relocation of the PennEast Pipeline.

Mrs. Gnatt reported that the committee discussed acquisition of the property on Route 31 behind the Public Works Facility and other neighboring properties. Mrs. Gnatt stated that Mr. Ogren presented a comparison on price per acre and the Route 31 property is in line with other properties in the area. Mrs. Gnatt stated there was discussion of applying for NJEIT funds to acquire the property. Mr. Lawver stated that there was a brief conversation about what projects are being considered for application under the NJEIT program and the acquisition of the property could be put on that list, but there are other projects that would rank higher on the list.

Mrs. Gnatt stated that the Open Space and Recreation Plan has been submitted to the Planning Board and will be on for discussion at the March meeting. Mrs. Gnatt stated that the Planning Board did not meet in January and they will not be meeting in February.

**Public Works / Personnel** – Mr. Davy stated that there is a personnel matter for discussion in Closed Session.

**Parks & Recreation / Library / Shade Tree / Senior Advisory** – Mr. Lawver stated that the Library Board met and they are working on the Spring Program in collaboration with other community organizations. Mr. Lawver stated that the Library Board has reviewed and authorized their budget for 2015. Mr. Lawver stated that cost sharing issues between the Borough and the Library seem to be behind us thanks to the efforts of Betty Sterling and Eileen Heinzel and Kim Ha and Joe Bielamowicz from the Board. Mr. Lawver stated that at the meeting Kim Ha was granted preauthorization for the purchase of certain items, in particular books and programing costs. Mr. Lawver asked if this could be run by the Borough Auditor to ensure compliance. Mr. Lawver stated that website redevelopment is progressing.

Mr. Lawver stated that Parks and Recreation met and they continue to look for new members. Mr. Lawver stated that the committee is coordinating with the 125<sup>th</sup> Anniversary Committee and some ideas include a bigger parade and additional or beefed up summer concerts. Mr. Lawver stated that the committee continues to be approached by Eagle Scouts regarding projects and they would like the Borough to come up with a list of necessary projects so that the committee will be better able to address these requests.

Mr. Lawver stated that the Senior Advisory Board welcomed Mr. Tucker as a new member of the Board and Larry Mansier was reappointed as chairman. Mr. Lawver stated that with regard to the new senior center, there are several more steps that need to be addressed before they can go forward with the plan. Mr. Lawver stated that there are as many as two to three more years of use for the current facility. Mr. Lawver stated that the current Senior Center is getting more use these days and there are many repairs that need to be addressed. Mr. Lawver stated that the main thing that needs to be addressed that came up during a recent inspection is the need for a hand-washing sink in the kitchen. Mr. Lawver stated that if the Borough does not comply with this there is the risk of losing the revenue that comes in for the County Nutrition Program. Mr. Lawver urged Council to consider putting money in the budget to cover the cost of the hand-washing sink. Mr. Lawver stated that the Board had a discussion about the cleaning of the building which is currently being done by Hopewell Township as there have been some complaints. Mr. Lawver stated that Abigail Meletti will be addressing this with the Township. Mr. Lawver stated that Council Members have a copy of the Senior Coordinator's report to review.

Mr. Lawver stated that Pennington Day will be held on May 16<sup>th</sup> from 10am to 4pm. Mr. Lawver stated that the Pennington Day Committee is asking if there is any way to reduce the cost of Police services for the event. Mr. Lawver stated that given the 4,000 to 5,000 people that attend it would be impossible to reduce the number of officers, but maybe some other way could be found to help with the costs. Mr. Meytrott stated that the issue is not the number of bodies it is the number of roads that are being closed that require Police coverage. Mr. Meytrott stated that there are currently four road closings and five if you count the one road closing that the YMCA covers for the race at the end of the day. Mr. Meytrott stated that for the past couple of years the Mercer County Sheriff's office has been asked to provide officers and they work at a higher rate than Hopewell Township or Pennington Borough.

Mrs. Chandler stated that the Recreation Committee has also requested that something be done to alleviate the costs for Police services for the Memorial Day Parade. Mrs. Chandler stated that Borough Council should support these events in one way or another. Mr. Meytrott stated that when he first started with the Borough that is the way it was done with the Police Department budget absorbing the costs for these events.

**Public Safety** – Mr. Marciante reported that Code Red has been approved by Mercer County. Mr. Marciante stated that the next step will be to advertise in the paper so that residents can register for notifications.

Mr. Marciante reported that pre-contract discussions are underway as the Borough has been approached by the Union to begin negotiation of the contract. Mr. Marciante stated that applications are being accepted as there is the possibility of two vacancies in the department.

**Finance** – Mr. Griffiths reported that the finance committee did not meet but will be meeting once the Annual Financial Statement is completed. Mr. Griffiths stated that he drafted a press release regarding the

new water/sewer rates which was distributed in the Council packages. Mr. Lawver asked for a change to the draft release. Mr. Griffiths stated that he would submit the revised release to the Hopewell Valley News for publication.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler stated that in January the Historic Preservation Commission and the Economic Development Commission held the Business of the Year celebration. Mrs. Chandler stated that Flutter Boutique was honored as Business of the Year and Edwin Weed Tucker as honorary person of the year. Mrs. Chandler stated that the event was very well attended.

Mrs. Chandler stated that the Board of Health and the Environmental Commission did not meet.

Mrs. Chandler invited Mr. Weed Tucker to come forward to speak about the 125<sup>th</sup> Anniversary Celebration. Mrs. Chandler stated that the 125<sup>th</sup> committee has met a number of times and there are many events planned. Mrs. Chandler asked Mr. Tucker to report on the events that are being planned. Mr. Tucker thanked Mayor and Council for the proclamation that was read earlier in the meeting. Mr. Tucker outlined the various events that are being planned. Mrs. Chandler stated that the committee is working on a notice with a calendar of events to go out with the next water/sewer bill.

**New Business**

**Borough of Pennington  
Resolution #2015 – 2.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued in the amount of \$1,201.47 to Harvard Abstract, LLC, 300 Welsh Road, Bldg #5, Horsham, PA 19044, for an overpayment of 2014 4<sup>th</sup> quarter taxes in the amount of \$1201.47 for 12 Mallard Drive, Block 601, Lot 54.

**BE IT RESOLVED**, that a refund be issued in the amount of \$1,157.44 to Christopher H. O’Neill, 429 Sked Street, Pennington, NJ 08534, for an overpayment of 2015, 1<sup>st</sup> quarter taxes in the amount of \$1,157.44 for 429 Sked Street, Block 905, Lot 7.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2015-2.1, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington  
Resolution #2015 – 2.2**

**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 \$ 1,933,274.98 from the following accounts:

Current	\$ 1,592,845.95
W/S Operating	\$ 166,616.48
Grant Fund	\$ 21,676.70
Water/Sewer Capital	\$ 142,947.90
Unemployment Trust	\$ 3,302.85
Trust Fund	\$ 166.81
Recreation Trust	\$ .75
General Capital	\$ 5,186.78
Animal Control Fund	\$ 530.76

TOTAL \$ 1,933,274.98

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2015-2.2, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington  
Resolution #2015-2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE  
2015 TEMPORARY BUDGET**

**WHEREAS**, the 2015 Budget for the Borough of Pennington has not been adopted; and

**WHEREAS**, additional funds are necessary to meet various obligations of the Borough of Pennington;

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made in the 2015 Temporary Budget for the Current Account.

Finance	Other Expense	\$ 7,000.00
Tax Collection	Other Expense	\$ 2,000.00
Tax Assessment	Other Expense	\$3,000.00
Insurance – General/Liability	Other Expense	\$12,912.55
Insurance – Workers Comp.	Other Expense	\$5,321.27
First Aid – Workers Comp.	Other Expense	\$24,263.00
Construction	Salaries	\$ 10,000.00
Police	Salaries	\$ 80,000.00
Borough Property	Other Expense	\$20,000.00
Prosecutor	Salaries	\$ 5,000.00
Streets	Salaries	\$50,000.00
Streets	Other Expense	\$ 50,000.00
Trash	Salaries	\$ 25,000.00
Library	Salaries	\$ 25,000.00
Library	Other Expense	\$ 50,000.00
Electricity	Other Expense	\$ 10,000.00
Gas, Fuel, Lubricants	Other Expense	\$ 5,000.00
Social Security	Other Expense	\$ 15,000.00
Shared Services – Recycling	Other Expense	\$16,510.68
Shared Services – Health / ACO	Other Expense	\$940.00
Municipal Court	Salaries	\$5,000.00
Municipal Court	Other Expense	\$3,000.00
<b>Total</b>		<b>\$ 424,947.50</b>

**BE IT FURTHER RESOLVED**, that the following additional funds be appropriated for the 2015 Temporary Budget for the Water and Sewer Fund:

Water/Sewer	Salaries	\$ 50,000.00
Water/Sewer	Other Expense	\$ 70,000.00
Insurance – General Liability	Other Expense	\$1,248.23
Insurance – Workers Comp.	Other Expense	\$2,994.83
Stony Brook Treatment Costs	Other Expense	\$78,000.00
Group Insurance – Active	Other Expense	\$10,000.00
Group Insurance – Retired	Other Expense	\$5,000.00
<b>TOTAL</b>		<b>\$217,243.06</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2015-2.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2015 - 2.4**

**RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED  
 VACATION TIME FOR SUPERINTENDENT OF PUBLIC WORKS**

**WHEREAS**, Public Works Superintendent Richard Smith has requested of Borough Council that he be permitted to carry into the year 2015 any unused vacation time that he will not have used as of the end of 2014; and

**WHEREAS**, the basis for this request is that he has been unable to use vacation time due to the demands of his position; and

**WHEREAS**, Mr. Smith currently has an unused balance of nine (9.75) vacation days (78 hours); and

**WHEREAS**, the Borough Personnel Manual provides, in Article V, Section E, par.2, that up to one-half of vacation time earned in a particular year may be carried over to the subsequent year and no more, except the Personnel Manual provides further that exceptions may be made in highly extraordinary circumstances upon approval of the full authorized membership of Borough Council;

**WHEREAS**, Mr. Smith's request has been reviewed by the Borough Council and it has been determined that the exception permitted by the Personnel Manual is in the best interest of the Borough and ought to be granted in this case, subject to the following requirement:

1. that Mr. Smith use up the additional carried-over vacation by June 30, 2015 or forfeit the time;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that Mr. Smith is hereby authorized to carry-over into 2015 all of the unused vacation days he earned in 2014 provided he use up all such time on or before June 30, 2015 or forfeit the time, and provided he otherwise comply with the requirements set forth above.

**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	S			
Davy	M				Lawver	X			
Gnatt	X				Marciante	X			

Council Member Davy made a motion to approve Resolution 2015-2.4, second by Council Member Griffiths. Mr. Lawver encouraged Mr. Smith to use the time. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION # 2015 – 2.5**

**RESOLUTION AUTHORIZING APPLICATION FOR  
 RECYCLING TONNAGE GRANT BASED ON 2014 RECYCLING**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, this resolution, authorizing this municipality to apply for a tonnage grant based on calendar year 2014 recycling, will memorialize the commitment of this municipality to recycling and to meeting the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, this resolution must designate the individual authorized to ensure that the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of Pennington Borough that Pennington Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection;

**BE IT FURTHER RESOLVED**, that Richard Smith, a Certified Recycling Coordinator, is hereby designated to ensure that the application is properly completed and timely filed;

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**Record of Council Vote on Passage**

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

Council Member Davy made a motion to approve Resolution 2015-2.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2015 – 2.6**

**RESOLUTION AUTHORIZING MUNICIPAL ALLIANCE AGREEMENT**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has an established Municipal Alliance Committee; and,

**WHEREAS**, Pennington Borough further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

**WHEREAS**, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

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

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for the fiscal year 2015 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00*
In-Kind	\$20,000.00

\*Hopewell Township: \$7480.00, Hopewell Borough \$1170.00, Pennington Borough \$1500.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2015-2.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 2.7**

**RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE BOROUGH OF  
PENNINGTON TO EXECUTE AN AGREEMENT FOR CONTINUED PARTICIPATION IN THE  
HOME INVESTMENTS PARTNERSHIPS PROGRAM  
CONSORTIUM WITH THE COUNTY OF MERCER**

**WHEREAS**, the HOME Investment Partnerships Program seeks to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income Americans; and

**WHEREAS**, the HOME Investment Partnerships Program seeks to strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; and

**WHEREAS**, the HOME Investment Partnerships Program seeks to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing; and

**WHEREAS**, the HOME Investment Partnerships Program provides state and local governments with the flexibility to decide what kind of housing assistance is most appropriate for meeting their housing needs; and

**WHEREAS**, the HOME Investment Partnerships Program encourages state and local governments to use HOME funds efficiently and to undertake the most cost-efficient housing activities requiring the smallest state and local matching contributions for Federal funds; and

**WHEREAS**, in order to qualify for funding under this program, a municipality or consortium of municipalities must have a minimum “critical housing need” of \$500,000.00; and

**WHEREAS**, the City of Trenton is the only municipality within Mercer County eligible, on an independent basis, for HOME Investment Partnerships Program funds; and

**WHEREAS**, the remaining Mercer County municipalities interested in participating in the HOME Investment Partnerships Program must pool together into a consortium to be eligible for funding; and

**WHEREAS**, there is no cost to municipalities to participate in the Mercer County HOME Investment Partnerships Program Consortium, aside from the required matching funds for any project a municipality may undertake; and

**WHEREAS**, the Mercer County HOME Investment Partnerships Program Consortium would be a source of funding for a project the Borough of Pennington may undertake in its own affordable housing program without requiring the Borough of Pennington to undertake any specific projects; and

**WHEREAS**, participation by the Borough of Pennington in the Mercer County HOME Investment Partnerships Program Consortium would be beneficial to its relations with other Mercer County municipalities, in meeting the eligibility requirements for participation in the HOME Investment Partnerships Program; and

**WHEREAS**, this agreement shall automatically be renewed for the Consortium’s participation in successive qualification periods of three federal fiscal years each. No later than that date specified by HUD’s consortia designation notice or HOME consortia web page, Mercer County shall notify each Consortium member in writing of its right to decide not to participate in the Consortium for the next qualification period and Mercer County shall send a copy of each notification to the HUD Field office; and

**WHEREAS**, if a Consortium member decides not to participate in the Consortium for the next qualification period, the Consortium member shall notify Mercer County, and Mercer County shall notify the HUD Field Office, before the beginning of the new qualification period; and

**WHEREAS**, before the beginning of each new qualification period, Mercer County shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this agreement, a copy of each amendment to this agreement, and, if the Consortium’s membership has changed, the state certification required under 24 C.F.R. 92.101 (a)(2)(i). The Consortium shall adopt any amendments to this agreement that are necessary to meet HUD requirements for the consortium agreements in successive qualification periods; and

**WHEREAS**, the automatic renewal of the agreement will be void if Mercer County fails to notify a Consortium member or the HUD Field Office as required under this automatic renewal provision or Mercer County fails to submit a copy of each amendment to this agreement as required under this automatic renewal provision;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that participation in the Mercer County HOME Investment Partnerships Program Consortium is hereby

endorsed; and

**BE IT FURTHER RESOLVED** that the Mayor and the Municipal Clerk are hereby authorized and directed to execute said Mercer County HOME Investment Partnerships Program Consortium Agreement.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2015-2.7, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2015 – 2.8**

**RESOLUTION IN SUPPORT OF CERTAIN RAIL SAFETY MEASURES  
 IN MERCER COUNTY AND URGING CSX, FEDERAL AND STATE PUBLIC SAFETY  
 OFFICIALS TO PROACTIVELY SHARE NECESSARY DATA AND PRODUCE INFORMATION  
 TO OUR LOCAL FIRST RESPONDERS**

**WHEREAS**, rail shipments of crude oil rose nationwide from 5000 carloads in 2006 to 400,000 carloads in 2013; and

**WHEREAS**, the CSX West Trenton Line encompasses 17.2 miles of track and traverses four Mercer County municipalities: Ewing Township, Hopewell Township, Pennington Borough and Hopewell Borough; and

**WHEREAS**, it has been reliably reported in the press that CSX operates two loaded and two empty crude oil trains a day on average; and

**WHEREAS**, reported data from the U.S. Department of Transportation demonstrate that crude oil from the Bakken region in North Dakota is usually more volatile and flammable than other crude oils; and

**WHEREAS**, Pennington Borough Council sees the safety of every resident and first responder throughout Mercer County as a top concern; and

**WHEREAS**, Borough Council sees any potential rail accident or hazmat spill as a potential environmental catastrophe; and

**WHEREAS**, there have been a number of accidents and derailments in the states of Alabama, North Dakota, and Virginia that involved oil tankers and this has heightened the Borough’s concern use of the CSX West Trenton line as a means to transport crude oil, especially given that the West Trenton line is also used as a commuter rail line by SEPTA; and

**WHEREAS**, federal officials continue to refuse to prohibit companies from transporting crude oil in the older-model DOT-111 tank cars despite the National Transportation Safety Board’s finding that these tankers are inadequate to carry such flammable elements; and

**WHEREAS**, the National Transportation Safety Board (NTSB) has recommended that all new and existing tankers in crude oil and ethanol services be equipped with additional safety design features, including enhanced puncture resistance systems, top fitting protection, and bottom outlet valves that remain closed during accidents;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Pennington supports the recommendation by the Mercer County Board of Chosen Freeholders that DOT-111 tanks should not be used to transport shipments of Bakken oil through the County of Mercer; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council supports the recommendation that any rail cars traveling through Mercer County be equipped with enhanced safety features as recommended by the NTSB; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council recognizes that emergency responders from Pennington Borough are the first to respond to public safety incidents and urges CSX, federal and state public safety officials to be more proactive in sharing necessary data and product information with our local first responders so they can be properly trained and prepared for any incident; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council recognizes this issue as a major safety concern for our citizens throughout the Garden State, and concurs with Mercer County’s Resolution on calling for specific rail safety measures. We also urge our colleagues in Hudson, Essex, Union, Middlesex and Somerset Counties to enact similar Resolutions and to call upon their state and federal

officials to take action to assure meaningful rail safety; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall forward a copy of this Resolution to the Mercer County Board of Freeholders, the Offices of U.S. Senators Robert Menendez and Cory Booker, Congressman Rush Holt and Chris Smith, Governor Chris Christie, County Executive Brian Hughes, the members of Mercer County’s State Legislative Delegation, the Freeholder Boards of Hudson, Essex, Union, Middlesex, Somerset and Bergen counties, and all other municipalities in the County of Mercer.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2015-2.8, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-2.9**

**RESOLUTION AUTHORIZING BOROUGH OF  
PENNINGTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH HOPEWELL  
VALLEY REGIONAL SCHOOL DISTRICT FOR CUSTODIAL AND MAINTENANCE SERVICES  
FOR THE PENNINGTON MUNICIPAL BUILDING**

**WHEREAS**, the Borough of Pennington desires to contract with Hopewell Valley Regional School District (HVRSD) for custodial and maintenance services for the Pennington Municipal Building;

**WHEREAS**, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction;

**WHEREAS**, HVRSD is currently performing custodial and maintenance services for the Municipal Building under an expired prior agreement with the Borough;

**WHEREAS**, the contract to be authorized by this Resolution shall provide for a term of one year, beginning effective January 1, 2015, and a fixed annual fee of \$11,000.00 payable quarterly;

**WHEREAS**, the scope of services of the proposed contract shall be the same as at present, involving such duties as vacuuming, sweeping and mopping, dusting, emptying of waste baskets and the sorting of recycling, cleaning of bathrooms and the like, all as reasonably needed on a daily basis, Monday through Friday;

**WHEREAS**, the services to be provided will cover the entire Municipal Building, including the Library;

**WHEREAS**, the proposed contract shall permit either party to terminate upon thirty (30) days written notice;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the aforesaid Shared Services Agreement in such form as approved by the Borough Attorney.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2015-2.9, second by Council Member Chandler. Council briefly discussed other options for this service and upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 2.10**

**RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE FOR THE  
PENNINGTON SCHOOL ACADEMIC BUILDING AND RELOCATION OF LOWELLDEN  
ADMINISTRATION BUILDING**

**WHEREAS**, The Pennington School (“the School”) has requested a reduction of the performance

guarantee for the Pennington School Humanities and Lowellden Buildings Project (“Project”);

**WHEREAS**, the School has submitted updated performance guarantee estimates to reflect all of the completed improvements to date; and same have been reviewed by the Roberts Engineering Group LLC on behalf of the Borough;

**WHEREAS**, one of the proposed performance guarantee reductions relates to the part of the Project involving the Academic Building and relocation of the Lowellden Administration Building (“Academic Building part”), and the other proposed performance guarantee reduction relates to the part of the Project involving circulation and parking improvements (“Circulation and Parking part”);

**WHEREAS**, the original performance guarantee submitted for the Academic Building part was \$312,230.00, including at least 10 percent in cash, and the original performance guarantee submitted for the Circulation and Parking part was \$1,853,071.80, including at least 10 percent in cash;

**WHEREAS**, the Roberts Group has conducted a field inspection to verify the accuracy of the submitted estimates and agrees with the amounts of the requested reductions, provided that as a condition of any such reduction the silt fence and tree protection fences be repaired as needed;

**WHEREAS**, based on the field inspection by the Roberts Group and its assessment of the remainder of the items to be completed, Carmela Roberts, the Borough Engineer, recommends that the performance guarantee for the Academic Building part be reduced to \$278,687.52, of which 10% or \$27,868.75 must be in cash;

**WHEREAS**, based also on the field inspection by the Roberts Group and its assessment of the remainder of the items to be completed, the Borough Engineer further recommends that the performance guarantee for the Circulation and Parking part be reduced to \$1,661,761.80, of which 10% or \$166,176.18 must be in cash;

**WHEREAS**, the School’s performance reduction guarantee estimates and related recommendations of the Borough Engineer are attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the aforesaid reductions of performance guarantee for the Academic Building part of the Project and for the Circulation and Parking part of the Project, respectively, are hereby approved, subject to the following conditions:

1. repair of the silt fence and tree protection fences for the Project, to be approved by the Borough Engineer;
2. delivery of suitable performance guarantees in the reduced amounts indicated, including at least 10% in cash, to be approved 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>
Chandler	M				Griffiths	S			
Davy	X				Lawver	X			
Gnatt	X				Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-2.10, second by Council Member Griffiths. Mr. Bliss briefly explained the purpose of this resolution. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 2.11**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND COUNTY OF MERCER FOR CODE RED SYSTEM**

**WHEREAS**, the Borough of Pennington seeks to enter into a shared services agreement with the County of Mercer for access to and use of the “Code Red” system maintained by the County for public service announcements and mass emergency notifications;

**WHEREAS**, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction;

**WHEREAS**, the proposed shared services agreement will be substantially in the form annexed to this Resolution;

**WHEREAS**, the proposed agreement provides for a term of three years, from March 1, 2015 through February 28, 2018, and an annual fee of \$150.00 payable to the County, subject to change based on

any increase in costs to the County for the Code Red system;

**WHEREAS**, the proposed shared services agreement requires the Borough to indemnify and hold the County harmless from any claims, including claims for damages, resulting from the Borough's use or attempted use of the Code Red system and/or the content of the Borough's emergency notification announcements through the system;

**WHEREAS**, the County reserves the right to terminate the Borough's access to and utilization of the Code Red system at any time with or without cause on 30 days' written notice;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the aforesaid shared services agreement with such amendments as to form which are approved by the Borough Attorney.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2015-2.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-2.12**

**RESOLUTION CONFIRMING MAXIMUM AMOUNT CHARGEABLE FOR WATER AND SEWER ENGINEER SERVICES IN 2015**

**WHEREAS**, Borough Council has adopted Resolution 2015-1.10 authorizing a professional services contract with Van Note-Harvey Associates for professional engineering services to the Pennington Water and Sewer Utility in 2015;

**WHEREAS**, Resolution 2015-1.10 fails to specify the annual maximum fees chargeable to the Borough under the contract;

**WHEREAS**, in the attached communication from Norm Nelson to Borough Administrator Eileen Heinzl, dated January 15, 2015, Van Note-Harvey Associates has provided the proposed annual figure of \$16,900, representing the sum of proposed estimated or fixed fees for (a) General Water Engineering Services (\$10,000), (b) Water Utilization Report and DRBC Annual Water Audit Reporting Worksheet (\$2,400), and (3) NJDEP Consumer Confidence Report 2015 (\$4,500);

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

1. Resolution 2015-1.10 is hereby amended to provide in the fifth recital that "total annual fees for services pursuant to this agreement, including expenses, shall not exceed \$16,900 without the prior written approval of Borough Council."
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into an agreement with Van-Note Harvey Associates for professional services in 2015 incorporating the substance of this amendment.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2015-2.12, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution # 2015-2.13**

**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, 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>Current Fund Appropriations:</u>	<u>From:</u>	<u>To:</u>
Social Security		\$ 3,000.00
Streets – Other Expense	\$ 3,000.00	
<b>Total Current Fund</b>	<b>\$ 3,000.00</b>	<b>\$ 3,000.00</b>

**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 effective December 31, 2014, Nunc Pro Tunc.

**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	S				Griffiths	M			
Davy	X				Lawver	X			
Gnatt	X				Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-2.13, second by Council Member Chandler with all members present voting in favor.

**Council Discussion**

**Senator Turner Letter** – Mayor Persichilli stated that he has had discussions with Senator Turner regarding residences owned by private schools and she agreed to try to do something to alleviate the burden that these tax exempt properties place on municipalities. Mayor Persichilli stated that the letter states that she will continue to work on this issue. Mayor Persichilli encouraged Council Members to support Senator Turner.

Mrs. Chandler stated that this could be problematic because it appears that one entity within the tax law is being singled out when in reality the law exempts all non-profits including churches. Mr. Bliss stated that educational institutions are unique because they are the ones that have faculty housing. Mr. Bliss stated that churches have an exemption for two parsonages, but they do not have anything resembling a fleet of faculty housing the way that private schools do.

**Draft Press Release – W/S Rates** – Mayor Persichilli stated that this item was already covered under the finance report.

**Professional Reports**

Mrs. Heinzl stated that the last week in February is going to be Hopewell Valley Restaurant Week. Mrs. Heinzl stated that a meeting was held with some of the restaurant owners. Mrs. Heinzl stated that information will be forthcoming but she would encourage everyone to participate in this event.

**Public Comment**

Mayor Persichilli 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.

Mr. Weed Tucker of 93 Woolsey Court stated that the 125<sup>th</sup> Anniversary Committee will be making a presentation to the Pennington Business and Professionals Association this Wednesday. Mr. Tucker stated that the PBPA has expressed interest in helping with the celebration.

**Closed Session**

**AT, 8:05 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:

- Personnel – Rick Smith salary agreement
- Contract Negotiations – Carter Road

**Open Session**

AT, 8:22 PM, Mayor and Council returned to open session.

**Approval of Closed Session Minutes for Content But Not Release**

Council Member Lawver made a motion to approve the minutes of the September 8, 2014 closed session meeting for content but not for release, second by Council Member Davy. Upon a roll call vote all members present voted in favor with the exception of Council Member Chandler who abstained.

Council Member Lawver made a motion to approve the minutes of the January 5, 2015 closed session meeting for content but not for release, second by Council Member Griffiths with all members present voting in favor with the exception of Council Member Davy who abstained.

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

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk