

**Pennington Borough Council  
Regular Meeting – April 13, 2015**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll. Council Members Chandler, Davy, Griffiths, Lawver and Marciante were present. Council Member Gnatt arrived at 7:35 pm.

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

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

Mayor Persichilli asked everyone to stand for the Flag Salute.

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

Mayor Persichilli read the following statement:

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

There were no comments from the public.

**Mayor's Business**

Mayor Persichilli announced that the Borough received a letter from Senator Shirley Turner regarding a grant award in the amount of \$ 289,432.00 for improvements to Park Avenue. Mayor Persichilli stated that this amount is less than what the Borough applied for but he understands from the Borough Engineer that they can work within the grant amount.

Mayor Persichilli stated that the following Proclamation has been prepared for Arbor Day and he will be reading it on April 24<sup>th</sup> at the Arbor Day celebration.

***PROCLAMATION***

***WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and***

***WHEREAS, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and***

***WHEREAS, Arbor Day is now observed throughout the nation and the world, and***

***WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and***

***WHEREAS, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and***

***WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and***

***WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and***

***WHEREAS, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,***

***NOW, THEREFORE, I Anthony J. Persichilli, Mayor of the Borough of Pennington do hereby proclaim Friday, April 24th, 2015 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and***

***FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.***

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the March 10, 2015 Regular Meeting, second by Council Member Lawver with all members present voting in favor with the exception of Mr. Davy

who abstained.

Council Member Chandler made a motion to approve the minutes of the March 15, 2015 Special Meeting, second by Council Member Marciante with all members present voting in favor with the exception of Mr. Davy and Mr. Lawver who abstained.

**Appointments (with Council Approval)**

Mayor Persichilli announced the following appointments to the Parks and Recreation Commission:

Ken Gross appointed to a 3 year term expiring December 31, 2017  
 Sudi Southall appointed to a 3 year term ending December 31, 2017

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

Mayor Persichilli announced the following appointment to the Shade Tree Commission:

Maura McManimon Fennessey appointed to an unexpired term ending December 31, 2015

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

**Ordinances for Introduction**

Mayor Persichilli read Ordinance 2015-6 by title.

**BOROUGH OF PENNINGTON  
 ORDINANCE #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**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
 PENNINGTON AS FOLLOWS:**

**SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION**

- a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

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, 2014	\$ 75,000.00
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
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- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. 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.
- d. The rate of compensation of each employee, paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Finance</b>		
<b>Municipal CFO(p/t)</b>	\$ 25.00	\$ 77.47
<b>Police Department:</b>		
Crossing Guards	\$ 15.00	\$ 24.74
Special Police	\$ 16.92 per hour	
<b>Part Time Employees – All Departments:</b>		
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 ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2015.

Council Member Griffiths made a motion to introduce Ordinance 2015-6, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
ORDINANCE 2015-7**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT IN AND BY THE  
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$91,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$86,450  
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$91,000, including the sum of \$4,550 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$86,450 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of equipment, consisting of leaf collectors with leaf box containers and lawn mowers, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$86,450, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,100 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with

the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Davy made a motion to introduce Ordinance 2015-7, second by Council Member Lawver with all members present voting in favor.

### **Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2015-3 by title.

## **BOROUGH OF PENNINGTON ORDINANCE 2015 – 3**

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

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

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

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

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

**WHEREAS**, the “soil pipe or soil line” is defined as the pipe extending from the house or building being serviced to the service lateral at the 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.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2015-3, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a

motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2015-3, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli 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 Chandler made a motion to open the Public Hearing on Ordinance 2015-4, second by Council Member Davy. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Griffiths made a motion to adopt Ordinance 2015-4, second by Council Member Lawver with all members present voting in favor.

Mayor Persichilli read Ordinance 2015-5 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2015 - 5**

**ORDINANCE AUTHORIZING THE BOROUGH OF PENNINGTON TO ACQUIRE INTEREST IN OPEN SPACE ON CARTER ROAD PURSUANT TO AMENDED AND RESTATED MULTI-PARTY FUNDING AGREEMENT**

**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 latter property being retained by the seller);

**WHEREAS**, the funding for this acquisition will be provided pursuant to a certain Amended and Restated Multi-Party Funding Agreement (“Amended Funding Agreement”), under which the New Jersey Conservation Foundation, Mercer County, the Borough of Pennington, and other municipalities and certain non-profit entities will be participants;

**WHEREAS**, by Resolution 2015-3.7, adopted on March 10, 2015, Pennington Borough Council has authorized the Borough to enter into the Amended Funding Agreement, which is attached to this Ordinance as Exhibit A;

**WHEREAS**, the participating entities in the Amended Funding 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 (FOHVS), 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 an allocation to the Borough of Pennington in the amount of \$212,500.;

**WHEREAS**, the Amended Funding 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 Amended Funding 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 an allocation to the Borough of Pennington in the amount of \$212,500.;

**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 entire \$500,000 purchase price for the West Side Property (less the credit for acreage retained by the seller);

**WHEREAS**, pursuant to the Amended Funding 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;

**WHEREAS**, Pennington Borough in particular has applied for a Green Acres grant to pay for a part of the East Side Purchase Price in the amount of \$115,000., which will be matched with the funds allocated to Pennington Borough under the County and Hopewell Township funding described above;

**WHEREAS**, pursuant to the Amended Funding Agreement, if Pennington Borough’s application for this Green Acres grant 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 Pennington the pending grant amount, including any required match, provided the grant, when received, is paid to NJCF, and provided further that in the event the grant is denied, Pennington Borough shall have no further obligation to repay to NJCF the amount advanced;

**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 Funding Agreement therefore requires that Pennington and other Green Acres grant recipients each acquire an undivided interest in the East Side Property proportionate to their Green Acres funding and related match, subject to ultimate conveyance of these interests so that fee simple title to the property will thereafter be vested solely in NJCF and Hopewell Township;

**WHEREAS**, according to the Amended Funding Agreement, Pennington Borough was to have acquired an undivided interest in the East Side Property amounting to 3.4535%, which was to have been based on a grant amount plus match equal to \$230,000. and an estimated Green Acres Certified Market Value for the land in the amount of \$6,660,000., but which anticipated that the percentage interest would be adjusted if Green Acres were to reduce the eligible acreage in the course of approving the final survey;

**WHEREAS**, Green Acres has now in fact reduced the eligible acreage, increasing Pennington’s undivided interest in the East Side Property to 3.5 %, thereby ensuring that the percentage interest of Pennington will be equal to the percentage Green Acres requires as a basis for the contemplated grant;

**WHEREAS**, as part of the acquisition of the East Side Property, Pennington and others as appropriate must execute a certain Buyer’s Declaration of Easements to Sellers, Deed of Conservation Easement in favor of the New Jersey Department of Environmental Protection and Mercer County, and an easement in favor of Lawrence Hopewell Trail Corporation, together with related documents, as required by the attached Amended Funding Agreement and as further described in the annexed Schedule B;

**WHEREAS**, at or before closing on the acquisition, Pennington and others as appropriate must execute agreements partially assuming the obligations of the Purchase Agreement in accordance with the percentage ownership interest each will acquire;

**WHEREAS**, Pennington and all other parties acquiring an interest in the East Side Property agree that the East Side Property shall be managed by NJCF, and they further agree to terms and conditions applying to the East Side Property which shall survive closing of title, including but not limited to guarantee of regular public access to the property, use of the property only for recreation, agriculture and conservation purposes, and deed restriction language preventing disposal or diversion of the property to a use other than recreation, conservation, open space and farmland preservation, and further subjecting the property to Green Acres restrictions and other prohibitions and encumbrances consistent with these purposes, all as further set forth in the annexed Amended Funding Agreement;

**WHEREAS**, pursuant to the Amended Funding Agreement, Pennington must transfer any interest it has in the East Side Property to NJCF upon the date Green Acres takes action on its grant application, whether approved or denied, or at the end of the third year after closing without action by Green Acres, whichever is earlier;

**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, also as set forth in the annexed Amended Funding Agreement;

**WHEREAS**, these recitals of terms and conditions of the Amended Funding Agreement are drawn from that Agreement, and in the event of any conflict between the recitals and the Agreement, the Agreement shall control;

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

1. The Mayor, with the attestation of the Clerk, is hereby authorized to take all such actions and execute all such documents as may be necessary to acquire an interest in the East Side Property on behalf of Pennington Borough as described above, to convey that interest to the New Jersey Conservation Foundation as required, and to ensure that future use of the property is encumbered and restricted for recreation, conservation, open space and farmland preservation purposes, in compliance with the Amended Funding Agreement annexed hereto as Exhibit A.
2. This grant of authority to the Mayor and Borough Clerk shall include but not be limited to authorization to take the actions and execute the documents described in the annexed Exhibit B.
3. This grant of authority shall further include the execution of such other agreements, certificates, affidavits and instruments as may be necessary or desirable to effectuate the transactions contemplated by the Amended Funding Agreement and further described above.
4. This ordinance shall be effective upon passage and publication as required by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2015-5, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Lawver with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2015-5, second by Council Member Griffiths with all members present voting in favor.

### **Committee Reports**

**Planning & Zoning / Open Space** – No report.

**Public Works / Personnel** – Mr. Davy stated that he had no report.

**Parks & Recreation / Library / Shade Tree / Senior Advisory** – Mr. Lawver stated that the annual Easter Egg Hunt was held with 250 people in attendance. Mr. Lawver thanked the Public Works Department for getting Kunkel Park ready for the event.

Mr. Lawver reported that the Senior Advisory Board did not meet, but he would like to report that Abigail Meletti will be on maternity leave from mid-September to mid-January 2016.

Mr. Lawver had no report for Shade Tree.

Mr. Lawver stated that the Library Board met, but nothing of concern to report.

Mayor Persichilli thanked Mr. Lawver for standing in for him as Acting Mayor during his recent vacation.

**Public Safety** – Mr. Marciante stated that the crossing light at Tollgate School has been replaced. Mr. Marciante stated that Mercer County really stepped up on this problem by purchasing a brand new light to replace the defective one. Mr. Marciante stated that interviews will take place in the next couple weeks to fill the two vacancies in the Police Department. Mr. Marciante stated that later in the meeting there is a resolution for consideration regarding pay back of expenses if a new hire leaves within the first year. Mr. Marciante stated that there are a lot of expenses related to new hires in the Police Department. Mr. Marciante stated that contract negotiations with the Police will begin next week.

**Finance** – Mr. Griffiths stated that he had no report other than the Budget for 2015 is on the agenda for adoption later in the meeting.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler stated that the Environmental Commission met and briefly reviewed an application for work on King George Road, the impervious coverage was de minimis so no further review is needed. Mrs. Chandler reported that the styrofoam collection in January was a big success and the Commission is hoping to hold another collection in September. Mrs. Chandler stated that April 22<sup>nd</sup> is Earth Day and there will be an event about recycling that evening.

Mrs. Chandler stated that the Historic Preservation Commission met and reviewed an application for 149 South Main Street. Mrs. Chandler stated that when the Commission was formed that location was identified as an “at risk” house. Mrs. Chandler reported that a developer has purchased the property and has presented a plan for a complete rehabilitation and renovation. Mrs. Chandler stated that the application came to the Commission because the addition off the back goes beyond the existing structure. Mrs. Chandler stated that this does not have to go to the Planning Board, but because of the addition it went to the Historic Preservation Commission. Mrs. Chandler stated that the application was approved with no request for modification. Mrs. Chandler stated that the commission also discussed pursuing the requirements for a Certificate of Eligibility and they are hoping to move forward on that.

Mrs. Chandler stated that the Economic Development Commission met and briefly reviewed the budget for 2015. Mrs. Chandler stated that Michelle Needham from Parks and Recreation attended and there was some conversation as to how the business community could support the Parks and Recreation Commission with brochures and advertisement of various events.

**New Business**

**Borough of Pennington  
Resolution #2015 – 4.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Gary Mertz, P.O. Box 250, Sergeantsville, NJ 08557, for refund of Planning Board escrow account P13-005 pertaining to Block 505, Lot 17, 126 S. Main Street, in the amount of \$15.38.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2015-4.1, second by Council Member Davy with all members present voting in favor.

**Borough of Pennington  
Resolution #2015 – 4.2**

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,697,388.72 from the following accounts:

Current	\$ 1,527,377.86
W/S Operating	\$ 136,791.98
Developers Escrow	\$ 30,187.77
Other Trust	\$ 1,835.71

Open Space Trust	\$	962.00
Animal Control	\$	233.40
TOTAL	\$	1,697,388.72

**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 2015-4.2, second by Council Member Lawver. Mr. Lawver and Mr. Griffiths had questions on a few of the bills. Mr. Griffiths inquired as to where charges for Mason, Griffin and Pierson were being charged. Mrs. Heinzel stated that those charges pertain to acquisition of the Brown property and will be reimbursed from the Friends of Hopewell Valley Open Space. Mr. Davy asked when reimbursement is expected. Mrs. Heinzel stated that reimbursement will be requested after the closing on the property. After a brief discussion all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 4.3**

**RESOLUTION AUTHORIZING LIEN AND TAX AGAINST ABUTTING LAND FOR COSTS OF CLEARING SNOW AND ICE FROM SIDEWALKS, AT 106 EAST DELAWARE AVENUE, BLOCK 601, LOT 30 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 March 4, 2015 the owner of 106 East Delaware Avenue in the Borough, also known as Block 601, Lot 30 on the Borough Tax Map, had failed to remove snow and ice from the abutting sidewalk as required by the Borough Code;

**WHEREAS**, on this date the Department of Public Works cleared the snow from this sidewalk and incurred costs totaling \$205.00 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 \$205.00 shall be charged against Block 601, Lot 30 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	X				Lawver	M			
Gnatt				absent	Marciante	X			

Council Member Lawver made a motion to approve Resolution 2015-4.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2015 – 4.4**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.15 FOR  
 F & AM TRENTON CYRUS LODGE NO. 5**

**WHEREAS**, F & AM Trenton Cyrus Lodge No. 5 submitted raffle application RA: 1.15 on March 16, 2015 for a raffle to take place on May 16, 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 March 23, 2015; and

**WHEREAS**, F & AM Trenton Cyrus Lodge No. 5 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**, F & AM Trenton Cyrus Lodge No. 5, 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: 1.15 for F & AM Trenton Cyrus Lodge No. 5 be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.15 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	S				Griffiths	X			
Davy	X				Lawver	X			
Gnatt				Absent	Marciante	M			

Council Member Marciante made a motion to approve Resolution 2015-4.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2015 – 4.5**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO  
 MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN  
 2015**

**WHEREAS**, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

**WHEREAS**, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 2 tables (with umbrellas) and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

**WHEREAS**, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

**WHEREAS**, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 2 tables (with umbrellas) and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance,

as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.

G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2015.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2015-4.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 4.6**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT AFFECTING USE,  
MAINTENANCE AND CLEANING OF THE SENIOR CENTER**

**WHEREAS**, use of the Senior Center on Reading Street in the Borough of Pennington is shared by Hopewell Borough, Hopewell Township and Pennington Borough;

**WHEREAS**, responsibilities for maintenance of the Senior Center are also shared among the three municipalities;

**WHEREAS**, the three municipalities intend to enter into a shared services agreement for 2015, superseding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$4,591.08; Hopewell Borough will pay Pennington \$1,147.80 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building, as well as snow and ice removal from sidewalks and parking lots, HVAC maintenance, plumbing, painting and replacement of light bulbs;

**WHEREAS**, the proposed form of agreement is annexed to this Resolution;

**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 annexed agreement on behalf of Pennington Borough.

**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 2015-4.6, second by Council Member Griffiths. Mayor Persichilli asked if the amount is the same or if there is an increase. Mrs. Heinzel stated that the amount reflects a two percent increase. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2015 – 4.7**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO  
A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR  
EMERGENCY AND POLICE DISPATCH SERVICES  
FOR THE YEARS 2015 AND 2016**

**WHEREAS**, the Borough of Pennington desires to contract with Hopewell Township for the provision of emergency and police dispatch 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 “Shared Services Agreement Police Dispatching And Emergency Communication Services Between The Township Of Hopewell And Borough Of Pennington”, shall be for two years beginning January 1, 2015 and continue through December 31, 2016; and

**WHEREAS**, the cost to the Borough for police dispatch services as outlined in the Shared Services agreement would be \$66,300.00 for 2015 and \$67,626 for 2016, which represents no increase over the previous year for 2015 and a two-percent increase for 2016;

**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 Township for the provision of emergency and police dispatch services during the period January 1, 2015 through December 31, 2016; 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	M				Griffiths	S			
Davy	X				Lawver	X			
Gnatt				Absent	Marciante	X			

Council Member Chandler made a motion to approve Resolution 2015-4.7, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015 – 4.8**

**RESOLUTION AUTHORIZING AGREEMENT WITH WATER RESOURCE MANAGEMENT,  
INC. FOR PROFESSIONAL SERVICES AS LICENSED OPERATOR FOR THE BOROUGH’S  
WATER AND SEWER SYSTEM**

**WHEREAS**, the Borough of Pennington is required by law to have a Licensed Operator for the Borough’s Water and Sewer Utility, also known as the Pennington Water and Sewer Company;

**WHEREAS**, since the retirement of the Borough’s Superintendent of Public Works in the Summer of 2014, the Borough has required the services of one or more professionals with the required licensure to perform the function of Licensed Operator;

**WHEREAS**, Water Resource Management, Inc. has professional personnel possessing the licenses required to serve as Licensed Operator as that term is defined by the regulations of the New Jersey

Department of Environmental Protection;

**WHEREAS**, Water Resource Management, Inc. has served as Licensed Operator for the Borough’s Water and Sewer Utility under a one-year contract beginning May 1, 2014, and the Borough now seeks to renew that contract effective May 1, 2015;

**WHEREAS**, a copy of the proposed new professional services agreement between the Borough and Water Resource Management, Inc., for another term of one year, is attached;

**WHEREAS**, the Borough Clerk has determined and has certified in writing that the anticipated value of this contract for professional services will exceed \$17,500;

**WHEREAS**, approval of this new contract complies with the Local Pay-to-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, Water Resource Management, Inc. and its principals, officers and employees have made no such political contribution and shall make no such contribution during the term of the contract;

**WHEREAS**, award of this contract also complies with the Code of the Borough of Pennington, Section 15-1, et seq., which further prohibits the award of public contracts to certain political contributors;

**WHEREAS**, Water Resource Management, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall make no such contribution through the term of the contract;

**WHEREAS**, Water Resource Management, Inc. shall comply with the anti-discrimination and affirmative action requirements of New Jersey law as set forth in the attached Schedule A.

**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., and is not required to be subject to a competitive bidding process;

**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;

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

**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 enter into the attached professional services agreement with Water Resource Management, Inc. subject to such amendments consistent with its intent as required 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	X				Griffiths	M			
Davy	X				Lawver	S			
Gnatt				absent	Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2015-4.8, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-4.9**

**RESOLUTION AUTHORIZING PREPARATION OF BID DOCUMENTS AND ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF SOLAR ELECTRIC GENERATING SYSTEM ON BOROUGH PUBLIC WORKS LANDS**

**WHEREAS**, Pennington Borough seeks to use a portion of its lands in Hopewell Township used by the Borough Department of Public Works (Block 46, Lot 13 on the Hopewell Township Tax Map) (“the Property”) for construction of solar voltaic arrays to generate solar energy for conversion to electricity, including but not limited to generation of electricity for use by the Department of Public Works and the Borough’s Water and Sewer Utility;

**WHEREAS**, the Borough intends to advertise for bids from qualified vendors to enter into an agreement for the design, construction and operation of the contemplated solar electric generating system;

**WHEREAS**, a necessary component of the desired agreement will be a long-term lease of roof and/or ground space on the Property providing for lease payments to the Borough based on the annual kWh

of energy produced by the solar system and also ensuring that installation, operation and maintenance of the system shall be at no cost to the Borough;

**WHEREAS**, the successful bidder must have the experience and capacity required to build and operate a quality, certified solar electric generating system;

**WHEREAS**, the successful bidder shall also be the best able to offer the Borough the best rate per annual kWh of energy produced by the solar electric generating system;

**WHEREAS**, the successful bidder shall participate in negotiations with the Borough with respect to the contemplated lease agreement, which shall provide for lease payments based on the annual kWh of energy produced by the system;

**WHEREAS**, the proposed leasing arrangement and solar energy system shall be subject to necessary government approvals;

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

1. The Borough Administrator is hereby authorized to prepare or direct the preparation of bid documents and to advertise for bids for construction, operation and maintenance of the solar electric generating system pursuant to the terms set forth above.
2. The Borough Administrator is hereby further authorized to retain professional services in connection with preparation of the bid documents and the advertising for bids, under a professional services agreement to be approved by the Borough Attorney, at a total cost not to exceed \$\_\_\_\_\_.

Council Member Marciante made a motion to approve Resolution 2015-4.9, second by Council Member Davy. Mrs. Heinzl stated that there are some blank spaces on the resolution. Mrs. Heinzl stated that she has reached out to Bob Colavita at the Hopewell Valley Regional School District seeking advice on the process but he has not returned her calls. Mrs. Heinzl stated that the school district used Advance Solar Products to prepare their bid documents and she has also put a call in to them but she has not heard back from them. Mrs. Heinzl stated that she is not sure how council would like to proceed with this resolution since we do not really know what the costs will be. Mrs. Chandler stated that she is aware of these discussions; however she would like to know if there has been any public input so that residents know what is going on. Mrs. Chandler stated that Borough Council has not really had a discussion on this and all of a sudden there is a resolution. Mrs. Heinzl stated that this has been discussed at the Public Works Committee level. Mrs. Chandler stated that she would like to know what is being proposed and what has been discussed. Mr. Griffiths asked if there are any financial impacts to be considered. Mr. Lawver stated that this program is with PSE & G and they would install equipment at the Public Works site. Mr. Lawver stated that the school district is receiving \$20,000 per year and the expectation for the Borough is half that amount. Mr. Lawver stated that there are no costs to the Borough, we will not own the equipment, it will be a land lease. Mrs. Chandler asked where these panels would be. Mr. Lawver stated that the panels will be somewhere at the current public works site, the details still need to be ironed out. Mr. Griffiths asked about the landfill site. Mr. Lawver stated it is too soon to discuss the landfill site. Mrs. Heinzl stated that the next step with the landfill site is to talk to a site remediation professional. Mr. Davy asked if this resolution should be held for tonight. Mr. Bliss stated that if council proceeds they would be authorizing the preparation of bid documents without a professional to prepare them. Mr. Bliss stated that council could authorize a not to exceed amount with which the Borough Administrator could obtain these services. Mr. Marciante asked if we could use the documents that the school district used. Mr. Davy stated that he did not think that a professional was going to be hired to do this. Mr. Bliss stated that the cost of the professional would be covered under the bid specifications and paid for by the successful bidder. Mr. Bliss stated that he does not think that it would be responsible for a public body to build solar generating system without professional guidance. Mr. Lawver agreed that a professional is needed to guide us through the bid document process. Mrs. Heinzl stated that the specifications used by the school district would not work for the Borough because the two systems are different sizes. Mr. Bliss stated that as he reads the school districts bidding instructions and specifications to the extent that we have them, they refer to a consultant without further detail and that the expense of the consultant would be the responsibility of the successful bidder. Mr. Davy stated that we currently do not have a budget line item to charge the costs for a professional to do this even if we intend to recoup the funds in the future from a successful bidder. Mr. Griffiths stated that the budget is not a problem so long as we recoup the funds in the same year. Mr. Lawver stated that he is unclear on this because it was his understanding that the Borough would not be doing the plans and specifications for this because we are not designing it and building it. Mr. Davy stated that what he is hearing is that the professional would review the bids and specifications to ensure that we have a viable project and all expenses that come after the bid is on the successful bidder. Mr. Davy stated that the cost of preparing the bid specifications would have to be worked into the bid specifications to ensure that the Borough recoups any funds expended. Mr. Lawver stated that he has never heard of asking a successful bidder to pay for documents that the Borough is putting together. Following the discussion it was agreed that more information is needed from the school and from a professional. The motion and second were rescinded and no action was taken on Resolution 2015-4.9.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-4.10**

**RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT  
AS A CONDITION OF HIRING OF NEW POLICE OFFICERS**

**WHEREAS**, as part of the hiring process of new police officers the Borough is required to expend substantial sums for examination, hiring and training;

**WHEREAS**, if a newly hired police officer voluntarily leaves the employment of the Borough early in the employment, certainly if the departure is before completion of the officer's probationary period, the Borough is deprived of the benefit of its expenditures for examination, hiring and training and incurs a substantial loss;

**WHEREAS**, the costs of examination, hiring and training include any base salary received by the employee while attending any required police training course, fees incurred by the Borough for any such police training course, the costs of the employee's uniforms, the costs of examinations and tests required to qualify the employee for employment, the costs of public advertising in connection with employee's examination and hiring, and other related expenditures;

**WHEREAS**, if the reason for the early departure is employment by another law enforcement agency, there exists a statutory right to recover reimbursement of certain costs from the new employer but enforcement of this right can be problematical;

**WHEREAS**, as a result, the Borough seeks to require that every candidate to be offered employment sign, as a condition of employment, a certain reimbursement agreement, which requires the new officer to reimburse the Borough for all examination, hiring and training costs if he or she voluntarily leaves the Borough within one year of his or her official start date;

**WHEREAS**, the proposed reimbursement agreement requires the departing officer to reimburse the Borough in full within 30 days of receipt of an invoice from the Borough for the subject costs, provided the officer receive credit for any sums actually received by the Borough from a new employer when and if received;

**WHEREAS**, a copy of the proposed Reimbursement Agreement is attached to this resolution;

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

1. Borough Council hereby authorizes use of the attached Reimbursement Agreement as part of the hiring process for new police officers;
2. Borough Council further authorizes requiring candidates for hire as police officers to sign the attached Reimbursement Agreement as a condition for hiring.

Council Member Marciante made a motion to approve Resolution 2015-4.10, second by Council Member Chandler. Mr. Marciante stated that this resolution would allow the Borough to recoup expenses for hiring a new police officer if that officer leaves within one year of being hired. Mr. Marciante stated that costs include medical exam, psychological exam, training costs etc. Mr. Bliss stated that there is a Statute that provides for reimbursement in certain circumstances and if the Borough choses it could take action against another municipality to recover costs. Mr. Meytrott stated that this resolution is different; this would require reimbursement from the individual employee. Mr. Meytrott stated that the resolution provides that if the Borough is reimbursed under the Statute then the employee would not be responsible for reimbursement. Mr. Meytrott stated that even though there is a Statute that allows municipalities to seek reimbursement it is highly unlikely that we would be reimbursed. Mr. Meytrott stated that the costs total around \$4,500 and the question then becomes whether it is worthwhile to pursue this in Small Claims Court. Mr. Lawver stated that he thinks that this is a good idea, however he is concerned that it is fairly open ended and might be detrimental to the hiring process. Mr. Lawver stated that the upper limit of potential costs should be clearly defined. Mr. Lawver stated that a phase out was also discussed where if an officer works for eleven months of the year the reimbursement would be pro-rated. Mr. Meytrott stated that the discussion centered on if an officer leaves within the first year they would be responsible for the entire costs. Mr. Griffiths asked how this compares to what other municipalities are doing. Mr. Meytrott stated that he was not aware of other municipalities who have this policy in place. Mr. Meytrott stated that this agreement was fancied after the Hunterdon County Sheriff's Department who does do this and they do enforce it because they were having a rapid turnover of personnel. Mr. Meytrott stated that traditionally a number of smaller departments and Sheriff's Departments were doing this because those were the places with the most turnover, but he could not say how many are still doing this. Mr. Bliss stated that this resolution would need to be revised to include a not to exceed amount if Council would like to do that as a condition of passing the resolution. Mr. Meytrott stated that the amount would be \$5,000 at this time but it could change from time to time. Mr. Bliss proposed a new section six to provide for a not to exceed amount of \$5,000. Mr. Lawver asked what if we go through the interview process and the top two candidates are identified and this is presented to them and they walk out the door. Mr. Lawver asked if the Public Safety Director should be given the authority to negotiate this policy. Mr. Griffiths stated that he thinks this policy is overly authoritarian and a bad bargaining deal.

Mr. Griffiths stated that a lot of costs are sunk into the interview and background process and hitting someone with this seems draconian and he is concerned that we would lose good candidates. Mr. Meytrott stated that we do have Chapter 105 which allows the Borough to submit an invoice to the hiring municipality if this occurs. Mr. Griffiths stated that he thinks it would be very difficult to collect these costs from the employee, even with this policy in place. Mr. Griffiths stated that it would not be cost effective to take someone to court over not paying under this policy. Mr. Davy stated that the main impetus of the Statute was to recover training academy costs because that is where the real costs are. Mr. Meytrott agreed that was the original design for the Statute and it has evolved over time because of the alternate route program. Mr. Davy stated that when the Statute came about it was because towns were spending a lot of money to send candidates to the training academy and then officers would be poached and so this law was put into place. Mr. Davy stated that with the most recent situation the costs do not warrant going after the hiring municipality because there were no training academy costs and the costs for hiring in the total scheme of things is not enough for the Borough to go to battle with another municipality. Mr. Griffiths stated that the genesis of this recent vacancy is an uncompetitive starting salary which will be corrected. Mr. Davy stated that if the Borough is ever in this position again, he thinks that the Governing Body would make the same business decision and not go after another municipality because it would cost more in the long run to get the money. Mr. Marciante stated that this might be a deterrent for employees to seek other employment. Mrs. Chandler stated that it might also be a deterrent to work here. Mr. Meytrott stated that one of the problems with hiring is salary, but another problem is that young people who want to be police officers do not want to work here in Pennington because there is not a lot of police work to be done. Mr. Marciante suggested putting this resolution on the back burner and revisiting it if it happens again. The motion and second were rescinded and no action was taken on Resolution 2015-4.10.

Mrs. Gnatt arrived during the discussion of Resolution 2015-4.10.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-4.11**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR  
PUBLIC BIDS FOR FURNISHING CURB-SIDE PICKUP LEAF  
COLLECTORS WITH LEAF BOX CONTAINERS**

**WHEREAS**, the Borough of Pennington has a need for two (2) Belt-Driven Curb-side Pickup Leaf Collectors and Leaf Box Containers, for use by the Department of Public Works;

**WHEREAS**, the needed Leaf Collectors and Leaf Box Containers shall comply with specifications approved by the Borough Administrator;

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

(1) the Borough Administrator is hereby authorized to prepare all specifications and other documents required for acquisition of the aforesaid Leaf Collectors and Leaf Box Containers;

(2) the Borough Administrator, upon identification of necessary funding for acquisition of the subject equipment, is hereby authorized to advertise publicly for bids for acquisition of the two Leaf Collectors and two Leaf Box Containers, in compliance with the Local Public Contracts Law.

**Record of Council Vote on Passage**

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

Council Member Lawver made a motion to approve Resolution 2015-4.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2015-4.12**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR  
PUBLIC BIDS FOR CONTRACT TO PROVIDE ON-CALL  
BACKHOE AND BACKHOE OPERATOR SERVICES**

**WHEREAS**, the Department of Public Works of the Borough of Pennington has a need from time to time to install and repair water and sewer lines and to dig in the street and elsewhere in close proximity to underground utilities;

**WHEREAS**, making these installations and repairs and digging in close proximity to underground utilities requires knowledge and experience in the operation of a backhoe to ensure work that is both efficient and safe;

**WHEREAS**, the Borough seeks to contract with an outside vendor to be on call to provide the services and equipment to perform these functions for the Borough on an as-needed basis;

**WHEREAS**, the proposed contract shall comply with specifications approved by the Borough Administrator;

**WHEREAS**, funding is available for the proposed contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to advertise publicly for bids and to prepare all related specifications and other documents to obtain the proposed contract for the on-call services of a backhoe operator with backhoe.

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2015-4.12, second by Council Member Chandler. Mr. Lawver asked for an explanation on the resolution. Mr. Bliss stated that we are seeking the same agreement that we currently have for an hourly rate for backhoe operator and backhoe. Upon a roll call vote, all members present voted in favor.

**Public Hearing and Budget Adoption**

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

**Council Discussion**

**Fibertech Request** – Mr. Bliss stated that council members have a copy of a letter that was received in early March 2015 from Fibertech, a New York based company who wants to string fiber to a location in Pennington and we believe the location to be the Pennington School. Mr. Bliss stated that the request is for consent for a period of fifty years and the request is framed in a way that would extend the consent to the entire municipality. Mr. Bliss stated that the Superintendent of Public Works has looked at the request and it would be an aerial only extension along the poles. Mr. Bliss stated that with all of that said, the request came to him as the Borough Attorney and his response is that there should be a process for reviewing these requests at the Public Works Committee level because there are some business decisions involved. Mr. Bliss stated for example, the length of term and geographic extent of the request are negotiable and Borough Council needs to be satisfied on the technical details of the proposal. Mr. Bliss stated that he has requested background from the company on both the technology they are dealing with and the methods they will use as well as details about the company. Mr. Bliss stated that preparing a resolution to present to council is not the best approach to this; the better approach is that this request be referred to the Public Works Committee. Mr. Griffiths asked if the Borough could get a royalty or franchise fee from this agreement. Mr. Davy stated that he had a vague recollection of trying to do that in a town where he worked and he does not think he won the argument. Following the discussion, Council agreed to refer the request to the Public Works Committee.

**Sidewalks** – Mr. Davy stated that the Public Works Committee is considering the idea of reviving the sidewalk program that was started several years ago. Mr. Davy stated that the process would begin with identifying sidewalks that are in bad condition. Mr. Davy stated that the Public Works Department has begun the survey and identified 43 locations that need improvements. Mr. Davy stated that a letter will be sent out to the residents on the list giving them one- year to repair their sidewalk according to the Borough standards. Mrs. Heinzl stated that the problem is the standard that will trigger a letter. Mrs. Heinzl stated that in 2011 the standard was 2.5 inch or greater of a stub-toe or half or more of the squares crumbling. Mrs. Heinzl stated that if Council agrees to keep that as the standard then the preliminary list will need to be revisited to ensure that the identified sidewalks violate the standard. Mrs. Heinzl stated that the second issue that needs to be discussed is where the standard is recorded. Mrs. Heinzl stated that the last time this was done the particulars were stated in the letter, but if a homeowner living in town wants to figure out if their sidewalk is not in compliance, there is no way to do that. Mayor Persichilli stated that he thought the process undertaken a few years ago worked well. Mayor Persichilli stated that there were three levels of disrepair identified and letters went out to the worst ones first, then the second group, but he is not sure if the third group got notified. Mayor Persichilli stated that there must have been some discussion as to the standards.

Mrs. Chandler stated that she was on Council back in 2011 when this process was started and she feels that consistency is better than changing the standards every four years. Mrs. Chandler stated that the same standard should be maintained over the years and that said she is surprised to be having this conversation because in 2011 she thought that the program was going to be consistently applied going forward. Mayor Persichilli agreed and that is why this discussion is taking place. Mrs. Chandler suggested that there needs to

be a process in place so that every year or two we stay up to date and so that people are aware of the requirements for sidewalks. Discussion followed with regard to the process that was undertaken several years ago. Mrs. Chandler restated that consistency is important. Discussion took place with regard to fees and costs of inspections. Mr. Lawver stated that another issue is that there are a number of sidewalks where the bushes have grown over the sidewalks and that may require a separate letter. Mr. Griffiths stated that there is a good ordinance regarding bushes and sidewalks, but we are contemplating an action without a defined standard so it would be prudent to define the standard first and then take action. Mrs. Chandler stated that she would recommend drafting an ordinance to set the standard for sidewalks and then give residents time to comply with the standard. Mayor Persichilli stated that it would be good for the Borough to have something to hand out to local realtors. Mrs. Heinzel stated that the ordinance in place now states that residents must comply with standards on file in the Borough Clerk's office and we do not have anything on file. Mr. Bliss stated that the ordinance has a general standard that if literally applied would require many more sidewalks to be repaired than using this approach. Mr. Bliss stated that the idea was that the egregious ones had to be fixed. Mrs. Heinzel stated that the ordinance allows for flexibility and she would be concerned about writing specifics into the ordinance. Council agreed that letters should go out indicating that sidewalks are in need of repair without getting into specifics and the list would get generated based on a two inch stub toe.

**Liquor License** – Mrs. Heinzel stated that she has heard from two businesses that might be interested in a liquor license but the question is how much to ask for the license. Mayor Persichilli stated that another consideration is whether or not to hold the license until such time as a development or redevelopment takes place as the license might be worth more in that situation. After a brief discussion, Council agreed that more research needs to be done and it might be better to wait until down the road. Mayor Persichilli stated that the liquor license would be very attractive to someone as part of a bigger thing and the Borough would have more options available.

### **Professional Reports**

Mrs. Heinzel stated that she provided her report in the agenda packages. Mr. Lawver asked about an item on the report relating to COAH and whether or not council needs to take action at this time. Mrs. Heinzel stated that it might be a good idea to invite Michael Bolan to the next meeting. Mrs. Heinzel stated that Michael Bolan is the new Borough Planner and council would have a chance to meet him and second he could advise council how to proceed with regard to COAH. Mrs. Heinzel stated that Planning Board Attorney, Ed Schmierer was in favor of the Borough filing a Declaratory Judgement Action to say that the Third Round Plan that was filed but never acted on by COAH, would be our COAH plan. Mrs. Heinzel stated that the Declaratory Judgement would state that the Borough has acted in good faith and that we are complying with affordable housing obligations in the Borough, and it would protect the Borough from a builder coming in and pursuing a builder's remedy. Mrs. Heinzel stated that Mr. Bolan would submit an estimate for filing a Declaratory Judgement Action; some research would need to be done so there will be some costs involved. Mrs. Heinzel stated that Mr. Bolan would prepare the document, but then it would have to be filed by an attorney. Mrs. Heinzel stated that the decision was stayed for ninety days beginning March 10<sup>th</sup>, so it would make sense to have Mr. Bolan explain to council what the best course of action would be. Council agreed that it would be a good idea to invite Mr. Bolan to the May meeting and to ask him to prepare an estimate.

Mr. Bliss reminded Council of the need for a Closed Session.

There were no other comments from professionals.

### **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, 8:15 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
- Contract Negotiations – Comcast

### **Open Session**

AT, 8:53 PM, Mayor and Council returned to open session.

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

Council Member Lawver made a motion to approve the minutes of the March 10, 2015 closed session meeting for content but not for release, second by Council Member Chandler. Upon a roll call vote all members present voted in favor with the exception of Mr. Davy who abstained.

At 8:54 PM, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk