

**Pennington Borough Council  
Regular Meeting – January 4, 2016**

Council President Lawver called the Regular Meeting of the Borough Council to order at 7:14 pm. Borough Clerk Betty Sterling called the roll; all members were present with the exception of Mayor Persichilli.

Also present were Borough Administrator Eileen Heinzl, 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.

**Closed Session**

**AT, 7:15PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purpose of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Pending Litigation and Personnel – Hopewell Township vs. Director, Division of Taxation

AT, 7:47 PM, Council briefly returned to open session to recognize Mercer County Officials. Assemblywoman Elizabeth Muoio congratulated Council Members on their reelection.

At, 7:50PM, Council returned to closed session until 8:20PM when they reconvened in Open Session for the remainder of the meeting.

**Committee Reports**

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

**Public Works / Personnel** – Mr. Davy had no reports.

**Parks & Recreation / Library / Shade Tree / Senior Advisory** – Mr. Lawver had no reports.

**Public Safety** – Mr. Marciante had no report.

**Finance** – Mr. Griffiths had no report.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler reported that the Board of Health met, Montgomery Township Board of Health is working towards National Accreditation which is important because accreditation gives preference when applying for grants.

Mrs. Chandler stated that the Economic Development Commission met. Mrs. Chandler announced that the Business Award Ceremony will be held on January 27<sup>th</sup> from 6:00pm to 8:00pm at the Sun Bank. Mrs. Chandler stated that Kim Waters of Zoe Graphics will be awarded Business of the Year and Michelle Needham will be given the Community Service Award. Mrs. Chandler stated that the Historic Preservation Award will be given to Bev and Robert Mills.

**Ordinances for Introduction**

Mr. Lawver read Ordinance 2016-1 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2016-1**

**ORDINANCE CONCERNING WATER AND SEWER CONNECTIONS  
AND AMENDING THE BOROUGH CODE TO DELETE TAPPING FEES.**

**WHEREAS**, the Borough seeks to amend relevant sections of the Borough Code to eliminate Borough responsibility for the construction work required to tap into water and sewer mains for service and lateral connections;

**WHEREAS**, the intent is to make clear that both the work and expense of installing these connections, including the tapping of the main, is the responsibility of the property owner, subject to prior approval, inspection and final approval of the Borough’s Water and Sewer Utility as otherwise provided by law;

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

1. Section 206-4 of the Borough Code, providing for Tapping Fees for water and sewer, is hereby amended as follows (with new language underlined and deleted language in brackets[ ]):

206-4. [Tapping fees.] Tapping Into Water and Sewer Systems

Taps into the water and sewer system shall be performed by the property owner’s plumber in accordance with a plan approved in advance by the Borough Engineer. All related expenses shall be the sole responsibility of the property owner.

A. There are hereby established tapping fees to cover the efforts required by the Borough for new connections to the water and sewer system.

B. Water tapping fees. The amounts of fees for new connections to the water system are set forth in Chapter 98 of this Code, as may be amended from time to time. The categories of fees are the following:

- (1) Water Type 1 (full service – full width)(30 feet or more): Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service Connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service – half width): Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in-service): Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant’s plumber provides for the remainder of the service connection. Road opening and inspection fees apply. Note: Taps one inch and smaller must be performed by the Borough. Taps greater than one inch must be performed by the applicant’s plumber.

A. Sewer tapping fees. The amounts of fees for new connections to the sewer system are set forth in Chapter 98 of this Code, which may be amended from time to time. The categories of fees are the following:

- (1) Water Type 1 (full service – full width)(30 feet or more): Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service – half width): Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in-service): Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant’s plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply. Note: Lateral taps greater than four inches must be performed by the applicant’s plumber.

B. Tapping fees shall be due prior to the physical connection.”]

2. Section 98-44 of the Borough Code, providing the amounts of water and sewer tapping fees, is hereby **deleted** as follows (with deleted language in brackets[ ]):

[98-44. Tapping fees.

A. Water tapping fees.

- (1) Water Type 1 (full service – full width)(30 feet or more): \$3,000. Full service includes all inspection, excavation, bedding, backfill, pavement service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-

specific basis.

- (2) Water Type 2 (full service – half width): \$2,500. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete service connection to the curb stop located just beyond the curbline. Service connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in-service): \$1,000. Cut-in service includes only the physical tapping of the water main, including the corporation stop, equipment and labor. The applicant’s plumber provides for the remainder of the service connection. Road opening and inspection fees apply. Note: Taps one inch and smaller must be performed by the Borough. Taps greater than one inch must be performed by the applicant’s plumber.

B. Sewer tapping fees.

- (1) Water Type 1 (full service – full width)(30 feet or more): \$3,000. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections exceeding 60 feet or located within county roads will be assessed additional fees on a case-specific basis.
- (2) Water Type 2 (full service – half width): \$2,500. Full service includes all inspection, excavation, bedding, backfill, pavement restoration, parts, equipment and labor to install a complete lateral connection to the cleanout located just beyond the curbline. Lateral connections located within county roads will be assessed additional fees on a case-specific basis.
- (3) Water Type 3 (cut-in-service): \$1,000. Cut-in service includes only the physical tapping of the sewer main, including the tee saddle, equipment and labor. The applicant’s plumber provides for the remainder of the lateral connection. Road opening and inspection fees apply. Note: Lateral taps greater than four inches must be performed by the applicant’s plumber.]
- (4) Tapping fees shall be due prior to the physical connection.”]

3. Section 206-6, Subsection A, is amended as follows:

- A. “Plan approval and i [I]nspection fees for service connections, lateral connections and determination of construction cost for off-site improvements shall be established as set forth in Chapter 98 of this Code as may be amended from time to time.”

4. Section 98-46, Subsection A of Code section is amended as follows:

98-46. “Plan approval, inspection and field service fees pursuant to Section 206-6 of the Code are as follows:

(1) <u>Plan approval (actual engineering charges up to):</u>	\$ 250.00
[1] (2) Service connections:	\$ 160.00.
[2] (3) Lateral connections:	\$ 160.00.
[3] (4) Certified construction cost, off site improvements (escrow):	7.8%

5. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Marciante made a motion to introduce Ordinance 2016-1, second by Council Member Davy. Mrs. Sterling stated that there is a blank on page three that needs to be filled in. Mr. Bliss stated that he spoke with Superintendent of Public Works Rick Smith who suggested \$150.00 but he was waiting for confirmation on that number. Mrs. Heinzel explained that this is the amount that the homeowner would pay to cover the costs for the Borough Water and Sewer Engineer. Mr. Bliss suggested adding next to Plan Approval “(actual Engineering charges up to)” and putting the amount as \$250.00. Upon a roll call vote all members present voted in favor of introduction with the changes.

Mr. Lawver read Ordinance 2016-2 by title.

**BOROUGH OF PENNINGTON  
 ORDINANCE #2016 -2**

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

**WHEREAS**, by Ordinance 2015-16, Borough Council increased the authorized annual salary for the Superintendent of Public Works from \$75,000.00 to \$82,500.00, effective July 6, 2015;

**WHEREAS**, Borough Council now seeks to further amend the maximum authorized salary for the position of Superintendent of Public Works to permit the annual two percent (2%) increase awarded other Borough employees, subject to further action by Council;

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

1. Section I.a of Borough of Pennington Ordinance No. 2015-16, “AN ORDINANCE AMENDING AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2015,” is hereby amended to read as follows (with deleted language bracketed and new language underlined>:

Borough Administrator	\$ 50,000.00
Borough Clerk	\$ 40,116.40
Treasurer	\$ 63,638.48
Tax Collector	\$ 28,821.78
Utility Collector	\$ 28,821.78
Technical Assistant to Construction	\$ 11,206.43
Tax Assessor	\$ 12,240.00
Zoning Officer	\$ 8,283.12
Land Use Admin/Admin Asst.	\$ 48,277.06
Deputy Registrar	\$ 2,086.05
Supt. Of Public Works – <u>Effective January 1, 2015</u> Effective July 6, 2015	\$76,500.00 \$[82,500.00] <u>84,000.00</u>
Judge of Municipal Court	\$ 11,637.28
Court Administrator	\$ 16,263.97
Prosecutor - (Flat Fee per Court Session)	\$ 300. 00
Public Defender – (Flat Fee per Court Session)	\$ 200.00
Public Safety Director	\$ 55,831.85
Construction Official	\$ 25,698.75
Plumbing Sub-Code	\$ 38.02 / hour
Fire Sub-Code	\$ 38.59 / hour
Electric Sub-Code	\$ 10,286.25
Sidewalk Inspector – (Flat Fee per Inspection)	\$ 150.00

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

	Minimum	Maximum
<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 amended ordinance shall take effect upon final adoption and publication according to law.

Council Member Marciante made a motion to introduce Ordinance 2016-2, second by Council Member Griffiths. Mr. Bliss stated that the title is not a typo, it is an ordinance amending an ordinance amending an ordinance. Mr. Davy stated that this is to provide a retroactive cost of living increase for the Superintendent of Public Works. Mr. Bliss stated that the original amount was \$75,000 to be enhanced by \$1,500 which would be a two percent cost of living increase and then an additional \$7,500 for the successful completion of one license. Mr. Bliss stated that amounts to \$84,000. Mr. Bliss explained that effective January 1, 2015, the Superintendent had been at \$75,000 in July he was bumped up \$7,500 for passing the requisite exam, however omitted from both of those calculations was the two percent annual increase. Mr. Bliss stated that we went back in time and rewrote the ordinance to say effective January 1, 2015 instead of \$75,000 as the maximum authorized amount for the position the maximum is now \$76,500 and then effective July 6<sup>th</sup>, 2015 instead of going to \$82,500 the maximum goes to \$84,000. Mr. Bliss stated that two things to be conscious of are under Subsection B-1, the amounts shown in Section A are maximum amounts to be paid however at the discretion of Borough Council, lesser amounts can be paid. Mr. Bliss stated that in the recitals, it is stated that this is subject to further action from Borough Council with the point being that a decision needs to be made as to the effective date of the increase, January 1 or the anniversary date of February 2. Mr. Bliss stated that this ordinance gives the flexibility of awarding the two percent increase sometime in 2015. Mrs. Heinzl stated that once the ordinance is adopted there will be a resolution to put the increase into place. Upon a roll call vote all members present voted in favor of introduction.

**New Business**

**Borough of Pennington  
Resolution #2016 - 1.15**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE  
BOROUGH OF PENNINGTON FOR THE YEAR 2016**

**WHEREAS**, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, 26.25% of the total appropriations of the 2015 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 791,368.08 for the current fund budget and \$ 239,301.83 for the water and sewer utility fund;

**NOW, THEREFORE, BE IT RESOLVED**, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

**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	X			
Gnatt	S				Marciante	X			

Council Member Chandler made a motion to approve Resolution 2016-1.15, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2016- 1.16**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH VALLEY HEALTH MEDICAL GROUP TO PERFORM ALCOHOL AND DRUG TESTING SERVICES FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2016**

**WHEREAS**, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial drivers license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

**WHEREAS**, Valley Health Medical Group is experienced in and capable of providing such services; and

**WHEREAS**, this contract shall be for specific services set forth in the Agreement attached to this resolution;

**WHEREAS**, the Borough agrees to the fees per service (ranging from \$40.00 to \$180.00) set forth in the Fee Schedule included in the Agreement;

**WHEREAS**, the services authorized by the contract are professional services and the amount of expense expected to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

**WHEREAS**, Valley Health Medical Group has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither the group nor any of its members has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, Valley Health Medical Group shall comply with requirement for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, total fees of Valley Health Medical Group under this contract, including expenses, shall not exceed \$1,200.00 without the prior written approval of Borough Council; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for this contract in Account #:

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Mayor of the Borough, with the attestation of the Clerk, and subject to such changes in form as may be required by the Borough Attorney, is hereby authorized to execute the attached Agreement between the Borough and Valley Health Medical Group for the provision of Alcohol and Drug Testing Services for 2016.

**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	X			
Gnatt	S				Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2016-1.16, second by Council member Gnatt with all members present voting in favor.

Mr. Lawver called for a Consent Agenda vote for Resolutions 2016-1.17 and 2016-1.18. Council Member Davy made a motion to approve Resolutions 2016-1.17 and 2016-1.18, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2016 – 1.17**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A  
SHARED SERVICES AGREEMENT WITH THE BOARD OF FIRE  
COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1  
FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES FOR THE  
YEARS 2016 AND 2017**

**WHEREAS**, the Borough of Pennington (the “Borough”), is responsible for providing Basic Life Support Services, a system for the emergency care and transportation of persons who are sick or injured and in need of immediate medical care within the boundaries of the Borough; and

**WHEREAS**, for this purpose, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et.seq.), the Borough desires to contract with the Board of Fire Commissioners of Hopewell Township Fire District No. 1 for the provision of Basic Life Support Services within the boundaries of the Borough for the years 2016 and 2017;

**WHEREAS**, the proposed Shared Services Agreement, of which a copy is attached, is in substantially the same form as the 2015 agreement between these parties including the \$3,000 annual fee for the services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough of Pennington is hereby authorized and directed to execute the attached Shared Services Agreement between the Borough of Pennington and the Board of Fire Commissioners of Hopewell Township Fire District No.1 for the provision of Basic Life Support Services within the boundaries of the Borough, subject to approval as to final form by the Borough Attorney of the Borough of Pennington.

**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	M				Lawver	X			
Gnatt	S				Marciante	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2016–1.18**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO  
A SHARED SERVICES AGREEMENT WITH MERCER COUNTY COMMUNITY  
COLLEGE FOR PRINTING SERVICES FOR THE PERIOD OF JANUARY 1, 2016  
THROUGH DECEMBER 31, 2017**

**WHEREAS**, the Borough of Pennington desires to contract with Mercer County Community College for the provision of Printing Services as needed; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq. 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 Between Pennington Borough, New Jersey and Mercer County Community College”, shall be for the period of January 1, 2016 through December 31, 2017; and

**WHEREAS**, the form of the proposed contract is attached to this resolution;

**WHEREAS**, the cost to the Borough for printing services under the contract shall be based on the pricing schedule attached to the 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 execute the aforesaid Shared Services Agreement with Mercer County Community College for printing services during the period January 1, 2016 through December 31, 2017; 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	X				Griffiths	X			
Davy	M				Lawver	X			
Gnatt	S				Marciante	X			

Mr. Lawver called for a Consent Agenda on Resolutions 2016-1.19 and 2016-1.20. Council Member Davy made a motion to approve Resolutions 2016-1.19 and 2016-1.20, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
Resolution #2016 – 1.19**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN**

**WHEREAS**, the State of New Jersey amended the State laws concerning investment of local government funds with the adoption of Chapter 148, P.L. 1997, and

**WHEREAS**, these new laws expand the responsibility of the Governing Body and the role of the Chief Financial Officer in cash management, and

**WHEREAS**, these new laws require the adoption of a Cash Management Plan, and

**WHEREAS**, the Chief Financial Officer has reviewed the new laws and drafted a Cash Management Plan to conform to those laws and to the current banking and investment practices of the Borough,

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the attached Cash Management Plan is hereby adopted, and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to present this resolution and adopted Cash Management Plan to the State of New Jersey and to all designated depositories and asset managers in accordance with the requirements of the applicable State laws.

**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	M				Lawver	X			
Gnatt	X				Marciante	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2016 – 1.20**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2016**

**WHEREAS**, under New Jersey State Statute 40A:5-43 and New Jersey Administrative Code 5:30-9.1 through 5:30-9.10, local municipal units are permitted to offer residents electronic payments; and

**WHEREAS**, subject to those provisions the Borough of Pennington seeks to offer to its residents on-line payment for tax and utility charges in the form of on-line banking and credit cards; and

**WHEREAS**, the Borough’s current tax and utility software provider, Edmunds & Associates, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,200.00 per billing module, for a total of \$2,400.00 per year, and

**WHEREAS**, The Bank of Princeton has agreed to reimburse the Borough the fees charged by Edmunds & Associates, as described above; and

**WHEREAS**, under the provisions of the aforementioned statute and administrative code, Edmunds & Associates has named Links2Gov as their secured payment provider; and

**WHEREAS**, the charges paid by the property owner to the provider will be \$1.05 per banking transaction, and up to 3.0% on each credit card transaction; and

**WHEREAS**, this agreement shall be in place for one year;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Chief Financial Officer and the Tax and Utility Collector.

**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	M				Lawver	X			
Gnatt	X				Marciante	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2016- 1.21**

**RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE HOPEWELL VALLEY MUNICIPAL ALLIANCE GRANT FOR THE FISCAL YEAR 2016**

**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; and

**WHEREAS**, the Borough 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 has an established Municipal Alliance; and

**WHEREAS**, the Borough of Pennington 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**, that the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey hereby recognizes the following:

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

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

\*Hopewell Township \$7,480.00, Pennington Borough \$1,500.00, Hopewell Borough \$1,170.00

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

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2016-1.21, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2016-1.22**

**RESOLUTION AUTHORIZING LEASE OF PENNINGTON BOROUGH SENIOR CITIZENS’ CENTER TO THE COUNTY OF MERCER**

**WHEREAS**, the Borough of Pennington has leased the multi-purpose room and kitchen facilities of the Hopewell Valley Senior Citizens’ Center to the County of Mercer for use between the hours of 8:00 a.m. and 1:00 p.m., Monday through Friday, by the Mercer County Senior Citizens Nutrition Program;

**WHEREAS**, the aforesaid lease is now proposed to be renewed for the term of two years beginning January 1, 2016 and ending December 31, 2017 at the rate of \$11,000.00 for 2016 and \$11,500.00 for 2017, payable quarterly;

**WHEREAS**, the proposed renewal lease provides for termination by either party upon 90 days’ notice in writing, with rent to be adjusted on a per diem basis;

**WHEREAS**, pursuant to the proposed lease, the County agrees to indemnify and hold harmless the Borough from liability relating to the acts or omissions of the County, provided such acts are not attributed in any way to the negligence of the Borough;

**WHEREAS**, the proposed lease requires the Borough to pay for utilities and to arrange for snow removal as necessary, while requiring the County to be responsible for repairs and replacements relating to its activities on the premises as well as for the costs of a telephone installed specifically for its use.

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into the aforesaid Lease, of which a copy is attached, on behalf of the Borough.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2016-1.22, second by Council Member Davy. Mr. Lawver stated that there is a ninety day cancellation clause in the agreement. Mr. Lawver stated that the time is coming where we need to give notice to the Nutrition Program and to the Senior Advisory Board that the building will be put out of service by a certain date. Mr. Griffiths stated that tonight is not the night for this discussion, but it would seem that they should be given at least one year notice. Upon a roll call vote all members present voted in favor of the resolution.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2016-1.23**

**RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE  
 AUDIT IN CONNECTION WITH ISSUANCE OF BONDS BY THE BOROUGH**

**WHEREAS**, in connection with the issuance of bonds the Borough has covenanted with bondholders to provide certain secondary market disclosure information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access Data Port (2009 to present), including audited financial statements, municipal budgets and/or other financial and operating data and ratings changes;

**WHEREAS**, by Resolution 2014-9.4 adopted on September 8, 2014, Borough Council authorized the Chief Financial Officer to engage the services of Phoenix Advisors, LLC, of Bordentown, New Jersey, to conduct a Disclosure Audit related to bonds previously issued by the Borough;

**WHEREAS**, the purpose of the Disclosure Audit was to ensure Borough compliance with its continuing disclosure obligations under bond covenants and SEC regulations;

**WHEREAS**, Borough Council now seeks to authorize an agreement with Phoenix Advisors, LLC, to continue its services in the current year to ensure continued disclosure compliance by the Borough;

**WHEREAS**, a proposed form of Agreement submitted by Phoenix Advisors to the Borough’s Chief Financial Officer, by letter dated December 18, 2015, is attached to this resolution;

**WHEREAS**, the proposed Agreement would retain Phoenix Advisors to perform in this fiscal year continuing disclosure agent service for an annual fee of \$950 for up to three (3) outstanding issues plus \$100 for each additional outstanding bond issue;

**WHEREAS**, the proposed Agreement would also name Phoenix Advisors as the Borough’s Independent Registered Municipal Advisor of Record, for no additional fee, to ensure its availability to answer questions and provide preliminary project and financing analysis for the Borough as needed;

**WHEREAS**, Phoenix Advisors agrees to comply with Anti-Discrimination and Affirmative Action laws as set forth in the attached Exhibit A;

**WHEREAS**, the funds for this service are available in the Borough’s operating budget in account #: 6-01-20-130-000-251;

**NOW, THEREFORE, B E IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to retain Phoenix Advisors LLC for the aforesaid services, as provided in the attached Agreement, for a sum not to exceed \$950.

**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 2016-1.23, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2016-1.24**

**RESOLUTION AUTHORIZING CONTRACT WITH  
CITY CONNECTIONS, LLC**

**WHEREAS**, the Borough of Pennington has need for WebPage development, storage and maintenance services;

**WHEREAS**, the Borough seeks to enter into contract with City Connections, LLC of Hazlet, New Jersey (“City Connections”) for provision of these services in 2016;

**WHEREAS**, the form of proposed contract entitled WebPage Development Agreement, is attached to this Resolution;

**WHEREAS**, the total fee for services under the Agreement shall not exceed \$2,414.00 without the prior written approval of Borough Council;

**WHEREAS**, City Connections shall comply with all applicable Anti-Discrimination and Affirmative Action laws as set forth in the annexed Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid WebPage Development Agreement with City Connections on behalf of the Borough.

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2016-1.24, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2015 – 1.25**

**RESOLUTION AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH APPRAISER JOSEPH L. MAZOTAS IN CONNECTION WITH BOROUGH INTERVENTION IN HOPEWELL TOWNSHIP VS. DIRECTOR, DIVISION OF TAXATION, NOW PENDING IN STATE TAX COURT**

**WHEREAS**, on or about November 12, 2015, the Township of Hopewell filed a complaint with the Tax Court of New Jersey encaptioned Township of Hopewell v. Director, Division of Taxation, seeking to appeal the table of equalized valuations certified by the Director as of October 1, 2015 (“Table”);

**WHEREAS**, Pennington Borough is a member of the Hopewell Valley Regional School District, together with Hopewell Township and Hopewell Borough, and the Table is used to apportion the appropriations of the regional school district among the municipalities based upon equalized valuation of their ratable wealth;

**WHEREAS**, the purpose of the litigation is to have the Court rule out the use of a certain real estate transaction used by the Director in computing the Table, thereby adjusting the Table to increase the ratio of assessed valuation to true value of real property in the Township;

**WHEREAS**, if Hopewell Township is successful in its appeal, its share of the appropriations of the Hopewell Valley Regional School District will be substantially reduced and the share of Pennington Borough will be substantially increased;

**WHEREAS**, the Court in Township of Hopewell v. Director, Division of Taxation has permitted Pennington Borough and Hopewell Borough to intervene in the litigation as defendant-intervenors, and both Boroughs will be represented jointly by the same attorney with a 50/50 sharing of fees and reimbursements;

**WHEREAS**, expert appraisal services are required to prepare and prosecute the position of the Boroughs in the litigation and for this purpose the Borough has retained Joseph L. Mazotas, MAI, 344 Nassau Street, Princeton, New Jersey 08540 (“Appraiser”);

**WHEREAS**, pursuant to the Professional Services Agreement with Mr. Mazotas, he is to compensated at the rate of \$175 per hour plus reimbursement of reasonable out-of-pocket costs, with total fees and reimbursements not to exceed \$3,000.in the aggregate;

**WHEREAS**, the pace of the litigation has been accelerated and Mr. Mazotas’ participation has been substantial, causing his maximum compensation to be exceeded;

**WHEREAS**, as the result of his participation in depositions on December 30, 2015, his aggregate time and charges now exceed \$3,000 by \$937.50;

**WHEREAS**, Mr. Mazotas has been asked to generate a report based on the documentary and testimonial discovery to date, in time for the scheduled trial on January 7, 2016 and/or such other dates in January 2016 as the Court may designate;

**WHEREAS**, the trial of this matter will require Mr. Mazotas to testify as an expert on the Borough’s behalf;

**WHEREAS**, on the advice of the Borough Attorney, Borough Council recognizes the need for an increase in the maximum compensation payable to Mr Mazotas in the estimated amount of \$4,000;

**WHEREAS**, all fees and reimbursements shall be shared 50/50 between Pennington Borough and Hopewell Borough;

**WHEREAS**, the necessary funds are available for the Borough’s share of these increased costs;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that amendment of the Professional Services Agreement between Pennington Borough/ Hopewell Borough and Joseph L. Mazotas, MAI, to increase the total cap on Mr. Mazotas compensation to \$8,000. is hereby authorized, with the understanding that it shall be shared 50/50 with Hopewell Borough pursuant to the Boroughs’ joint agreement with Mr. Mazotas.

**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	X			
Gnatt	S				Marciante	X			

Council Member Chandler made a motion to approve Resolution 2016-1.25, second by Council Member Gnatt with all members present voting in favor.

**Borough of Pennington  
Resolution #2016 – 1.26**

**RESOLUTION AUTHORIZING A CONTRACT WITH CM3 BUILDING SOLUTIONS ON BEHALF OF INVENSYS BUILDING SYSTEMS FOR THE SUPPORT AND MAINTENANCE OF ITS PROPRIETARY SOFTWARE AND FOR RELATED EQUIPMENT REPAIR IN CONNECTION WITH OPERATION OF THE HVAC SYSTEM FOR BOROUGH HALL FOR 2016 AND 2017**

**WHEREAS**, Invensys Building Systems (“Invensys”) is the designer of specialized software and equipment for the monitoring and regulation of HVAC systems and the identification of system-related problems requiring maintenance and repair; and Invensys has designed and installed such a control system for Borough Hall;

**WHEREAS**, the central component of the Invensys control system installed in Borough Hall for the monitoring and regulation of the HVAC system is a central control module designed and constructed by Invensys which consists of proprietary hardware and software and is connected to an Invensys-designed circuit of sensors throughout the building;

**WHEREAS**, CM3 Building Solutions (“CM3”) is an authorized factory representative of Invensys and is licensed by Invensys to conduct all operations necessary to support and maintain the proprietary hardware and software of Invensys;

**WHEREAS**, the Borough seeks to enter into an agreement with CM3 on behalf of Invensys for the years 2016 for the maintenance of the central control module and related circuitry and sensors and for the performance of equipment repairs as needed by this control system;

**WHEREAS**, the most important services to be provided by CM3 on behalf of Invensys under the proposed agreement relate to the support and maintenance of the central control module and related proprietary hardware and software used to monitor and regulate the HVAC system;

**WHEREAS**, the equipment repair services to be performed by CM3 on behalf of Invensys under the proposed agreement are incidental to and interrelated with maintenance of its proprietary hardware and software and combining responsibility for maintenance of that proprietary system in a single contract with responsibility for related equipment repair ensures accountability for repairs;

**WHEREAS**, the contract price for services relating solely to repair of equipment is below the threshold for public bidding, and the amount in question combined with the problems inherent in coordinating repairs with the use of proprietary software makes solicitation of competitive quotations not practicable;

**WHEREAS**, the proposed agreement, for a term of two years beginning January 1, 2016, subject to annual renewals and on the availability of funding as required by law, as appropriate thereafter, is therefore exempt from public bidding pursuant to the exceptions set forth in N.J.S.A. 40A:11-5(1)(dd) and N.J.S.A. 40A:11-6.1a and related regulations;

**WHEREAS**, the terms of the contract with CM3 on behalf of Invensys will be reviewed and revised to the satisfaction of the Borough Attorney and such contract shall not exceed the contract price of \$14,112 for 2016 and \$14,532 for 2017;

**WHEREAS**, prior to entering into the contract, CM3 and Invensys shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made or will make during the term of this contract a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to execute a contract with CM3 on behalf of Invensys as aforesaid.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2016-1.26, second by Council Member Griffiths. Mr. Bliss stated that this enterprise developed the software that governs the heating and air conditioning system in the building and therefore we are permitted to deviate from normal practice under the Local Public Contracts Law. Mr. Bliss stated that the resolution is written as a one year contract, but after the resolution was prepared we contacted CM3 and they provided a two year contract. Mr. Bliss proposed changes to the resolution to allow for a two year contract as opposed to a one year contract. Mr. Griffiths stated that he does not understand how it could cost this much for proprietary software. Mrs. Sterling stated that this is not just for the software it covers all of the maintenance of the system. Mrs. Heinzel stated that they spend a lot of time here doing maintenance and repairs. Mr. Bliss stated that the problem is that the system is oversized for the building. Mr. Bliss stated the reason he mentioned the software is that is the reason for deviation from the Local Public Contracts Law. Mr. Griffiths asked Mrs. Heinzel to speak with Mr. Smith to find out what is actually covered and if this can be bid out. Mr. Lawver suggested looking into replacing the oversized system. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2016 – 1.27**

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

**WHEREAS**, Richard Smith was appointed Superintendent of Public Works 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**, by Resolution 2015-3.11, Richard Smith’s re-appointment as Superintendent of Public Works, for his first full year, was formally approved effective January 1, 2015;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Richard Smith again is hereby appointed as Superintendent of Public Works effective January 1, 2016.

**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	M				Lawver	X			
Gnatt	S				Marciante	X			

Council Member Davy made a motion to approve Resolution 2016-1.27, second by Council Member Gnatt with all members present voting in favor.

**Borough of Pennington  
 Resolution #2016 – 1.28**

**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 \$ 175,806.37 from the following accounts:

Current	\$ 112,837.42
W/S Operating	\$ 60,413.25
Developers Escrow	\$ 2,555.70
<b>TOTAL</b>	<b>\$ 175,806.37</b>

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2016-1.28, second by Council Member Griffiths with all members present voting in favor.

**Council Discussion**

**Proposed Shade Tree Ordinance Amendments** - Mr. Lawver stated that the Shade Tree Committee drafted some changes to the Shade Tree Ordinance to address the tree root/sidewalk issue and the next step is to have Mr. Bliss review and make recommendations. Mr. Bliss stated that the Shade Tree Committee is currently advisory to the Borough Council only and the Borough Council exercises all of the powers and duties of a Shade Tree Commission with the advice of the Shade Tree Committee. Mr. Bliss stated that the committee has amended the Ordinance to include the removal of trees which is the thing that was hanging us up. Mr. Bliss stated that the changes are ok, however what is missing is criteria and more importantly the issue of payment. Mr. Lawver stated that the proposal is that any trees that the Shade Tree Committee deems to be eligible for removal will be taken down by the Borough staff or someone contracted by the Borough. Mr. Lawver stated that if a tree in the right of way is deemed by the committee to be safe, but the homeowner insists it be taken down, then the homeowner can do that at their expense, but the Borough would do the work or hire a contractor and the homeowner will be billed. Mr. Lawver stated that they will also be billed for a new shade tree to be planted elsewhere. Mr. Bliss stated that the ordinance could use some specificity along those lines because initially he was not sure that it was precise enough as to how tree removal would be paid for. Mr. Lawver stated that the criteria that the committee has is whether the tree is healthy and if it is healthy and does not pose a public hazard then their position is that it should stay in place. Mr. Bliss asked for clarification of the changes. Discussion took place with regard to planting, care and removal and responsibility with regard to trees in the public right of way. Mr. Bliss stated that there should be an emergency clause to allow for tree removal if a tree needs to be removed and it was included in the budget. Mr. Marciante stated that many of the trees in Pennington have the Pin Oak disease and it spreads. Mr. Lawver stated that this ordinance does not address that; it would be part of the budgeting process. Mr. Lawver stated that when the Borough develops the shade tree budget, provisions would be made for disease trees. Mr. Bliss asked what happens if a tree falls down. Mrs. Chandler stated that insurance would kick in and the responsible insurance party would be the damaged persons insurance and not the tree owners insurance. Mr. Bliss stated that there is a claim back for liability if the owner has not taken care of the tree. Mrs. Heinzl stated that there have been several instances with regard to sidewalk repairs where a homeowner has gone ahead and had their contractor trim tree roots without approval of the Shade Tree Committee or they have trimmed the roots when the Shade Tree Committee has said that the roots should not be trimmed.

Mrs. Heinzl stated that the instructions on the permit application say that if there is a tree root involved with the sidewalk repair you can't touch it and the Shade Tree Committee will do the work. Mrs. Heinzl stated that in practice the Shade Tree Committee comes out and gives an opinion and then the homeowner would hire a company that comes in and does the work. Mrs. Heinzl stated that the Borough has immunity from liability for making these decisions but her concern is that when a private homeowner just goes ahead and does the work or the Shade Tree Committee itself does not actually contract out for the work, do we lose that immunity. Mr. Bliss stated that the reason immunity would be an issue is because you have a commission with separate legislative authority so the immunity extends to the commission but it is not necessary with a committee because the Borough Council is the Shade Tree Commission effectively. Mrs. Heinzl stated that in cases where a homeowner has trimmed roots without proper approval, letters have gone out advising them of the violation. Mrs. Heinzl stated that the other point is that the permit application requires that the Shade

Tree Committee would do the work. Mr. Lawver stated that needs to be changed. Mrs. Chandler asked if there should be something in the ordinance. Mr. Bliss stated that this ordinance does not contain a prohibition against removal of trees by private citizens. Mr. Bliss stated that it should be made explicit the idea that the Borough has to approve cutting the roots. Mr. Lawver stated that there is no perfect solution, but we should try to capture as much as we can. Mr. Bliss stated that we need to give some thought to making explicit the cutting of roots.

### **Professional Reports**

Mrs. Heinzl stated that in the absence of Mr. Smith she would like to point out that Mr. Smith's council report shows a savings of \$10,000 for the year for the Yard Waste Collection Program.

Mrs. Chandler stated that she would like to meet with Rick Smith, Joanne Held and Eileen Heinzl to discuss a household waste compost program.

Mrs. Heinzl asked Council if they would like to schedule a special meeting to formally appoint a Sergeant in the Police Department. Mrs. Heinzl stated that Mr. Meytrott will be conducting interviews this week. Mrs. Gnatt asked that a closed session meeting be scheduled for the February meeting to include Tom Ogren and a discussion of Open Space properties. Mrs. Chandler stated that Historic Preservation will be coming to the February meeting so could the Open Space discussion be held in March. Mrs. Heinzl stated that the Green Team is scheduled for March. Council agreed to schedule Open Space for April as there is no rush on Open Space. Mrs. Heinzl asked for some dates for a Special Meeting. Mr. Meytrott stated that he and the Administrator have discussed this and following the interviews a recommendation would be made to the Public Safety Committee and then the sub-committee would make a recommendation to Council. Mr. Meytrott stated that the three applicants are all from in house. Mrs. Heinzl stated that Thursday, January 14<sup>th</sup> is the soonest date for a Special Meeting. Mr. Griffiths asked why this needs to be done at a Special Meeting and why can't it wait until the February meeting. Mr. Meytrott stated that he has no problem announcing the recommendation in house and then making the appointment at the February meeting. After a brief discussion, Council agreed to make the appointment at the February meeting.

Mr. Marciantie stated that the house on Burd Street still has a blue tarp covering the roof and it is falling apart and spreading debris all over. Mrs. Chandler asked if the Health Department has looked at this house. Mrs. Heinzl stated that the property management firm seems to respond to a notice of violation so for example, they received a notice of violation on the sidewalk and the sidewalks have been fixed, they got a notice of violation on the porch that was caving in and they have gone out to bid for the work. Mrs. Heinzl stated that the question is whether there is a violation that we can issue a notice to the property management firm. Mrs. Heinzl stated that she and Mr. Meytrott have looked at the nuisance ordinance and it could be read very generously and say that there is a violation but it would probably not stick. Mr. Lawver stated that there is really nothing that the Borough can do. Mr. Meytrott stated that it is more of a property maintenance issue as opposed to a safety issue. Mr. Meytrott stated that we could send a notice of violation and if they respond unfavorably we could withdraw it. Mr. Meytrott stated that the health department has looked at the house and determined it is not a health hazard. Mr. Griffiths stated that he would suggest sending a notice of violation and see what happens. Council Members agreed that a notice of violation should be sent under the nuisance ordinance siting that the tarp is shredding and unsightly.

Mr. Davy asked if Council wanted to consider an ordinance that would address situations like this one. Mrs. Heinzl stated that she has looked into these types of ordinances and maybe the Public Works Committee could look into it further.

At 9:14PM, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk