

**Pennington Borough Council
Regular Meeting – March 10, 2015**

Council President Joseph Lawver called the Regular Meeting of the Borough Council to order at 7:08 pm. Borough Clerk Betty Sterling called the roll. Council Members Chandler, Griffiths, Lawver and Marciante were present. Mayor Persichilli and Council Member Davy were absent. Council Member Gnatt arrived after the roll call.

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

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

Mr. Lawver asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mr. Lawver read the following statement:

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

There were no comments from the public.

Mayor's Business

Appointments (with Council Approval)

Mr. Lawver announced the following appointment to the Library Board of Trustees:

Dean Jablonski appointed to a 5 year term expiring December 31, 2019

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

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the January 12, 2015 Special Meeting and February 2, 2015 Regular Meeting, second by Council Member Chandler with all members present voting in favor.

Presentation

Mr. Eric Holtermann, Chairman of the Historic Preservation Commission reported briefly on the activities of the Historic Preservation Commission for the year 2014.

2014 ANNUAL REPORT – Pennington Historic Preservation Commission

Dear Mayor and Council:

In accordance with Section 16 of Ordinance 2011-8, we are pleased to submit the Annual Report of the Borough of Pennington Historic Preservation Commission for the year of 2014. This is the third of three annual reports required by the ordinance.

Summary:

The Historic Preservation Commission this year further demonstrated the value of a balanced Historic Preservation Ordinance, intended to protect and promote significant historic resources, while minimizing homeowner inconvenience.

Since adoption, the Historic Preservation Ordinance has discouraged potential demolition of at least 4 significant buildings within the historic district boundaries – Presbyterian Church “Corner House”; Pennington School “Wesley Alumni House”; house at 126 South Main Street, and house at 149 South Main Street.

The HPC made recommendations regarding proposed amendments to the Pennington School Humanities Building application. HPC recommendations were adopted by the Planning Board.

Applications for proposed exterior changes were approved in each case without delay. Historic review assured appropriate modifications.

At several properties in the Historic District proposed changes were forwarded to the Historic Commission, and the Commission noted that the ordinance did not require review for those changes..

The Historic Preservation Commission inaugurated an annual award program to acknowledge notable projects or individuals who promoted the ideals of historic preservation in Pennington.

Development Applications:

Pennington School Wesley Alumni Building and Yen Humanities Building: Work on the former Headmaster's House (formerly Lowelden, now Wesley Alumni House) was completed according to plans recommended by the HPC and approved by the Planning Board. In June, the Pennington School returned to the Planning Board for approval of material changes and architectural screening of rooftop mechanical equipment at the Humanities Building. The HPC recommended (1) acceptance of GFRC in place of Cast Stone and (2) that the building parapet be kept low, as originally shown, and a separate rooftop screen be added for mechanical equipment. The purpose of this suggestion was to minimize the bulk of the building's front façade. The Planning Board approved the Amended Application with the HPC recommendations.

Applications – Certificate of Appropriateness:

1. #47 South Main Street: Application for replacement of second story windows at side and rear of house. HPC recommended competitively priced clad wood or fiberglass windows in place of proposed vinyl window. Owner agreed and "Minor Work" application was approved.

2. #238 South Main Street: Application for replacement siding, trim, shutters and porch columns. Fiber cement siding and trim was approved with recommendations for shutter and porch column design. Subsequently, Ned Crislip (HPC Member) joined Owner on shopping expedition to purchase appropriate shutters.

Section 106 Reviews:

The commission received notification of the following Section 106 Filings:

Route 31 Bridge over CSX railroad

Commission agreed to take no action on this filing.

Inquiries:

The Historic Commission responded to several inquiries about proposed work in the district. Inquiries about proposed work included the following:

Various inquiries about signage, fencing, outbuildings, steps, roofing – no review required.

126 S. Main St: Proposed street façade work – no review required.

56 S. Main St: Re-siding of post-1942 house – no review required.

149 S. Main St: Realtor inquires re: demolition

Historic Preservation Awards:

The HPC committed to presenting awards for 2014, in order to acknowledge exemplary preservation efforts by owners or individuals. At the suggestion of Emily Matticoli, who is on both the Economic Development and the Historic Preservation Commissions, the HPC will join with the EDC in presenting 2014 awards at an award ceremony on January 28, 2015. We look forward to continued cooperation with the EDC in the future.

Meetings:

The HPC typically meets on the third Tuesday of each month at 7:30 at Borough Hall. Meetings are advertised in advance and are open to the public. Occasionally, meetings are cancelled when there are no applications and "other business" agenda is not pressing. In every case where there has been an application, the HPC has met to review that application at the next monthly meeting without delay.

Commission Membership:

Commission membership has not changed from last year, and members with expired terms have renewed. Weed Tucker served as Council representative.

Borough Website:

The Historic Preservation Ordinance (2011-8) was posted on the HPC page of the Borough website, for easier public reference.

Certificate of Eligibility:

The HPC will continue to pursue listing of the Historic District at the State level. Additional benefits are available for Historic Districts listed either as a "CLG (Certified Listed Government) or listed on the State Register. Issuance of a "Certificate of Eligibility" is the first step. Currently, the State Historic Preservation Office (SHPO) is reviewing the Pennington Ordinance and will make recommendations regarding future steps.

Public recognition associated with State and National historic listing.

Ability to apply for grants from NJ Historic Trust and other groups.

Inclusion in "Section 106" reviews, identifying the district as an historic resource for large state-funded highway and other infrastructure projects.

Application of the "Historic Buildings" provisions of the building code, which allows historic elements such as stairs and railings to be replaced in kind, rather than be modified to meet standard code requirements.

Note that privately-owned properties (all properties in the district are privately, not municipally, owned) are not subject to any additional regulation by State and National listing. Regulation is only provided through local ordinance, which is already in place.

Master Plan:

The Crossroads Historic District designates an "overlay" district on the Borough Zoning Map. At the next Master Plan update, the HPC will recommend modifications to the zoning ordinance for properties within the historic district. Recommendations will include simplifying some current requirements such as front yard and slope requirements which presently hinder certain historically appropriate modifications.

Please contact Chair Eric Holtermann or any Commission member if there are any questions or comments concerning the work of the Historic Preservation Commission.

Ordinances for Introduction

Mr. Lawver read Ordinance 2015-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2015-4**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$48,101.31 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2015 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Griffiths made a motion to introduce Ordinance 2015-4, second by Council Member Chandler with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mr. Lawver read Ordinance 2015-3 by title. Mr. Bliss stated that due to advertising requirements the public hearing on Ordinance 2015-3 had to be rescheduled to the April 13, 2015 meeting.

**BOROUGH OF PENNINGTON
ORDINANCE 2015 – 3**

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Chapter 209 of the Borough Code, concerning Water Conservation, is hereby

amended by the insertion of a new Section 209-8, Definitions, which shall include the following new definitions (underlined) in alphabetical order:

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

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

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

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

209-6. Responsibility for water lateral.

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

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

206-9. Damages.

- A. Where Borough property (meters, outside readers, etc.) [which] is damaged by tampering or other act or neglect by the owner or user of the property being serviced and requires replacement or repair, the [user] property owner shall be responsible for the cost of replacement or repair, including all labor and materials necessary for restoration, except in cases of normal wear and tear and for normal maintenance and upgrade unless otherwise provided in this Code.
 - B. If the owner or [a] user of a property being serviced, or his/her or its servant or agent, damages a portion of the water or sewer system either by acts performed or failure to act where action is indicated and thereafter the Borough must mobilize its Water and Sewer Departments and shut off or turn on water services, or cause the clearing of a line stoppage or the repairing of the system, the cost of the work performed by the Borough shall be charged to the property owner [party causing the damage] in accordance with the fees established in Sec. 206-6 hereof.
5. This ordinance shall be effective upon passage and publication in accordance with law.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt reported that the Open Space Committee met and discussed the delay in the signing of contracts for acquisition of the Brown property, as of today the contracts have been signed so that concern has been resolved.

Public Works / Personnel – No report due to Mr. Davy's absence.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver reported that the Senior Advisory Board met. Mr. Lawver reported that the Hopewell Township Planning Board has approved the necessary sub-division for the proposed site of the new senior center. Mr. Lawver stated that a meeting with the property developer is the next step. Mr. Lawver stated that they need the owner to authorize the use of the building as a senior center. Mr. Lawver stated that at the time the donation of the building was made it was restricted for public safety use so the donor needs to allow the building to be used for a senior center. Mr. Lawver reported that Bristol Myers Squibb has provided a grant for Hopewell Valley Rides but the amount is less than in years past because they are now only funding rides for medical appointments. Mr. Lawver stated that additional funding is being sought to close the gap in the decreased funding.

Mr. Lawver reported that Parks and Recreation met, they have two people interested in joining the

committee. Mr. Lawver stated that two High School students have been invited to sit in on the committee. Mr. Lawver stated that the annual Easter Egg Hunt will be held on April 4th at 10:00 am at Kunkel Park. Mr. Lawver stated that a local boy scout is planning to build two arbors for the Pennington Loop Trail as his Eagle Scout project.

Mr. Lawver stated that the Shade Tree Commission continues to do good work. Mr. Lawver stated that the Commission would like to make Council aware that the tree pruning and removal budget may need to be increased over the next five years as many Borough shade trees are reaching their life expectancy. Mr. Lawver stated that a memorial dedication is being considered in honor of Sonny Porcella and all of his work on the Shade Tree Commission.

Mrs. Chandler stated that the Shade Trees on South Main Street are diminishing and will soon be completely gone. Mrs. Chandler stated that because Main Street is a County Road, the trees are the responsibility of the County. Mrs. Chandler asked if there is a time line for replacing these trees.

Public Safety – Mr. Marciante reported that the wheels of government have turned and we now have the Code Red System in Pennington. Mr. Marciante stated that a link is available on the Borough website and residents can register using landline, cell phone or e-mail accounts. Mr. Marciante stated that residents can register for emergency alerts only or general notifications. Mrs. Chandler suggested putting a notice in with the next water bill mailing.

Mr. Marciante reported that one officer is currently out utilizing his sick and vacation time prior to his intended retirement date of June 1, 2015. Mr. Marciante stated the Officer Doug Pinelli has been appointed as the Officer in Charge. Mr. Marciante stated that the department is also losing another officer who has taken a job in another municipality. Mr. Marciante stated that an advertisement went out and to date forty-five resumes have been received, background checks are being done and hopefully these vacancies can be filled quickly. Mr. Marciante stated that the agreement with Hopewell Township for temporary coverage is being tweaked and will hopefully be ready for Council action soon.

Mr. Marciante stated that local Fire Chiefs have met with the Mercer County Office of Emergency Management regarding oil transport by railroad. Mr. Marciante stated that pre-planning for an emergency is underway.

Finance – Mr. Griffiths stated that 2015 Budget will be introduced later in the meeting and he will comment at that time.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler reported that the Historic Preservation Commission did not meet.

Mrs. Chandler reported that the Board of Health met and discussed a grant that the Board of Health received to train people who are dealing with chronic illness, information will be coming soon. Mrs. Chandler reported that a rabies clinic is planned for April. Mrs. Chandler stated that the Board approved a resolution to support Board of Health preparedness for the future.

Mrs. Chandler stated that the Environmental Commission did not meet.

Mrs. Chandler stated that the Economic Development Commission met and most of the discussion was about the Pennington 125th Celebration and how they can participate. Mrs. Chandler stated that local businesses are planning to band together to purchase an advertisement in the booklet and they will also be discussing further ways to participate in the celebration.

Mrs. Chandler stated that plans for the 125th Celebration are going strong and a number of events are planned beginning with the Silva Art Gallery exhibition of historic photographs on April 1, 2015. Mrs. Chandler stated that a booklet is being published and sponsorships are being sought in order to help fund various events. Mrs. Chandler stated that the opening ceremony, church tour and ecumenical service are all coming up. Mrs. Chandler stated that there is a web site and also a facebook page with a calendar of events listed.

New Business

**Borough of Pennington
Resolution #2015 – 3.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Robert M. Bilobran, 124 West Welling Avenue, Pennington, NJ 08534, for refund of Planning Board escrow account P13-008 pertaining to 403 Burd Street, in the amount of \$174. 52.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2015-3.1, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2015 – 3.2**

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 \$ 2,546,712.52 from the following accounts:

Current	\$ 2,412,425.33
W/S Operating	\$ 95,814.39
General Capital	\$ 35,733.00
Developers Escrow	\$ 2,553.30
Other Trust	\$ 57.00
Open Space Trust	\$ 129.50
TOTAL	\$ 2,546,712.52

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				absent	Lawver	X			
Gnatt	X				Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-3.2, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington
Resolution #2015–3.3**

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

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

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

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

Legal Services	Other Expense	\$32,500.00
Public Defender	Other Expense	\$ 1,100.00
Administration	Salaries	\$ 5,000.00
Municipal Clerk	Salaries	\$ 5,000.00
Financial Administration	Salaries	\$ 5,000.00
Tax Collection	Salaries	\$ 5,000.00
Engineering	Other Expense	\$ 65,000.00
Group Insurance	Other Expense	\$ 35,000.00
Telephone	Other Expense	\$ 5,000.00
Gas (Natural/Propane)	Other Expense	\$ 4,000.00
Gas, Fuel, Lubricants	Other Expense	\$ 5,000.00
Police	Other Expense	\$ 15,000.00
Total		\$ 182,600.00

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-3.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2015 -3.4**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NEW JERSEY ANALYTICAL LABORATORIES FOR CALENDAR YEAR 2015

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough’s potable water system;

WHEREAS, New Jersey Analytical Laboratories, having its office at 380 Scotch Road, Bldg. 2, Suite B, Ewing, NJ 08628, is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, New Jersey Analytical Laboratories has submitted a proposal for the work dated February 8, 2015, for a contract price of \$ 19,380 to be invoiced at \$1,615 per month each month of the calendar year 2015;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, approval of this contract complies with the Code of the Borough of Pennington as well as, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which prohibit the award of certain professional services contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

WHEREAS, Borough Council awards this contract without resort to such a process because the appointee has made no such political contribution and shall be prohibited from making any such contribution during the term of the contract;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play;

WHEREAS, New Jersey Analytical Laboratories shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by New Jersey Analytical Laboratories dated February 8, 2015 for a contract price not to exceed \$19,380 for the calendar year 2015, subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Pennington Post as required by law within ten (10) days of its adoption.

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				absent	Lawver	X			
Gnatt	M				Marciante	X			

Council Member Gnatt made a motion to approve Resolution 2015-3.4, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 3.5**

**RESOLUTION AMENDING THE BOROUGH PERSONNEL MANUAL
WITH RESPECT TO IDENTIFICATION CARDS FOR EMPLOYEES**

WHEREAS, Pennington Borough Council, on the recommendation of its Public Safety Committee, has determined that photo identification badges shall be provided to all Borough staff to enhance the security of residents and staff;

WHEREAS, the identification badges shall be worn at all times when employees have access to residences and businesses while on official Borough business;

WHEREAS, Borough Council also seeks to ensure that the identification badges remain at all times the property of the Borough and will be used only for the conduct of Borough business;

WHEREAS, Borough Council seeks to effectuate these policies by amendment of the Borough Personnel Policies and Procedures Manual and Employee Handbook;

WHEREAS, the Borough of Pennington Personnel Policies and Procedures Manual and Employee Handbook was first effective May 1, 2008 and has since been amended by Borough Council Resolutions 2010-5.16, 2010-7.5, 2010-9.8, 2010-16, 2011-11.9, 2012-5.16, 2013-1.22, 2014-4.12 and 4.13, 2014-7.12 and 2014-8.3;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough of Pennington Personnel Policies and Procedures Manual and Employee Handbook is amended as follows:

1. Article IV, concerning Policies Relating to Management of Work Place, is hereby amended by the addition of the following new Subsection P:

Identification Badges for Employees:

The Borough will provide photo identification badges to all Borough employees. The badges will include the employee’s name, title, term of appointment (if applicable) and address and telephone number of the Borough, together with such other information as may be determined necessary to appropriately identify the employee to the public. Employees shall wear their badges at all times whenever they have access to a residence or business on official Borough business. These identification badges, although issued to individuals, shall remain the property of the Borough and shall be used only for the business purposes of the Borough. Badges which are lost or stolen shall be immediately reported by the employee to the employee’s supervisor. All badges shall be immediately returned to the Borough Clerk upon termination of employment.

2. This amendment shall be effective immediately.

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				absent	Lawver	X			
Gnatt	X				Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-3.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015 – 3.6**

**RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR
COSTS OF CLEARING SNOW AND ICE FROM SIDEWALKS, AT 404 BURD STREET, Block 905,
LOT 15 ON THE BOROUGH TAX MAP, PURSUANT TO
ARTICLE I, SECTION 177-3 OF THE PENNINGTON BOROUGH CODE**

WHEREAS, pursuant to Section 177-1 of the Code of the Borough of Pennington, the owners of lands abutting or bordering upon the sidewalks of the public streets in the Borough must clear all snow and ice from the sidewalks abutting their lands within 12 hours of daylight after the same shall be formed or fall thereon;

WHEREAS, pursuant to Section 177-2 of the Code, if an owner fails to remove snow and ice as required, the Department of Public Works is authorized to remove or remediate the snow and ice in the

owner's stead;

WHEREAS, pursuant to Section 177-3 of the Code, the costs incurred by the Borough in performing the owner's obligation shall be certified to the Mayor and Council of the Borough, and if such costs are found by them to be reasonable, they shall cause such costs to be charged against the abutting lands and the amounts so charged shall become a lien and tax upon the land and be added to and become a part of the taxes next to be levied and assessed thereon;

WHEREAS, on February 5, 2015, February 6, 2015, February 18, 2015 and February 23, 2015 the owner of 404 Burd Street in the Borough, also known as Block 905, Lot 15 on the Borough Tax Map, had failed to remove snow and ice from the abutting sidewalk as required by the Borough Code;

WHEREAS, on these dates the Department of Public Works cleared the snow from this sidewalk and incurred costs totaling \$927.08 as set forth in the attached certifications by Richard Smith, Superintendent of Public Works;

WHEREAS, the computation of charges in the annexed certification is based on the rates set forth in Chapter 98 of the Borough Code, and Mayor and Council find same to be reasonable;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid amount of \$927.08 shall be charged against Block 905, Lot 15 and shall become a lien and tax thereon and be added to and become part of the taxes next to be levied and assessed against such property, pursuant to Section 177-3 of the Pennington Borough Code.

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				absent	Lawver	X			
Gnatt	X				Marciante	M			

Council Member Marciante made a motion to approve Resolution 2015-3.6, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-3.7**

**RESOLUTION AUTHORIZING THE BOROUGH OF PENNINGTON
TO ENTER INTO A REVISED MULTI-PARTY FUNDING AGREEMENT FOR
THE PURCHASE OF OPEN SPACE ON CARTER ROAD**

WHEREAS, the New Jersey Conservation Foundation has entered into an agreement with 350 Carter Road LLC and related entities for the purchase of approximately 240 acres of land along the east and west sides of Carter Road in Hopewell Township for a price of \$7,500,000;

WHEREAS, the land to be purchased on the east side of Carter Road is known as Block 40, Lots 14.01 and 14.05 (referred to as the "East Side Property") and the land to be purchased on the west side is known as Block 39, Lots 12, 14.02 and 15 (known as the "West Side Property");

WHEREAS, \$7,000,000 of the purchase price has been allocated to the East Side Property and \$500,000 of the purchase price has been allocated to the West Side Property (subject to a credit for a portion of the property being retained by the seller);

WHEREAS, the funding for this acquisition will be provided pursuant to a multi-party funding agreement under which Mercer County, the Borough of Pennington, and other municipalities and certain non-profit entities will be participants;

WHEREAS, by resolution of Borough Council adopted in November 2013 (Resolution 2013-11.7), Pennington Borough was authorized to participate in a certain Multi-Party County Funding Agreement, thereafter dated as of November 26, 2013, for acquisition of the Carter Road properties, but that agreement was not implemented;

WHEREAS, the County and participating entities have now agreed upon a revised funding arrangement and now seek to enter into a certain Amended and Restated Multi-Party Funding Agreement ("Amended Funding Agreement"), intended to amend and restate the Multi-Party County Funding Agreement dated as of November 26, 2013;

WHEREAS, the participating entities in the Amended Agreement include in addition to the New Jersey Conservation Foundation, Mercer County, Hopewell Township, Hopewell Borough, Pennington Borough, Princeton, Lawrence Township, Friends of Hopewell Valley Open Space (FOHVOS), D&R Canal Commission (D&R), Stonybrook-Millstone Watershed Association (SBMWA), and Friends of Princeton Open Space (FPOS);

WHEREAS, pursuant to the Amended Funding Agreement, Mercer County has agreed to provide

grant funding toward the purchase price for the East Side Property through the Mercer County Municipal and Non-Profit Assistance Program in the amount of \$2,000,000., allocated in designated amounts among participating municipalities and non-profits, including Pennington;

WHEREAS, the Amended Agreement further provides that Mercer County will provide additional funding toward purchase of the East Side Property from the Mercer County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund in the amount of \$1,500,000.;

WHEREAS, the Agreement also provides that Hopewell Township will supply an additional \$2,000,000. toward the purchase price of the East Side Property, and these funds too are allocated in designated amounts among participating municipalities and non-profits, including Pennington;

WHEREAS, the New Jersey Conservation Foundation (NJCF) will be responsible for \$1,500,000. toward payment of the balance of the purchase price for the East Side Property as well as for payment of the \$500,000 purchase price for the West Side Property (less the credit for acreage retained by the seller);

WHEREAS, pursuant to the Amended Agreement a number of the parties, including Pennington Borough, have applied to Green Acres for grants to pay part of the purchase price for the East Side Property which would supplant funds otherwise payable by NJCF, with any match required for these Green Acres grants to be provided by funds allocated to Pennington Borough and the others under the County and Hopewell Township funding described above;

WHEREAS, if any one of the Green Acres grants has not been approved and funded by the date of closing on the purchase, NJCF agrees that it will at or before closing advance to the affected entity the pending grant amount, including any required match, provided the grant, when received, is paid to NJCF, but in the event the grant is denied, the affected party shall have no further obligation to repay the advanced amount to NJCF;

WHEREAS, it is a requirement of Green Acres funding that a party using that funding, including Pennington Borough, must initially acquire an interest in the property at closing, and the Amended Agreement therefore provides that the Green Acres grant recipients, which include Pennington, each acquire an undivided interest in the East Side Property proportionate to their Green Acres funding and related match, in addition to the undivided interests otherwise acquired by NJCF and Hopewell Township, with the agreement that fee simple title to the property will thereafter be vested solely in NJCF and Hopewell Township;

WHEREAS, Pennington must transfer any interest it has in the property upon the date Green Acres takes action on its grant application or at the end of the third year after closing without action by Green Acres;

WHEREAS, NJCF and Hopewell Township and all other parties acquiring interests agree that the East Side Property shall be managed by NJCF, made available for access by the public for public use on a regular basis, shall be used only for recreation, agricultural and conservation purposes and shall be subject to deed restriction;

WHEREAS, NJCF and Hopewell Township shall assume all risks and responsibilities and shall hold Pennington and the others harmless from liability in connection with ownership and operation of the property;

WHEREAS, a copy of the Amended and Restated Multi-Party Funding Agreement setting forth these and related provisions is attached to this Resolution;

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

1. The Mayor, with the attestation of the Clerk, is hereby authorized to enter into the proposed Amended and Restated Multi-Party Funding Agreement on behalf of the Borough of Pennington;
2. The Mayor and Clerk are hereby further authorized to execute and deliver such additional documents and take all such other steps as may reasonably be required to obtain the funding and effect the purchase of lands contemplated by the Amended and Restated Multi-Party Funding Agreement.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2015-3.7, second by Council Member Griffiths. Mr. Marciante stated that Council already did this so why are we going back and doing it again. Mrs. Heinzl stated that this agreement amends the agreement that was originally approved but it does not change the bottom line which is that the Borough is simply operating as a pass thru for Green Acres Funds. Mrs. Heinzl stated that there were a lot of concerns

that needed to be clarified and this amended agreement addresses those concerns. Mr. Bliss stated that the first agreement failed because the funding did not work and the new component here is the Green Acres Applications. Mrs. Heinzl stated that the NJ Conservation Foundation is also stepping forward to provide funding. Mrs. Heinzl stated that this agreement makes it very clear what the participating parties are responsible for. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-3.8**

**RESOLUTION RESCINDING RESOLUTION 2015-2.6 AND READOPTING
IN THE FORM ATTACHED TO THIS RESOLUTION**

WHEREAS, by Resolution 2015-2.6 entitled “Resolution Authorizing Municipal Alliance Agreement,” Borough Council authorized, inter alia, submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for fiscal year 2015;

WHEREAS, Resolution 2015-2.6 misstated the applicable fiscal year as 2015 when the applicable fiscal year is 2016;

WHEREAS, Resolution 2015-2.6 also stated incorrectly that \$20,000. is the amount of the combined In-Kind contribution required of the Alliance in connection with the grant, when the correct amount is \$14,000;

WHEREAS, Resolution 2015-2.6 failed to include a place for the Mayor’s signature as required by the model resolution authorizing the grant application;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Resolution 2015-2.6 is hereby rescinded and readopted in the form attached to this Resolution incorporating amendments correcting the above errors.

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				absent	Lawver	X			
Gnatt	X				Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-3.8, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2015 – 3.9**

RESOLUTION AUTHORIZING MUNICIPAL ALLIANCE AGREEMENT

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

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

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

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

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

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

- The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for the fiscal year 2016 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00*
In-Kind	\$14,000.00

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

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

Record of Council Vote on Passage

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

Council Member Gnatt made a Motion to approve Resolution 2015-3.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-3.10**

**RESOLUTION RESCINDING RESOLUTION 2015-2.9
AUTHORIZING SHARED SERVICES AGREEMENT
FOR CUSTODIAL AND MAINTENANCE SERVICES**

WHEREAS, Resolution 2015-2.9, adopted by Borough Council on February 2, 2015, authorizes the Borough to enter into a shared services agreement with Hopewell Valley Regional School District for custodial and maintenance services for the Pennington Municipal Building, at a fixed annual fee of \$11,000;

WHEREAS, the authorized agreement cannot be consummated because the School District requires a substantially higher fee;

WHEREAS, alternate arrangements have been made for custodial and maintenance services to be performed by Borough public works staff;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Resolution 2015-2.9 is hereby rescinded.

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				Absent	Lawver	X			
Gnatt	X				Marciante	M			

Council Member Marciante made a motion to approve Resolution 2015-3.10, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2015-3.11**

**RESOLUTION CONFIRMING APPOINTMENT OF
SUPERINTENDENT OF PUBLIC WORKS**

WHEREAS, Richard Smith was appointed Superintendent of Public Works, upon retirement of the former Superintendent, effective August 1, 2014; and he has served in that capacity without interruption to date;

WHEREAS, the Code of the Borough of Pennington provides that the Mayor shall annually nominate and, by and with the consent of Borough Council, appoint a qualified Superintendent of Public Works (Section 39-2);

WHEREAS, the Borough Code further provides that the Superintendent of Public Works shall serve until January 1 next succeeding the date of appointment and until a successor has qualified (Section 39-4);

WHEREAS, as the result of an oversight, Richard Smith was not formally re-appointed Superintendent of Public Works effective January 1, 2015 and was expected, rather, to continue to serve without formal action by Council;

WHEREAS, the Mayor and Borough Council seek to remedy the oversight by formally confirming Richard Smith's re-appointment and continued service as Superintendent of Public Works, nunc pro tunc;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the appointment and continued service of Richard Smith as Superintendent of Public Works is hereby formally approved and ratified, nunc pro tunc, effective January 1, 2015.

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				Absent	Lawver	X			
Gnatt	X				Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-3.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2015 – 3.12**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO
A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR
SENIOR SERVICES COORDINATOR FOR THE YEAR 2015**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of Senior Services; and

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

WHEREAS, the term of the proposed contract, entitled “Senior Services Agreement Between Borough of Hopewell, Borough of Pennington and the Township of Hopewell”, shall be for one year beginning January 1, 2015 and continue through December 31, 2015; and

WHEREAS, the cost to the Borough for senior services coordinator services as outlined in the Shared Services agreement would be \$5,000.00, which represents no increase over the previous year;

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 aforesaid Shared Services Agreement with Hopewell Borough and Hopewell Township for the services of a senior services coordinator during the period January 1, 2015 through December 31, 2015; and

BE IT FURTHER RESOLVED, that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2015-3.12, second by Council Member Chandler with all members present voting in favor.

**Borough of Pennington
Resolution #2015 – 3.13**

**RESOLUTION AUTHORIZING A SELF-EXAMINATION OF THE
2015 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF PENNINGTON**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7-2 through 7-5, the Borough of Pennington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Pennington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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				Absent	Lawver	X			
Gnatt	X				Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-3.13, second by Council Member Chandler with all members present voting in favor.

Budget Introduction

**Borough of Pennington
 Resolution #2015 – 3.14**

RESOLUTION TO INTRODUCE BUDGET FOR 2015

Council Member Griffiths made a motion to approve Resolution 2015-3.14, second by Council Member Chandler with all members present voting in favor.

Mr. Griffiths stated that this year will be the first time in three years that there will be a tax increase. Mr. Griffiths stated that this is the first time since 2009 that tax revenue has actually gone up and that is a function of valuation. Mr. Griffiths stated that the Borough has effectively been delivering the same services today for less money than in 2009. Mr. Griffiths stated that the primary drivers of the tax increase are health insurance premiums, retirement benefits and a slight decline in property valuations from last year. Mr. Griffiths stated that the decline in property valuation is due largely to a couple of commercial property tax appeals. Mr. Griffiths stated that additional development over the next few years should help with future tax rates. Mr. Griffiths stated that we also continue to aggressively pay down debt. Mr. Griffiths stated that the debt service on the bonds that were recently retired is roughly equivalent to seven percentage points of tax revenue. Mr. Griffiths stated that the goal is to pay down old debt faster than we incur new debt. Mr. Griffiths stated that this should in effect take some pressure off of the tax rate. Mr. Griffiths stated that it should also help prevent tax rate increases in the coming years. Mr. Griffiths stated that if you kick the debt can down the road in an era of slow growth in tax revenues we may end up having to increase tax rates higher than inflation, so we will continue to be very aggressive with debt reduction strategy. Mr. Griffiths stated that we strive to hire strong skilled professionals who are doing a great job in keeping Borough expenses from getting out of control and who treat taxpayer money as if it were their own money. Mr. Griffiths thanked Betty Sterling, Sandy Webb, Eileen Heinzl and the finance committee for their work on the budget.

Chief Financial Officer, Sandy Webb stated that it seems like the budget process is easy but prior to presenting this budget for introduction, the finance committee has met over the past two months about six times. Mrs. Webb stated that the finance committee went line by line which is something that we have not had to do in the past to keep the tax rate at a level that was palatable for the finance committee and hopefully for all of Council. Mrs. Webb stated that she would like to bring a couple things to the attention of Council Members. Mrs. Webb stated that when you look at the salaries for public works there is disparity between

last year and this year. Mrs. Webb stated that she along with Betty Sterling and Ricky Smith met to come up with numbers that work with regard to public works. Mrs. Webb stated that in the past years, the public works salaries were charged all over the place in the budget and now we have consolidated down to three categories. Mrs. Webb stated that if you look at the overall number for salaries there is not a big change. Mrs. Webb stated that this budget also utilizes about \$70,000 less surplus than what was used last year. Mrs. Webb stated that the finance committee was cognizant of the fact that the surplus went down last year and would have gone down more except that we made some smart decisions with regard to debt service. Mrs. Webb stated that the finance committee is trying to be prudent regarding surplus in the hopes of stabilizing the surplus over the next couple of years, at the same time stabilizing the debt service while still providing all of the services that the residents are used to.

Mr. Lawver stated that maintaining surplus is the biggest risk that we will face going forward because we have taken all of the line items and squeezed them down so that budget and actual costs are closer. Mr. Lawver stated that the number one way to regenerate surplus is by not spending budgeted dollars and that is becoming more and more difficult. Mr. Lawver stated that in the next year or two hopefully we will see some development happening which is why he was comfortable accepting the risk.

Mr. Marciante stated that he appreciates the explanation of the budget because when he looked at the documents in his package it was difficult to understand the numbers. Mrs. Webb stated that she would be happy to answer any questions or sit with members and go through the numbers. Mrs. Webb stated that the document that is in the package is the State document that is required to be filed. Mrs. Webb stated that she has an excel spreadsheet that might be easier to understand.

Mrs. Chandler asked for a timeline regarding paying down debt. Mr. Griffiths stated that there are two types of debt, long term and short term. Mr. Griffiths stated that with regard to long term debt, we were able to retire a bond in 2014 which saved the Borough a large amount of money. Mr. Griffiths stated that the remaining debt will be the same for the next fifteen years. Mr. Griffiths stated that the bond that was taken out in 2010 consolidated short term debt from as far back as 1993. Mr. Griffiths stated that with short term debt you only have to pay interest each year and principal gets kicked down the road. Mr. Griffiths stated that currently when we incur short term debt we have been paying it off within the following year of when it is incurred. Mr. Griffiths stated that in doing that we were able to pay cash for several pieces of equipment for the public works department. Mr. Griffiths stated that this year we will again be borrowing some short term funds which may have to be paid back over the next couple of years. Mr. Griffiths stated that we should be able to keep up with this process over the next five years. Mr. Griffiths stated that the same thing applies to the Water/Sewer Utility which is by its nature a much higher debt to revenue operation. Mr. Griffiths stated that in 2019 we will finish payments on a major bond in water/sewer which should free up around \$150,000 in cash flow. Mr. Griffiths stated that the water/sewer utility faces rate increases for the next four years until the debt service levels off. Mr. Griffiths stated that by the same token, there are still infrastructure issues that need to be addressed. Mr. Griffiths stated that participation in the NJEIT program should help the Borough, however there are still significant costs associated with the program.

Upon a roll call vote, all members present voted in favor of introduction of the budget.

Council Discussion

There were no items for discussion.

Professional Reports

There were no further comments from professionals.

Public Comment

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

Mr. Weed Tucker of 92 Woolsey Court stated that the 125th Anniversary Committee would like to thank Borough Council for their support in allocating some funds for the celebration. Mr. Tucker stated that the committee is working very hard but he would like to especially thank Kit Chandler and Eileen Heinzl for their work on the upcoming events. Mr. Tucker also thanked Kristen Heinzl for her work on the website and the facebook page.

Closed Session

AT, 7:52 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 – Police Zone Coverage

Open Session

AT, 8:06 PM, Mayor and Council returned to open session.

Approval of Closed Session Minutes for Content But Not Release

Council Member Griffiths made a motion to approve the minutes of the January 12, 2015 and February 2, 2015 closed session meetings for content but not for release, second by Council Member Chandler. Upon a roll call vote all members present voted in favor.

At 8:08 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk