

**Pennington Borough Council
Regular Meeting – June 5, 2017**

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

Also present were Public Works Superintendent Rick Smith and Borough Attorney Walter Bliss.

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

Mayor Persichilli asked everyone to stand for the flag salute.

Open to the Public – Agenda Items Only

Mayor Persichilli read the following statement:

The meeting is now 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 May 8, 2017 Regular Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Lawver who abstained.

Mayor Persichilli stated that Mr. Mark Blackwell was supposed to be here to make a presentation but since he was not present he would continue on with the meeting.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt stated that she was on vacation for the last Open Space Meeting however she distributed a form for Council Members to review. Mrs. Gnatt stated that the Open Space Committee developed and adopted the form to use to assess various parcels. Mrs. Gnatt stated that the form provides descriptions of various properties and prioritizes them.

Mrs. Gnatt had no report for the Planning Board as there was no meeting.

Public Safety / Personnel – Mr. Marciante reported that there is a new alert system called Swift911 that replaces CodeRed and information on how to sign up is provided on the Borough website. Mr. Marciante stated that a resolution to purchase a portable speed tracker sign is on the agenda for consideration. Mr. Marciante stated that combined with the speed bumps that were installed on King George Road and Park Avenue hopefully speeding in the Borough will be under control. Mr. Marciante stated that residents in the area have stated that the speed humps seem to be working to slow people down. Mr. Marciante stated that the Police Department will be looking to replace a vehicle at the next meeting and that is according to the replacement schedule for vehicles.

Mr. Marciante stated that in terms of personnel, interviews were held to fill the vacancy in the Public Works Department and a resolution is on the agenda for consideration.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver reported that Larry Mansier has resigned as the President of the Senior Advisory Board. Mr. Lawver stated that Mr. Mansier will be missed; however it is a good opportunity for that group to reenergize and get some traction. Mr. Lawver stated that at the last meeting the Board expressed its displeasure regarding the Hopewell Valley Senior and Community Center survey that is being conducted by Hopewell Township. Mr. Lawver stated that the Board is upset because the survey was developed without input and consent from them and in their view it is slanted more towards development of a community center. Mr. Lawver stated that the Board took a vote and they have now completely reversed their decision from the April Meeting and they are now on board with renovation and expansion of the current Senior Center. Mr. Lawver stated that at the April meeting the Board stated that there was no way that they were in favor of putting any money into the current Senior Center and now they are saying we are tired of being “jerked around” and they don’t think that they will ever see a standalone Senior Center out of Hopewell Township so now they are in favor of doubling the size of the Reading Street Senior Center. Some discussion took place with regard to timing and the present plan to close the Senior Center at the end of the year. Mr. Lawver stated that he has told the Board that Pennington Borough is “the tail and we are not going to wag this dog”. Mr. Lawver stated that it is up to Hopewell Township to drive the solution. Mr. Lawver stated that a meeting was scheduled with Hopewell

Township in April between the three Mayors and the three Advisory Board liaisons and Hopewell Township cancelled that meeting in favor of holding a Hopewell Township Work Committee focused solely on the Senior Center but a meeting has yet to be scheduled.

Mrs. Chandler stated that she did not think that there was a huge up swell of support for a standalone Senior Center. Mrs. Chandler stated that her feeling from conversations in the community is that there is support for a community center that includes a senior center. Mrs. Chandler stated that she understands that the senior community does not want that but it seems that the community at large does not want to pay for a standalone Senior Center. Mr. Lawver stated that he does not know what the consensus in the community is, but he does know that there is a very strong consensus among this group of seniors that they want a standalone senior center.

Mr. Lawver stated that he has read the survey and it is very slanted and he would be very surprised if it says anything different then they want a community center.

Mr. Marciante asked if the money that is available from Mercer County is dedicated for a Senior Center. Mr. Lawver stated that it is strictly to be used for development of a Senior Center. Mr. Lawver stated that the question was asked at a meeting that was held with Mercer County whether the funds could be paired up with Mercer at Play Funds and the answer was that it probably could be linked. Mr. Griffiths asked who would own the facility after it is done. Mr. Lawver stated that the municipality would own it. Mr. Lawver asked if research was done regarding the funding of the current Senior Center which was done through a grant. Mrs. Sterling stated that we did look into it and there are restrictions with regard to the grant that the work was done under.

Mayor Persichilli stated that the question is what is the next step? Mayor Persichilli stated that the seniors are looking in one direction and the Township is looking in another direction. Mayor Persichilli asked do we approach the Township and ask how we can resolve the situation. Mayor Persichilli stated that he was going under the assumption from the last Council meeting that it is Borough property, we have notified all parties of the intent to close the Senior Center and at this point the fact that they are changing their minds again just throws another wrench into the situation. Mr. Lawver stated that he has been meeting with the seniors for ten years and in his humble opinion absolutely nothing will be done on this issue until Hopewell Township makes up their mind about which direction they are going. Mr. Lawver stated that the Borough does not want to own it and if the Borough were to do anything he would say that we start the paperwork with the County to apply for a grant to fix the center as is and perhaps that might move the process along. Mr. Lawver stated that this is a very vocal group of seniors and if the active senior community were asked, he thinks that the response would be that they would rather have a community center. Mayor Persichilli thanked Mr. Lawver for his report and feedback but at this time no decisions will be made until a conversation takes place with Hopewell Township. Mr. Lawver stated that he reviewed the participation numbers for the senior programs for the month of April, Pennington was about 12 percent, Hopewell Borough was about 7 percent and Hopewell Township was 68 percent and the rest come from elsewhere. Mr. Lawver stated that the programs that take place are defensive driving, Medicare information, how to file for Social Security and the like and they are generally well attended. Mr. Lawver stated that typically they have twenty participants or more per program though the classroom programs tend to have a little less at ten to fifteen participants. Mr. Lawver stated that both the current and prior Senior Coordinators have done a really nice job of developing programs.

Mr. Lawver reported that with regard to Public Works, the Borough is coordinating with the school regarding the water main upgrades on Curlis and Weidel to try to complete the project prior to the start of school. Mr. Lawver stated that in case it is not complete prior to the start of school, the Borough will be working on a contingency plan. Mr. Lawver stated that Van Note Harvey is working on a concept design to share with residents on the road reconstruction project for Curlis and Weidel.

Mr. Lawver stated that most importantly is the plan to reduce garbage collection to one day a week during the month of August to free up the Public Works crew to concentrate on other issues. Mr. Lawver stated that it will be an interesting test to see how it is received in the community.

Mrs. Chandler stated that with regard to Shade Tree, there is a very dead tree in front of the Presbyterian Church which is the County's responsibility. Mrs. Chandler asked if the Borough informs the County when their trees need attention. Mr. Smith stated that the County just came through, but he would reach out to them to bring this one to their attention.

Mrs. Chandler stated that she is a runner and every morning she runs down Park Avenue and King George Road and even though Mr. Marciante reported that the residents are happy with the speed humps she is very underwhelmed by them. Mrs. Chandler stated that as a test, she drove over one of the humps at 42 miles per hour with a lawnmower in her car and it did not even feel like there was a speed hump. Mr. Smith stated that the engineers are aware and there is currently a punch list being created and they will be checking to make sure that the speed humps were installed according to the specifications. Mr. Smith reminded Council that these are speed tables and it may not be feel like a speed bump. Mrs. Chandler stated that she does not know what the Borough paid for the tables, but there is more paint on them than asphalt. Mr. Smith stated that again they need to check to make sure that they were built according to the specifications. Mr. Lawver stated that he had the same reaction as Mrs. Chandler. Mrs. Chandler stated that if what is there now is what is planned for Curlis and Weidel the Borough should save the money and just put up signs and paint the road. Mrs. Chandler stated that these are power of persuasion speed humps. Mr. Marciante stated that he has heard from three different residents that they think they are working. Mr.

Marciante stated that the Borough can't put anything higher in because of the fire trucks. Mr. Smith stated that the same goes for his equipment and there is also a noise factor and the Borough would hear about it from the residents. Mr. Lawver stated that there is one that is hardly even there. Mrs. Chandler stated that she does not feel that the Borough got their money's worth in terms of the speed tables. Mr. Smith stated again that the engineer is aware and this will be included as part of the punch list.

Mr. Lawver asked Mrs. Chandler if she was aware of any other groups other than Parks and Recreation that utilize the Senior Center for their meetings. Mrs. Chandler stated that the Environmental Commission also uses the building.

Parks and Recreation – Mrs. Mills reported that the Library held a volunteer reception on May 18th. Mrs. Mills stated that the Library received a Pennington Day Grant for \$500.00 which will be used to start a world languages picture book collection which will start with Spanish, Chinese and Japanese. Mrs. Mills reported that for June, the summer reading theme is “Build a Better World”, the adult program started on June 1st and the children's program will start on June 21st. Mrs. Mills stated that on Saturday, June 10th, the Library will host Game Day and this is the second year of partnering with the Municipal Alliance for this event. Mrs. Mills stated that on June 10th a program called “What it's Worth” will be held. Mrs. Mills stated that this will be an evening of history and appraisal of items, similar to Antiques Roadshow. Mrs. Mills stated that on June 28th, Lego League for kids will take place and Stroller Strides will be held on June 15th.

Mrs. Mills stated that she asked about using the Library meeting room for Borough groups and the request was not well received. Mrs. Chandler stated that she was part of the refurbishing of the Library several years ago and one of the reasons that the room was renovated was so that it would be available for meetings. Mrs. Mills stated that the reasons were that there is not enough staff to manage the calendar. Mr. Lawver stated that he agrees with Mrs. Chandler and he does not understand how they can say it is not conducive to other groups if the Library Board manages to meet in that room. Mr. Lawver stated that the room is perfectly adequate for any of the Borough groups. Mrs. Mills stated that the Library Board and the Director do not seem to recall any of those conversations. Mrs. Mills stated that she was told that the room is only used for Library groups and programs. Mr. Lawver stated that Shade Tree meets in there. Mrs. Chandler stated that she will check her old e-mails. Mrs. Mills stated that she is simply the messenger but the Board said the room is too small and not amenable for regularly scheduled meetings. Mr. Griffiths stated that the Board should be reminded that taxpayers pay for that space and therefore the taxpayers own the room.

Mrs. Mills had no report for Parks and Recreation though she wanted to mention that Borough Council participated in the Memorial Day Parade in the rain.

Finance – Mr. Griffiths stated that the Finance Committee did not meet.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Economic Development Commission received a Pennington Day Grant to be used to expand and replace the Historic Pennington banners throughout town.

Mrs. Chandler stated that the Environmental Commission met to discuss the report that was submitted on the landfill and to offer advice on how to move forward with that project.

Mrs. Chandler had no report for Historic Preservation.

Presentations

Mayor Persichilli invited Mr. Mark Blackwell to come forward. Mr. Blackwell apologized for being late; he thought the meeting started at 7:30pm. Mr. Blackwell of 74 North Main Street stated that he is representing the Board of Fire Commissioners which consists of himself, Mr. Bill Meytrott, Mr. Bob DiFalco, Mr. Gene Schooley and Mr. Brian Hofacker. Mr. Blackwell stated that he was asked to attend the meeting to make a presentation on the Fire Commission. Mr. Blackwell reported that the Commission is financially sound and they just took possession of a new ladder truck. Mr. Blackwell stated that he is not sure if Council is aware that Hopewell Township pays 75 percent of the budget for the Board. Mr. Blackwell stated that no extra monies were required from the taxpayers as they were able to use monies that were saved and invested. Mr. Blackwell stated that in two years they will be looking to replace their engine truck. Mr. Blackwell stated that most of the equipment is from 1991 so they are all the same age and it is difficult to replace every truck at one time. Mr. Blackwell stated Hopewell Township and the taxpayers have to approve the purchase because they are funding 76 percent of the purchase. Mr. Blackwell stated that once a truck is configured and a price is determined, bids are solicited and at that point they go to Hopewell Township for approval. Mr. Blackwell stated that they have been fortunate over the years that the voters who come out for the election have voted favorably. Mr. Griffiths asked what happens when there is a fire that requires multiple pieces of equipment from other departments. Mr. Blackwell stated that Pennington has a mutual aid agreement with Ewing, Lawrence and Hopewell for coverage when and where needed. Mr. Blackwell briefly explained the area covered by Pennington Fire Company. Mr. Blackwell stated that a map can be found on their webpage. Mr. Blackwell stated that the arrangement has worked out really well for Pennington residents. Mr. Marciante asked Mr. Blackwell to explain how some fire companies are changing to paid status. Mr. Blackwell stated that Pennington Fire Company remains to this day, 100 percent volunteer and there are only one or two other companies in Mercer County that are still 100 percent volunteer. Mr. Blackwell stated that Hopewell Township would like to put paid people in Pennington Fire

Company and the membership has mixed feelings, some are in favor, some are not. Mr. Blackwell explained that the building right now is not equipped for paid employees because it does not have a fresh air system that would pump diesel exhaust outside the building. Mr. Blackwell stated that a paid person would be sitting in the fire house after a call breathing diesel exhaust where presently volunteers go home after a call. Mr. Blackwell stated that the system is in their budget, it has been approved but the vendor has not been able to get to the right number. Mr. Marciante asked Mr. Blackwell to comment on the siren. Mr. Blackwell stated that Pennington Borough is going to have a new siren. Mr. Blackwell stated that the pole should be mounted next week and hopefully the wiring will be completed by the end of July. Mr. Blackwell stated that they have been able to get volunteers to do the work, but it takes time to work around their schedules. Mr. Blackwell stated that he watches over the tax payer dollars like it his money, and since he doesn't have a lot of money he is very careful how he spends taxpayer dollars. Mr. Blackwell stated that the fire department is financially sound right now and he does not anticipate asking the taxpayers for any money towards the next equipment purchase. Mr. Blackwell stated that the fire tax was 3 cents for quite a while and has been maintained at 4 cents due to the cap requirements. Mr. Lawver asked about the funding of the new building. Mr. Blackwell stated that he could not comment on that because he is here representing the Fire District. Mr. Blackwell stated that he can say that the fire company did not want any money from the Fire Commission because then the Commission would have been able to have a say in the project. Mr. Blackwell stated that the Fire Commission pays rent for the bays to the Fire Company and the rest of the fire company funds come from donations and fund raising. Mr. Blackwell stated that their audit for 2016 is complete and they will be voting on it at the next meeting. Mr. Blackwell reported that there were no issues with the audit. Mr. Blackwell stated that all of their minutes and financial reports are posted on their website, www.pbbofc.org. Mayor Persichilli thanked Mr. Blackwell for his report.

Mrs. Regina Phillips asked if there was a sign in sheet for residents who would like to speak. Mayor Persichilli stated that Council has a Public Comment Period at the end of the meeting but he would allow comments at this time.

Mrs. Phillips of 211 Hale Street came forward and stated that she has two things that she would like to speak about. Mrs. Phillips stated that she is having a problem with her neighbor and the state of their yard. Mrs. Phillips stated that she has been threatened by this neighbor and she is worried about her kids. Mrs. Phillips stated that the neighbor has placed stakes with caution tape around her yard and the yard is now full of hay. Mrs. Phillips stated that the grass in the backyard is very high. Mrs. Phillips stated that she has a back driveway and the neighbor has put stakes along the driveway and that is what was happening tonight and brought her to the Council meeting. Mrs. Phillips stated that the neighbor has called the police on her regarding dog waste. Mrs. Phillips stated that she is very good about picking up after her dog. Mrs. Phillips stated that the stakes along the yard and driveway are not covered and if someone falls it could be serious. Mrs. Phillips stated that she has been a resident here for 20 plus years and before that she lived in Hopewell Township and she has never experienced anything like this. Mrs. Phillips stated that she and her family are very active in the community and she is very upset about this situation. Mrs. Phillips stated that no one lives in the house the owners are only there occasionally. Mrs. Phillips stated that the house she is referring to is at 126 Laning Avenue. Mr. Lawver stated that the prior owners tried to redo the lawn and when this owner came along, they took down trees and tore up the lawn further. Mrs. Phillips stated that people should not be allowed to clear their yards of trees for no reason. Mrs. Phillips stated that the neighbor on the other side has also had issues. Mrs. Phillips further explained some of the issues that she has with the neighbor and how this situation is harming the value of homes in the area. Mayor Persichilli stated that he will have a discussion with the Police Department and the Health Department. Mayor Persichilli stated that there are regulations in place regarding lawn maintenance and the Borough can issue a violation notice stating that if the grass is not cut by a certain date the Borough will take care of it and a lien will be placed against the property. Mayor Persichilli stated that with regard to trees, the homeowner has a right to take down trees on their own property.

Mrs. Phillips stated that the second thing that she would like to address is the trees in the right of way that are damaging her sidewalk. Mrs. Phillips stated that she was here a couple years ago regarding the trees and she never received another letter indicating what she is supposed to do about the sidewalk. Mrs. Phillips stated that she talked to Mrs. Heinzl who said that a letter would be going out but she never received one. Mrs. Phillips stated that there are problems with the mail, but she never received a letter. Mrs. Phillips stated that she would like to repair the sidewalk, but she can't until she knows how to deal with the trees.

Mayor Persichilli stated that he would speak to the Borough Administrator regarding both of these concerns.

Reverend Doctor Angela Battle from the Bethel AME Church at 246 South Main Street came forward and stated that she is here tonight to highlight a few of the wonderful upcoming events at Bethel AME Church. Reverend Battle stated that this has been an extraordinary year for her as Pastor at this historic church. Reverend Battle stated that she has had the opportunity to meet and act with wonderful people in Pennington Borough. Reverend Battle stated that their membership has grown and is still growing. Reverend Battle stated that the church will be celebrating her first pastoral anniversary on June 11th and she would like to invite everyone to attend. Reverend Battle stated that there will be two services one at 11 and one at 3 and in between light refreshments will be served. Reverend Battle stated that the chairperson, Reverend Doctor Belinda Love is collecting donations for the pastoral anniversary bulletin and they will also be accepting donations of baked goods and juice. Reverend Doctor Battle stated that secondly they are holding a day of community service where the entire community is invited to help with yard work around the church and parsonage. Reverend Battle asked for donations of time, yard tools and refreshments to serve to the volunteers. Reverend Battle stated that this will take place on Saturday, June 24th from 10 am to 1pm and she has flyers to leave at the Borough Hall. Mr. Lawver suggested providing a flyer to the Library for their

message board on their website and Mrs. Chandler offered to post the flyer on the Hopewell Pennington Update page on Facebook.

Reverend Battle stated that the third thing that she would like to mention is that the church celebrated its 200 year anniversary last year and this year it is 201 and they will be celebrating in October. Reverend Battle stated that the community was so helpful last year that they will be reaching out again this year. Reverend Battle stated that she would like to schedule the celebration in October but she wants to make sure that it does not conflict with other community events. Mr. Marciante stated that Fire Company is having an open house in October. Reverend Battle stated that they will plan around that. Mrs. Chandler suggested checking the school calendar as well.

Reverend Battle stated that she is also the Chartering President of the National Council of Negro Women for Mercer County. Reverend Battle stated that this is a new Chapter, but they have already grown to 65 members and their goal is to have 100 members throughout the County. Reverend Battle stated that they will be holding their inaugural ceremony in September, tentatively September 30th. Reverend Battle stated that more information on this will be forthcoming. Reverend Battle read a brief history of the Council.

Reverend Battle stated that she looks forward to working with Pennington Borough and the doors of the church are always open and everyone is always welcome.

Mr. Mark Blackwell of 74 North Main Street asked about parking on Green Street. Mr. Blackwell stated that he has two suggestions for parking on Green Street, one is parking meters and one is leasing the spots to the Pennington School. Mr. Blackwell stated that the street is packed all day with cars and particularly when there are special events at the school. Mr. Blackwell stated that when the Planning Board approved their application the school indicated that they would be providing off street parking and there would not be any parking on the street. Mr. Blackwell stated that as a Planning Board Member he feels misled and he would like to see something get done. Mrs. Chandler asked if Mr. Blackwell would like to see the cars off the street or if he would like to see some means to charge for parking. Mr. Blackwell stated that he has reported parking over the yellow line to the Police Department and he was told that nothing can be done because we do not have an ordinance that allows towing of cars. Mr. Lawver stated that we can look into this. Mr. Lawver asked if the cars were ticketed and Mr. Blackwell stated that they were. Mr. Blackwell stated that in addition it would bring some revenue into the Borough. Mayor Persichilli stated that parking has been part of conversations that he and the Borough Administrator have had and will continue to have with the Pennington School.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 6.2**

RESOLUTION 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 \$ 687,748.61 from the following accounts:

Current	\$ 592,038.86
W/S Operating	\$ 21,764.62
Developers Escrow	\$ 21,473.14
Grant Fund	\$ 52,471.99
TOTAL	\$ 687,748.61

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2017-6.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 6.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2017 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
PENNINGTON DAY GRANT FOR ECONOMIC DEVELOPMENT COMMISSION TO REPLACE
BANNERS IN THE HISTORIC DISTRICT**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a \$500.00 grant from Pennington Day for the Economic Development Commission to replace banners in the Historic District; and

WHEREAS, Pennington Borough wishes to amend its 2017 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2017 in the sum of \$500.00, which is now available as revenue from:

Pennington Day Grant – EDC – Historic Banners

BE IT FURTHER RESOLVED that a like sum of \$500.00 be and the same is hereby appropriated under the caption of:

Pennington Day Grant – EDC – Historic Banners

BE IT FURTHER RESOLVED that the Borough Clerk shall file this resolution with the Director of Local Government Services as required by Statute.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-6.3, second by Council Member Chandler. Mr. Lawver stated that the Library received a Pennington Day Grant and asked if a resolution needs to be done for that grant. Mrs. Sterling stated that she did not receive anything on the Library grant. Upon a roll call vote all members present voted in favor with the exception of Mr. Lawver who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 6.4**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2017 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
ANJEC GRANT FOR THE BOROUGH ENVIRONMENTAL COMMISSION TO FUND
HOWE’S COMMUNITY ARBORETUM PLAN**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a \$1,500.00 grant from the Association of New Jersey Environmental Commissions (ANJEC) for the Borough Environmental Commission to fund Howe’s Community Arboretum Plan; and

WHEREAS, the Borough wishes to amend its 2017 Budget to include this amount as a special Item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2017 in the sum of \$1,500.00, which is now available as revenue from:

ANJEC GRANT – ENVIRONMENTAL COMMISSION

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 be and the same is hereby appropriated under the caption of:

ANJEC GRANT – ENVIRONMENTAL COMMISSION

BE IT FURTHER RESOLVED that the Borough Clerk shall file this resolution with the Director of Local Government Services as required by Statute.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-6.4, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 6.5**

RESOLUTION AUTHORIZING ENROLLMENT OF THE BOROUGH IN THE COOPERATIVE PURCHASING PROGRAM OF THE NATIONAL JOINT POWERS ALLIANCE (NJPA)

WHEREAS, P. L. 2011, c. 139 (N.J.S.A. 52:34-6.2) authorizes New Jersey municipalities and other defined contracting units to purchase goods and contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey or within any other state, when available;

WHEREAS, prior to making purchases or contracting for services, the municipality or other contracting unit must determine that the use of the cooperative purchasing agreement will result in cost savings after all factors, including charges for service, material and delivery have been considered;

WHEREAS, the Borough of Pennington has the opportunity to utilize cooperative purchasing to obtain discount pricing through the National Joint Powers Alliance (NJPA), a national public service agency which operates a cooperative purchasing program;

WHEREAS, the State of New Jersey has issued two (2) Local Finance Bulletins to provide guidance to municipalities and units of local government on the procedures for using national cooperative purchasing programs effectively;

WHEREAS, the Borough Clerk, utilizing the New Jersey Local Finance Bulletins and documentation received from the NJPA, has verified that the NJPA is a cooperative purchasing program authorized by P. L. 2011, c. 139 (N.J.S.A. 52:34-6.2) which satisfies requirements listed in the Local Finance Bulletins pertaining to use of advertised competitive sealed bidding for procurement;

WHEREAS, the Borough will become a Participating Member in the NJPA Cooperative Purchasing Program by entering into a Cooperative Purchasing Enrollment Agreement substantially in the form annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to enter into the attached Cooperative Purchasing Enrollment Agreement on behalf of the Borough and to take such other or additional steps as may be required to qualify the Borough as a Participating Member of the NJPA Cooperative Purchasing Program.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-6.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 6.6**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2017 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
NJDOT GRANT FOR 2017 ROAD IMPROVEMENT PROGRAM (BURD STREET)**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a grant in the amount of \$345,000. from the NJ Department of Transportation for the 2017 Road Improvement Program covering improvements to Burd Street; and

WHEREAS, the Borough wishes to amend its 2017 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2017 in the sum of \$345,000, which is now available as revenue from:

NJDOT – 2017 Municipal Aid Program (Burd Street)

BE IT FURTHER RESOLVED that a like sum of \$345,000. be and the same is hereby appropriated under the caption of:

NJ DOT – 2017 Municipal Aid Program (Burd Street)

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-6.5, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 6.7**

**RESOLUTION REAPPOINTING MARIANNE BUSER AS
TAX ASSESSOR OF THE BOROUGH OF PENNINGTON**

WHEREAS, Marianne Buser, a certified tax assessor of the State of +New Jersey, was appointed by the Mayor of the Borough of Pennington and confirmed by Borough Council as Tax Assessor of the Borough effective July 1, 2013, to serve part-time for a four year term expiring on June 30, 2017;

WHEREAS, Marianne Buser has competently and faithfully served the Borough as Tax Assessor, on a part-time basis, since the date of her appointment;

WHEREAS, the Mayor now seeks to reappoint Marianne Buser as Tax Assessor of the Borough, effective July 1, 2017, to continue to serve part-time for a term of four years, subject to the advice and consent of Borough Council;

WHEREAS, upon reappointment, having served four consecutive years immediately prior to such reappointment, Marianne Buser shall thereafter hold the position during good behavior and efficiency and compliance with requirements of continuing education notwithstanding that such reappointment is for a fixed term of years, and she shall be removed from the position only for good cause shown, as set forth in N.J.S.A. 54:1-35.31 and related statutes;

WHEREAS, service as part-time Tax Assessor requires performance of all the duties of Tax Assessor provided by law together with maintenance of regular publicized hours in Borough Hall two hours per week;

WHEREAS, the salary of the Tax Assessor is governed by the Borough salary ordinance;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that it hereby grants its advice and consent to the reappointment of Marianne Busher, certified tax assessor, as Tax Assessor of the Borough of Pennington effective July 1, 2017, to serve part-time for a term of four years through June 30, 2021.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2017-6.7, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2017-6.8**

RESOLUTION AUTHORIZING CONTRACT WITH APPLIED CONCEPTS, INC. FOR PURCHASE OF STALKER RADAR FOR MONITORING TRAFFIC

WHEREAS, the Borough of Pennington Police Department seeks to obtain a mobile radar device with display (“Radar Device”) for monitoring traffic speeds in the Borough and as an advisory to motorists;

WHEREAS, the purchase is not subject to advertisement for bids under the Local Public Contracts Law because the contract is below the bid threshold;

WHEREAS, in conformance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, the Borough has solicited competitive quotations for purchase of the Radar Device and has obtained three quotations;

WHEREAS, Applied Concepts, Inc. of Richardson Texas has provided a quote for its “Stalker SAM Trailer,” with attachments and 24-month warranty, in the total amount of \$7,647.00, including shipping and handling, as reflected in the attached Quote #2006654;

WHEREAS, the quote by Applied Concepts is the lowest of the three quotes obtained, and the Police Department has recommended acceptance of the quote as the most advantageous to the Borough, price and other factors considered; and

WHEREAS, the funds for the purchase are available in Account #: 7-01-25-240-000-203 Police/Other Expense – Community Policing;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator, with the attestation of the Borough Clerk, is authorized to issue such vouchers and other documents as necessary to enter into a contract with Applied Concepts, Inc. for purchase of the Radar Device described in the annexed Quote #2006654, in conformance with the terms of that Quote.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-6.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 6.9**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 TO GLEN G. HALE, d.b.a. HALE BUILT FOR WORK COMPLETED ON THE IMPROVEMENTS TO KING GEORGE ROAD PROJECT

WHEREAS, Glen G. Hale, d.b.a. Hale Built has completed work pursuant to the contract for the Improvements to King George Road Project (VNHA File #: 43325-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed Hale Built’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 2 in the amount of \$192,427.15 less 2% retainage in the amount of \$ 3,848.54; and

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

WHEREAS, funds are available from in Account #: G-02-44-956-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Hale Built in the net amount of \$ 188,578.61 pursuant to payment request No.2 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-6.9, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 6.10**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 TO
GLEN G. HALE, d.b.a. HALE BUILT FOR WORK COMPLETED ON THE IMPROVEMENTS TO
PARK AVENUE**

WHEREAS, Glen G. Hale, d.b.a. Hale Built has completed work pursuant to the contract for the Improvements to Park Avenue Project (VNHA File #: 43326-520-52); and

WHEREAS, Van Note Harvey Associates has reviewed Hale Built’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 2 in the amount of \$288,507.92 less 2% retainage in the amount of \$ 5,770.16; and

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

WHEREAS, funds are available in Account #: G-02-44-959-000-250;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Hale Built in the net amount of \$ 282,737.76 pursuant to payment request No.2 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-6.10, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 6.11**

**RESOLUTION AUTHORIZING THE HIRING OF NICHOLAS RAY MITCHELL AS LABORER
IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough of Pennington has need for a qualified person to fill the position of Laborer in the Department of Public Works;

WHEREAS, interviews were conducted on June 1, 2017 to fill a vacancy in the Public Works Department; and

WHEREAS, the Superintendent of Public Works, the Borough Administrator and the Public Safety Director reviewed 7 applications for the position and interviewed 3 of these applicants; and

WHEREAS, there was one strong candidate for the position and he was contacted by the Superintendent of Public Works to fill the current vacancy and he has confirmed that he would accept the job offer; and

WHEREAS, the Superintendent of Public Works has recommended hiring Nicholas Ray Mitchell and this recommendation has been reviewed and approved by the Borough Administrator;

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

as follows:

1. the hiring of Nicholas Ray Mitchell as Laborer in the Department of Public Works is hereby approved;
2. Mr. Mitchell’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and Teamsters Local 35;
3. Mr. Mitchell’s start date shall be determined by the Superintendent of Public Works.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-6.11, second by Council Member Chandler with all members present voting in favor.

Council Discussion

Request for Parking Lease – Mayor Persichilli stated that Council Members received a copy of a letter from someone who is interested in leasing the old Borough Hall building on the corner who is also interested in leasing parking spaces from the Borough. Mayor Persichilli stated that his initial reaction was that the Borough does not have six or seven spots to lease out but he thought that it should be brought to Council for input. Mrs. Chandler stated that in the past parking questions have been referred to the Pennington Business and Professional Association to get their opinion because they are the ones who have been the most vocal about parking. Mrs. Chandler stated that if this person can present their case to the PBPA and if the PBPA, though unlikely, does not have a problem with it then she does not have a problem with it. Mrs. Chandler stated that she is trying to serve the business community. Mayor Persichilli stated that even if the PBPA is in favor of this request, he thinks that it is up to the Borough to decide whether to grant the request. Mrs. Chandler stated that she understands that, but she would be interested to hear the opinion of the business community. Mr. Lawver asked if this request is for 6 spaces in addition to the 2 that they already have and Mayor Persichilli responded that the request is for additional spaces. Mr. Bliss stated that the Borough has restrictions on the ability to lease public property to private people. Mr. Bliss stated that added to that is this particular parking lot has at least two easement agreements, one relevant easement agreement that protects the building across the lot and guarantees them a minimum number of spaces. Mr. Bliss stated that agreement was entered into when the parking lot was constructed. Mr. Bliss stated that he is skeptical as to the Borough’s ability to lease to other requestors. Mrs. Chandler stated that if that is the case then asking for the opinion of the PBPA would not be a good idea. Mr. Lawver stated that he does not see any way that the Borough could agree to the request. Mr. Bliss explained that there is a procedure for leasing public property to private people but the premise would be that the property is not needed for public use or is otherwise not legally restricted and this is legally a public parking lot as confirmed in the easement agreements. Mayor Persichilli stated that there is a parking problem with the Pennington School and they are going to have to address their off campus parking. Mayor Persichilli stated that it is time to have another conversation with the Pennington School regarding the need for them to provide more parking on campus and also to bring to their attention the discussion of permit/paid parking on Green Street. Mayor Persichilli stated that he would talk to the Pennington School about parking and also say no to this request to lease parking spaces in the Borough lot.

Mr. Marciante stated that earlier an Open Space document was circulated and he thought that Council made it clear to the Open Space Committee that Open Space Funds should be used in Pennington Borough to make improvements to the parks. Mrs. Chandler stated that is not true, that is what Mr. Marciante and Mr. Griffiths want, but the overall plan for Open Space approved by Council approved looking outside of the Borough and the properties on the list fit into that plan. Mrs. Chandler stated that purchase of the properties on the list would also use Mercer County dollars which is her tax dollars. Mr. Marciante stated that he does not appreciate the way the Open Space Committee went about picking out members of Council to meet with individually after they were told at the Council Meeting no. Mr. Marciante stated that if that is how Council wants to do business then he would like to know. Mr. Griffiths stated that he met with Alan Hershey of the Open Space Committee and he shut him down. Mr. Griffiths stated that he has more commentary coming about land use and development in New Jersey. Mr. Griffiths stated that he did some research and the prospect of acquiring Open Space is in the past and development in New Jersey has come to a screeching halt. Mr. Griffiths stated that there is 5 million square feet of office space in Mercer County that will take twenty years to occupy. Mr. Griffiths stated that his point is that the smart growth initiative which is reflected in an article about the Ewing plan to redevelop the General Motors Plant and what is being seen in Plainsboro and at The College of New Jersey is the direction that growth is going, mixed use residential and retail. Mr. Griffiths stated that is what the Borough should be looking at and we should be using Open Space funds to compliment that type of development within the Borough. Mr. Griffiths stated that Council Members will be receiving his comments as soon as he fills in some more numbers. Mrs. Chandler stated that if that is what Council wants to do then we need to change the Open Space Plan that was approved by Council. Mr. Griffiths stated that the point is that the plan is probably obsolete and we should be developing a new plan based on facts and research. Mr. Griffiths stated that Open Space is a good thing, but we have 2,650 acres of Open Space surrounding the Borough right now which is four times the size of the acreage of

the Borough itself. Mr. Griffiths stated that the trend for us of open space funds in the State of New Jersey is towards this Smart Growth type of construction and development. Mr. Griffiths stated that the Borough has a couple of lots left and the money should be put into supporting those types of development. Mrs. Chandler stated that for now, Mr. Hershey is working within the plan that he presented and that Council approved. Mr. Griffiths stated that there was no approval to proceed with any acquisitions. Mayor Persichilli stated that the point was delivered that the majority of Council is in favor of spending Open Space funds within the town and not outside the town and Mr. Hershey understands that. Mr. Lawver stated that there was nothing inappropriate about the meeting that was held, it was to share the format and methodology that went behind the ranking system of properties in the area and if Council would like Mr. Hershey to come and share that with Council he is sure that he would, however he does not think it is worth the time because there is not much support for spending money outside the Borough.

Mr. Marciante stated that Mr. Hershey presented the plan and Council said no. Mr. Marciante asked why then did Mr. Hershey meet individually with Council Members. Mr. Griffiths stated that he is a persistent person. Mrs. Gnatt stated that she does not think that Mr. Hershey got the message that Council wants to spend the funds within the Borough. Mrs. Gnatt stated that she thinks that some kind of meeting is in order so that the Committee can understand their direction. Mr. Griffiths stated that he presented all of the facts and he felt that Mr. Hershey understood. Mr. Griffiths stated that he will distribute his facts. Mayor Persichilli stated that he would have a conversation with Mr. Hershey. Mrs. Chandler stated that Council needs to review the plan and write a new one if Council does not want to pursue properties outside the Borough. Mrs. Gnatt asked how we get that in motion. Mr. Marciante stated that Mr. Griffiths is working on something. Mrs. Chandler stated that it might be premature to write a new plan given the activity with the landfill and other properties and we don't really know what the new plan would be. Mrs. Chandler stated that her opinion would be to suggest to Mr. Hershey that the majority of Council is not interested in properties outside the Borough. Mr. Griffiths stated that we can articulate principals in a resolution to the Open Space Committee should could use as guidelines and those principals would including using the funds to develop cultural and recreational facilities within the Borough boundaries. Mr. Griffiths stated that it should be included that development should be in accordance with Smart Growth Principals articulated by a third party and consistent with Rutgers Land Use research. Mr. Griffiths stated that the millennial generation wants stuff to do within walking distance and within the community. Mr. Griffiths stated that the point is to invest in existing community assets or developing assets that create a sense of place and destination. Mr. Marciante asked if Open Space funds can be used to improve recreational facilities on Sked Street and at Kunkel Park? Mr. Griffiths stated that they could. Mrs. Chandler stated that the reason that Mr. Hershey is revisiting properties outside of the Borough is that Mercer County dollars which include taxes paid by Pennington residents will most likely not support these infrastructures. Mrs. Chandler stated that means her tax dollars are going to open space in other municipalities. Mrs. Chandler stated that what Mr. Hershey is trying to do is use her county tax dollars for Open Space closer to Pennington that she can utilize and she appreciates that. Mr. Griffiths stated that he disagrees with that because we do have 2,650 acres of facilities surrounding the Borough. Mr. Lawver asked at what point does the Borough risk being forced to turn over the Borough Open Space Fund, in other words, how many years can the Borough go without utilizing their Open Space Funds. Mr. Griffiths stated that Mr. Bliss can research that. Mayor Persichilli stated that Council needs a better understanding before a discussion can take place. Mayor Persichilli stated that he would appreciate if Mr. Bliss would take the time to research how the Borough can spend its funds and what the period of time for spending the funds is because that may greatly influence the ideas that the Borough has. Mayor Persichilli stated that he would like to find a way to spend the funds within the boundaries of the Borough for recreational purposes or simply to turn a current property into Open Space. Mr. Griffiths stated that it might also be wise to direct the Open Space Committee to do some research on their own and to look at how the many Boroughs' in New Jersey have used Open Space funds within their own Boroughs. Mr. Griffiths stated that Morristown which was a dying community ten years ago is now flourishing. Mr. Griffiths stated that it is incumbent on the Open Space Committee to do some research rather than plowing down this path knowing that there is a lot of resistance. Mayor Persichilli stated that he would have a conversation with Mr. Hershey.

Professional Reports

There were no professional reports other than the report submitted by the Borough Administrator.

With no further business to come before Council, Mr. Griffiths made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk