

**Pennington Borough Council
Regular Meeting – August 3, 2015**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll. Council Members Davy, Griffiths, Lawver and Marciante were present. Mrs. Chandler was absent and Mrs. Gnatt arrived after the roll call.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Superintendent of Public Works Rick Smith 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.

Mayors Business

Mayor Persichilli announced the resignation of Keelan Evanini from the Planning Board effective August 15, 2015.

Mayor's Appointments

Mayor Persichilli announced that Thomas Ogren will be appointed to fill the unexpired term of Mr. Evanini effective August 15, 2015 through December 31, 2015 and Nadine Stern would be moved from alternate two to alternate one effective August 15, 2015 through December 31, 2016.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the July 6, 2015 Regular Meeting, second by Council Member Lawver with all members present voting in favor.

Committee Reports

Public Works / Personnel – Mr. Davy stated that there is a resolution on the agenda concerning lease of land for solar panels which the Public Works Committee has been working on for some time. Mr. Davy stated that the resolution to accept the bid that would enable the Borough to negotiate a Memorandum of Agreement. Mr. Davy stated that the resolution is necessary because we are approaching the time period in which an award must be made. Mr. Davy stated that Mrs. Heinzl spoke to PSE&G and secured an agreement to extend the date of award. Mr. Davy asked that the resolution 8.6 be pulled from the agenda as more time is needed to negotiate terms of the agreement.

Planning & Zoning / Open Space – Mrs. Gnatt had no report.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver reported that both the Parks and Recreation Commission and the Library Board did not meet in July. Mr. Lawver stated that Gabe Rosko, Chairman of the Shade Tree Commission attended a recent Public Works Committee meeting to discuss ongoing issues with Borough shade trees and sidewalks. Mr. Lawver stated that the Senior Advisory Board heard a report from Abigail Meletti who will be going out on maternity leave in the fall. Mr. Lawver stated that there have been no further actions taken with regard to the proposed new location for the Senior Center.

Public Safety – Mr. Marciante reported that the Public Safety Committee met and discussed intersections that are in need of crosswalks. Mr. Marciante stated that Mercer County has agreed to assist with this project. Mr. Marciante stated that the intersections are Abey and Delaware Avenue, Franklin Avenue and Main Street, Eglantine and Abey, and Laning and Academy Court.

Mr. Marciante stated that Hopewell Township has passed a resolution in support of a traffic signal at Ingleside and Route 31 and Pennington Borough is opposed to a light there.

Mr. Marciante stated that two locations have been identified where bushes are protruding out and

obstructing the view for vehicles. Mr. Marciante stated that letters will go out to the homeowners. Mr. Marciante stated that the locations are on Franklin Avenue and Main and the other is Laning Avenue and Main.

Mr. Marciante stated that both new hires in the Police Department are in training which should be completed in December.

Finance – Mr. Griffiths had no report.

Historic Preservation / Board of Health / Environmental / Economic Development – No report due to Mrs. Chandler’s absence.

Ordinance for Introduction

Mayor Persichilli read Ordinance 2015-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2015-8**

**ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL
PROPERTY KNOWN AS BLOCK 92, LOTS 1.01 AND 1.03 ON THE
HOPEWELL TOWNSHIP TAX MAP TO THE FRIENDS OF HOPEWELL
VALLEY OPEN SPACE**

WHEREAS, the Borough Council of the Borough of Pennington has entered into an agreement pursuant to Ordinance No. 2014-10 adopted May 12, 2014 with Walter and Linda Brown to acquire Block 92, Lots 1.01 and 1.03 on the Hopewell Township Tax Map consisting of approximately 33 acres of vacant land for preservation purposes; and

WHEREAS, funding for the acquisition has now been made available by the Green Acres Program of the State of New Jersey and the Mercer County Open Space Fund; and

WHEREAS, title to the property is scheduled to close during the latter part August 2015; and

WHEREAS, the Borough of Pennington, upon the acquisition of said property wishes to convey title to said property to the Friends of Hopewell Valley Open Space, a non-profit corporation of the State of New Jersey in order to oversee and maintain said property as open space; and

WHEREAS, the New Jersey Local Land and Building’s Law, N.J.S.A. 40A: 12-1, et seq., requires that an ordinance be adopted authorizing the Borough to convey Block 92, Lots 1.01 and 1.03 to the Friends of Hopewell Valley Open Space after the Borough acquires title to said property.

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

1. Upon final passage, approval and publication of this ordinance, the Mayor, with the attestation of the Borough Clerk, is authorized to execute a Deed of Conveyance and other closing documents in order to convey title to Block 92, Lots 1.01 and 1.03 Hopewell Township Tax Map to the Friends of Hopewell Valley Open Space.
2. Said conveyance shall be the subject to deed restrictions required by the Green Acres Program by the State of New Jersey and the Mercer County Open Space Fund in order to insure the use of said property for open space purposes only.
3. This ordinance shall take effect upon final passage, approval and publication as provided by law.

Council Member Lawver made a motion to introduce Ordinance 2015-8, second by Council Member Griffiths. Mrs. Heinzl explained that this Ordinance will allow the Borough to convey the property to the Friends of Hopewell Valley Open Space at the closing on the property which is scheduled for around the end of August. Some discussion took place with regard to costs that the Borough has incurred that FOHVOS has agreed to reimburse to the Borough. Mrs. Heinzl stated that reimbursement of those costs will be covered in the closing documents. Upon a roll call vote all members present voted in favor.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2015 – 8.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Hopewell Valley Regional School District, 425 South Main Street, Pennington, NJ 08534 for refund of escrow balance, P90-020 in the amount of \$273.22.

BE IT RESOLVED, that a refund be issued to Brogan Sanderson, 102 Laning Avenue, Pennington, NJ 08534, Block 702, Lot 15, for overpayment for COAH in the amount of \$47.50.

BE IT RESOLVED, that a refund be issued to Ben Sanford, 136 Timberlake Drive, Ewing, NJ 08618 for withdrawal of application P15-008 for property at Old Mill Square, LLC Block 4.01, Lot 3.03, 147, 149, 151 W. Delaware Avenue in the amount of \$ 1,000.00.

BE IT RESOLVED, that a refund be issued to CurAlea Associates, LLC, c/o John R. Pidgeon, Pidgeon & Pidgeon, P.C., 600 Alexander Road, Princeton, NJ 08540 for withdrawal of application P15-007 for property at 41-43 S. Main Street, Block 601, Lot 17 in the amount of \$1,200.00.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2015-8.1, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2015 – 8.2**

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 \$ 1,919,782.15 from the following accounts:

| | |
|-------------------|------------------------|
| Current | \$ 1,804,297.36 |
| W/S Operating | \$ 37,056.27 |
| General Capital | \$ 62,478.00 |
| Developers Escrow | \$ 3,548.42 |
| Grant Fund | \$ 817.85 |
| COAH Trust Fund | \$ 7,309.00 |
| Other Trust Fund | \$ 475.00 |
| Open Space Trust | \$ 3,800.25 |
| TOTAL | \$ 1,919,782.15 |

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2015-8.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 8.3**

**RESOLUTION TO AMEND THE 2015 ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR
2015 ROAD IMPROVEMENT PROGRAM (PARK AVENUE)**

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

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

WHEREAS, the Borough of Pennington has received \$ 289,432.00 from the NJ Department of Transportation and wishes to amend its 2015 Budget to include this amount as revenue;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2015 in the sum of \$289,432.00, which is now available as revenue from:

NJDOT – 2015 Municipal Aid Program (Park Ave)

BE IT FURTHER RESOLVED that a like sum of \$289,432.00 be and the same is hereby appropriated under the caption of:

NJ DOT – 2015 Municipal Aid Program (Park Ave)

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2015-8.3, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2015-8.4**

**RESOLUTION AWARING CONTRACT TO OLD DOMINION
BRUSH COMPANY FOR SUPPLY OF TWO VACUUM LEAF
COLLECTORS AND TWO LEAF COLLECTION BOXES**

WHEREAS, on June 25 and July 10, 2015, the Borough of Pennington advertised for bids for supply of two belt-drive vacuum leaf collectors and two leaf collection boxes for use by the Pennington Department of Public Works;

WHEREAS, on July 21, 2015, the date for receipt of bids, the Borough received a single bid, from Old Dominion Brush Company, Inc. (“ODB”) of Richmond, Virginia 23231, in the total amount of \$61,832;

WHEREAS, the total bid represents the price of two belt-driven vacuum leaf collectors at \$25,921. each and two leaf collection boxes at \$4,995. each, and is within budget for the acquisition;

WHEREAS, the bid documents submitted by ODB have been reviewed by the Superintendent of Public Works and by the Borough Attorney and are deemed in conformance with bid specifications, including documentation of the locations of three (3) approved service centers within 50 miles of the Department of Public Works as required;

WHEREAS, the funds for this acquisition are available in Account No. C-04-15-007-000-251 (Ordinance 2015-7);

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

1. The aforesaid contract is awarded to ODB in accordance with the bid specifications for the total contract amount of \$61,832. as explained above; and

2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the proposed Agreement with ODB on behalf of the Borough, and, in consultation with the Borough Attorney, to receive and approve related documents required to complete the contract documents, in conformance with the bid specifications.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-8.4, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2015-8.5**

**RESOLUTION OPPOSING INSTALLATION OF FULL TRAFFIC SIGNAL AT THE
 INTERSECTION OF INGLESIDE AVENUE AND STATE ROUTE 31**

WHEREAS, the New Jersey Department of Transportation is proposing safety improvements to the Pennington Circle on Route 31 (“Pennington Circle Improvement Project”) in Hopewell Township, New Jersey; and

WHEREAS, traffic metering signals are proposed as part of the Pennington Circle Improvement Project to be located to the north and to the south of the Circle on Route 31; and

WHEREAS, County Route 631 (“CR631”), also known as Ingleside Avenue, traversing part of the Borough of Pennington, lies north of the proposed southbound metering signal and a flasher-type signal currently controls its intersection with Route 31; and

WHEREAS, on July 27, 2015, the Hopewell Township Committee passed a resolution that in part called for the replacement of this flasher-type signal with a full traffic signal that includes accommodations for pedestrians and bicyclists; and

WHEREAS, Ingleside Avenue is a residential street in the Borough; and

WHEREAS, in July 2015, the Mercer County Route 546 bikeway Planning and Development Study Action Plan identified the intersection of CR631 and Route 31 as a potential location for a Pedestrian Hybrid Beacon and crosswalk rather than a full traffic signal; and

WHEREAS, Ingleside Avenue also intersects with Burd Street, a residential street, at the corner of the intersection of Main Street and Ingleside; and

WHEREAS, Resolution 2009-220 of the Mercer County Freeholders directed that the intersection of Ingleside Avenue and Burd Street have a full stop sign at Burd Street, replacing a yield sign at that location, in the interest of safety and the expeditious flow of traffic; and

WHEREAS, Borough Council opposes the proposed substitution of a full traffic signal for the flasher-type signal at the intersection of Ingleside Avenue and Route 31 and wants its opposition known by NJDOT, Mercer County and the Hopewell Township Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that it hereby memorializes its opposition to the proposed substitution of a full traffic signal for the existing flasher-type signal at the intersection of Ingleside Avenue and Route 31 for the following reasons:

1. A full-signal intersection will encourage drivers to use Ingleside Avenue as a detour bypass from and to Route 31 and to access Burd Street as a “cut-through” to avoid volume on Route 31.
2. Both Ingleside Avenue and Burd Street are residential streets in the Borough and are not designed for capacity beyond residential use. The increase in traffic volume will pose a danger to children, pedestrians and bicycle riders.
3. There are no data suggesting that the current signal at Ingleside Avenue and Route 31 is ineffective.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the New Jersey Department of Transportation, Mercer County and the Hopewell Township Committee.

Record of Council Vote on Passage

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

Council Member Davy made a motion to approve Resolution 2015-8.5, second by Council Member Griffiths with all members present voting in favor.

Resolution 2015-8.6 was pulled off the agenda at the request of Mr. Davy. No action was taken.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2015-8.6**

**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 NO. 2015-8.7**

**RESOLUTION AUTHORIZING WATER SERVICE
 FOR PROPERTY PARTIALLY IN THE BOROUGH OF
 PENNINGTON KNOWN AS BLOCK 908, LOT 8 ON
 THE PENNINGTON TAX MAP**

WHEREAS, Alfred and Delores DeBlasio, the owners of the property known as Route 31 and Ingleside Avenue, located partially in the Borough of Pennington, abutting Vannoy Avenue, and partially in the Township of Hopewell (“the Property”), has requested water service from the Pennington Water and Sewer Utility;

WHEREAS, the Property is known as Block 908, Lot 8, on the Tax Map of the Borough of Pennington, and is also known as Block 68, Lot 8 on the Tax Map of the Township of Hopewell;

WHEREAS, the practice of the Borough has been to extend water service when requested to properties partially in the Borough, assuming all other conditions for extension of service are satisfied;

WHEREAS, the Property is currently developed as a Sunoco gas and service station and is receiving sewer service from the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that extension of water service to the Property described above is hereby authorized, subject to all other terms and conditions applicable to such extension.

Council Member Lawver made a motion to approve Resolution 2015-8.7, second by Council Member Griffiths. Mr. Marciante asked if the Borough can ask what will be replacing the gas station before approving water service to the property. Mr. Marciante stated that the Borough should know if it will be something that requires a lot of water. Mr. Lawver stated that a change of use would have to go the Planning Board. Mr. Marciante stated that it would not be our Planning Board. Mr. Griffiths stated that the practice has been to grant these requests if the property is partially within the Borough. Mr. Marciante stated that he would like to know what it going to be there before agreeing to water service. Mr. Griffiths stated that this request applies to the property as it is now and that is a gas station. Mayor Persichilli stated that whatever is approved to go there would have to come before the Planning Board for review. Mrs. Heinzl stated that this request came from an engineer and when she phoned and asked what was going on with the property the owner stated he could not say. Mrs. Heinzl stated that it is true that whatever is planned for the property would have to go at least before the Hopewell Township Planning Board but perhaps not the Pennington Planning Board. Mrs. Heinzl stated that the property is zoned residential as of now. Mrs. Heinzl stated that at the last meeting Borough Council agreed that since this property has a sliver in the Borough that it would be entitled to a water connection. Mrs. Heinzl stated that maybe it is not necessary at this point to pass a resolution memorializing that decision. Mrs. Heinzl stated that it might be better to wait until we know what is planned for the site. Mayor Persichilli stated that he knew what was proposed however he could not talk about it. Mr. Davy stated that given that there is a sliver of property in the Borough does that mean that the applicant would need approval from both the Pennington Borough Planning Board and the Hopewell Township Planning Board.

Mr. Winn Thompson, Chairman of the Planning Board stated not necessarily. Mr. Thompson stated that the

simple answer depends on how much and what will actually be happening on the property. Mr. Thompson stated that there was a similar situation with the Scudder Tractor Building recently and the bottom line was that because there was only a small area in Pennington Borough and the changes were not affecting that piece of property, they did not need approval from Pennington Borough. Mr. Thompson stated that the Planning Board attorney felt that nothing that was happening there would affect Pennington Borough. Mr. Thompson stated that whatever is going to happen at the gas station will have a much wider impact on the Borough than just a reuse of the existing building and so at this point he is not sure how it will be handled.

Mr. Griffiths stated that barring construction of a water park, the Borough has enough water to handle a reasonable request for water at this location. Mr. Griffiths stated that the system could handle even a high volume retail outlet and it would generate revenue for the utility. Mr. Griffiths stated that sewer capacity is also adequate. Mr. Thompson stated that there are commitments against the sewer capacity that will be coming up.

Mr. Bliss stated that another thing to consider is that we have another property in the works that is requesting service outside the Borough, but very close to the Borough. Mr. Bliss stated that a policy is being considered that would distinguish among requests for Borough water and sewer service. Mr. Bliss suggested that maybe this resolution should be held to weigh together with the other application so that we can come up with a comprehensive policy.

Mr. Thompson stated that if the Borough is going to grant water service he would like it if the Borough had to grant site plan approval or some form of approval with regard to what is actually going to happen with the property. Mr. Davy stated that the Public Works Committee has not really discussed this. Mr. Bliss stated that procedurally, Council is in a good position to hold the Resolution.

Council Member Marciante made a motion to table the resolution, second by Council Member Davy with the recommendation that it be referred to the Public Works Committee for further discussion. Mr. Davy stated that there needs to be a cohesive policy given that we have another request for service. Mr. Lawver stated that this particular policy does fall under the current policy and within the last six months one other request was granted under the standing policy. Mr. Marciante stated that the difference was that the Borough knew what would be going into the other location; we don't know what will be going here. Mr. Lawver stated that we know what it is currently zoned which is residential with a use variance for the gas station. Mr. Griffiths asked if Mr. Thompson's point of having site approval before granting water service is something that we can do. Mr. Bliss stated that ordinarily that would not factor into the criteria for land use approval. Mr. Thompson stated that if part of the property is in the Borough then he would think that the Borough had some leverage. Mr. Bliss stated that would have to be the grounds for the application and not the request for water service. After some discussion as to how to proceed, Council agreed to refer this resolution to the Public Works Committee for further consideration.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2015-8.8**

**RESOLUTION AUTHORIZING EXECUTION OF
AMENDED AGREEMENT FOR CONTINUED PARTICIPATION IN THE HOME INVESTMENTS
PARTNERSHIPS PROGRAM CONSORTIUM WITH THE COUNTY OF MERCER**

WHEREAS, by Resolution 2015-2.7 adopted on February 2, 2015, Pennington Borough Council endorsed Pennington's continued participation in the Mercer County HOME Investments Partnership Program Consortium, and the Mayor and Municipal Clerk were authorized and directed to execute the Mercer County HOME Investment Partnerships Program Consortium Agreement ("Consortium Agreement");

WHEREAS, Mercer County has advised that amendments to the Consortium Agreement are required to acknowledge that (1) even though a consortium's qualification period may end, the consortium agreement must, at a minimum, remain in effect until the HOME funds received during each of the federal fiscal years of the qualification period are expended on eligible activities or returned to HUD; and (2) the agreement must specify that it will remain in effect at least until the HOME funds from each of the federal fiscal years of the agreement's specified qualification period, and each successive qualification period for which the agreement is renewed, are expended on eligible activities;

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 the amended Consortium Agreement in the form annexed to this Resolution.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2015-8.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2015 - 8.9**

**RESOLUTION AUTHORIZING NEW BUS STOPS
 IN PENNINGTON BOROUGH**

BE IT RESOLVED by the Mayor and Council of the Borough of Pennington, County of Mercer, and State of New Jersey that pursuant to N.J.S.A. 39-4-8(e) the following described location are **designated** as bus stops:

MUNICIPAL ROAD(S)

ADDED:

- 1. Along Green Street, southbound, on the westerly side thereof at:**
 - a. Delaware Avenue – (Near side)
Beginning at the northerly curblineline of Delaware Avenue and extending 105 feet northerly therefrom.
- 2. Along South Main Street, northbound, on the easterly side thereof at:**
 - a. Baldwin Street – (Far side)
Beginning at the northerly curblineline of Baldwin Street and extending 100 feet northerly therefrom.
 - b. East Curlis Avenue – (Far side)
Beginning at the northerly curblineline of East Curlis Avenue and extending 100 feet northerly therefrom.
 - c. Between Academy Avenue and Laning Avenue – (Mid-block)
Beginning 200 feet south of the southerly curblineline of Academy Avenue and extending 135 feet southerly therefrom.
- 3. Along South Main Street, southbound, on the westerly side thereof at:**
 - a. Academy Avenue – (Near side)
Beginning at the northerly curblineline of Academy Avenue and extending 105 feet northerly therefrom (Hopewell Valley YMCA).
 - b. West Curlis Avenue – (Near side)
Beginning at the northerly curblineline of West Curlis Avenue and extending 105 feet northerly therefrom.
 - c. Ingleside Avenue – (Near side)
Beginning at the northerly curblineline of Ingleside Avenue and extending 105feet northerly therefrom (across from the school administration building).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Pennington will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2015-8.9, second by Council Member Gnatt. Mr. Marciante stated that Council should review the locations carefully as there a lot of stops. Mr. Marciante stated that there will some parking spaces that will be eliminated on Main Street. Mr. Meytrott stated that there are three parking spaces that will be eliminated. Mr. Meytrott explained that the Borough requested additional spots and NJ Transit came out and made these recommendations. Mr. Meytrott stated that there will be one or two parking spaces on Green Street and two on Main Street that will be eliminated. Mr. Meytrott stated that the two spaces on Main Street are in front of the YMCA and at Ingleside and Main. Mr. Griffiths stated that these are not high use spaces and Mr. Meytrott stated that the one in front of the YMCA is used every day by an employee. Mr. Marciante asked about 3(c) which states “across from the Pennington Borough Hall”. Mr. Lawver stated that it should read across from the school administration building. Mr. Davy asked if we asked for these spots and Mr. Meytrott responded that the Borough asked for additional spots and NJ Transit determined the stops. Upon a roll call vote all members present voted in favor.

Council Discussion

Block Party Request – Mallard Drive – September 12, 2015 – Mr. Marciante stated that he would make the same request for Voorhees Avenue on September 7, 2015. Council briefly discussed the requests. Council Member Marciante made a motion to approve both requests, second by Council Member Griffiths with all member present voting in favor with the exception of Mr. Davy and Mr. Lawver who both abstained.

Social Affairs Permit – Mrs. Sterling stated that the application in front of Council is for an event in October at the Trenton Cyrus Lodge. Mrs. Sterling stated that the Division of Alcoholic Beverage Control will approve the application, but Council needs to be aware of the event and both the Public Safety Director and Borough Clerk are required to sign the application. Council Member Marciante made a motion to approve the request, second by Council Member Griffiths with all members present voting in favor.

Murray Peyton Letter – Streets – Mayor Persichilli stated that he hopes that all of Council have read Murray Peyton's letter which lists several streets in Pennington and asks that question of why does the Borough wait for grant funds in order to do road repairs. Mayor Persichilli stated that in all the time he has been on Council, the practice has been to apply for one grant per year and to repair one road per year. Mayor Persichilli stated that Mr. Peyton inquired as to why the Borough does not bond for repairs to several roads at the same time. Mayor Persichilli stated that the question is whether or not the Borough wants to bond for road repairs or keep going with the one grant/one repair per year approach. Mr. Griffiths stated that the formula we have been using is to repair 300 linear feet of road each year because that over the course of 20 to 25 years will repave every street in the Borough. Mr. Griffiths stated that he does not see the urgency of going ahead and repairing all of the roads at once unless there is significant deterioration or large potholes that make it an impediment to traffic. Mr. Griffiths stated that maintaining roads is a 20 to 25 year cycle and it does not seem that the Borough is so far out of the cycle that we need to incur what will end up being several million in bonds which is equivalent to \$100,000 in debt service. Mr. Griffiths stated that the current strategy is working. Mr. Lawver stated that he would be more inclined to budget an additional \$100,000 rather than incur the additional debt. Mr. Lawver stated that would allow for repair of an additional 100 linear feet per year. Mr. Lawver stated that there are probably 4 or 5 streets that need to be done soon and another 5 that are stretching their life. Mr. Griffiths agreed and out of the 5 that are mentioned in the letter 2 of them are scheduled for repair in 2016. Mr. Griffiths stated that the other problem with bonding for road work is that we run the risk of not getting future grants from the NJDOT. Mr. Marciante stated that Mr. Smith has a list prioritizing roads that are in need of repair. Some discussion took place regarding which roads are worse than others.

Professional Reports

Mrs. Heinzl stated that she submitted a report to Council Members. Mrs. Heinzl stated that last week the NJDOT hosted a public information session to advise the public on the plans for replacement of the CSX Bridge. Mrs. Heinzl stated that many of the questions that were asked were in relation to the work being done at the circle. Mrs. Heinzl stated that the NJDOT responded in a letter that they will not be removing the metering lights from the project and they are also not going to consider a full traffic signal at Ingleside Avenue and Route 31. Mayor Persichilli stated that the NJDOT spent a tremendous amount of time with both Hopewell Township and Pennington Borough to come to an agreement on the best solution for the circle. Mr. Griffiths agreed with Mayor Persichilli's support of the NJDOT and this project and stated that the letter that was sent is articulate and well-reasoned. Mr. Griffiths stated that the letter examines the issues in detail and outlines the process that would have to be undertaken in order to put a light at the intersection of Ingleside and Route 31.

Mrs. Heinzl stated that there was a special Planning Board meeting last Monday and the board heard a report of the Planning Board Attorney, Ed Schmierer with regard to Affordable Housing. Mrs. Heinzl stated that 12 of the 13 municipalities in the County have filed Declaratory Judgment Actions and he expects to have a report from the expert that was hired by the end of the month and that will be followed by a meeting with the Judge assigned to Mercer County.

Mrs. Heinzl stated that a letter was received from the NJ EIT program indicated that the Borough has been deemed credit worthy and the next step is for the NJEIT to review the documents submitted by the Borough Engineer which should be happening soon. Mr. Griffiths stated that the letter indicates that the Borough has a rating of AA+ and that is due to the efforts to manage the Borough debt and not taking on any new debt.

Mr. Rick Smith stated that in addition to the report that he provided to Council Members, he would also like to mention that hydrant flushing will take place on or around August 17th.

Mr. Meytrott stated that he has spoken to a couple of local businesses and there will be a photo shoot this Thursday on Main Street.

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.

There were no comments from the public.

Closed Session

AT, 7:55 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:

- Potential Litigation – Water Line – 34/36 South Main Street

Open Session

AT, 8:10 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 July 6, 2015 Closed Session Minutes for content but not for release, second by Council Member Griffiths with all members present voting in favor.

At 8:11 PM the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk