Pennington Borough Council
Regular Meeting – August 9, 2016

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

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

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

Mayor Persichilli asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

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

There were no comments from the public.

Mayor's Business

Mayor Persichilli invited Mr. Jim DeForte from the Pennington Fire Company to come forward. Mr. DeForte thanked Mayor and Council and stated that on behalf of the Fire Company he would like to announce that the Annual Fireman's Parade is scheduled for October 1st. Mr. DeForte stated that Pennington Fire Company is hosting the parade in recognition of their 125th Anniversary. Mr. DeForte stated that the parade will start at 1:00 pm on South Main Street, progress down Main Street to Delaware Avenue and will end up at Rosedale Park where awards will be presented. Mr. DeForte invited everyone to attend the festivities which will include bands, food, floats and much more.

Mayor Persichilli announced that about one year ago letters went out to residents with sidewalks that needed to be repaired. Mayor Persichilli stated that residents were given a year to make the repairs and there are a few residents that did not make their repairs. Mayor Persichilli stated that another letter will be going out asking residents to do what needs to be done or a summons will be issued. Mayor Persichilli stated that in case Council members receive inquiries about the letters he wanted everyone to be aware that the letters are going out. Mayor Persichilli stated that the Borough has been very good about giving residents time to make the repairs and at the very beginning of the process actually waived the fees for the permit.

Council Discussion

Block Party Requests – Mayor Persichilli announced that we have received requests for block parties on September 17th on East Welling Avenue and on September 4th on Voorhees Avenue. There were no objections to the requests.

King George Road / Park Avenue Road Project – Mr. Davy stated that two meetings ago, Council discussed this project and the question came down to several design considerations, one about sidewalks and one about curbs. Mr. Davy stated that the decision and the vote that was taken that night was that the projects would be designed with sidewalks but not curbs in order to save some money. Mr. Davy stated that since that time the Borough Engineer has informed the Borough that the design is problematic from a Professional Standards Liability perspective on her part. Mr. Davy explained that as an engineer, Mrs. Roberts says that she can't design the project without curbs because the curbs are an integral part of keeping pedestrians on the sidewalk safe and she cannot design a project that has sidewalks but no curbs. Mr. Davy stated that the Public Works Committee is bringing this back to Council for reconsideration. Mr. Davy stated that he knows that there was a lengthy discussion at the July meeting regarding this but not enough Council Members were present.

Mr. Davy asked if Council wants to design the road with no curbs and no sidewalks because of the savings to the Borough or design the project with sidewalks and curbs. Mr. Davy stated that there were a couple of Council Members who felt very strongly about projects in town going forward with sidewalks included as part of the project. Mr. Davy stated that according to the Borough Engineer if there are sidewalks, there has to be curbs.

Mr. Griffiths stated that if there are curbs then there are also adjustments that need to be made for the drainage which is even more money so he is back to supporting the project with no sidewalks and no curbs.

Mr. Marciante stated that maybe Council could delay installing sidewalks until after the project is complete and then proceed without the engineer's involvement. Mr. Griffiths stated that he would support that idea.

Mr. Davy stated that Cameron Corini from the Borough Engineer's office has advised that if we resubmit the project to the NJDOT including sidewalks and curbs, then there might have to be a redesign request sent back to the State. Mr. Davy stated that being said, the Governor has put a moratorium on funding under the Transportation Trust Fund and this project is included in that moratorium. Mr. Davy stated that even though the DOT does not include funding for sidewalks and curbs in the award and the cost is borne solely by the Borough, because they were included in the original plan, we would have to submit for modification.

Mr. Marciante stated that the Borough can hold off on the sidewalks and curbs and install them down the road. Mr. Davy asked when that would be and if the Borough is going to do it soon, then why not just do it now. Mr. Marciante stated that he is not in favor of putting in curbs.

Mr. Griffiths stated that this has spun out of control based on the Borough Engineer's requirements. Mr. Griffiths stated that if we could recommission the project to the following summer, we might have a different engineering firm. Some discussion took place as to the standards and whether another engineer would have a different opinion than the Borough Engineer and whether an engineer is even necessary to design installation of sidewalks.

Mr. Lawver stated that if there are no curbs and no sidewalks that will put pedestrians on the street which only increases the liability and the risk. Mr. Lawver stated that there are many other ways to provide a buffer other than a curb, such as street trees, bushes, rocks and he has had a conversation with the Borough Engineer and they don't see eye-to-eye on the subject. Mr. Lawver stated that he is not comfortable putting off on installing sidewalks to a later date unless there is a mechanism in place that provides a high level of certainty that the sidewalks will be put in.

Mrs. Chandler stated that she is very uncomfortable moving forward with this project without sidewalks. Mrs. Chandler stated that we have a commitment to pedestrian safety in this town and all roads in town should have sidewalks, no road is more important than another. Mrs. Chandler stated that this is a road that leads to a park and this is a road that she runs on every morning with other people and there are cars which will only be going faster once the road is paved. Mr. Griffiths stated that runners make their own choices of running on roads with sidewalks or no sidewalks. Mr. Griffiths stated that he is opposed to spending another $100,000 on this project and Mrs. Chandler's argument can be overcome by the fact that there are several other choices of places to run where there are sidewalks.

Mayor Persichilli stated that Council had discussed this for the last several Council meetings and with a lot of people from the community and we have been churning and churning and it is now time to make a decision one way or the other. Mr. Davy stated he agrees because the project has to be designed so that we can go out to bid before the deadline.

Mr. Lawver stated that he agrees with Mrs. Chandler and he is not supporting this project without sidewalks unless there is a clear plan for providing sidewalks after the fact. Mr. Lawver stated that it seems that Mr. Bliss is not comfortable with Council putting in sidewalks without input from an engineer. Mr. Lawver asked if in the next couple of weeks someone could talk to other engineers to find out if in fact they would be willing to design a sidewalk, after the fact, without curbs. Mr. Griffiths stated that he would ask if the entire project could be designed without curbing and then give the project to that engineer. Mr. Griffiths commented further on this.

Mayor Persichilli stated that this is not the appropriate time to be discussing engineering services and issues that some Council Members may have. Mayor Persichilli stated that we have two roads to design and the question becomes do we do the project with sidewalks and curbs or not. Mayor Persichilli stated that he proposes that a vote be taken as to whether to include sidewalks or curbs or not to include them.

Mr. Davy made a motion to design the project including sidewalks and curbs and drainage requirements, second by Mrs. Chandler. Upon a roll call vote Mrs. Chandler, Mr. Davy and Mr. Lawver all voted yes. Council Members Gnatt, Griffiths and Marciante voted no. Since the vote resulted in a tie, Mayor Persichilli cast his vote in favor of the motion.

Mr. Marciante asked what the cost to taxpayers would be. Mayor Persichilli stated that it is going to cost no matter whether we do this now or later. Mayor Persichilli stated that Council has talked about the roads in town and the idea of borrowing money to repair some of the roads in town and it is something that needs further discussion because as we go forward the State funding will be less and less. Mayor Persichilli stated that doing one road a year is not the way to go. Mr. Davy stated that curbs and sidewalks are never going to be funded by the State. Mr. Griffiths stated that going forward the idea is to look at milling and paving instead of total road reconstruction. Mayor Persichilli stated that talks have begun with Mercer County to provide the labor to mill and pave roads, but because the County was already scheduled to do Main Street we are hoping to plan for next year. Mayor Persichilli stated that we have identified roads that would qualify for milling and paving. After some discussion about sidewalks in town that don't have curbs, Mr. Lawver asked that the decision be clarified that the approval is for the minimum amount of curbing necessary to support the sidewalks.

Sidewalk Overgrowth Ordinance – Mr. Lawver asked if this discussion could be referred to the Public Works Committee to clarify the language and come back to Council with a recommendation.

Heritage at Pennington – Street Names – Mayor Persichilli stated that suggestions are being collected for street names in the new development. Mayor Persichilli stated that Tom Ogren came up with a few names. Mrs. Heinzel stated that there is no rush on this and Council does not need to make a decision, but Mr. Ogren did make some recommendations for street names and they have been circulated to Council. Mrs. Heinzel stated that as we all know Mr. Ogren knows a lot about the history of the town and he put forward three suggestions and if Council has any other suggestions let her know. Some discussion took place regarding Mr. Ogren's suggestions which are Old Foundry Drive, Armitage Lane and Cornell Court. Mayor Persichilli asked Council Members to think about this and come back with suggestions. Mr. Lawver suggested Tucker Lane in honor of Mr. Weed Tucker and his many years of service to the town.

Liquor License – Mayor Persichilli stated that this item is not listed on the agenda, but he would like Council to consider putting the license up for sale again. Mayor Persichilli stated that there is some serious interest and it might be a good time to come up with a price and to offer it up for sale. Mr. Lawver stated that he would reach out to a NJ Liquor License broker to see if they have any input that would be helpful. Mayor Persichilli stated that there is interest in both licenses but the restaurant license has the most interest right now. Mrs. Heinzel stated that Mrs. Sterling is well versed in the process, but Council needs to come up with the minimum amount and the criteria for the license such as parking, number of tables etc. Mr. Lawver stated that he would do some more research.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the July 11, 2016 Regular Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Lawver and Mr. Davy who abstained.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2016-13 by title.

BOROUGH OF PENNINGTON
ORDINANCE NO. 2016- 13

AN ORDINANCE PROHIBITING SMOKING IN MUNICIPAL BUILDINGS AND PARKS AND RECREATIONAL FACILITIES AND ADJOINING PUBLIC AREAS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, pursuant to N.J.S.A. 40:48.2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by any law; and

WHEREAS, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, Pennington Borough Council, recognize~~s~~ing the well-known health and safety risks posed by smoking and the consumption of smokeless tobacco products, finds that it is within the public interest to prohibit smoking and the consumption of smokeless tobacco products on public property, such as public parks and recreation areas; and

WHEREAS, Borough Council also finds that vaping, or the inhaling of vapor from electronic cigarettes, e-cigarettes or other electronic nicotine delivery systems also jeopardizes the public health and safety;

WHEREAS, the Borough Council has determined that the public interest is especially implicated in preventing the youth of the Borough of Pennington from being exposed and succumbing to the temptations of experimenting with tobacco products and electronic nicotine delivery systems; and

WHEREAS, the Borough Council also finds that the appearance of parks and recreation areas would be enhanced and the limited resources of the Borough's Department of Public Works conserved if smoking and other consumption of tobacco products, as well as use of electronic nicotine delivery systems, were controlled in such areas, thereby keeping such areas free of the litter and other waste products generated by the smoking of cigarettes and the use of smokeless tobacco and electronic nicotine delivery systems, including variously, cigarette butts, ashes, spit and packaging.

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

that the Code of the Borough of Pennington, shall be amended as follows:

1. Chapter 192, concerning Tobacco, shall be amended by the addition of a new Article III entitled "Public Places," which shall include the following new sections.

Section 192-10. Definitions.

As used in this article, the following words shall have the meanings indicated.

CONSUMPTION OF SMOKELESS TOBACCO means chewing, sucking upon or sniffing chewing tobacco, snuff, Snus, dissolvable tobacco, pinch, dip or any other smokeless tobacco product by whatever name described.

MUNICIPAL BUILDING shall include all structures owned, leased, rented and/or operated by the Borough of Pennington, and/or occupied by Borough employees and used for official business of the Borough of Pennington.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields, swimming pools, gardens, plazas publicly owned or leased by the Borough of Pennington and all property owned or leased by the Borough
upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such
facilities, including, but not limited to, any sidewalk, parking area, driveway or drive aisle.

SMOKING means and includes inhaling or exhaling the smoke from, or the ~~burning or~~ possession of, a lighted or burning cigar, cigarette, pipe or ~~any~~ other matter or substance which contains tobacco or any other matter which is lighted or burning for the purpose of inhaling the smoke ~~or the inhaling or exhaling of smoke~~.

USE OF ELECTRONIC NICOTINE DELIVERY SYSTEM means inhaling the vapor from an electronic cigarette, e-cigarette or any other electronic device which vaporizes liquid for the purpose of inhaling.

Section 192-11. Prohibition of smoking and the use of smokeless tobacco and electronic nicotine delivery systems in public places; signs.

A. Municipal Buildings. Smoking, the consumption of smokeless tobacco and the use of electronic nicotine delivery systems shall be prohibited in all Municipal Buildings and within a thirty-five-foot radius of the front entrance of all Municipal Buildings. ~~No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through it)~~ Signs shall be ~~clearly, sufficiently and~~ conspicuously posted at the front entrances of all buildings where these prohibitions apply ~~smoking is prohibited by this article~~. The signs shall be clearly visible to the public and shall contain letters or ~~a~~ symbols which contrast in color with the sign, indicating that smoking, the consumption of smokeless tobacco and the use of electronic nicotine delivery systems are ~~is~~ prohibited in the building and within the proscribed 35-foot radius. The sign shall also indicate that violators are subject to a fine.

B. Parks and Recreational Facilities. Smoking, the consumption of smokeless tobacco and the use of electronic nicotine delivery systems shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Pennington and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all public areas adjacent to such facilities, including, but not limited to any sidewalk, parking area, driveway or drive aisle. ~~, which have been designated with no-smoking signs. Smoking will be allowed by individuals who are outside of a thirty-five-foot radius of non-smoking individuals and recreation structures located on park and recreational land owned or leased by the Borough of Pennington. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through it)~~ Signs shall be ~~clearly, sufficiently and~~ conspicuously posted in areas regulated by this article. The signs shall be clearly visible to the public and shall contain letters or ~~a~~ symbols which contrast in color with the sign, indicating that smoking, the consumption of smokeless tobacco and the use of electronic nicotine delivery systems are ~~is~~ prohibited in the regulated area. ~~shall be clearly posted in areas regulated by this article.~~ The sign shall also indicate that violators are subject to a fine. ~~However, the posing of said signs shall not congest the overall appearance of the areas regulated by this chapter nor impose an inordinate expense upon the Borough of Pennington~~.

C. Municipal Vehicles. Smoking, the consumption of smokeless tobacco and the use of electronic nicotine delivery systems shall be prohibited in any vehicle registered to the Borough of Pennington.

Section 192-12. Enforcement.

The enforcement authority for ~~of~~ this chapter shall be the Business Administrator, Public Safety Director, Health Officer or their designees.

Section 192-13. Violations and penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than $100 for the first offense, $250 for the second offense and $500 for each subsequent offense.

2. Chapter 143, concerning Parks and Recreation Areas, in particular Section 143-3 concerning Prohibited Uses of Park Facilities, shall be amended by adding a new subsection I of section 143-3 as follows:

I. No person shall (a) smoke or be in possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter which is lighted or burning for the purpose of inhaling the smoke; (b) consume smokeless tobacco; or (c) use an electronic nicotine delivery system.

3. In the event any part of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect to the part or parts of the Ordinance actually adjudged to be invalid, and the remaining parts of this Ordinance shall be deemed severable therefrom and shall not be affected.

4. This ordinance shall take effect upon final passage and publication in accordance with law.

Council Member Chandler made a motion to introduce Ordinance 2016-13, second by Council Member Gnatt. Mr. Marciante asked if there would be a designated smoking area for people that want to smoke. Mrs. Heinzel stated that this ordinance prohibits smoking within a 35 foot radius of the front of all municipal buildings. Mr. Marciante asked if designated smoking area signs would be posted because he thinks it would be a good idea so that people who want to smoke will know where they can smoke. Mrs. Heinzel stated that the ordinance addresses signage prohibiting smoking. Mr. Griffiths stated that public policy has been the most effective thing in reducing smoking levels and so the harder we make it the better. Mr. Griffiths did not think that a designated area is a good idea. Mr. Marciante stated that smoking is a right and people should be allowed to do it. Mrs. Heinzel stated that nothing prohibits smoking from occurring at the back of the building. Mr. Marciante stated that there are Police Officers and Public Works employees that smoke. Mr. Griffiths stated that he would object anything to do with encouraging smoking. Mr. Bliss stated that employees could be in the parking lot, just not within thirty-five feet. Mr. Marciante asked who would be enforcing this ordinance and Mrs. Heinzel responded the Police Department. Mrs. Chandler stated that the Environmental Commission and the Board of Health are strongly in support of this ordinance. Mrs. Chandler stated that environmentally discarded cigarette butts get into the water system, they get into the Stony Brook and in fact the Watershed wanted to send a representative to the meeting but she did not think that was necessary. Mr. Lawver asked why the language in paragraph B, Parks and Recreation, at the top of page three, which refers to posting of signs is being deleted. Mr. Bliss stated that the language appeared redundant but it can be left in if Council thinks it should be. Mrs. Heinzel stated that taking it out gives the Borough a little more flexibility as the kind of sign that would be posted because the language that was removed was more specific. Mr. Bliss stated that in other words, the Borough is going to have irate smokers according to signs, claiming that the Borough is violating its own ordinance because it sign amounts to congestion or otherwise imposes an inordinate expense. Mr. Bliss stated that the Borough should maintain discretion as to how it signs the property and when complaints are raised either move the sign or disagree with the complaint without making it a matter of ordinance violation on the Borough's part. Mr. Lawver stated that he is reading it totally wrong and the sentence says the Borough can point to inordinate costs or a congestion of the overall appearance of the area as a reason why the signs were done and in such a fashion. Mr. Bliss stated that it could be read either way. Mr. Griffiths stated that he did not feel that the Borough should be under the burden to post "No Smoking" signs. Mr. Lawver stated that we are though and Mr. Marciante stated that the signs also need to address "no spitting and no vaping" etc. Mrs. Heinzel stated that we already have a contact for the signs and there are several sources willing to donate the signs. Upon a roll call vote, all members present voted in favor with the exception of Mr. Marciante who voted no.

Mayor Persichilli read Ordinance 2016-16 by title.

BOROUGH OF PENNINGTON
ORDINANCE 2016-16

AN ORDINANCE EDITING FEE PROVISIONS IN THE
CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, Borough Council of the Borough of Pennington seeks to make changes to certain fee-related sections of the Borough Code to facilitate accurate determinations of fees and eliminate inconsistencies, in conformance with the recommendations of the Chief Financial Officer of the Borough;

WHEREAS, deleted language is denoted by brackets and new language by underlining;

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

1. Section 98-49 of the Code of the Borough of Pennington, concerning fees for

inspections upon sale of property pursuant to Section 206-15 of the Code, is hereby deleted in its entirety because the proper fees for such inspections are set forth in Section 98-47.F, concerning house inspections upon sale of property.

2. Section 98-47 of the Code is amended by deleting sub-sections C and D, because these sub-sections are covered by sub-section H and the latter states the proper fee, and further by amending sub-section F to make the notice requirement consistent with Section 206-15, the amended Section 98-47 to read as follows:

"98-47. Administrative fees.
Administrative fees pursuant to Section 206-7 of the Code shall be charged as follows:

A. Interest will be charged at the same rate as the interest on tax bills.
B. Returned checks: $20.

C. **[**Account closeout (shutoff): $64.**]**

D. **[**Account setup (turn-on): $30**]**

E. Non-quarterly or additional meter readings: $50. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)

F. House inspections on sale of property: regular fee, $100; fee if less than ~~two weeks'~~ ten days' notice, $200.
G. Tanker of water: $200 plus per-gallon charge for water in accordance with water rates.

H. Shutting off and turning on water at curb: $100.

3. Section 98-43 of the Code is hereby amended by deleting entirely sub-sections B, C and D, because these sub-sections concern terms for payment of fees rather than the amounts of the fees, and they are covered by identical language in Section 206-3, sub-sections B, C and D.

4. Section 206-3 of the Code is hereby amended by deleting the fee amounts in sub-section A because same are set forth in sub-section A of Section 98-43, the amended Section 206-3 to read as follows:

"206-3. Connection fees.

A. There are hereby established standard connection fees as set forth in Chapter 98 of this Code as may be amended from time to time.
[(1) Standard water connection is $2,100**.]**
[(2) Standard sewer connection is $3,000.**]**

B. Connection fees shall be paid by all persons connecting to the water and/or sewer system, based upon the product of the connection fee multiplied by the number of equivalent dwelling units, as determined and/or approved by the Superintendent of Public Works, or designated representative.

C. Any change in use or increase in the same use of any existing property or facility shall be subject to review and reevaluation of the water and sewer connection service and the number of equivalent dwelling units assigned to the project. Any increase in the number of equivalent dwelling units shall subject the applicant to additional connection fees.

D. Connection fees shall be due prior to the installation of the physical connection.

5. This Ordinance shall be effective upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2016-16, second by Council Member Griffiths. Mr. Bliss stated that there is nothing substantively new about this ordinance, it simply eliminates an inconsistency in the amounts, but otherwise is designed to make sure that all fee provisions are covered in Chapter 98. Upon a roll call vote all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Persichilli read Ordinance 2016-15 by title.

BOROUGH OF PENNINGTON
ORDINANCE 2016-15

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 a change to the Borough Code which would amend provisions of Chapter 215 concerning permitted front-yard area modifications in residential zones;

WHEREAS, the amendment would apply the criteria for permitted front-yard area modifications in a residential zone to all lots, not only vacant lots;

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 215-50 of Chapter 215 of the Borough Code, concerning permitted yard area modifications, is amended as follows:

215-50. Permitted yard area modifications.

A. Front yards. In any residential zone where 50% or more of the lots within a distance of 500 feet on the same side of the street are developed, the front yard requirements for any [vacant] lot within such area shall be the average of the existing front yards on the developed lots.

B. Side yards. In the case of lots upon which an existing structure is located, the combined total side yard requirements shall be reduced by six inches for each foot by which a lot is less than the minimum requirement for the zone in which located. In any case, the side yard width for either side yard shall not be reduced to less than 50% of the requirement of said zone.

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2016-15, second by Council Member Lawver. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing, second by Council Member Griffiths with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2016-15, second by Council Member Chandler with all members present voting in favor.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt had no report for Open Space. Mrs. Gnatt stated that the Planning Board met in July and American Properties received final approval of their development by unanimous vote. Mrs. Gnatt stated that Mrs. Heinzel has more details in her Administrative Report. Mrs. Gnatt stated that two applications were considered by the Board. Mrs. Gnatt stated that she had to recuse herself from one of the applications because it was within 200 feet of her property. Mrs. Gnatt stated that the application for a property on the corner of West Welling and Sked was approved. Mrs. Gnatt stated that the second application was Mr. Schragger for South Main Street which she was also recused from because it had a floor area ratio. Mrs. Gnatt stated that application was also approved.

Mayor Persichilli stated that he understands that an applicant will come before the Planning Board at their meeting tomorrow night to discuss expansion of an existing business and that they are one of the parties interested in a liquor license.

Public Works / Personnel –. Mr. Davy had no report.

Parks & Recreation / Library / Shade Tree / Senior Advisory – Mr. Lawver reported that the Library Summer Reading Program is wrapping up and prizes are being awarded. Mr. Lawver stated that the YMCA has been using the Library and it has been working better than in previous years.

Mr. Lawver stated that the big news for Shade Tree is that a grant in the amount of $25,000 has been awarded to the Borough under the CSIP grant program. Mr. Lawver stated that this grant will enable the Borough to address 17 of the larger shade trees that need to be taken down.

Mr. Lawver stated that the Shade Tree Commission was meeting tonight and he had nothing to report for the Senior Advisory Board.

Public Safety – Mr. Marciante stated that the Route 31 bridge project is underway and traffic backups are already happening.

Finance – Mr. Griffiths had no report.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler had no report.

New Business

BOROUGH OF PENNINGTON
RESOLUTION #2016 – 8.2

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of $ 2,147,316.24 from the following accounts:

Current	$ 1,795,233.35
W/S Operating	$ 42,579.44
Developer's Escrow	$ 21,151.45
Animal Control Fund	$ 19.80
Trust – Other	$ 75.00
General Capital	$ 115,000.00
Water/Sewer Capital	$ 173,257.20
TOTAL	$ 2,147,316.24

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2016-8.2, second by Council Member Chandler. Mr. Lawver had questions on a few of the bills. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2016 – 8.3

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 TO BLACK ROCK ENTERPRISES, LLC. FOR WORK COMPLETED ON THE KING GEORGE ROAD AND PARK AVENUE WATER SYSTEM UPGRADES PROJECT

WHEREAS, Black Rock Enterprises, LLC has completed work pursuant to the contract for the King George Road and Park Avenue Water System Upgrades Project (Roberts Engineering Group File No: PEN3662); and

WHEREAS, Roberts Engineering Group has reviewed the attached application for payment by Black Rock Enterprises, LLC and recommends payment of same pursuant to the Contractor's Request for Payment No. 2 in the amount of $106,770.00 less 2% retainage in the amount of $2,135.40; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available under Ordinance 2016-4 subject to compliance with NJEIT disbursement requirements;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Black Rock Enterprises, LLC in the net amount of $ 104,634.60, pursuant to payment request No.2, is hereby authorized.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2016-8.3, second by Council Member Chandler. Mr. Griffiths asked if funding has been received for this project. Mrs. Sterling stated that currently we are doing interfund transfers to cover the payments. Mrs. Sterling stated that she has contacted the NJEIT and we are waiting for approval on the short term financing which should be coming soon and once the approval is received we can apply for reimbursement for payments that have been made and also for upcoming payments. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2016-8.4

RESOLUTION AUTHORIZING CANCELLATION OF GRANT RECEIVABLES AND APPROPRIATED GRANTS

WHEREAS, certain Grants Receivable have been deemed uncollectible or funds were received and applied against a different grant; and

WHEREAS, the auditor has noted the need to analyze all grants receivable and appropriated grants to determine the amounts to be cancelled;

NOW, THEREFORE BE IT RESOLVED by the Borough of Pennington that the attached list of Grants Receivable and Appropriated Grants be cancelled.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2016-8.4, second by Council Member Chandler. Mr. Lawver asked why there are appropriated grants that are being cancelled without offsetting receivables. Mrs. Sterling stated that some of the grants were awarded at higher amounts than what was actually spent and some of the grant receivables are very old. Mrs. Sterling stated that the net effect is a return of funds to surplus which is a good thing. Mrs. Sterling stated that the review of the grants was a recommendation in the audit for 2015 and this resolution addresses the comment. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2016 – 8.5

RESOLUTION AUTHORIZING INCREASE IN AUTHORIZED EXPENDITURES FOR PROFESSIONAL WATER ENGINEERING SUPPORT SERVICES BY VAN-NOTE HARVEY ASSOCIATES

WHEREAS, the professional services agreement between the Borough of Pennington and Van-Note Harvey Associates (VNHA) in 2016 authorizes expenditures for the performance of general water engineering services not to exceed $10,000;

WHEREAS, fees and reimbursable expenditures for VNHA services through July 11, 2016 have totaled $9,609.30, as set forth in the attached analysis by VNHA;

WHEREAS, VNHA has submitted the attached proposal for providing anticipated services for the remainder of the year at a projected cost of $8,000;

WHEREAS, a substantial portion of this amount involves work done in connection with ordinance – directed reviews, principally water and sewer connections and installations of grease interceptors;

WHEREAS, the amounts expended in connection with work on water and sewer connections will be offset by connection fees;

WHEREAS, the proposal for increase in contract amount assumes continuation of existing VNHA standard hourly billing rates;

WHEREAS, the proposal also anticipates continued understanding that before VNHA performs any additional general water engineering services during 2016, it will request Borough approval to proceed via project-specific purchase order:

WHEREAS, the Chief Financial Officer has certified that funds are available for the increased expenditure in the Water/Sewer Engineering budget (Line #: 6-05-55-501-000-262);

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 authorized to enter into an

amendment to the professional services agreement with VNHA, on behalf of the Borough, to authorize additional expenditures for engineering services in an amount not to exceed $8,000**,** provided all other terms and conditions of the existing professional services agreement remain unchanged.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2016-8.5, second by Council Member Gnatt. Mr. Griffiths asked if this is in addition to the budgeted amount and if so how did we go beyond the budgeted amount. Mrs. Heinzel stated that Water and Sewer Engineer, Norm Nelson has been working on several items that have stemmed out from the American Properties application particularly involving fire protection. Mrs. Heinzel stated that we have also had a couple of water/sewer connections that were approved and he has been working on those. Mr. Marciante asked shouldn't the applicant be charged for the fees. Mrs. Sterling stated that engineering charges for connections are offset by the connection fees that are collected. Mrs. Sterling stated that we need to consider putting a fee in place for grease interceptors to cover the engineer reviews because currently we do not have anything in the ordinance. Mr. Griffiths asked if we need to budget for these types of things going forward. Mrs. Sterling stated that she spoke with Norm Nelson about this for next year and he will include an amount for connection fees in his proposal. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2016-8.6

RESOLUTION OF CONCURRENCE FOR SPEED LIMITS ON N.J.S.H. ROUTE 31 IN PENNINGTON BOROUGH AND HOPEWELL TOWNSHIP

WHEREAS, staff of the New Jersey Department of Transportation (NJDOT), Bureau of Traffic Engineering (BTE), has conducted a survey regarding the current speed limits along Route NJ 31 in the Township of Hopewell and the Borough of Pennington;

WHEREAS, on the basis of this investigation, the BTE staff has determined that a speed reduction from 45 miles per hour to 40 miles per hour is supported in the segment of Route NJ 31 known as Zone 2, between Washington Crossing/Pennington-Blackwell Road (CR 546) (Pennington Circle) and the southerly Hopewell Township-Pennington Borough corporate line, and the existing speed limits in Zone 1 and Zones 3 through 6 should remain the same;

WHEREAS, the BTE proposal, as described in the April 22, 2016 letter from Michael E. Mihalic, Supervisor of Traffic Investigations for NJDOT, would result in the following speed limits along the affected sections of Route 31:

(1) Zone 1: 45 MPH between the Ewing Township-Hopewell Township corporate line (Bull Run Road) and Washington Crossing/Pennington Road-Blackwell Road (CR 546) (approximate mileposts 4.71 to 6.09);

(2) Zone 2: 40 MPH between Washington Crossing/Pennington Road-Blackwell Road (CR 546) to the southerly Hopewell Township-Pennington Borough corporate line (approximate mileposts 6.09 to 6.73);

(3) Zone 3: 45 MPH between the southerly Hopewell Township-Pennington Borough corporate line and 2,000 feet north of the Conrail Reading Railroad underpass (approximate mileposts 6.73 to 7.40);

(4) Zone 4: 35 MPH between 2,000 feet north of the Conrail Reading Railroad underpass and Franklin Avenue (approximate mileposts 7.40 to 8.02);

(5) Zone 5: 40 MPH between Franklin Avenue and Woodsville Road (County Road 612) (approximate mileposts 8.02 to 10.19);

(6) Zone 6: 45 MPH between Woodsville Road and the Hopewell Township (Mercer County)-East Amwell Township (Hunterdon County) corporate line (County Road 518) (approximate mileposts 10.19 to 12.27).

WHEREAS, the proposed speed limit reduction will require NJDOT to revise the current speed zoning regulation in both Pennington Borough and Hopewell Township;

WHEREAS, in order to legally establish the revised speed limit, the NJDOT is required to promulgate a Traffic Regulation Order (TRO), for which an initial step is to receive a Resolution of Concurrence from the affected municipal governing bodies;

WHEREAS, after consulting with the Pennington Borough Police Department, the Hopewell Township Police Department and Hopewell Township, Pennington Borough does not concur with the speed limits proposed by NJDOT and, instead, recommends and will concur with the following alternate speed limits:

(1) Zone 1: 40 MPH between the Ewing Township-Hopewell Township corporate line (Bull Run Road) and Washington Crossing/Pennington Road-Blackwell Road (CR 546) (approximate mileposts 4.71 to 6.09);

(2) Zone 2: 40 MPH between Washington Crossing/Pennington Road-Blackwell Road (CR 546) to the southerly Hopewell Township-Pennington Borough corporate line (approximate mileposts 6.09 to 6.73);

(3) Zone 3: 40 MPH between the southerly Hopewell Township-Pennington Borough corporate line and 2,000 feet north of the Conrail Reading Railroad underpass (approximate mileposts 6.73 to 7.40);

(4) Zone 4: 40 MPH between 2,000 feet north of the Conrail Reading Railroad underpass and Franklin Avenue (approximate mileposts 7.40 to 8.02);

(5) Zone 5: 40 MPH between Franklin Avenue and Woodsville Road (County Road 612) (approximate mileposts 8.02 to 10.19);

(6) Zone 6: 45 MPH between Woodsville Road and the Hopewell Township (Mercer County)-East Amwell Township (Hunterdon County) corporate line (County Road 518) (approximate mileposts 10.19 to 12.27);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it:

1. does not concur with the speed limits described in the April 22, 2016 letter from Michael E. Mihalic, Supervisor of Traffic Investigations for NJDOT;

2. recommends and does concur with the alternate speed limits on the designated sections of N.J.S.H. Route 31 as described above; and

3. requests that these alternate speed limits be implemented by NJDOT as soon as possible.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Chris Christie; NJDOT Commissioner Richard T. Hammer; Michael E. Mihalic, Supervisor of Traffic Investigations; Mercer County Board of Freeholders; and Hopewell Township.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2016-8.6, second by Council Member Griffiths. Mr. Marciante asked if this matches what was done in Hopewell Township. Mr. Bliss stated that this resolution does that. Upon a roll call vote all members present voted in favor.

Professional Reports

Mrs. Heinzel stated that her report was included in the package. Mrs. Heinzel stated that a meeting for interested parties was held her regarding the CSX project which will be a two year project. Mrs. Heinzel stated that project is underway and the lanes on Route 31 are already being narrowed.

Mrs. Heinzel stated that Mr. Lawver reported on the Shade Tree Grant, but she would like to say that the Shade Tree Commission did an outstanding job putting the application together. Mrs. Heinzel also stated that the Shade Tree Commission submitted the 5 year Forestry Plan and that was also approved.

Mrs. Heinzel stated that the County Mercer at Play, Round 2 program is underway and requests for proposals are being gathered. Mrs. Heinzel stated that she has been talking with Mr. Lawver about some ideas.

Mrs. Heinzel stated that Joanne Held has been working very hard towards getting the Borough the Bronze Certification under the Sustainable Jersey Program. Mrs. Heinzel stated that we are close to getting the Bronze certification and we should achieve that this year.

Mrs. Heinzel stated that Mercer County will begin repaving on North Main Street in October.

Mrs. Heinzel stated that the Health and Animal Control Shared Services Agreements are up for renewal at the end of this year. Mrs. Heinzel stated that she will be meeting with Hopewell Township and also Montgomery Township to gather information regarding these agreements.

Public Comment Period

Mayor Persichilli 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.

Terry Epstein of 122 King George Road stated that she heard that the problem with the lock on the NJDOT Transportation Trust Fund might interfere with the paving of King George Road. Mr. Davy stated that the paving will be delayed until the issue is resolved on the State level. Mr. Lawver stated that the contractor doing the water main work will be putting a temporary patch over the trenches in the road and that will stay that way until the NJDOT Transportation Trust Fund is available again.

Closed Session

AT, 7:55 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Contract Negotiations – PSE&G

AT, 8:21 PM, Mayor and Council returned to open session.

Open Session

Ordinance for Introduction

Mayor Persichilli read Ordinance 2016-17 by title.

BOROUGH OF PENNINGTON
ORDINANCE 2016-17

ORDINANCE AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO LONG-TERM LEASE AND RELATED MEMORANDUM OF UNDERSTANDING FOR CONSTRUCTION AND OPERATION OF SOLAR ENERGY ELECTRIC GENERATING FACILITY ON PUBLIC WORKS LANDS

WHEREAS, Pennington Borough seeks to lease a portion of its lands in Hopewell Township used by the Borough Department of Public Works (Block 46, Lot 13 on the Hopewell Township Tax Map) ("Public Works Lands") for construction of solar voltaic arrays to generate solar energy for conversion to electricity, including but not limited to generation of electricity to provide emergency back-up power to critical loads at the Pennington Department of Public Works and the Borough's Water and Sewer Utility;

WHEREAS, the Borough advertised for bids to lease roof and/or ground space to bidders having the experience and capacity to build, operate and maintain a quality, certified solar electric generating system at no cost to the Borough;

WHEREAS, in accordance with the advertisement for bids, the successful bidder committed to enter into negotiations with the Borough with the ultimate goal of arriving at and entering into a 20-year lease agreement, contingent upon all required approvals by State and local agencies, providing for construction of a solar system and lease payments to the Borough based on kilowatt-hours of energy produced by the system;

WHEREAS, the sole and successful bidder on the project was Public Service Electric and Gas Company ("PSE&G"), proposing to enter into a lease of land for the construction of approximately 350 kW-DC ground-mounted solar panels and related equipment and installations, which would be owned, operated and maintained by PSE&G and be expected to generate approximately 444,000 kWh-AC in the first year of operation;

WHEREAS, the annual lease rate proposed by PSE&G was $0.045 per kWh-AC with an annual payment multiplier of 2.5 percent;

WHEREAS, following award of bid to PSE&G it entered into negotiations with the Borough leading to agreement upon the form of Lease attached to this Ordinance as Exhibit A;

WHEREAS, the Lease covers that portion of the Public Works Lands described in the conceptual layout attached as Exhibit B (also at Exhibit A of the Lease), with the agreement that same may hereafter be modified in accordance with the results of any engineering and environmental review obtained by PSE&G;

WHEREAS, if the proposed solar facility is approved by applicable authorities at the capacity proposed, it will yield annual lease payments of approximately $19,980 in year 1 increasing to $31,941 in year 20, subject to a guaranteed minimum annual rent of $15,000 if the approved capacity is less;

WHEREAS, the Lease is for an initial term of 20 years with two potential 5-year extensions;

WHEREAS, the Borough and PSE&G have further agreed that before executing the Lease they will enter into a Memorandum of Understanding (MOU), in the form annexed as Exhibit C, providing for execution of the Lease to be deferred until the land use approval process in Hopewell Township has resulted in approval of the project;

WHEREAS, as provided in the attached MOU, upon receipt of such approval, if the project as approved is acceptable to PSE&G in its sole opinion, the Borough shall immediately enter into the attached Lease;

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

1. The Mayor, with the attestation of the Clerk, is hereby authorized to enter into the proposed Memorandum of Understanding (MOU) on behalf of the Borough, in substantially the same form as in the attached Exhibit C;

2. Upon receipt of land-use approval of the project in accordance with the terms of the MOU, the Mayor, with the attestation of the Borough Clerk, is hereby further authorized to enter into the Lease on behalf of the Borough, in substantially the same form as in the attached Exhibit A;

3. Upon execution of the Lease, the Mayor, Borough Administrator and Borough Clerk are hereby further authorized to take such additional steps as appropriate to assist PSE&G in finalizing its approvals and implementing the Lease.

4. This Ordinance shall be effective upon its passage and publication as required by law.

Council Member Lawver made a motion to introduce Ordinance 2016-17, second by Council Member Griffiths. Mr. Bliss requested to go over some parts of the ordinance that changed from the one that was delivered to the one that is before Council for introduction. Mr. Bliss stated that the title of the ordinance has been amended for clarification and now reads "Ordinance authorizing Borough of Pennington to enter into long-term lease and related Memorandum of Understanding for construction and operation of solar energy electric generating facility on Public Works lands." Mr. Bliss further reviewed some changes to the language of the ordinance. Mr. Bliss stated that in Exhibit A to the Ordinance is the Lease Agreement itself and the agreement has been edited in Section 5.4 a and 5.4c on page 10 to make clear the mowing and snow removal by PSE & G. Mr. Bliss explained that at no point will the Borough be forced to go inside the fence to clear snow. Mr. Bliss stated that 6.2 on page 13, a change was made to make clear that the Borough has no obligation to trim trees. Mr. Bliss stated that 11.2e on page 16, a change has been made to clarify language regarding zoning of the property. Mr. Bliss stated that he expressed concern about making sure that encumbrances as reflected in the title search are in Exhibit B and there is now an attachment that contains the encumbrances that are revealed by the PSE & G title search. Mr. Bliss explained that Exhibit C has been amended to reflect a change in the minimum guaranteed rent from $10,000 to $15,000. Mr. Bliss stated that Exhibit I has been amended to reflect none with regard to electric generators. Mr. Bliss stated that is the lease in current form.

Mr. Bliss explained that the Memorandum of Understanding has to be passed by Ordinance because what we are doing tonight is conveying an interest in Borough Land for a minimum of twenty years. Mr. Bliss stated that the Memorandum of Understanding is designed also to be approved under the same ordinance, to permit the land use approval to go forward without the Borough having to sign the lease undertaking the twenty year commitment but nonetheless requiring the Borough to sign the lease as soon as the project is approved but within five days. Mr. Bliss stated that the risk that the Borough had hoped that the MOU would save us from is still there except that there is a guaranteed $15,000 in rent which is a substantial protection. Mr. Bliss stated that the first paragraph of the Memorandum of Understanding which is attached to the ordinance as Exhibit C has been amended in the first two lines regarding which land use board will address this application. Mr. Bliss further clarified the language of the MOU. Mr. Bliss stated that nothing will get signed as a practical matter until after the September 7th meeting of Council when there will be a Public Hearing on this ordinance.

Mr. Lawver asked if the MOU gives the Borough five days to back out if we find pollution? Mr. Bliss replied no the lease gives the Borough five days if before construction PSE & G tells the Borough that we must obtain Pollution Liability Insurance. Mr. Bliss stated that the five days in the MOU has to do with our obligation to sign the lease.

Mr. Griffiths stated that we should define an amount or a ceiling on what the cost would be for Pollution Liability Insurance because if it comes out to be a significant share of the rent it obligates the advantage of the rent. Mr. Lawver stated that he would just like to make sure that this encumbrance does not limit the ability of the Public Works Department to use the yard effectively. Mr. Smith stated that they might have to get creative, but they can work it out.

Upon a roll call vote all members voted in favor of introduction.

Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk