

**Pennington Borough Council
Regular Meeting – November 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 with the exception of Mrs. Gnatt.

Also present were Borough Administrator Eileen Heinzl, 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.**

Mayors Business

Mayor Persichilli invited representatives from the Pennington Business and Professional Association to come forward to speak about the annual Holiday Walk. Linda Martin owner of Flutter Boutique at 20 South Main Street and Alisandra Carnevale owner of Law Offices of Alisandra B. Carnevale at 134 South Main Street came forward. Ms. Martin stated that she is the President of the Business Association and Ms. Carnevale is the Secretary. Ms. Martin stated that the annual Holiday Walk will be held on December 4, 2015 from 6:00 to 9:00pm. Ms. Martin stated that because they are unable to plan for a rain date given that there are many volunteers involved in the event, they are planning on having a large tent at Howe Commons where the tree lighting takes place. Ms. Martin stated that they are in the process of working with the Building Department and the Zoning Officer regarding any permits that may be required. Ms. Martin stated that they are hoping that the tent will be able to accommodate all participants in the event. Ms. Martin stated they will have music and food under the tent and it will be lighted in the hopes that people driving by will be drawn to stop in at the event. Ms. Carnevale stated that they are trying to generate more participation in the event and so local businesses will be donating gift baskets and they will be holding a drawing at the Holiday Walk. Ms. Carnevale stated that people in attendance will receive tickets from local businesses that they have visited and they will be able to use those to win one of the baskets. Ms. Carnevale stated that no purchase is necessary in order to get a ticket. Ms. Carnevale stated that they will be having dance performances, a Santa parade down Main Street and the usual photos with Santa at Sun Bank. Ms. Carnevale stated that they are also planning on having caroling and other activities some the same as previous years and some newer activities for children such as crafts and cookie decorating. Ms. Martin stated that they are trying to get more of the businesses involved, for example Twirl Top Shop will be doing crafts, the Presbyterian Church will be open for some activities and the idea is to try to make it more exciting for families. Ms. Martin stated that they will also be doing some advertising to promote the event and to promote local businesses. Ms. Martin invited Mayor and Council to come out and support the event.

Mayor's Appointments

Mayor Persichilli announced the appointment of Tom Ogren to the Economic Development Commission for an unexpired term ending December 31, 2016.

Mayor Persichilli stated that he would like to request that the December meeting scheduled for the 7th be changed. After some discussion as to availability the meeting date was changed to December 14th.

Mayor Persichilli stated that the agenda for this evening has been amended to add Ordinance 2015-17 and also to add a Closed Session item, Contract Negotiations – Streetscape.

Presentations

Mayor Persichilli invited Mr. Ogren of the Open Space Committee to come forward. Mr. Ogren distributed a handout to Mayor and Council. Mr. Ogren began with reporting on recent acquisitions and proposed acquisitions. Mr. Ogren stated that last year in July he came before Council to discuss applying for Green Acres funds and Council requested that the application be made for the Carter Road site. Mr. Ogren stated that the funding was approved and the property was purchased this year. Mr. Ogren stated that the packet that he handed out contains a summary of the funding that was provided for the Carter Road acquisition. Mr. Ogren stated that this purchase was a collaboration of five towns and four non-profits that pooled their resources and

Pennington's contribution consisted of Green Acres funds in the amount of \$115,000. Mr. Ogren stated that the building currently on the site is in the process of being torn down.

Mr. Ogren stated that the other property that the Borough is in the process of acquiring is the Brown Property and included in the packet is a run-down of the funding for that purchase. Mr. Ogren stated that he would like to note that the Green Acres funding that was approved was \$400,000 and the amount being used for the purchase of the property is \$391,250.

Mr. Ogren stated that the Open Space Trust Fund is provided through a one-cent Open Space Tax. Mr. Ogren stated that he has projected the amount available in the trust fund through the end of the year and that amount is \$526,000. Mr. Ogren stated that no Open Space Funds will be used for the Brown Property acquisition; all funds for the purchase are coming from Green Acres and Mercer County.

Mr. Ogren stated that the State and County are very important when it comes to providing grants for Open Space Acquisitions. Mr. Ogren stated that Green Acres bond issues dried up years ago and one year ago, the voters approved a referendum tagging four percent of the Corporate Business Tax for environmental programs so that there will be an ongoing funding source for open space and other environmental programs. Mr. Ogren stated that after the referendum was passed, the legislature spent the next twelve months trying to figure out how to allocate the money and they decided to allocate \$71 million this fiscal year for Green Acres programs including farmland preservation and historic preservation. Mr. Ogren stated that in the packet he has included a table showing what was proposed to be allocated for Green Acres, which is a huge drop in funding for Green Acres at least in the first year which is 2016. Mr. Ogren stated that he has also provided the allocation to local governments which also are substantially less than what was available in fiscal year 2013. Mr. Ogren stated that while it is good that there is this ongoing source of funding it is a lot less than in years past. Mr. Ogren stated that the Legislature never passed a bill so at this point Green Acres funding is currently at zero.

Mr. Ogren stated that in terms of County funding the good news is that the County seems to be flush with its open space tax funds and because of that they have increased the percentage that they would provide to projects up to fifty percent from twenty percent. Mr. Ogren stated that he does not know if that will continue next year as they are doing that on a year by year basis. Mr. Ogren stated that he thinks that there is potential to secure funding from Mercer County if the Borough wanted to match with its money. Mr. Ogren stated that for that reason, the Open Space Committee has been looking at sites around the Borough and they think that there are some potentially good sites to consider.

Mayor Persichilli asked if the committee is looking at any sites within the Borough. Mr. Ogren stated that they have looked in the Borough and could not come up with anything, but they will continue to look. Mr. Ogren stated that the committee got the message the last time this was brought up and they will be looking both in the Borough and close to the Borough. Mr. Ogren stated that he will discuss potential properties in a bit, but if Council wanted to discuss specific properties that would require a closed session.

Mr. Ogren stated that the 2015 Open Space Plan for the Borough is the responsibility of the Planning Board under the Master Plan which is reviewed and amended from time to time. Mr. Ogren stated that the Open Space chapter in the Master Plan was adopted in the year 2000. Mr. Ogren stated that the plan is a bare bones plan to meet Green Acres requirements. Mr. Ogren stated that the Open Space Committee worked on a revised and expanded Open Space Plan and they made a recommendation to the Planning Board early this year and the Board approved the plan as part of the Master Plan in March of 2015. Mr. Ogren stated that he included an outline of the plan in the packet that was distributed, but the actual plan is available in the Borough office. Mr. Ogren stated that they tried to be comprehensive and look at every possible area in the Borough even including Howe Commons.

Mr. Ogren stated that the Open Space Plan includes an Open Space Map which is a requirement of Green Acres and if the Borough has this plan in place, we no longer have to submit grant applications to Green Acres. Mr. Ogren stated that the map shows a Greenbelt around the Borough and the new plan shows a more uniform radius around the Borough which is fairly consistent with the Hopewell Township Open Space Plan, also included in the packet. Mr. Ogren stated that the plan provides reasonable flexibility regarding acquisitions which are entirely up to Borough Council. Mr. Ogren stated that the map does not include either the Brown Property or the Carter Road Property and to that point, the plan proposes Greenway Corridor Roads. Mr. Ogren explained that these are four roads that emanate from or close to the Borough to allow for preservation of Open Space along a corridor coming into the Borough. Mr. Lawver inquired about Pennington Lawrenceville Road and Mr. Ogren responded that there is not a lot of potential for

preservation along that road except for the Thompson Property which has been discussed.

Mr. Ogren stated that Bristol Myers Squibb which is privately owned property and not available for acquisition consists of 200 acres of open space and it's the largest amount of open space adjacent to the Borough. Mr. Ogren stated that development of that space would have an adverse impact on the Borough. Mr. Ogren stated that he is vaguely aware of a developer's agreement with Hopewell Township that was approved in 2006 with Bristol Myers Squibb. Mr. Ogren stated that the Open Space Committee looked into this agreement to see what on the site has been proposed for preservation as open space. Mr. Ogren stated that outside of the cluster of buildings, all of the land is proposed to be open space if certain conditions are met. Mr. Ogren stated that under the agreement, 152 acres was preserved along the perimeter of the site, and then another 75 acres in the center of the site would only be set aside as open space if Bristol Myers Squibb develops another 1.8 million square feet of office space. Mr. Ogren stated that would amount to triple what is there now. Mr. Ogren stated that this is mentioned in the Open Space Plan and it is an important issue for Council to be aware of.

Mr. Ogren stated that also included in the Open Space Plan is a Bike Route Map through the Borough. Mr. Ogren stated that the map shows one of the East/West routes through King George Road which would connect with the Pennington Connection to the Lawrence Hopewell Trail. Mr. Griffiths asked if these routes would be marked. Mr. Ogren stated that on Lower King George Road bike lanes were put in though they are not marked as bike lanes as parking is still allowed. Mr. Ogren stated that the lanes provide a measure of safety for bicyclists and he would recommend that this be continued on Park Avenue when that road is redone. Mr. Lawver stated that the map shows Ingleside Avenue as a bike route and that is not a bike route. Mr. Ogren stated that the reason it was included is because it is part of the proposed Route 576. Mr. Lawver stated that it does not make sense to deliver a bike lane to Route 31 where there is no signalized crossing. Mr. Ogren stated that there is a proposal for a signalized crossing. Mr. Lawver stated that he understands that, but until there is a signalized crossing it is not a bike route. Mr. Ogren stated that the signal that is proposed is a pedestrian activated signal. Mr. Griffiths stated that the NJDOT said no to a light at that intersection.

Mr. Ogren stated that the last item relates to the repaving of East Curlis Avenue. Mr. Ogren stated that the plan suggested that the conflict between pedestrians and children riding bicycles to school on East Curlis be addressed by having either a separate bike path or wider sidewalks. Mr. Ogren stated that the current sidewalk is four feet and it is the narrowest sidewalk in the Borough and it is adjacent to the curb. Mr. Ogren stated that when cars are parked and the doors are opened the sidewalk is blocked. Mr. Ogren stated that when there are bicyclists and pedestrians on the sidewalk it is a real problem given that the sidewalks are only four feet to begin with. Mr. Lawver stated that sidewalks will be considered when the project is designed.

Mrs. Chandler asked Mr. Ogren if there is a need for a closed session discussion of specific properties. Mr. Ogren stated that it would be a good idea. Mayor Persichilli thanked Mr. Ogren for his presentation.

Approval of Minutes

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

Committee Reports

Planning & Zoning / Open Space – No report due to Mrs. Gnatt's absence.

Public Works / Personnel – Mr. Davy stated that a meeting was held last Tuesday night with the residents of Park Avenue and King George Road regarding the preliminary design for the road project. Mr. Davy stated that a letter from Mark Godfrey who lives on King George Road and is also in the audience was distributed to Mayor and Council. Mr. Davy stated that the letter captures the essence of the meeting pretty well and poses some additional questions that will be looked into. Mr. Davy stated that generally the residents in attendance were supportive of the project; they had some concerns particularly with traffic volume and speed. Mr. Davy stated that the Borough will be taking a look at some traffic calming measures. Mr. Meytrott stated that a monitoring device has been placed on King George Road which was also done in 2008 and the results from this time will be compared to those obtained in 2008. Mr. Meytrott stated that the device is currently on Upper King George Road and it will be moved in a week or so to Lower King George Road and the week after that it will be moved to Park Avenue. Mr. Meytrott stated that the device captures the time, the speed and the direction and volume of vehicles. Mr. Davy stated that all of the points in Mr. Godfrey's letter will be looked into and a response will be provided to Mr. Godfrey. Mr. Davy stated that many of the points in the letter were brought up at the meeting and some are new and will be looked into. Mr. Davy stated that on page four of the letter there is the question as to whether

residents would be assessed the difference of the improvement costs and the answer is no. Mr. Davy stated that there is no plan to assess residents any of the costs. Mr. Davy stated that he thought it was a good meeting; there were concerns about the traffic and quality of inspections when work is being done and we will ensure that inspections are done properly.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver reported that Parks and Recreation has had the last event for the year which was movie night and it was very well attended. Mr. Lawver stated that Parks and Recreation is looking for new members for next year.

Mr. Lawver reported that the Library is working on getting their website finalized. Mr. Lawver stated that the website will contain a community calendar/bulletin board. Mr. Lawver stated that they are hoping to go live with the website early next year.

Mr. Lawver stated that the Shade Tree Commission has begun working on modifying the shade tree ordinance and they will be making a recommendation to Borough Council shortly.

Mr. Lawver stated that he was unable to attend the Senior Advisory Board meeting.

Public Safety – Mr. Marciante reported that the Borough has reached an agreement with the Police on their contract. Mr. Marciante stated that the ordinance is on the agenda later in the meeting. Mr. Marciante stated that hopefully the new contract will stabilize the Police Department and stop the turnover of personnel. Mr. Marciante stated that by the end of December the Police Department will be at full force once the two new officers complete their training. Mr. Marciante stated that he would like to thank Mr. Lawver for attending the Emergency Services 9-11 Memorial and he would like to thank Mrs. Chandler for attending the Pennington Fire Company pancake breakfast.

Finance – Mr. Griffiths stated that the Finance Committee did not meet, but we are approaching budget season. Mr. Griffiths stated that historically budget requests are submitted by each department head, the finance department compiles the numbers and then the finance committee will meet to look at the preliminary expenses and revenues and go from there. Mr. Griffiths stated that in January we will have the Annual Financial Statement which we can use to decide where cuts or additions can be made. Mr. Griffiths stated that the issue for 2016 that is pertinent is longer term road reconstruction. Mr. Griffiths stated that King George Road and Park and East Curlis and Weidel are all in progress but after that the question is what are the most pressing needs, what are the costs and how do we begin to budget for those needs over a five or so year period. Mr. Griffiths stated that we need to begin to look at a process for road repair after the Curlis/Weidel project and going forward.

Mayor Persichilli asked if the Borough Engineer is included in the budget process regarding road projects and future planning. Mr. Griffiths stated that currently the Borough Engineer submits fixed prices for projects scheduled for that year. Mayor Persichilli asked if the Borough Engineer is included in the Public Works meetings. Mr. Davy stated that sometimes she is asked to attend, but she does not attend every meeting. Mayor Persichilli asked if it would make sense to have her come to the meetings. Mr. Griffiths stated that attendance at meetings is billable. Mayor Persichilli stated that he personally thinks that she should be included in some things. Mr. Davy stated that when the committee is talking about roads and other projects involving the engineer, she is always invited.

Mayor Persichilli stated that he and Borough Administrator Eileen Heinzl met with Mercer County to discuss the idea of having Mercer County mill some of the streets in Pennington. Mayor Persichilli stated that the Borough would provide the asphalt and the County would do the work. Mayor Persichilli stated that if there are some streets that could be milled to carry over for a few years before reconstruction is needed then it might be something to consider. Mr. Davy stated that Public Works Superintendent Rick Smith is looking into the costs for asphalt and coming up with a plan. Mr. Griffiths stated that if we can get by with milling and not excavating some of the roads in the Borough that would be a huge savings. Mayor Persichilli stated that the County has been very responsive so hopefully we can work with them in the future.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that Historic Preservation, Environmental and the Board of Health did not meet. Mrs. Chandler stated that the Economic Development Commission met with Tom Ogren who will be joining as a new member. Mrs. Chandler stated that the group is looking into the landfill site for potential development. Mrs. Chandler stated that Mrs. Heinzl has been asked to attend the next meeting and she would also like to schedule Economic Development to come to the next Council meeting to make a report.

Mayor Persichilli stated that he has been getting some interest in the sale of a liquor license. Mrs. Chandler stated that the Economic Development Commission has discussed that as well. Mrs. Chandler stated that she would like to see Economic Development be included in discussion of location, sale and other ideas regarding a liquor license.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2015-15 by title.

Ordinance #2015-15

AN ORDINANCE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH PENNINGTON BOROUGH POLICE ASSOCIATION

WHEREAS, the Borough of Pennington and the Pennington Borough Police Association have negotiated the terms of a collective bargaining agreement for the years 2015, 2016, 2017, 2018, 2019 and 2020 (“Collective Bargaining Agreement Between the Borough of Pennington and the Pennington Borough Police Association, January 1, 2015 – December 31, 2020,” or “Collective Bargaining Agreement”); and

WHEREAS, the Collective Bargaining Agreement establishes salaries and other conditions of employment; and

WHEREAS, a copy of the Collective Bargaining Agreement is available for inspection at the office of the Clerk in Borough Hall; and

WHEREAS, the Borough desires to adopt this Collective Bargaining Agreement and authorize the salary payments contained therein;

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

ARTICLE I – The Collective Bargaining Agreement negotiated with the Pennington Borough Police Association for the years 2015, 2016, 2017, 2018, 2019 and 2020, a copy of which is on file in the Office of the Borough Clerk, is hereby incorporated herein by reference and adopted by the Borough of Pennington.

ARTICLE II – In the event that the terms and conditions of the Collective Bargaining Agreement are at variance with the Borough Employee Personnel Manual, the terms and conditions of the Collective Bargaining Agreement shall be controlling.

ARTICLE III – The Mayor and Clerk are hereby authorized to sign and seal the said Agreement on behalf of the Borough.

ARTICLE IV – This Ordinance shall take effect upon final passage and publication according to law, provided however that the terms set forth in said Agreement shall be in effect retroactively to January 1, 2015.

ARTICLE V – All ordinances or portions thereof inconsistent herewith are hereby repealed.

Council Member Marciante made a motion to introduce Ordinance 2015-15, second by Council Member Chandler. Mr. Griffiths stated that this is a good contract for the department and the Borough. Mayor Persichilli stated that we should save some money next year in overtime costs. Upon a roll call vote, all members present voted in favor.

Mayor Persichilli read Ordinance 2015-16 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2015 -16**

AN ORDINANCE AMENDING “AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2015.”

WHEREAS, by agreement dated between the Borough of Pennington and Richard Smith, Superintendent of Public Works, the base salary for Superintendent Smith is to be increased by \$7,500.00 upon his obtaining a New Jersey Public Wastewater Collection System License C-1 (“C-1 License”);

WHEREAS, Superintendent Smith has now obtained the C-1 License;

WHEREAS, Borough Council therefore intends to increase the authorized annual salary for the Superintendent of Public Works from \$75,000.00 to \$82,500.00, effective July 6, 2015;

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

1. Section 1.a of Borough of Pennington Ordinance No. 2015-6 “AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS

AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2015,” is hereby amended to read as follows (with deleted language bracketed and new language underlined):

Borough Administrator	\$ 50,000.00
Borough Clerk	\$ 40,116.40
Treasurer	\$ 63,638.48
Tax Collector	\$ 28,821.78
Utility Collector	\$ 28,821.78
Technical Assistant to Construction	\$ 11,206.43
Tax Assessor	\$ 12,240.00
Zoning Officer	\$ 8,283.12
Land Use Admin/Admin Asst.	\$ 48,277.06
Deputy Registrar	\$ 2,086.05
Supt. Of Public Works – Effective [August 1] <u>July 6, 2015</u>	[75,000.00] <u>\$82,500.00</u>
Judge of Municipal Court	\$ 11,637.28
Court Administrator	\$ 16,263.97
Prosecutor - (Flat Fee per Court Session)	\$ 300.00
Public Defender – (Flat Fee per Court Session)	\$ 200.00
Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,698.75
Plumbing Sub-Code	\$ 38.02 / hour
Fire Sub-Code	\$ 38.59 / hour
Electric Sub-Code	\$ 10,286.25
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

- a. One person may serve in more than one office or position of employment as listed in Section a hereof.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 77.47
Police Department:		
Crossing Guards	\$ 15.00	\$ 24.74
Special Police	\$ 16.92 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 21.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 35.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the

respective labor agreements.

SECTION V:

This amended ordinance shall take effect upon final adoption and publication according to law.

Council Member Lawver made a motion to introduce Ordinance 2015-16, second by Council Member Chandler with all members present voting in favor.

Mayor Persichilli read Ordinance 2015-17 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # - 2015-17**

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF HOPEWELL VALLEY, INC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN PENNINGTON BOROUGH, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF PENNINGTON BOROUGH, MERCER COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" or "Municipality" is the Borough of Pennington, County of Mercer, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Hopewell Valley, Inc.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.
- j. "Expanded Basic Cable Service" means the tier of cable service which includes two (2) tiers (Limited Basic and Expanded Basic) or its equivalent.
- k. "Qualified School" is a public or private elementary or secondary school covering grades ranging from K-12 in whole or in part, not a home school, community college or university.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the

qualifications of the Company to receive this renewal of Municipal Consent, it appears to the Municipality that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, N.J.S.A. 48:5A-30, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law. The fee is currently three and one-half percent (3.5%) of the Company's gross revenues, as defined under N.J.S.A. 48-5A-3(x), pursuant to N.J.S.A. 48:5A-30(d).

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Temporary Removal of Cables: The Company shall, upon request of the Municipality at the Company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances. Whenever the request for removal is made by, for or on behalf of private parties, the cost will be borne by those same parties.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging highways, streets, alleys, sidewalks, easements, public ways or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company.

With respect to all applicable construction activities under this Section, the Company shall obtain all required permits and otherwise comply will all related provisions of the New Jersey Administrative Code, Pennington Borough Code, and all other applicable laws and ordinances, provided nothing herein shall be construed to require Company to pay fees for required permits to the extent Company is exempt from such fees under State or Federal law.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Borough Manager or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to

customers.

- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Expanded Basic or a similar tier of cable television service on one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution wires. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost on one (1) outlet to each qualified existing and future police, public works, fire, rescue, Town Hall and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution wires. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of ten-thousand dollars (\$10,000) to meet the general technology and/or cable related needs of the community.
- d. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves these external cost, pass-through rights to the extent permitted by law.

SECTION 15. EDUCATIONAL ACCESS

- a. The Company shall continue to provide a dedicated educational access channel that will be available to the Hopewell Valley Regional High School.
- b. The Company will maintain the cable, modulators, and equipment necessary for the Hopewell Valley High School channel to send a signal to the Company, and to receive the return feed signal. The Company will not be responsible for the maintenance of any studio equipment used for the access channel, including but not limited to cameras, editing decks, monitors and character generators.

- c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time grant in the amount of ten-thousand dollars (\$10,000) to enhance the Borough's website. Such enhancements may include, but are not limited to, hosting and/or embedding educational and government access video on the Borough's website.
- d. Shared use of the educational access channel shall be governed by mutual agreement among the municipalities of Pennington Borough, Hopewell Borough and Hopewell Township (collectively, "Municipalities").
- e. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for educational access use. An access user - whether an educational or governmental user - acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- f. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- g. Educational Access. "Educational Access" shall mean noncommercial use for educational purposes that is managed, scheduled, and programmed by Hopewell Valley Regional High School or other educational access channel administrator designated by the Municipalities.
- h. Company Use of Fallow Time. Because blank or underutilized access channels are not in the public interest, in the event the Hopewell Valley Regional HS or other designated access users elect not to fully program the access channel, Company may program unused time on those channels (at its discretion and for any purpose), subject to reclamation by the Municipality upon no less than 60 days written notice.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000. The Borough shall be named as an additional insured under said policies.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, is binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Council Member Chandler made a motion to introduce Ordinance 2015-17, second by Council Member Marciante. Mr. Marciante asked for an explanation of the letter that was included with the ordinance. Mr. Bliss stated that the letter if from the Board of Public Utilities and they had to review and comment on the ordinance prior to introduction by Borough Council. Mr. Bliss stated that the letter does just that. Mr. Bliss stated that the BPU made one proposed language change which has been incorporated into the Ordinance. Mr. Bliss stated that the change is in Section 5, Fees. Mr. Bliss stated that although we believe that our language said that we would be paid 3.5 percent, the new language makes that unmistakable. Mr. Bliss read the last sentence of Section 5. Mr. Bliss stated that the essence of this is that the Borough is permitted the maximum that the act would permit including a right to petition BPU for more than the amount now being received. Mr. Bliss stated that we are now receiving the maximum. Upon a roll call vote, all members present voting in favor of introduction.

New Business

**Borough of Pennington
Resolution #2015 – 11.2**

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 \$ 264,902.04 from the following accounts:

Current	\$ 209,681.98
W/S Operating	\$ 42,172.05
Developers Escrow	\$ 7,797.16
Grant Fund	\$ 3,650.45
Animal Control Fund	\$ 10.80
Trust Other	\$ 75.00
COAH Trust Fund	\$ 1,107.60
Open Space Trust	\$ 407.00
TOTAL	\$ 264,902.04

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				absent	Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-11.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-11.3**

RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCE #2013-8

WHEREAS, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

WHEREAS, the Borough’s Chief Financial Officer has reviewed all capital ordinances to verify which projects are complete, but have balances remaining; and

WHEREAS, it is the recommendation of the Chief Financial Officer that the remaining balance of \$ 73,482.60 authorized by Capital Ordinance 2013-8, for construction of Lawrence Hopewell Trail, be cancelled and the monies be transferred from the Capital Fund to the Reserve for Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Pennington authorize the Borough Chief Financial Officer to cancel the remaining balance in Ordinance 2013-8 and transfer these funds to the Reserve for Open Space Fund.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-11.3, second by Council Member Lawver. Mr. Lawver asked why the funds were going to the Open Space Fund and not the General Fund. Mr. Griffiths stated that the funds originally came from the Open Space Fund. Mrs. Sterling explained that the original amount of Open Space Funds approved for the Lawrence Hopewell Trail was \$195,000, the contract amount ended up being less than the estimate so this amount can now be cancelled back to the Open Space Fund. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2015 – 11.4**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.15 FOR
ST. MATTHEWS CHURCH**

WHEREAS, St. Matthews Church submitted raffle application RA: 2.15 on October 15, 2015 for a raffle to take place on December 5, 2015 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on October 23, 2015; and

WHEREAS, St. Matthews Church meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, St. Matthews Church, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.15 for St. Matthews Church be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.15 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-11.4, second by Council Member Griffiths with all members present voting in favor with the exception of Mr. Lawver who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2015-11.5**

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION AND EXECUTION OF
GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
IMPROVEMENTS TO E. CURLIS AVENUE AND WEIDEL DRIVE**

WHEREAS, East Curlis Avenue and Weidel Drive are severely deteriorated and in need of reconstruction;

WHEREAS, grant funds for making improvements to East Curlis Avenue and Weidel Drive are available from the New Jersey Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that in order to obtain the needed funding, the Borough Engineer is hereby authorized to submit to the New Jersey Department of Transportation, on behalf of the Borough of Pennington, an electronic grant application identified as MA-2016 – Pennington Borough – 00095; and

BE IT FURTHER RESOLVED, that Borough Council formally approves the grant application for this project; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an

electronic grant application identified as MA-2016-Pennington Borough-00095 to the New Jersey Department of Transportation on behalf of the Borough of Pennington; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Pennington, and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-11.5, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 11.6**

**RESOLUTION AWARDING CONTRACT FOR
BACKHOE SERVICES WITH BACKHOE**

WHEREAS, on October 8, 2015, the Borough of Pennington advertised for bids for the provision of a qualified backhoe operator and backhoe to perform services on an on-call basis, as needed by the Pennington Department of Public Works, in connection with the installation and repair of water and sewer lines and, generally, digging operations in the proximity of underground utilities;

WHEREAS, the contractor sought by the Borough is expected to guarantee the availability of an experienced backhoe operator with backhoe who meets specified qualifications, is able to respond to emergencies within 2 hours and to non-emergencies within 24 hours, and will work side by side and “in the ditch” with Borough employees as necessary;

WHEREAS, instructions to bidders required bidders to provide hourly rates for the services of both the backhoe operator and the backhoe combined;

WHEREAS, on October 29, 2015, in conformance with the advertised notice for bids and instructions to bidders, the Borough received a single sealed bid for the contract, by C. M. DiCocco, Inc. of Pennington, New Jersey, bidding \$125 per hour as its regular rate and \$125 per hour as its premium rate as defined in the instructions;

WHEREAS, it has been established to the satisfaction of the Superintendent of Public Works in accordance with the bid specifications that C. M. DiCocco, Inc. can supply the backhoe operator and backhoe meeting the Borough’s specified qualifications and requirements;

WHEREAS, Borough Council determines that C. M. DiCocco, Inc. is a responsive and responsible bidder and that the hourly rates bid are acceptable;

WHEREAS, the contract shall be awarded for a period of one (1) year from the date of execution with an extension for an additional one (1) year for satisfactory performance;

WHEREAS, the form of the contract to be awarded is attached to this Resolution, and the complete bid package and successful bid is available for inspection in the Office of the Borough Clerk;

WHEREAS, the total amount expended under this contract shall not exceed in any one year at total amount of \$ 10,000.00 without prior formal approval of Borough Council;

WHEREAS, the Chief Financial Officer has certified that the funds required for performance of this contract are available in account # W-06-07-009-000-250 pursuant to Ordinance 2007-9;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid contract for backhoe services with backhoe is hereby awarded to C. M. DiCocco, Inc., and the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the contract on behalf of the Borough.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-11.6, second by Council Member Davy. Mr. Bliss pointed out that the resolution has a not to exceed amount of \$10,000 without prior written approval by Council. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution 2015 – 11.7**

**RESOLUTION TO AMEND THE 2015 ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR
2015 BODY ARMOR FUNDS**

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 \$ 920.97 from the New Jersey Department of Environmental Protection 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 \$ 920.97, which is now available as revenue from:

Body Armor Grant Fund

BE IT FURTHER RESOLVED that a like sum of \$ 920.97 be and the same is hereby appropriated under the caption of:

Body Armor Grant Fund

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to 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	M				Griffiths	S			
Davy	X				Lawver	X			
Gnatt				absent	Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-11.7, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2015 – 11.8**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2015 budget appropriations:

<u>Appropriations:</u>	<u>To:</u>	<u>From:</u>
Finance – Salaries	\$ 2,000.00	
Construction – Salaries	\$ 500.00	
Construction – Other Expense	\$ 1,300.00	
Police – Other Expense	\$ 5,000.00	
Planning Board – Salaries	\$ 500.00	
Group Insurance		\$ 9,300.00
Total Current Fund	\$ 9,300.00	\$ 9,300.00

BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2015 water/sewer budget appropriations:

Water – Salaries	\$ 27,000.00	
Water – Other Expense		\$17,000.00
Sewer – Other Expense		\$10,000.00
Total Current Fund	\$ 27,000.00	\$27,000.00

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				Absent	Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-11.8, second by Council Member Griffiths. Mr. Lawver asked how we came up short in salaries for Water and Sewer. Mrs. Sterling explained that this was the first year where each public works employee’s salary was allocated by a percentage as opposed to the way it was done previously which was by hours worked each pay period. Mrs. Sterling stated that in addition some increases were given. Mrs. Sterling stated that next year we should have a better idea on the numbers. Upon a roll call vote all members present voted in favor.

Council Discussion

Elected Officials Training Seminars at the League of Municipalities – Mr. Meytrott stated that he asked that this be on the agenda for tonight. Mr. Meytrott stated that he got this information from the Joint Insurance Fund and as the Fund Commissioner he is passing it along to the elected officials. Mr. Lawver asked if there are other dates available. Mr. Meytrott stated that there usually are, but he has not received anything yet.

Firehouse Parking Lot Paving – Mr. Marciante stated that the Fire Company approached him and asked since Mercer County has agreed to pave the firehouse parking lot at no cost and Trap Rock is donating the blacktop, could they also blacktop the portion of the parking lot that is owned by the Borough. Mr. Marciante stated that if we approve the request it does not change the ownership of the property. Mr. Bliss stated that there is an agreement in place for them to use the property for parking. Mr. Lawver stated that the agreement provides that if the Borough comes up with a plan for the property, they would have to restore the property to what it was originally. Mr. Bliss stated that he would prepare a resolution for the December meeting.

Proposed Bus Stop on West Delaware Avenue – Mr. Meytrott stated that we received a letter from NJ Transit requesting establishment of an approved bus stop where the bus has been stopping for the last thirty years. Mr. Meytrott stated that NJ Transit is requesting that a bus stop be established on the corner of Delaware Avenue and Main Street next to the hair salon. Mr. Meytrott stated that Council might want to discuss another option which would be relocating the bus stop on Main Street which would be a little bit better for traffic flow. Mr. Meytrott stated that another option would be to not have a bus stop there at all. Mr. Lawver stated that relocating to Main Street is not a good idea because we would lose parking spaces. Mr. Meytrott stated that the stop could be in front of N.T. Callaway and currently that is a no parking zone. Mrs. Chandler stated that Council recently approved a list of bus stops. Mr. Meytrott stated that he does not know what generated this request, perhaps someone called NJ Transit, we just received the letter. Some discussion took place with regard to the bench that is already there. Mr. Meytrott stated that he remembered the Borough putting the bench in. Mr. Meytrott stated that designating this as a bus stop would only involve putting a sign up. After a brief discussion, Council agreed that it would not make sense to move the bus stop around the corner and they were in favor of approving the bus stop. Mr. Bliss will prepare a resolution for the December meeting.

Professional Reports

Mrs. Heinzl reported that the Borough was recently recognized as having a Complete Streets Policy at the Complete Street Summit. Mrs. Heinzl stated that she was invited to the luncheon but she was unable to go.

Mrs. Heinzl reported that November 13, 2015 is the Lucky to Live in Pennington dance at St. James Church. Mrs. Heinzl stated that this is the last celebration for the 125th Anniversary. Mrs. Chandler stated that tickets will be sold at the door or ahead of time at Flutter Boutique, The Front Porch and some other local businesses.

Mrs. Heinzl stated that she will invite Eric Kollevoll from the Economic Development Commission to the December meeting and also Joanne Held will be coming to report on the Hopewell Valley Green Team.

Mr. Bliss stated that there is one item for closed session discussion.

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, 8:02 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the
purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public
Meetings Act, to wit:

- Contract Negotiations – Streetscape

Open Session

AT, 8:15 PM, Mayor and Council returned to open session. Council Member Chandler made a motion to
adjourn the meeting, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk