

**Pennington Borough Council
Regular Meeting – July 3, 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 Gnatt, Lawver, Marciante and Mills in attendance. Council Members Chandler and Griffiths were absent.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, 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.

Mayor's Business

Mayor read the following Proclamation and presented it to Mr. Larry Mansier.

**A Proclamation by the Mayor and Borough Council of Pennington
Honoring Lawrence Allen Mansier**

Whereas; Lawrence Allen Mansier was born in New Brunswick on June 9, 1930 and educated in Piscataway Grammar School and Highland Park High School achieving academic excellence in the classroom and athletic achievement on the baseball diamond, upon graduation in 1947 his prophetic Yearbook description read, "A good one to follow, a hard one to beat" which led to his Bachelor of Arts degree in English from Rutgers University in 1952; and

Whereas; Lawrence Allen Mansier joined the U.S. Army in 1952 and while serving in Korea 1952-53 contracted debilitating polio, then recuperating in an iron lung, hospital in Japan, Valley Forge Army Hospital and East Orange Veterans Hospital until discharged in 1955; and

Whereas; following work in New York City from 1955-59, Lawrence Allen Mansier did graduate work in English at Rutgers and Seton Hall Universities and then began his career as an English teacher at Netcong High School from 1962 – 1966 before embarking on a long and distinguished career from 1966 – 1995 at Princeton High School as an English and film teacher, director of school plays and baseball coach; and Little League baseball coach in the 1980's; and

Whereas; Lawrence Allen Mansier wed Madeleine Mary Waters in 1967 who gave birth to their son Lawrence Albert Mansier in 1972 and she has supported Larry for 50 years; and

Whereas; at a time when most retirees slow down, Lawrence Allen Mansier shifted into high gear with an amazing array of volunteer activities including President of the Hopewell Valley Lions Club, a member of Classics Revisited Book Club and he is most active in the Pennington Presbyterian Church as a member of Session and the Older Adult Committee; and

Whereas; Lawrence Allen Mansier was named 2004 Hopewell Valley Municipal Alliance "Volunteer of the Year", 2005 "Mercer County Volunteer of the Year", and first recipient in 2007 of the Trenton Cyrus Lodge 5 "George Washington Award in Human Development"; and

Whereas; in 2004 Lawrence Allen Mansier began to focus on the needs and wants of Hopewell Valley senior citizens as Chair of the Hopewell Valley Seniors Ad Hoc Committee followed in 2005 when all three Hopewell Valley Communities created the Hopewell Valley Senior Advisory Board which he has chaired every year until his resignation in 2017; and

Whereas; Lawrence Allen Mansier was instrumental in the creation of the Hopewell Valley Senior Foundation in 2007 and in 2009 he created Explorations, a daytime learning program for seniors offered twice a year by senior volunteer teachers to fill an educational need of older adults not being met; and

Whereas; through his dedicated service and inspired leadership Lawrence Allen Mansier is living proof of the adage that "when life hands you a lemon, make lemonade." Larry Mansier has made lots of lemonade and shared it with us for a long time proving also that his 1947 high school Yearbook description foretold that he is indeed, "A good one to follow, a hard one to beat".

Now, therefore, with grateful thanks, be it proclaimed that the Mayor and Council of the Borough of Pennington hereby recognize and honor the service and accomplishments of Lawrence Allen Mansier and extend to him all of Pennington's best wishes on this 3rd day of July 2017.

Mr. Mansier stated that life hands you opportunities and many of his have happened right in this room. Mr. Mansier stated that in 2005 the Senior Advisory Board began and Mayor Loper was sitting as the Mayor. Mr. Mansier stated that every time he has come to the Borough Council he always felt that people heard and listened to him and gave honest answers and he appreciates that. Mr. Mansier stated that Mr. Tucker and Mr.

Lawver were great people to talk with and they have always been honest with him. Mr. Mansier stated that he appreciates that Council is on eye level with him and that is how Borough Council treats people, as equals.

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.**

Mr. Weed Tucker a resident of Pennington Point and member of the Senior Advisory Board came forward and added his congratulations to Mr. Mansier. Mr. Tucker stated that many people e-mailed him that they wanted to attend the meeting tonight but could not. Mr. Tucker stated that Mr. Mansier will be a hard act to follow. Mr. Tucker stated that the Senior Advisory Board asked him to come and read a motion that was passed at their May 17th meeting. Mr. Tucker read “regardless of the Hopewell Township survey, the Hopewell Valley Senior Advisory Board strongly recommends that we proceed with the plans that we have in hand to renovate and expand the present Senior Center on Reading Street in Pennington and submit a request to the Mercer County Board of Freeholders for the promised funds given that no viable alternative can be achieved in the time remaining before the present Senior Center is closed.” Mr. Tucker stated that the Senior Advisory Board cannot act, they can only advise and so this recommendation is being passed on for Council to consider.

Mayor Persichilli stated that Council became aware of this last week and the Borough has been communicating with Hopewell Township to try and set up a meeting.

There were no further comments from the public.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt reported that at the June 14th Planning Board meeting, Cugino’s Italian Market submitted an amended preliminary and final site plan and variance application seeking revision to the recent approvals in order to expand the width of the existing building and basement. Mrs. Gnatt stated that specifically the proposed revision would be for an expansion of approximately seven feet four inches by thirty six feet along the easterly side of the building in order to enlarge the kitchen area. Mrs. Gnatt stated that the total first floor addition is being increased from 1229 square feet to 1465 square feet. Mrs. Gnatt stated that the Application Review Committee recommended granting the waiver and the Planning Board granted the application with certain conditions. Mrs. Gnatt stated that one of the conditions is that Cugino’s has to come back before Council to negotiate the use of Borough property.

Mrs. Gnatt had no report for Open Space.

Mrs. Heinzl stated that there was some confusion in the Cugino’s application presentation. Mrs. Heinzl stated that Cugino’s made it clear that they would be able to move forward with their expansion of the restaurant without using Borough property. Mrs. Heinzl stated that they would like to have use of the property, but it was pointed out to them that there is no agreement with the Borough and we have not seen anything from their attorney. Mrs. Heinzl stated that they did make it clear that they would not need to use Borough property in order to expand the restaurant.

Public Safety / Personnel – Mr. Marciante stated that contrary to what he said at the last meeting speed humps on King George Road seem to be working, but the speed humps on Park Avenue are not slowing down traffic. Mr. Marciante stated that the Public Works Committee is looking into the speed humps. Mr. Marciante stated that a resolution is on the agenda later in the meeting for the purchase of a new vehicle for the Police Department.

Mrs. Gnatt asked what the difference was between the speed humps on King George and the ones on Park Avenue. Mayor Persichilli stated that the speed humps on Park Avenue are not as high as the ones on King George Road.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver reported that the speed hump on Burd Street is 6 inches high and the speed humps on Park Avenue and King George Road are basically about 3 inches high. Mr. Lawver stated that the contractor has been asked to provide a price on raising the speed humps up to 6 inches which should have more of an impact on slowing down the traffic. Mr. Lawver stated that the Borough Engineer has estimated about \$2,000 per speed hump which would amount to between \$10,000 and \$12,000. Mr. Lawver stated that the Public Works Committee felt that the speed table/crosswalk is good the way it is, but the others need to be addressed.

Mr. Lawver stated that during the month of August, the Borough will be going to one day a week garbage pickup on Monday to free up the public works employees to fill potholes throughout the Borough. Mr. Lawver reported that Nicholas Mitchell has started work and is getting up to speed.

Mr. Lawver stated that later on the agenda is a resolution appointing a contractor for tree removal. Mr. Lawver stated that twenty-two trees will be taken down utilizing a \$25,000 grant. Mr. Lawver stated that work should be completed by the middle of October.

Mr. Lawver had no further report for the Senior Advisory Board.

Mr. Marciante stated that some of the trees marked with a blue T will not be coming down. Mr. Lawver stated that a communication needs to be sent out particularly to those residents who have trees marked with a T but the tree will not be taken down under this contract. Mr. Marciante stated that he talked with the Borough Administrator about this. Mrs. Heinzl stated that the Shade Tree budget for trees that was approved for this year was \$10,000 and there has been some discussion about whether those funds could be used to take down the remaining trees on the list of twenty-eight trees. Mr. Lawver stated that there are six trees that were not included in the proposal. Mr. Marciante asked if the bid was responsive given that they did not quote a price for all of the trees on the list. Mr. Bliss explained that the Borough disclosed the budget of \$25,000 for the project and we asked for the greatest number of trees to be removed within the budget. Mr. Bliss stated that this one bidder, who is a State Contract Vendor, proposed taking down twenty-two of the twenty-eight trees for just under \$25,000 and the other vendor was a smaller number of trees. Mr. Marciante stated that if the trees were marked because they need to come down then they need to come down. Mr. Lawver stated that he would like to run this past the Shade Tree Chairman, Gabe Rosko because in his mind he may have plans for the \$10,000. Some discussion took place about the tree in front of the Presbyterian Church. Mr. Lawver stated that the tree is the County's responsibility. Mr. Meytrott stated that the County has indicated that they will be taking the tree down this week.

Parks and Recreation – Mrs. Mills stated that she did not have much to report. Mrs. Mills stated that volunteers are in place for the July 4th Races.

Mrs. Mills stated that at the last meeting a question came up about using the Library Conference Room. Mrs. Mills stated that she had a conversation with Library Director, Kim Ha, and there seemed to be some confusion because now the Library is amenable to granting use of the conference room for Borough committee meetings when the Council room is not available.

Finance – No report due to Mr. Griffiths' absence.

Historic Preservation / Board of Health / Environmental / Economic Development – No report due to Mrs. Chandler's absence.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 7.2**

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 \$ 976,310.03 from the following accounts:

Current	\$ 349,307.47
W/S Operating	\$ 149,682.91
Developers Escrow	\$ 15,380.27
Grant Fund	\$ 461,739.38
Other Trust Fund	\$ 200.00
TOTAL	\$ 976,310.03

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-7.2, second by Council Member Gnatt. Mr. Marciante asked about the payment to Mercer County – EMS as to whether this was for fire services. Mr. Meytrott explained that this is a yearly fee that was negotiated when Capital Health pulled out of the EMS Dispatch service that they provided to all of the municipalities of Mercer County. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2017 – 7.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2017 ADOPTED BUDGET
 (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
 2017 – CLEAN COMMUNITIES**

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 \$5,419.29 from the State of New Jersey – for the 2017 Clean Communities Grant; 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 \$5,419.29, which is now available as revenue from:

2017 – Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$5,419.29 be and the same is hereby appropriated under the caption of:

2017 – Clean Communities Grant

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				absent	Lawver	S			
Gnatt	X				Marciante	M			
Griffiths				absent	Mills	X			

Council Member Marciante made a motion to approve Resolution 2017-7.3, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2017 – 7.4**

**RESOLUTION CONCERNING OFFICE HOURS OF PART-TIME
 TAX ASSESSOR AND AMENDING RESOLUTION 2017-6.7**

WHEREAS, by Resolution 2017-6.7, adopted on June 5, 2017, the Mayor’s appointment of Marianne Busher to serve as part-time Tax Assessor for the Borough was confirmed by Borough Council effective July 1, 2017;

WHEREAS, Resolution 2017-6.7 recited incorrectly in the fifth recital that in addition to performing all the duties of Tax Assessor provided by law Marianne Busher will maintain regular publicized hours in Borough Hall two hours per week;

WHEREAS, pursuant to agreement and prior practice the publicized hours of the Tax Assessor are required to be one and one-half (1 ½) hours as opposed to two (2) hours per week;

WHEREAS, Borough Council now seeks to amend the fifth recital of Resolution 2017-6.7 for the limited purpose of changing “two hours” to “one and one-half hours,” leaving all other terms and provisions of Resolution 2017-6.7 and the fifth recital of that Resolution unchanged;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Resolution 2017-6.7 is hereby amended, effective immediately, for the sole purpose of deleting from the

fifth recital the words “two hours” and substituting therefor “one and one-half hours,” with the proviso that all other terms and provisions of Resolution 2017-6.7 shall remain the same and unaffected.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-7.4, second by Council Member Mills. Mr. Marciante asked if the Tax Assessor was reducing her hours. Mrs. Heinzl explained that this resolution is correcting an error that was missed last meeting when the resolution was approved. Mrs. Heinzl stated that the Tax Assessor has always worked one and one half hours not two as was stated in the original resolution. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-7.5**

RESOLUTION AWARDING CONTRACT FOR TREE REMOVAL AND STUMP- GRINDING SERVICES TO RICH TREE SERVICE, INC., PURSUANT TO A STATE AUTHORIZED CONTRACT FOR THESE SERVICES, AND REJECTING THE BID RECEIVED IN RESPONSE TO ADVERTISING FOR BIDS

WHEREAS, the Borough of Pennington seeks to contract with a qualified tree-removal service for removal of designated trees in the public right-of-way on municipal roads, to the extent of available funds;

WHEREAS, in February 2017, the Borough initiated a public bidding process by which it invited tree-removal contractors to bid for removal of 28 trees identified in various locations throughout the Borough, pursuant to a schedule of trees published with the invitation to bid, the removal to include grinding of the stumps;

WHEREAS, the bidders were requested to bid for the removal of all trees as a group or for removal of individual trees, with the understanding that the contract may be awarded to multiple contractors which in combination represented the lowest price;

WHEREAS, on March 22, 2017, the date for opening of bids, four bids had been received and were opened but the lowest bidder and the next lowest bidder, respectively, failed to provide material information required by the specifications and, on advice of legal counsel, were therefore eliminated from competition as not responsive;

WHEREAS, the other two bidders submitted bids which in total and in combination substantially exceeded cost estimates for the project;

WHEREAS, in conformance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2, Borough Council therefore adopted Resolution 2017-4.6 rejecting all bids and authorizing the Administrator to revise the specifications for the project and re-advertise for bids;

WHEREAS, the Borough thereafter identified tree-removal vendors which had been awarded State contracts for Tree Trimming, Pruning and Removal Services and were eligible to quote on the Borough project without public advertising for bids;

WHEREAS, on May 15, 2017 and again on June 14, 2017 specifications were sent to five different vendors with State contracts requesting that they submit quotes by June 21, 2017;

WHEREAS, on May 19, 2017, in order to maximize competition, the Borough also published an invitation to bid open to all qualifying vendors, with a deadline for submission on June 21, 2017 as well;

WHEREAS, the specifications for quotes and bids were materially different from those in the earlier round because rather than seek a price for all 28 trees they disclosed that \$25,000 was available for the project and each vendor was to identify the greatest number of trees on the schedule it would remove by October 1, 2017 for that or lesser amount, the objective of the Borough being to award a contract for removal of the greatest number of the trees possible within the disclosed budget;

WHEREAS, on June 21, 2017, the Borough had received one quote from a State-contract vendor and one bid pursuant to the advertised bidding process;

WHEREAS, the vendor offering to remove the greatest number of trees at or below the disclosed budget price was Rich Tree Service, Inc., the State-contract vendor under State Contract T-0465, Tree Trimming, Pruning & Removal Services, 12-X-22219, which quoted removal of 22 trees for a total price of \$24,975;

WHEREAS, the vendor responding to the advertised bidding process offered the removal of 18 trees for a total price of \$25,000;

WHEREAS, all the documents received from the vendors are available for inspection in the Office of the Borough Clerk;

WHEREAS, a copy of the Quotation by Rich Tree Service, Inc., designating the trees to be removed and the prices per tree, is attached to this Resolution;

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-13.2(f) provides in relevant part that a contracting unit may reject all bids if the governing body of the contracting unit decides to use the State authorized contract;

WHEREAS, the Chief Financial Officer has certified that funding required for this contract is available in account #: G-02-44-923-000-250;

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

1. A contract for removal of the twenty-two (22) trees designated in the attached Quotation provided by Rich Tree Service, Inc., for a total all-inclusive price of \$24,975., is hereby awarded to Rich Tree Service, Inc., subject to all terms and conditions applicable to State Contract T-0465, Tree Trimming, Pruning & Removal Services, 12-X-22219, and subject further to the requirement that all work must be completed by October 1, 2017.
2. The single bid received in response to the Borough’s advertisement for bids of May 19, 2017 is declined in favor of the award pursuant to State authorized contract.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-7.5, second by Council Member Lawver. Mr. Bliss asked for a correction to the amount indicated in the resolution from \$24,750 to \$24,975. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 7.6**

**RESOLUTION AUTHORIZING ACQUISITION
OF POLICE VEHICLE UNDER STATE CONTRACT**

WHEREAS, there is a need for a new vehicle for the Police Department; and

WHEREAS, the vehicle sought to be purchased is a 2017 Ford Police Interceptor Utility, with all-wheel drive, appropriately equipped for the intended police purposes; and

WHEREAS, this vehicle is available under New Jersey State Contract No. 88728 from Cherry Hill Winner Ford for a total price of \$37,275.00; and

WHEREAS, acquisition of the vehicle can be financed through Ford Credit for three payments over three years; and

WHEREAS, this purchase under State Contract does not require advertising for public bids;

WHEREAS, the funds needed to pay for the vehicle are available in Account No. 7-01-25-240-000-277;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that acquisition of the described police vehicle pursuant to the attached quotations, for a sum not to exceed \$37,275.00 is hereby authorized, subject to all terms and conditions applicable to New Jersey State Contract No. 88728 and all other applicable State contracts.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2017-7.6, second by Council Member Gnatt. Mr. Lawver inquired about increases in the price of these vehicles over the past few years. Mr. Meytrott stated that this particular vehicle has all of the required equipment and decals included in the price. Mr. Meytrott stated that previously, the Borough would farm out equipment installation to other vendors. Mr. Meytrott stated that the price of the car went up about \$2,000 over the past three to four years. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 7.7**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 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. 3 in the amount of \$18,924.28 less 2% retainage in the amount of \$ 378.49; 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 \$ 18,545.79 pursuant to payment request No.3 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				Absent	Lawver	M			
Gnatt	X				Marciante	X			
Griffiths				Absent	Mills	S			

Council Member Lawver made a motion to approve Resolution 2017-7.7, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 7.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 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. 3 in the amount of \$157.86 less 2% retainage in the amount of \$ 3.16; 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 \$ 154.70 pursuant to payment request No.3 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				Absent	Lawver	M			
Gnatt	S				Marciante	X			
Griffiths				Absent	Mills	X			

Council Member Lawver made a motion to approve Resolution 2017-7.8, second by Council Member Gnatt. Mr. Marciante asked what amount is being held back from the vendor. Mrs. Sterling stated that this is not the final payment and two percent retainage has been held from each payment. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 7.9**

**RESOLUTION AUTHORIZING INCREASE OF GENERAL
ENGINEERING LINE OF ENGINEERING PROJECT BUDGET TO \$5,000**

WHEREAS, the professional services agreement between the Borough of Pennington and the Borough Engineer is subject to an Approved Project Budget for 2017 (“Project Budget”);

WHEREAS, the Project Budget contains a line item which provides for “General Engineering Services” in the amount of \$2,000;

WHEREAS, after six months it appears that general engineering services by the Borough Engineer payable from this line item have been exhausted;

WHEREAS, charges to the General Engineering line item have included quality control and quality assurance review as well as planning and coordination related to all approved Borough engineering projects, including budgets;

WHEREAS, additional charges have resulted from unanticipated and unplanned engineering work, for example, in connection with preparation of the Borough Tax Maps required by Mercer County, the attention required by the Route 31 Reconstruction Project including correspondence and other communications from contract consultants and NJDOT representatives involved in the project, and otherwise addressing questions and concerns by Borough officials and Borough residents not associated with identified and approved engineering projects;

WHEREAS, the Borough Engineer anticipates additional costs in the next six months at least as great as in the previous six months, for engineering and miscellaneous engineering support services related to the Rt 31 Reconstruction Project, continued quality control and quality assurance reviews in connection with approved projects, and the ongoing function of addressing unanticipated concerns of Borough officials and residents;

WHEREAS, the Administrator and Borough Clerk have conferred with the Borough Engineer and reached consensus that the General Engineering line item should be increased by \$3,000;

WHEREAS, the Chief Financial Officer has certified that funds required for this increase are available in Account #: 7-01-20-165-000-262;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the line item for General Engineering Services in the 2017 Project Budget of the Borough Engineer shall be and hereby is increased by \$3,000, from \$2,000 to \$5,000.; and

BE IT FURTHER RESOLVED, that nothing in this Resolution modifies the agreement with the Borough Engineer that he shall not begin work on any project without explicit written direction from the Borough Administrator.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-7.9, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 - 7.10**

**RESOLUTION AUTHORIZING PAYMENT TO SPECIAL MASTER FOR BOROUGH SHARE OF
SERVICES IN AFFORDABLE HOUSING DECLARATORY JUDGMENT ACTION**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued a decision entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 97 by the New Jersey Council on Affordable Housing, 221 NJ 1 (2015) at which time the Court outlined a process whereby municipalities such as the Borough could apply to the Court through a Declaratory Judgment process in order to have the Borough’s Fair Share Plan and Housing Element approved;

WHEREAS, in compliance with the prescribed process, the Borough thereafter filed a declaratory judgment action in Mercer County Superior Court, Law Division, titled In the Matter of the Application of the Borough of Pennington in Mercer County (“Declaratory Judgment Action”), which was pending before

the Hon. Mary C. Jacobson, AJSC, together with declaratory judgment actions filed by certain other Mercer County municipalities;

WHEREAS, after prosecution of the Declaratory Judgment Action proved to be more complex, time-consuming and costly than anticipated, the Borough withdrew from the action and obtained dismissal of its complaint without prejudice effective December 7, 2015;

WHEREAS, before the Borough withdrew from the Declaratory Judgment Action, Judge Jacobson had appointed Special Master Richard B. Reading to assist the court in reviewing the complicated and detailed models proposed by the municipalities and by the Fair Share Housing Center for determining municipal fair share obligations, with the fees of the Special Master to be shared by the participating municipalities;

WHEREAS, accrual of fees for the services of the Special Master began in September 2015 and continued, for the Borough, to its withdrawal;

WHEREAS, Judge Jacobson has written to participating municipalities concerning unpaid balances for Special Master fees owed by them respectively as of May 31, 2017, and it appears that Pennington Borough owes \$1,200. for its share of the Special Master’s services before the Borough withdrew from the suit;

WHEREAS, Judge Jacobson has further directed that delinquent municipalities have until July 14, 2017 to pay Special Master Reading the full amount of fees due or face order-to- show cause proceedings and late fees for violating the Court’s order;

WHEREAS, the Borough’s Special Counsel for Affordable Housing has advised the Borough that in fact \$1,200. is due from the Borough;

WHEREAS, the Chief Financial Officer has certified that funds for payment of this obligation are available in the COAH Account;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Administrator is hereby authorized and directed to take all steps necessary to ensure that Special Master Reading is paid the \$1,200 due to him from the Borough of Pennington on or before July 14, 2017.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2017-7.10, second by Council Member Mills. Mrs. Heinzl stated that this is for the Borough share of the Special Master appointed by the Court prior to the Borough withdrawing from the suit. Mrs. Heinzl stated that Judge Jacobsen appointed a Special Master and assigned all of the participating municipalities a share of the cost. Mrs. Heinzl stated that the original amount assigned to the Borough was \$5,000 but then the Borough withdrew from the litigation. Mrs. Heinzl stated that we are waiting for confirmation from Mr. Schmierer or Mr. Bolan that the \$1,200 is a portion of the \$5,000 which was originally assigned. Mrs. Heinzl stated that the Judge has ordered that these funds be paid prior to July 15th. Mr. Bliss stated that our costs are up to December 7th which is the operative date and Pennington Borough is not the only municipality to receive this order. Mr. Bliss stated that there is a list of municipalities and amounts due. Some discussion took place with regard to what happens once the litigation is settled. Mr. Bliss stated that the Borough will have a Fair Share Obligation which if not satisfied would cause the Borough to be vulnerable however if a means for accomplishing the Fair Share Obligation is presented we are protected. Mr. Bliss added language to the resolution to indicate that the Chief Financial Officer has certified the funds. Upon a roll call vote all members present voted in favor.

Council Discussion

Block Party – Voorhees Avenue – July 8, 2017 – Mayor Persichilli asked if there were any concerns with granting this request, there were none. Mr. Meytrott stated that he had a conversation with the Borough Administrator today regarding paving that is underway by Mercer County. Mr. Meytrott stated that he did not call the County today, but he was planning to speak to the crew on Wednesday to see if we can work around their schedules with regard to the paving. Mr. Lawver and Mr. Marciante both stated that the paving has been too long in coming and there is no need to alter the schedule. Council Members had no issues with the request.

Professional Reports

Mr. Smith stated that with regard to the tree project, he would like to acknowledge and assure Council that trees in the Borough will not be marked for removal in the future.

Mrs. Heinzl had no further comments other than what was in the report that was supplied to Council.

Public Comment

Mayor Persichilli asked that anyone wishing to speak to Council 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.

Mr. Murray Peyton of 96 Woolsey Court stated that he would like to express his gratitude for the fine work that was done on Park Avenue and King George Road. Mr. Peyton asked if there is a master plan for streets going forward. Mayor Persichilli stated that there is a list of streets, they have been prioritized and every year that list is considered as part of the budget discussions. Mr. Lawver stated that next in line is Weidel and Curlis in 2017, after that will be Burd Street in 2018 and Abey Drive in 2019. Mr. Lawver stated that the Borough is also taking advantage of some new opportunities. Mr. Lawver stated that Mercer County is doing the paving on North Main Street which is their responsibility, and they will be milling and repaving Voorhees, Laning and fixing the potholes under the bridge on Broemel. Mr. Lawver stated that the Borough will continue to work with the County to fix streets that do not need reconstruction and where a mill and overlay might buy another ten years on the road.

Mayor Persichilli stated that in addition, Council has agreed to reduce garbage collection to once a week during the month of August to give the Public Works Department time to fill potholes throughout town. Mr. Marciante stated that working with the County, the Borough buys the asphalt and Mercer County provides the labor at no cost to the Borough.

Mr. Peyton thanked Mayor and Council for their time.

Approval of Closed Session Minutes (for content but not for release)

Council Member Gnatt made a motion to approve the Closed Session Minutes from May 8, 2017, second by Council Member Mills with all members present voting in favor with the exception of Mr. Lawver who abstained.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk