

**Pennington Borough Council  
Regular Meeting – March 2, 2016**

Council President Joseph Lawver 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. Mayor Persichilli and Council Member Gnatt were absent.

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

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

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

**Presentations**

Mr. Lawver invited Joanne Held to come forward for a report on the Hopewell Valley Green Team. Mrs. Held stated that Margret Van Vueren is with her tonight and Margret is also a representative on the Green Team for Pennington Borough. Mrs. Held thanked Council for the opportunity to bring Borough Council up to date on some of the activities that the Green Team is involved in and especially those relating to Pennington Borough. Mrs. Held stated that a few years ago, in October of 2009, the three Hopewell Valley Municipalities established by resolution the Hopewell Valley Green Team and named representatives from each of the three towns. Mrs. Held stated that she and Margret are the representatives for Pennington Borough and there are two representatives from Hopewell Borough and a handful of representatives from Hopewell Township. Mrs. Held stated that they meet monthly and share ideas, work on projects and hear from speakers. Mrs. Held stated that there is a group of people that are interested in the work of the Hopewell Valley Green Team and also interested in environmental issues in general. Mrs. Held stated that these interested parties are notified of the Green Teams activities, the meetings and what they are working on. Mrs. Held invited anyone who might be interested in becoming a “Green Friend” to let Mrs. Heinzl know and she will include interested persons on the e-mail list. Mrs. Held stated that she was originally planning to come to Council to ask for money. Mrs. Held stated that the Green Team has not been included in the budget in the past and they have managed to work with volunteers and doing things through donations and the good news for this year is that the Green Team was able to get two grants. Mrs. Held stated that earlier in their history the Green Team got a grant and so they have been able to find funds through the Sustainable Jersey Program to help with efforts that require small amounts of money.

Mrs. Held stated that there are two major projects that they have been working on. Mrs. Held stated that the one that gets the most attention and a lot of support from the public is the recycling efforts. Mrs. Held stated that they have done some education to let people know what should go into curbside recycling and what should not and if it can't go out to the curb, where can it go. Mrs. Held stated that she gets phone calls from residents asking what to do with specific items. Mrs. Held stated that they have collected CD's and DVD's, Styrofoam egg cartons, wine bottle corks and dental care products. Mrs. Held stated that these items are then sent off to places that will turn them into something else. Mrs. Held stated that in conjunction with the Pennington Farmer's Market they have collected number 5 plastics. Mrs. Held stated that their big thing though is Styrofoam which is collected twice a year once here at the Pennington Public Works facility and once at the Hopewell Township Public Works facility. Mrs. Held stated that they fill a large dump truck with Styrofoam at each event. Mrs. Held stated that the dates are already set and on the calendar. Mrs. Held stated that they have held shredding events and those collections count towards our Recycling Tonnage report. Mrs. Held stated that there is another shred event scheduled on the calendar in conjunction with a Styrofoam collection.

Mrs. Held stated that they also do some other education outreach and they have a Green Team website, Hopewellvalleygreenteam.org and on that they try to compile links to things that residents have been asking about. Mrs. Held stated that through one of the grants they have tried to beef up the web-site, but if anyone visits the web-site and sees something that needs to be addressed please let her know.

Mrs. Held stated that they also work with other Mercer County Green Teams in a coalition called the Mercer County Sustainability Coalition and through that group they are able to do some bigger things. Mrs. Held stated that the most important thing right now is the “Living Local Expo” which will be held on March 19<sup>th</sup>. Mrs. Held handed out postcards with information on the event. Mrs. Held stated that this is the 10<sup>th</sup> year for the expo and it draws quite a few people.

Mrs. Held stated that they recently decided to establish four committees that could focus more energy on some of the things that the Green Team is interested in. Mrs. Held stated that the Recycling Committee which is chaired by Margret Van Vueren has already started a few small initiatives. Mrs. Held stated that the Energy Committee is just starting up and they are thinking about having a forum for residents to sort through all of the different options for solar panels. Mrs. Held stated that they have a Green Business Recognition Committee which has been discussed for several years but has not gotten off the ground so hopefully this committee will be able to focus on recognizing local businesses that are doing good things with regard to sustainability. Mrs. Held stated that finally they have a Visioning Committee that will be working on looking at the big picture and deciding on where the group should be going and what sorts of things they should be

doing. Mrs. Held stated that finally she would just like to mention that she and Margret are working with Mrs. Heinzl and Ricky Smith to try and get Pennington certified at the Bronze level as a sustainable community. Mrs. Held stated that they are on line, they have loaded up a couple of documents and they have a plan going forward to achieve the Bronze status. Mrs. Held stated that the good thing about getting certified is that it will open up opportunities for programs such as PSE&G has a program where they come in and audit Borough buildings, decide what needs to be done and payments for work are made through the electric bill.

Mrs. Held stated that the Green Team can be a resource if environmental or sustainability issues come along and the Borough wants to bounce ideas off of them or get more feedback. Mrs. Held stated that the Green Team is working with Pennington Day with regard to recycling and they will also have a booth at the event.

Mrs. Held stated that she would like to put on her Pennington Farmers Market hat for a minute and announce that opening day will be May 28<sup>th</sup>.

Mr. Lawver asked if there has been any thought given to conducting a complete sustainability overview of the Borough's operations. Mrs. Held stated that there is an action in the Sustainable Jersey Program that she thinks would look at that and they have suggestions for steps to follow because it is a big project and it is hard to determine where to start. Mrs. Held stated that we are currently doing bits and pieces and looking at the big picture periodically would be a good idea. Mrs. Held stated that she would take a look and see what she can find. Mrs. Van Vueren stated that trying to get the certification is an exercise in working towards that because you have to list what you are doing and there are opportunities to get more points that could be implemented. Mrs. Held stated that some of the things have already been done like getting credit for the Borough Open Space Ordinance and the Complete Streets Ordinance. Mr. Lawver stated that there are a lot of things that maybe with a little more attention whether through the certification or just having another set of eyes review things. Mr. Lawver stated that there are small steps that can be taken like going paper free for Council Meetings or using green cleaning products.

Mr. Lawver thanked Mrs. Held and Mrs. Van Vueren for their presentation.

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

Mr. Lawver read the following statement:

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

There were no comments from the public.

### **Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the January 13, 2016 Special Meeting, second by Council Member Davy with all members present voting in favor.

### **Committee Reports**

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

**Public Works / Personnel** –Mr. Davy stated that the Public Works Committee met with residents of King George and Park Avenue to present the design of both projects and to answer questions from residents. Mr. Davy stated that he thinks that residents left generally happy with the program that was presented. Mr. Davy stated that the Borough is still waiting for authorization from the NJEIT and once that is received we are ready to advertise and accept bids for the water main projects.

**Parks & Recreation / Library / Shade Tree / Senior Advisory** – Mr. Lawver stated that Abigail Meletti has officially worked her last day and her duties have been parceled out to employees in the Health and Recreation departments. Mr. Lawver stated that there is no word yet as to whether that position will be filled or when that might happen. Mr. Lawver stated that there has been no movement on the Hut so there is continued discussion as to whether the seniors want to take another look at the current Senior Center as a long term solution. Mr. Lawver stated that there is a new Aging in Place initiative under the umbrella of the Municipal Alliance and if anyone is interested he has a contact number.

Mr. Lawver stated that the Shade Tree Commission is diligently working to be in a position to apply for a grant under the 2016 Community Stewardship Incentive Program, they are currently in the process of revising the Forestry Management Plan which is due every five years. Mr. Lawver stated that they are hoping to get a grant application in before the deadline of mid-April.

Mr. Lawver stated that Brett Margulis will rejoin the Parks and Recreation Committee and serve at the Chair for the next two years. Mr. Lawver stated that Michelle Needham will stay on the committee through the transition. Mr. Lawver stated that planning is underway for the usual events beginning with

the Easter Egg Hunt on Saturday, March 26<sup>th</sup>.

Mr. Lawver stated that the Library Board did not meet last month. Mr. Lawver stated that Cindy Persichilli has announced her resignation as Children's Librarian.

**Public Safety** – Mr. Marciante stated that the Police Department is still down one officer due to a Worker's Compensation claim. Mr. Marciante stated that they have looked into options that might help save on overtime expenses. Mr. Marciante stated that the Public Safety Committee will be looking into a light duty policy for the future.

**Finance** – Mr. Griffiths stated that the Finance Committee has had a couple of meetings. Mr. Griffiths noted that Council will be considering a water/sewer rate ordinance later in the meeting. Mr. Griffiths stated that we are very close to finalizing the budget for 2016 which will be introduced at the April 6<sup>th</sup> meeting.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler stated the Historic Preservation Commission met and they are moving forward on the survey of the Historic District.

Mrs. Chandler stated that the Board of Health met and Council received copies of the summary the Boards activities. Mrs. Chandler stated that the rabies clinic will be held on April 2<sup>nd</sup>, information is posted on the website.

Mrs. Chandler stated that the Economic Development Commission met and discussed increasing the number of Historic District banners in town.

Mrs. Chandler stated that this is the last year for the Shared Services Agreement for Health and Animal Control services with Montgomery Township so we should start thinking about that for next year. Mrs. Chandler stated that she would like to invite representatives from the Board of Health to an upcoming meeting to make a presentation.

Mrs. Chandler stated that many things that were funded by the State are now being pushed to the municipalities and one in particular is the TB Clinic which is not a big expense for the Borough, but this is just the first in these types of occurrences.

Mr. Lawver stated that Montgomery Township has done a great job and he is not suggested that we should switch, but should we go back to Hopewell Township for a quote. Mr. Griffiths stated that the problem before was the Hopewell Township's overhead was too high and they did not have the degree of recognition and honors that Montgomery Township has in terms of public health industry honors.

#### **Ordinances for Introduction**

Mr. Lawver read Ordinance 2016-6 by title.

### **BOROUGH OF PENNINGTON ORDINANCE 2016-6**

#### **AN ORDINANCE CONCERNING LAND USE AND LAND USE APPLICATIONS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Planning Board of the Borough of Pennington has recommended various changes to the Borough Code which would amend, supplement or clarify provisions of Chapter 215 concerning Zoning, Chapter 163 concerning site plan approval, and Chapter 185 concerning Swimming Pools;

**WHEREAS**, Borough Council of the Borough of Pennington accepts the recommendations of the Planning Board and seeks to amend the Code accordingly, with [brackets] indicating language to be deleted and underlining indicating language to be added;

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

1. Section 163-54 of Chapter 163 of the Borough Code, concerning exceptions to required site plan approval, is amended as follows

#### **163-4. Site plan approval required; exceptions.**

Prior to the issuance of a building permit or certificate of occupancy for any [new structure other than a single-family dwelling, addition to an existing nonresidential structure, conversion of a one- or two-family dwelling to three or more units or for any new multifamily structure or use] development on a lot wholly or partly in the Borough, a site plan shall be reviewed by the Planning Board [or, where appropriate, by the Board of Adjustment]. No site plan review shall be required for:

- A. A change in occupancy or use of any nonresidential structure where the Borough Zoning Officer has determined that the new use is permitted either by reason of Chapter 215, Zoning, or because of prior Planning

Board or Zoning Board approval, and will not intensify site traffic circulation, required parking or endanger the general health, safety and public welfare; or

B. A rear addition of less than 150 square feet for a one-story addition or 300 square feet for a two-story addition to a commercial structure in a commercial zone, provided that no variances are required and there is no impact on site circulation.

C. Detached one- or two-dwelling unit buildings.

2. Section 185-6.A of Chapter 185 of the Borough Code, concerning the location of swimming pools, is amended as follows:

(1) Private swimming pools, wading pools and hot tubs [No private swimming pool or wading pool] shall be erected in the rear yard only [to extend out beyond the front line of the main building].

(2) No private swimming pool or wading pool shall be larger in area than 50% of the rear yard and in no case shall a pool be constructed less than 15 [six] feet from any [rear] property line [or less than six feet from any side property line].

3. Section 215-31 of Chapter 215 of the Borough Code, concerning sign regulations, is amended to include the following definitions:

**215-31. Definitions and word usage.**

B. Words and phrases used in this article shall have the meanings set forth in this article:

BANNERS, FLAGS, PENNANTS – [A rectangular-shaped fabric sign] Flexible material not permanently attached to a structure which is typically supported by a pole or bracket; [a temporary bracket or device may support the banner].

NEON/TUBULAR Sign – Any sign made of illuminated tubing.

INFLATABLE SIGN – Any inflated display used on a permanent or temporary basis to advertise or draw attention to a business, product or event. Inflatable signs include balloons.

4. Section 215-38 of Chapter 215 of the Borough Code, concerning prohibited signs, is amended as follows

**215-38. Prohibited signs.**

Unless specifically permitted by the approving authority or this article, the following signs are prohibited:

B. Mechanically moving signs, inflatable signs, neon signs, light emitting diode (LED) signs, unshielded bulb signs, flashing signs and animated signs of any kind and signs containing reflective elements except that neon or LED signs are permitted as interior signs in the Highway-Business zone.

5. Section 215-43 of Chapter 215 of the Borough Code, concerning signs permitted in the Highway Business Zone, is amended as follows:

**215-43. Signs permitted in Highway Business Zone.**

In the Highway Business (B-H) zone, the following signs shall be permitted.

F. Interior signs. All signs located on the interior side of a window and intended to be visible from the exterior of the building and located within a distance of 24 inches from the inside face of the glass shall total not more than [40] 20 percent of the glass area of the window behind which they are placed and together with a façade wall sign shall not exceed 10% of the “ground floor entry façade area” as required by Section 215-43 D. No interior sign lighting shall exceed one foot candle, measured at a distance of two feet from the light source.

\* \* \*

J. In addition to the above applicable signs, each permitted non-residential use may be permitted one neon or LED sign located on the inside of display windows only. Such sign shall be considered an interior sign, subject to the limitations in Subsection F. above.

\* \* \*

L. Banners, flags and pennants and other moving signs used for advertising purposes, whether containing a message or not, may be permitted to advertise special events including but not limited to grand openings, special sales, and promotion of seasonal events or products, provided the following conditions and procedures are followed:

1. Banners, flags and pennants shall not exceed 20 square feet and no more than two banners, flags, or pennants shall be erected.

2. An application form describing the type and size of the banners, flags or pennants shall be submitted to the zoning officer who shall review such form within 7 days.

3. Banners, flags or pennants shall be removed within the time period stated on the application but no later than 30 days.

4. No approved banners, flags or pennants shall be allowed on more than three occasions during a calendar year.

6. Section 215-55 of Chapter 215 of the Borough Code, concerning restoration of structures, is amended as follows:

**215-55. Restoration.**

Any nonconforming structure or use existing at the time of the passage of this chapter may be restored or repaired in the event of partial destruction thereof, provided that said structure or use thereof is not abandoned or removed. Partial destruction shall occur when the cost of such restoration or repair is less than 50% of the assessed value of the building. In the case of more than partial destruction of any structure or use, any subsequent structure or use shall conform with all provisions of this chapter.

Nothing in this chapter shall prevent any such existing nonconforming structure from being restored to a safe condition or from being repaired, reconstructed or structurally altered, provided that such restoration, repair, reconstruction or alteration would comply with all other municipal regulations and ordinances; and would not [provided, further, that no restoration, repair, reconstruction or alteration shall] in any way enlarge or extend any nonconforming structure or nonconforming use.

7. Section 215-57 of Chapter 215 of the Borough Code, concerning alteration of buildings, is amended to delete the section as follows:

**[215-57. Alterations.**

A nonconforming building may be reconstructed but not enlarged or extended, unless said building is changed to a building conforming or more nearly conforming to the requirements of this chapter; provided, however, that alterations or enlargements that do not increase the degree of nonconformity are permitted.]

8. This ordinance shall take effect upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2016-6, second by Council Member Griffiths. Mr. Lawver asked why new homes are not subject to site plan review under Section 1c and then under Section 2, it seems that properties on a corner lot without a backyard would never be allowed to have a swimming pool. Mrs. Heinzl stated that those properties would have to apply for a variance if they wanted a swimming pool. Mr. Lawver stated that he did not understand why there was a restriction instead of just limiting it to side yard and back yard setbacks which would accomplish the same thing without forcing a homeowner to seek a variance. Mr. Lawver stated that instead of saying that a swimming pool is allowed only in a rear yard, why can't it simply say in no case shall a pool be constructed less than 15 feet from any rear or side yard property line. Council discussed the problem with corner lots. Mrs. Chandler pointed out that the Economic Development Commission reviewed the Ordinance and had no concerns. Mr. Lawver stated that his last point is that LED signs are not allowed but he would like to know why they are not allowed since they are more energy efficient. Upon a roll call vote, all members present voted in favor of introduction of the Ordinance with the exception of Mr. Lawver who voted no.

Mr. Lawver read Ordinance 2016-7 by title.

**PENNINGTON BOROUGH O  
ORDINANCE 2016-7**

**AN ORDINANCE CONCERNING SHADE TREES AND  
AMENDING ARTICLE I, CHAPTER 13 OF THE CODE OF  
THE BOROUGH OF PENNINGTON**

**WHEREAS**, Borough Council seeks to amend Chapter 13 of the Code of the Borough of Pennington to clarify the advisory responsibilities of the Borough Shade Tree Committee pursuant to Article 1, Chapter 13 of the Code of the Borough of Pennington:

**WHEREAS**, the proposed amendments are based in substantial part on the recommendations of the Shade Tree Committee with additional clarification concerning financial responsibility for tree removal in varying circumstances;

**WHEREAS**, this ordinance makes the recommended changes with [brackets] to identify deleted language and underlining to indicate new language;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of

Pennington, as follows:

1. Section 13-1 of Chapter 13 of the Borough Code, concerning the purpose of the Borough Shade Tree Committee, is amended as follows:

**13-1. Establishment; purpose; membership.**

- A. The regulation, planting, care and control of shade and ornamental trees and shrubbery upon and in the streets, highways and public [places] property of the Borough of Pennington, except state highways, unless the State Highway Department shall assent thereto, and except county highways, parks and parkways if a County Shade Tree Commission is operative and gives assent thereto, shall be exercised by and under the authority of the Borough Council. In order to aid the Borough Council in regulating the planting, care and control of shade and ornamental trees and shrubbery upon and in the streets, highways and public [places] property, there is hereby established a Shade Tree Committee.

B. The purpose of [said] the Shade Tree Committee shall be to recommend legislation and other appropriate action to the Borough Council [and to make recommendations] regarding the regulation, planting, care and removal of shade and ornamental trees and shrubbery in the Borough generally.

C. The Shade Tree Committee hereby established shall consist of seven members, who shall be residents of this municipality and, whe[re]n feasible, have experience or expertise in the area of arboriculture or related fields.

2. Section 13-2 of Chapter 13 of the Borough Code, concerning terms of members of the Shade Tree Committee, is amended as follows:

**13-2. Initial appointment; terms.**

The first Shade Tree Committee members shall be appointed by the Borough Council within 60 days after the effective date of this article, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one, two and three years. The term of each appointee shall be designated in his or her appointment. All [subsequent] appointments, except to fill vacancies, made on or after January 1, 2017 shall be for the full term of [five] three years [, to take effect on January 1 of the calendar year next succeeding such appointment].

3. Section 13-3 of Chapter 13 of the Borough Code, concerning organization and expenses of the Shade Tree Committee, is amended as follows:

**13-3. Organization; expenses.**

A. The Shade Tree Committee shall organize within 30 days after the appointment of its total membership for the remainder of the then calendar year and thereafter annually, by the election of one of its members as Chair and the appointment of a Secretary, who need not be a member.

B. Expenses of Shade Tree Committee members in discharging official duties, including expenses incident to attendance at professional meetings, will be [reimbursed] paid by the Borough up to an amount appropriated by the governing body for that purpose in the annual budget provided the expenses are approved in advance by the Borough Administrator

4. Section 13-5 of Chapter 13 of the Borough Code, concerning the powers and duties of the Shade Tree Committee, is amended as follows:

**13-5. Powers and duties.**

The Shade Tree Committee organized under this article shall have power to:

A. Recommend to the Borough Council legislation and other appropriate action governing the regulation, planting, [and] care and removal of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, [and] park or parkway or [and] public right-of-way, except such as are excluded pursuant to § 13-1A of this article[, including the planting, trimming, spraying, care and protection thereof]. “Care” as used herein shall include trimming, spraying and other measures calculated to protect the health and wellbeing of the tree or shrubbery.

B. Recommend legislation and other appropriate action to the Borough Council regulating [and controlling] the use of the ground in the proximity of [surrounding the same] affected trees and shrubbery, so far as may be necessary for the public safety and for the health, proper growth, care and protection of the trees and shrubbery [thereof].

C. Recommend to Borough Council, with notice to the Borough's Superintendent of Public Works, the need for [the moving or the requiring of the] removal of any tree or part thereof dangerous to public safety. Trees presenting a risk to public safety may include but need not be limited to trees in the public right of way, on public property, or on private property encroaching on the public right of way.

D. Recommend to the Borough Council the making, altering, amending and repeal[, in the manner prescribed for the passage, alteration, amendment and repeal] of ordinances by the governing body [of this Borough, any and all ordinances] necessary or proper for carrying out the provisions hereof.

E. Recommend to Borough Council with notice to the Borough's Superintendent of Public Works the care, treatment or removal of any tree situated upon private property which is believed to harbor a disease or insect harmful to trees or other vegetation, readily communicable to neighboring healthy trees or other vegetation in the care of the municipality, and [to] recommend to Borough Council the entry upon the [enter upon] private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by a certificate issued by or on behalf of the New Jersey Department of [Agriculture] Environmental Protection.

F. Review requests by property owners for the removal of shade and ornamental trees and shrubbery in the public right-of-way, and with respect to each such request, determine whether the requested removal is in the interest of public safety or otherwise in the best interests of the Borough and its residents and make a recommendation to the Borough Council based upon this review and determination.

G. Develop and maintain a list of trees that are recommended for shade tree plantings in the Borough. The list shall provide a variety of options, taking into consideration the regional climate, the size of the tree and its root systems, and the available space for a planting.

H. Encourage arboriculture.

5. Section 13-6 of Chapter 13 of the Borough Code, concerning payment of costs, is hereby deleted:

**[13-6. Payment of costs.]**

[The planting of trees on public property, as provided for in the annual budget for the Shade Tree Committee approved by the Borough Council, shall be paid for by the Borough. Where the Shade Tree Committee recommends to the Council the planting of trees on private property but within the public right-of-way, trees shall be planted, provided that the landowner agrees to pay for said trees.]

6. Section 13-[7]6 of Chapter 13 of the Borough Code, concerning procedure for planting or removal of trees, is re-designated Section 13-6 and amended as follows:

**Section 13-6. Procedure and payment for planting or removal of trees.**

- A. Except as otherwise provided herein, the planting, care and removal of trees or parts of trees on public property and on private property but within or encroaching upon the public right of way shall be paid for by the Borough to the extent provided for in the annual budget for the Shade Tree Committee approved by the Borough Council.
- B. The planting, care and removal of trees or parts of trees shall be subject to oversight by the Shade Tree Committee, including but not limited to the cutting of the roots of trees which encroach upon the public right-of-way. The actual work shall be conducted in consultation with and subject to the direction of the Department of Public Works or its designee. It shall be a violation of this ordinance for any property owner to remove a tree or part of a tree in the public right of way.

[A]C. Where a private property owner has requested that a tree or trees be planted [among] within the public right-of-way [in front] along any portion of his or her property, the Shade Tree Committee shall review this request and visit the premises if necessary. The Shade Tree Committee shall consult the list of recommended shade trees for the Borough when considering the type or types of trees that [which] should be planted and their location and size. These considerations shall be made in conjunction with the affected property owner. Upon completion of these considerations, the Shade Tree Committee shall forward to Borough Council and the Borough's Superintendent of Public Works its recommendations [, accompanied by an executed agreement of the property owner who will be benefited by the trees to pay for said tree or trees]. If trees are to be planted, the cost to purchase and plant the trees shall come from the Shade Tree Committee Annual Budget.

[B]D. Where a tree or part of a tree located upon private property but not within the public right of way is dangerous to public safety or requires removal by reason of disease as provided herein, unless public safety or the disease requires immediate removal, the Shade Tree Committee shall give the property owner 10 days' notice that it intends to recommend removal of such tree to [the]

Borough[~~s~~ Superintendent of Public Works] Council. Within that ten-day period, the property owner may request a hearing before the Shade Tree Committee, and the Shade Tree Committee shall report the property owner's objections to the Borough Council. If the Borough Council decides to have the tree or part thereof removed, the costs incurred shall be a lien against the property, unless paid by the property owner.

[C]E. When a property owner requests the removal of a Borough-owned shade or ornamental tree or shrubbery on private property but within the public right of way and a member of the Shade Tree Committee or its qualified agent have visited the property and the Shade Tree Committee and Borough Council have determined that based on inspection the shade or ornamental tree or shrubbery may be removed without detriment to the interests of the Borough and its residents,, taking into account the health, size, location and variety of the tree or shrubbery, Borough Council may arrange for that shade or ornamental tree or shrubbery to be removed. The cost incurred for the removal of the tree(s) and for the replacement of the tree(s) in the same or an alternate location within the Borough shall be a lien against the property, unless paid by the property owner.

F. The planting of trees under the Pennington Memorial Tree Planting Program shall be at the expense of the applicant.

7. Section 13-8 of Chapter 13 of the Borough Code, concerning procedure for planting or removal of trees, is re-designated Section 13-7 and amended as follows:

**Section 13-[8]7. Public improvements affecting trees.**

No statute giving any person or state, county or municipal board, body or official the power or authority to lay any sidewalk along or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a highway shade tree without the consent of the Borough Council. In all cases, the Borough Council shall reasonably cooperate with such person, board, body or official for the general public good. If such action causes injury to or demise of the tree, the person or state county or municipal board, body or official responsible shall pay for a replacement tree meeting the specifications of the Shade Tree Committee pursuant to Section 177-6 of the Borough Code.

8. Section 13-9 of Chapter 13 of the Borough Code, concerning procedure for planting or removal of trees, is re-designated Section 13-8 and amended as follows:

**Section 13-[9]8. Procedure and payment for planting or removal of trees.**

- A. During the month of October in each year the Shade Tree Committee shall certify to the Borough Council the estimated sum necessary for the proper conduct of work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following terms as it is anticipated expenditure will be made for:

(1) Expenses of Shade Tree Committee members in discharging official duties, including expenses incident to attendance at professional meetings.

(2) Purchase and installation of trees and shrubbery.

(3) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

(4) Expense of tree maintenance and removal.

- B. The Borough Council shall annually appropriate such sum as it may deem necessary for said purposes.

9. Section 13-10 of Chapter 13 of the Code, concerning rules of procedure for the Shade Tree Committee, and Section 13-11 of Chapter 13 of the Code, concerning development of a master plan for the planting of trees, shall be re-designated as Sections 13-9 and 13-10, respectively, as follows:

**13.[10]9 Rules of procedure; meetings.**

The Shade Tree Committee shall adopt rules or procedures, which shall provide for a regular public meeting each month.

**13.[11]10 Development of Master Plan for planting of trees.**

The Shade Tree Committee shall develop and recommend to the Borough Council a Borough Master Plan, setting forth those areas of the Borough in need of shade trees along the public right-of-way, the types of tree which should be planted and the approximate locations. The Master Plan should consider the type of zoning, the climate, soil conditions and other factors necessary to evaluate and develop such a plan. Upon completion of the Master Plan, any recommendations for

the planting of trees made pursuant to this section should make reference to this plan, and any variance from the plan should be explained.

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

Council Member Chandler made a motion to introduce Ordinance 2016-7, second by Council Member Marciante. Mr. Lawver requested a minor change on Page 3, Paragraph E (change or to and). Upon a roll call vote, all members present voted in favor of introduction.

Mr. Lawver read Ordinance 2016-8 by title.

**BOROUGH OF PENNINGTON**  
County of Mercer

**Ordinance No. 2016-8**

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

**WHEREAS**, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

**1. Section 206-1 of the Code of the Borough of Pennington, pertaining to base and usage charges, is hereby amended as follows (with deletions bracketed and new language underlined):**

§ 206-1. Base and usage charges.

Base and usage charges for water and sewer customers and related provisions are set forth in Section 98-41 of the Code.

[ A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less  [From] To (Percent Change)	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons) [From] To (Percent Change)
Less than 1	\$29.08 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)
1	\$44.39 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)
2	\$126.82 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)
3	\$282.91 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)
4	\$415.77 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)
6	\$776.89 (+4.0%)	\$6.85 (+4.0%)	\$7.26 (+4.0%)	\$7.98 (+4.0%)	\$9.33 (+4.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
\$32.22 (+4.0%)	\$7.31 (+4.0%)	\$7.82 (+4.0%)	\$8.40 (+4.0%)	\$9.05 (+4.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.]

2. **Section 98-41 of the Code, concerning water and sewer charges, is hereby amended as follows:**

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
Less than 1	[\$29.08] <u>\$29.66</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] \$8.14 (+[4]2.0%)	[\$9.33] <u>\$9.52</u> (+[4]2.0%)
1	[\$44.39] <u>\$45.28</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] \$8.14 (+[4]2.0%)	[\$9.33] <u>\$9.52</u> (+[4]2.0%)
2	[\$126.82] <u>\$129.36</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] \$8.14 (+[4]2.0%)	[\$9.33] <u>\$9.52</u> (+[4]2.0%)
3	[\$282.91] <u>\$288.57</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] \$8.14 (+[4]2.0%)	[\$9.33] <u>\$9.52</u> (+[4]2.0%)
4	[\$415.77] <u>\$424.09</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] \$8.14 (+[4]2.0%)	[\$9.33] <u>\$9.52</u> (+[4]2.0%)
6	[\$776.89] <u>\$792.43</u> (+[4]2.0%)	[\$6.85] \$6.99 (+[4]2.0%)	[\$7.26] <u>\$7.41</u> (+[4]2.0%)	[\$7.98] <u>\$8.14</u> (+[4]2.0%)	[\$9.33] \$9.52 (+[4]2.0%)

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge 4,000 Gallons or Less	First Excess Usage Block Charge 4,001-20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,00-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)	[From] To (Percent Change)
[\$32.22] <u>\$32.86</u> (+[4]2.0%)	[\$7.31] <u>\$7.46</u> (+[4]2.0%)	[\$7.82] <u>\$7.98</u> (+[4]2.0%)	[\$8.40] <u>\$8.57</u> (+[4]2.0%)	[\$9.05] <u>\$9.23</u> (+[4]2.0%)

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on March 1, June 1, September 1 and December 1.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Griffiths made a motion to introduce Ordinance 2016-8, second by Council Member Chandler. Mr. Griffiths stated that he has a press release ready to be sent to the paper explaining the increase. Upon a roll call vote, all members present voted in favor.

Mr. Lawver read Ordinance 2016-9 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE #2016 - 9**

**AN ORDINANCE FURTHER 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 established a salary for the Electric Sub Code Official at \$10,286.25;

**WHEREAS**, Borough Council now seeks to change compensation of the Electric Sub Code Official to \$38.00 per hour, effective March 1, 2016;

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

Borough Administrator	\$ 50,000.00
Borough Clerk	\$ 40,116.40
Treasurer	\$ 63,638.48
Tax Collector	\$ 28,821.78

Utility Collector	\$ 28,821.78
Technical Assistant to Construction	\$ 11,206.43
Tax Assessor	\$ 12,240.00
Zoning Officer	\$ 8,283.12
Land Use Admin/Admin Asst.	\$ 48,277.06
Deputy Registrar	\$ 2,086.05
Supt. Of Public Works – Effective January 1, 2015	\$76,500.00
Effective July 6, 2015	\$84,000.00
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 - <u>Effective March 1, 2016</u>	\$38.00/hour [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 Griffiths made a motion to introduce Ordinance 2016-9, second by Council Member Davy with all members present voting in favor.

**Ordinances for Public Hearing and Adoption**

Mr. Lawver read Ordinance 2016-3 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2016-3**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A GENERATOR IN AND BY  
THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$85,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$80,750  
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 \$85,000, including a \$75,000 grant expected to be received from the Federal Emergency Management Agency Hazard Mitigation Grant Program (the "Grant") and further including the sum of \$4,250 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 and in anticipation of receipt of the Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$80,750 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 a generator, 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 \$80,750, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$2,000 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(a) 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 Griffiths made a motion to open the Public Hearing on Ordinance 2016-3, second by Council Member Chandler. There were no comments from the public. Council Member Griffiths 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 2016-3, second by Council Member Davy. Mr. Marciante stated that this was discussed at the Public Works Committee level and they are looking into having this generator moved from the Public Works Building to the Borough Office. Mr. Lawver stated that there has also been discussions regarding the engineering costs for the project and if there may come a time when Council may need to look at this again to determine whether it is worthwhile to spend the money for this project. Upon a roll call vote, all members present voted in favor of adoption.

Mr. Lawver read Ordinance 2016-4 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2016-4**

**BOND ORDINANCE PROVIDING FOR KING GEORGE ROAD/PARK AVENUE WATER MAIN REPLACEMENT FOR THE WATER UTILITY IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,125,000 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,125,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,125,000 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 King George Road/Park Avenue water main replacement for the water utility, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures 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 self-liquidating purpose of a municipal public utility. 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 40 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 \$1,125,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$345,385 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.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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(a) 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 "Rule") 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 Chandler made a motion to open the Public Hearing on Ordinance 2016-4, second by Council Member Davy. 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 Ordinance 2016-4, second by Council Member Davy with all members present voting in favor of adoption.

Mr. Lawver read Ordinance 2016-5 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2016-5**

**BOND ORDINANCE PROVIDING FOR EAST CURLIS AVENUE/WEIDEL DRIVE WATER MAIN REPLACEMENT FOR THE WATER UTILITY IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$920,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$920,000 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$920,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$920,000 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 East Curlis Avenue/Weidel Drive water main replacement for the water utility, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures 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 self-liquidating purpose of a municipal public utility. 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 40 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 \$920,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$254,050 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.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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(a) 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 "Rule") 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 Chandler made a motion to open the Public Hearing on Ordinance 2016-5, second by Council Member Davy. 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 Davy made a motion to adopt Ordinance 2016-5, second by Council Member Griffiths with all members present voting in favor.

**New Business**

**Borough of Pennington  
 Resolution #2016 – 3.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Baycoast Bank c/o CoreLogic Real Estate Tax Services, PO Box 961250, Fort Worth, TX 76161-9858, for refund of 2016 1<sup>st</sup> quarter taxes, Block 801, Lot 10, also known as 4 Kings Court, in the amount of \$390.73.

**BE IT RESOLVED**, that a refund be issued to Cumanet (Affinity) c/o CoreLogic Real Estate Tax Services, PO Box 961250, Fort Worth, TX 76161-9858, for refund of 2016 1<sup>st</sup> quarter taxes, Block 907, Lot 3, also known as 26 Ingleside Avenue, in the amount of \$485.75.

**BE IT RESOLVED**, that a refund be issued to Andrew B. Carver, formerly at 300 North Main Street, Pennington, NJ 08534, now residing at 3319 Cleremont Drive, Muscatine, Iowa 52761, for an overpayment of water and sewer charges, Acct. No. 17, Block 103, Lot 6, in the amount of \$39.62.

**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 2016-3.1, second by Council Member Griffiths with all members present voting in favor.

**Borough of Pennington  
 Resolution #2016 – 3.2**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 3,795,987.07 from the following accounts:

Current	\$ 3,699,287.17
W/S Operating	\$ 86,652.68
Open Space Fund	\$ 259.00
Trust Fund	\$ 100.00
Animal Control Fund	\$ 525.00
Developer's Escrow	\$ 9,163.22
<b>TOTAL</b>	<b>\$ 3,795,987.07</b>

**Record of Council Vote on Passage**

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

Council Member Griffiths made a motion to approve Resolution 2016-3.2, second by Council Member Chandler. Mr. Lawver stated that the bill for McManimon & Scotland from the last meeting will be reversed as per a conversation with Mr. McManimon. Mr. Lawver stated that the bill is still showing on the bill list, but it is on hold and is not included in the amount to be approved. Mr. Lawver asked why there are two bills for phone service for the Alcotest machine, one from Verizon and one from MCI. Mr. Meytrott stated that he would have to look into it. Sgt. Pinelli was in the audience and he responded that one line is for the State Police so that they can monitor the machine directly and one is for the actual use of the machine. Mr. Lawver asked about a bill for a maintenance contract with Princeton Air. Mr. Smith responded that they service the de-humidifier in the main office and also do work at the Senior Center. Upon a roll call vote all members present voted in favor.

**Borough of Pennington  
 Resolution #2016-3.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE  
 2016 TEMPORARY BUDGET**

**WHEREAS**, the 2016 Budget for the Borough of Pennington has not been adopted; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made in the 2016 Temporary Budget for the Current Account.

Administration	Salaries	\$5,000.00
Municipal Clerk	Salaries	\$7,000.00
Municipal Clerk	Other Expense	\$5,000.00
Financial Administration	Salaries	\$7,000.00
Financial Administration	Other Expense	\$5,000.00
Tax Collection	Salaries	\$5,000.00
Tax Assessment	Salaries	\$1,000.00
Economic Development	Other Expense	\$675.00
Legal Services	Other Expense	\$10,000.00
Engineering Services	Other Expense	\$25,000.00
Planning Board	Salaries	\$5,000.00
Construction	Salaries	\$4,000.00
Group Insurance	Other Expense	\$25,000.00
Police	Salaries	\$40,000.00
Police	Other Expense	\$5,000.00
Streets	Salaries	\$40,000.00
Streets	Other Expense	\$20,000.00
Trash	Salaries	\$20,000.00
Library	Salaries	\$10,000.00
Library	Other Expense	\$10,000.00
Municipal Court	Salaries	\$2,000.00
	<b>Total</b>	<b>\$251,675.00</b>

**BE IT FURTHER RESOLVED**, that the following additional funds be appropriated for the 2016 Temporary Budget for the Water and Sewer Fund:

Water	Salaries	\$40,000.00
Water	Other Expense	\$50,000.00
Sewer	Other Expense	\$10,000.00
SBRSA	Other Expense	\$70,000.00
Group Insurance	Other Expense	\$25,000.00
	<b>TOTAL</b>	<b>\$195,000.00</b>

**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	S				Lawver	X			
Gnatt				absent	Marciante	X			

Council Member Griffiths made a motion to approve Resolution 2016-3.3, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2016 – 3.4**

**RESOLUTION AUTHORIZING AMENDMENT OF CONTRACT WITH  
 VAN NOTE-HARVEY ASSOCIATES FOR PROFESSIONAL  
 SERVICES TO PENNINGTON WATER AND SEWER UTILITY**

**WHEREAS**, Borough Council has determined that the Water and Sewer Utility of the Borough, known as the Pennington Water and Sewer Company, requires the professional services of a consulting engineer with in-depth knowledge and experience relating to the operation of Pennington’s water and sewer systems;

**WHEREAS**, Van-Note-Harvey Associates (VNHA), licensed professional engineers, has such knowledge and experience acquired over more than a decade of successful service to the Borough in connection with operation and improvement of the Borough’s water and sewer systems;

**WHEREAS**, the Borough has entered into a professional services agreement with VNHA for a term of one year;

**WHEREAS**, pursuant to that professional services agreement total annual fees for services, including expenses, shall not exceed \$ 20,000.00 without the prior written approval of Borough Council;

**WHEREAS**, Borough Council and VNHA now seek to amend that professional services agreement to increase maximum total annual fees, including expenses, from \$20,000.00 to \$25,900.00;

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

**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 an amended professional services agreement with Van Note-Harvey Associates increasing maximum total annual fees under that contract, including expenses, from \$20,000.00 to \$25,900.00, provided all other terms of the agreement shall remain the same..

**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	M				Griffiths	X			
Davy	S				Lawver	X			
Gnatt				absent	Marciante	X			

Council Member Chandler made a motion to approve Resolution 2016-3.4, second by Council Member Davy. Mr. Lawver asked for an explanation. Mrs. Sterling stated that an error was made in calculating the estimated charges in January when the appointment was made due to several circumstances. Mr. Griffiths asked if the \$26,000 is included in the working budget numbers. Mrs. Sterling stated that it was. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2016 – 3.5**

**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 one-year contracts effective May 1, 2014 and May 1, 2015, and the Borough now seeks to renew that contract effective May 1, 2016;

**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. effective May 1, 2016, 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	M				Griffiths	X			
Davy	S				Lawver	X			
Gnatt				absent	Marciante	X			

Mrs. Chandler made a motion to approve Resolution 2016-3.5, second by Council Member Davy. Mr. Marciante asked if the amount paid to Water Resource Management will go down as Mr. Smith obtains his licenses and Mr. Davy responded that it would. Mr. Smith stated that they are trying to avoid calling Mr. Meier in outside of the time that he is required by law to be here. Mr. Smith explained that the monthly charge of \$1680 is for the State required minimum on-site time as Licensed Operator. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2016 – 3.6**

**RESOLUTION PROMOTING SERGEANT DOUGLAS PINELLI  
TO SERGEANT FIRST CLASS IN THE PENNINGTON  
BOROUGH POLICE DEPARTMENT**

**WHEREAS**, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

**WHEREAS**, Douglas Pinelli is now serving as Sergeant of the Pennington Borough Police Department;

**WHEREAS**, upon the recommendation of the Director of Public Safety, it is determined by Borough Council that Douglas Pinelli has qualified for promotion to Sergeant First Class;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Sergeant Douglas Pinelli is hereby promoted to Sergeant First Class in the Pennington Borough Police Department effective February 7, 2016, nunc pro tunc, with compensation as Sergeant First Class retroactive to that date.

**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	X			
Gnatt				absent	Marciante	M			

Council Member Marciante made a motion to approve Resolution 2016-3.6, second by Council Member Davy with all members present voting in favor. Mr. Lawver congratulated Sergeant First Class Pinelli who was in the audience.

**BOROUGH OF PENNINGTON  
RESOLUTION 2016 – 3.7**

**RESOLUTION APPOINTING ELECTRICAL INSPECTOR**

**WHEREAS**, Mayor and Council seek to appoint Leo Wisniewski to the position of Electrical Inspector on a part-time basis;

**WHEREAS**, Mr. Wiesniewski holds all licenses necessary or desirable for holding the position of Electrical Inspector and is otherwise qualified as an electrical inspector as required by law;

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

1. Leo Wisniewski is hereby appointed Electrical Inspector of the Borough of Pennington, on a part-time basis, effective March 1, 2016;
2. the weekly hours of the Plumbing Inspector are hereby set at 4 hours per week;
3. the rate of compensation of the Electrical Inspector shall be \$38.00 per hour effective March 1, 2016 and thereafter as set forth in the annual salary ordinance of the Borough;
4. this appointment is for a term of four years from effective date, as provided by law.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2016-3.7, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2016 – 3.8**

**RESOLUTION REQUESTING ADDITIONAL EXTENSION OF AWARD DATE FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO UPPER KING GEORGE ROAD UNDER THE 2014 ROAD IMPROVEMENT PROJECT**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) awarded funding for the 2014 fiscal year to the Borough of Pennington for a project consisting of improvements to King George Road in the amount of \$283,500.00; and

**WHEREAS**, on June 12, 2014, the Borough entered into a grant agreement with the NJDOT accepting this award; and

**WHEREAS**, the NJDOT has advised that the construction contract must be awarded within 18 months from the date of the execution of the grant agreement, which was December 12, 2015, and that failure to award a construction contract by that date would jeopardize the use of State funds on this project

**WHEREAS**, NJDOT has granted the Borough an extension of the 18-month deadline for six months, to June 12, 2016, but the Borough now requires another six-month extension to December 12, 2016;

**WHEREAS**, Mayor and Council ask for this extension because the Borough is still waiting for approval of its application for loan funds from the New Jersey Environmental Infrastructure Trust Fund for

water main replacement;

**WHEREAS**, Mayor and Council believe that repair and replacement of infrastructure under the road is a necessary part of the project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the Borough Council requests from the New Jersey Department of Transportation a six-month extension of the award date to December 12, 2016.

**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				absent	Marciante	X			

Council Member Davy made a motion to approve Resolution 2016-3.8, second by Council Member Griffiths. Mr. Davy explained that the reason that this is necessary is because of the delay in getting authorization from NJEIT which is the water line piece of the project and the longer that gets delayed affects the timing on the road project. Upon a roll call vote all members present voted in favor.

**Council Discussion**

**Clothing Bins** – Mrs. Heinzl stated that last month this subject was raised and she has reviewed lots of model ordinances to review. Mrs. Heinzl stated that if Council is interested in pursuing an ordinance regulating clothing bins then maybe the public safety committee would be willing to look at the ordinances. Mr. Marciante stated that it would not really fall under public safety. Mrs. Heinzl stated that the issue really is that there are a lot of clothing bins that have popped up throughout town. Mrs. Heinzl stated that other towns have regulated clothing bins by either requiring permits and approval of locations or limiting them to organizations that are truly non-profit. Mrs. Heinzl stated that a lot of the bins are actually for profit, they pay rent for the location and then they sell the clothing that is collected. Mrs. Heinzl stated that there are a couple of different approaches that could be taken. Mr. Lawver suggested having an annual permit with a fee of \$50.00 or \$100.00. Mrs. Heinzl stated that one of the interesting things that has come up is the Mr. Smith mentioned that any clothes that are recycled count towards out tonnage report. Mr. Smith stated that it does not amount to all that much. Mr. Lawver stated that he is aware of at least eight of these clothing bins in town. Mr. Lawver named the locations of where the bins are and stated that he does not like seeing them in front yards such as the bin on the Blackwell property. After some discussion, Council was split as to how to proceed with regard to regulating location, non-profit vs. profit and whether annual permits should be required. Mr. Marciante suggested asking property owners to relocate bins that are in poor locations and also asking them to make sure the bags are not pile up alongside overflowing bins instead of adopting an ordinance at this time. Mr. Lawver asked if bags spilling out of these bins or piled next to the bins could be considered a violation under the litter ordinance. Mr. Meytrott stated that he was involved with the one at the fire house and one of the reasons that we are seeing them popping up around town is because the owners of the bins state that property owners should make the bins as visible as possible. Mr. Lawver stated that some of these bins have been around a while, but the amount of bins has double since he returned. Mr. Bliss stated that one problem with trying to regulate these through an ordinance would be equal treatment. Mrs. Chandler and Mr. Marciante were not in favor of doing an ordinance and Mr. Davy stated that he did not think it was a big enough problem to warrant doing an ordinance. After further discussion, Council decided not to proceed with an ordinance at this time.

**Pennington Brochure** – Mrs. Chandler stated that a company approached Mrs. Heinzl a few months ago. Mrs. Chandler stated that they would work with the Borough in creating a brochure. Mrs. Chandler passed around a few samples of brochures that were done for other towns. Mrs. Chandler stated that she is interested in pursuing a brochure for Pennington. Mrs. Chandler stated that this company would sell advertisements to local businesses to cover the expense. Mrs. Chandler stated that the brochure that they were looking at was a 12 page brochure having 5 pages of advertisements and 7 pages of content that we would provide. Mrs. Chandler stated that there are some set pieces that could be used. Mrs. Chandler stated that Mr. Bliss expressed some concerns. Mr. Bliss stated that he was asked to look at this and number one, this is not a brochure, it is a newsletter, however there is only one date in May provided for on the purchase order and it makes life a lot easier if we are only contracting for one version and not getting ourselves into some kind of a deal. Mrs. Chandler stated that the Borough would provide a mailing list for Pennington Borough and they would mail to Pennington residences. Mrs. Chandler stated that the advertisements are solicited first from local businesses and if for whatever reason they don't make up the ad sales locally, they will go outside the Borough. Mrs. Chandler stated that they guarantee publication of the first brochure only and if we decide to do a second one and we don't sell advertisements there is no guarantee that a second one would happen. Mr. Griffiths stated that he was unimpressed with the brochure, the editorial quality is terrible and the graphic design looks like something a high school kid would do. Mr. Davy stated that he has a vague recollection of the Division of Local Government Services, years ago, requiring that this type of service be bid even though it doesn't technically cost the Borough anything. Mr. Davy stated that there is a value to these advertisements and somebody is deriving a value from the ads. Mr. Griffiths stated that he does not agree with the Borough providing a mailing list. Mr. Bliss stated that apparently the vendor would create its own mailing list from available records, so we would not be preparing a mailing list or providing one. Mr. Lawver stated that the vendor could do this without our involvement. Mr. Griffiths stated that he has varied

experience over of years working in the corporate world and when it comes to meeting a deadline for something like this on an ongoing basis it falls apart because no one has the time. Mr. Griffiths asked who among them would be qualified as a good copywriter that would be able to generate copy on a regular basis. Mrs. Chandler stated that she was going to provide copy for the first issue and we don't necessarily have to do any more. Mrs. Chandler outlined that this first brochure would include Borough information, meeting dates, a calendar of events and anything else that needs to be communicated to the residents. Mrs. Chandler stated that in addition they were planning to highlight the Fire Departments 125<sup>th</sup> celebration and seek input from various committees and commissions. Mr. Lawver stated that he thought that the Economic Development Commission was working on a brochure. Mrs. Chandler stated that this came up at a meeting of the EDC and this would possibly replace the one that the EDC was considering. Mrs. Chandler stated that she discussed this with a few businesses and they were very supportive.

Mr. Bliss stated that he did not think that this would be subject to the Local Public Contracts Law, it does not cost the Borough anything nor does the Borough receive any funds from it. Mr. Bliss stated that he would like to note that the vendor promised seven pages of editorial content and he only counts six on the sample he was looking at and the content was partially obstructed by ads. Mrs. Chandler stated that there were different samples that she passed around. Mr. Lawver asked if the EDC was interested in owning this project and Mrs. Chandler stated no they were not. Mr. Lawver stated that if the EDC wants to do a brochure, they can do it. Mr. Bliss stated that the sample he is looking at uses a vermicular of the Borough and if you don't look closely you might think that this is a Borough publication. Mr. Bliss stated that essentially the Borough would be leasing out the good name of the Borough so in that sense it is more complicated than he initially thought. Mr. Griffiths stated that this brochure is not consistent with the brand equity that has been achieved in Pennington. Mr. Griffiths stated that if we want to do a brochure, we should hire one of the graphic studios on Main Street and have real professionals do a professional job. Following the discussion, Council Members were not in favor of proceeding with the brochure. Council Members were in agreement that the Borough website is where the focus should be. Mrs. Chandler stated that a good website needs to be constantly maintained and updated. Mrs. Chandler stated that she would present this back to the EDC and go from there.

Mr. Marciante stated that coverage for Pennington Borough in the newspapers is non-existent. Mr. Marciante stated that the Hopewell Valley News has not had anything about Pennington for quite some time. Mr. Lawver stated that the Hopewell Valley News now takes press releases and that is all they do. Mr. Lawver stated that the Hopewell Valley News has very few people working there and they don't have any one to cover the meetings. Mr. Lawver stated that Mercer Me might be a better avenue to take for coverage.

Mr. Marciante stated that Council said no to an ordinance that would regulate the house on Burd Street with the blue tarp, a violation notice was sent and nothing has been done. Mrs. Heinzl stated that the Property Management Company has responded to the violation notice and they are soliciting bids for replacing the roof.

Mr. Marciante stated that another issue is the clock that Hopewell Township is donating to the Borough. Mrs. Heinzl stated that she has sent the Township Administrator an e-mail stating that we are ready to pick up the clock and she is waiting for a response. Mr. Marciante stated that he and Mrs. Heinzl have discussed locations for the clock and the best place is where the stone is on the bank property. After some discussion, Mrs. Heinzl was asked to contact the Bank to see if they would be willing to allow the clock there.

### **Public Comment Period**

Mr. Lawver asked that anyone wishing to speak please come forward and state their name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

### **Professional Reports**

Mr. Meytrott stated that he will look into the reason for the two phone lines for the Alcotest machine.

Mrs. Heinzl stated that American Properties application has been postponed to the April Planning Board Meeting.

At 8:25PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk