

**Pennington Borough Council  
Regular Meeting – October 1, 2018**

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

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

**Mayor's Appointments**

Mayor Persichilli announced the appointment of Cara Laitusis to the Planning Board as Alternate 1 for an unexpired term ending December 31, 2018.

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the September 4, 2018 Regular Meeting, second by Council Member Lawver with all members present voting in favor.

**Presentations**

Mayor Persichilli invited Mr. Mark Blackwell of the Pennington Fire District to come forward to make a presentation to Council. Mr. Blackwell stated that he was asked to speak on behalf of the Fire Commissioners. Mr. Blackwell stated that the Fire District is doing well, there are no issues in town and fire trucks are responding to calls. Mr. Blackwell stated that they are in the process of purchasing a new pumper truck which will replace a truck that is twenty-seven years old. Mr. Blackwell stated that the cost of the truck is shared with Hopewell Township and they have approved the purchase. Mr. Blackwell stated that in the next couple of months bids will go out and they will seek approval for the funding from the Department of Community Affairs.

Mayor Persichilli asked if Mr. Blackwell had a sense of what the truck will cost. Mr. Blackwell stated that it could be anywhere from \$650,000 to \$800,000 depending upon what type of system is built into the truck. Mr. Blackwell stated that a Compressed Air Foam (CAF) system would increase the cost. Mr. Blackwell stated that Hopewell Township has a shortage of water and the CAF system would take water and add soap to it and then a spray of foam would be used to fight a fire. Mr. Blackwell stated that the foam covers and smothers the fire which uses less water and causes less damage. Mr. Blackwell stated that the downside to the CAF system is that there is more maintenance and it is a little more expensive to pump because of the foam. Mr. Blackwell stated that overall it would create less problems although there are some fires where foam should not be used, such as a car fire or a fuel fire.

Mr. Blackwell stated that Pennington Borough does not necessarily need a truck with a CAF system because we have hydrants, but in the event of a fire the CAF system would use less water and not draw as much from the tower.

Mr. Marciante asked the status of the old ladder truck that is parked at the Fire Department. Mr. Blackwell stated that it is being sold, but pursuant to State Statute there is a process for selling public property. Mr. Blackwell stated that they have listed the truck two times with GovDeals and it did not sell because the amount offered was too low. Mr. Blackwell stated that they are following the process to get a good price for the truck. Mr. Blackwell stated that of the amount received for the truck, Hopewell Township would receive 75% and the balance would go back to the fire department.

Mayor Persichilli asked how the Fire Commissioners are doing and if they are working well together. Mr. Blackwell stated that they have a great group of Fire Commissioners and most of them are making all of the meetings. Mr. Blackwell stated that some are learning but everyone is active. Mr. Blackwell stated

that they work hard to preserve the taxpayer dollars. Mr. Blackwell stated that it is a group effort and they are also lucky to have a great group of volunteers. Mr. Blackwell stated that Pennington Fire Company is the only all-volunteer fire company left in the valley. Mr. Blackwell stated that all of the calls they respond to are 100 percent volunteer and they run over 500 calls a year.

### **Committee Reports**

**Planning & Zoning / Open Space** – Mrs. Gnatt stated that at the last Planning Board meeting members of the board watched a training video on Land Use designed to help prevent Land Use Liability Claims. Mrs. Gnatt stated that this video was a requirement of the Mercer County Joint Insurance Fund.

Mrs. Gnatt stated that Mike Bolan, Borough Planner will be retiring at the end of the year. Mrs. Gnatt reported that at Request For Proposals will be going out this week and a search committee consisting of Planning Board members and the Borough Administrator will be reviewing the proposals, interviewing and making a recommendation to the Board.

Mrs. Gnatt stated that the Open Space Committee did not meet, but they are scheduled to meet later this month.

**Public Safety / Personnel** – Mr. Marciante stated that he is happy to report that there are no issues in the Police Department.

**Public Works/Shade Tree/ Senior Advisory** – Mr. Lawver stated that the Public Works Committee met and they are recommending that the Borough apply to NJDOT for a grant for Phase II of Burd Street. Mr. Lawver stated that this application would be for funding in the 2018 grant period with construction actually taking place in 2020 or 2021.

Mr. Lawver stated that as part of the new Water Quality Accountability Act, the Borough has been exercising water valves throughout town in addition to testing hydrants and as a result a couple of valves are in need of repair. Mr. Lawver stated that two of the valves are very deep and will require hiring of an outside contractor to do the work because these particular valves require deep pit excavation.

Mr. Lawver stated that the Senior Advisory Board is very excited about the roofing and siding donation for the Senior Center and they are wondering when the full project will get going. Mr. Lawver stated that we need to continue to work with Hopewell Township to get the engineering work done so that we can be ready to go out to bid on the project.

Mr. Lawver stated that the Shade Tree Committee has asked that as part of the Burd Street- Phase II if “structured soils” could be considered in one or two locations to try to create an environment where trees will grow healthier and last longer. Mr. Lawver stated that he is not sure that this can be done because of all of the overhead lines and underground utilities but they are going to look into it and try to work it in to the project.

**Library / Parks and Recreation** – Mrs. Mills stated that Trail Day is scheduled for October 19<sup>th</sup>. Mrs. Mills stated that the committee discussed who is responsible for ongoing maintenance of the trails because they do not want committee members attempting to clean up the trail with their own equipment and risk getting hurt. Mr. Lawver stated that he thinks that the D&R Greenway is responsible and he would provide Mrs. Mills with a contact person.

Mrs. Mills stated that the committee would like to increase the cost of the Adopt-a-Flag from \$42.00 to \$50.00. Mrs. Mills stated that October 7<sup>th</sup> is Movie Night at Kunkel Park at 7:00pm and they will be showing Big Hero 6.

Mrs. Mills stated that the Library Board did not meet in July or August and they have just resumed their meeting schedule. Mrs. Mills stated that the summer reading programs for children and adults were well received. Mrs. Mills stated that a program on Stormwater Management was presented on this past Sunday and a What It's Worth, Antique Roadshow will be held on October 3<sup>rd</sup> and NJ Colonial Architecture on October 14<sup>th</sup> and the Halloween Drop in Craft Week will be October 24<sup>th</sup> through the 31<sup>st</sup>. Mrs. Mills stated that the Big Read Committee based on the book True Grit has been formed and they are discussing some Community Wide events and programs.

**Finance** – Mr. Griffiths stated that he took a look at Water/Sewer revenues and it appears that we are ahead of last year and along with the unanticipated connection revenue the Water Sewer Utility should be in good shape for this year. Mr. Griffiths stated that the Finance Committee will meet in the next couple of weeks to look at year end housekeeping and exposure to ensure that we are in good shape going into 2019.

**Historic Preservation / Board of Health / Environmental / Economic Development** – Mrs. Chandler stated that the Environmental Commission met and they are moving forward with the No-Idling initiative. Mrs. Chandler stated that a No-Idling sign has been in place at Kunkel Park. Mrs. Chandler stated that they are monitoring idling at the Toll Gate School prior to installing signs. Mr. Meytrott stated that the school wanted to do an outreach program to parents prior to placement of the signs. Mrs. Chandler stated that the Environmental Commission is also working on the “No Plastic Bags in Recycling” initiative and reminder tags are being placed on recycling buckets to remind residents. Mrs. Chandler stated that

Princeton is no longer pickup up recycling that is placed in plastic bags. Mrs. Chandler stated that she does not know who picks up the recycling in Princeton. Mrs. Heinzl stated that she believes that they are under the same agreement with the County as we are so it would be same hauler that we have.

Mrs. Chandler stated that Historic Preservation did not meet, however they will be meeting later this month with the new owner of 63 North Main Street. Mrs. Chandler stated that members of the committee will be doing a walkthrough of the structure prior to discussions with the contractor.

Mrs. Chandler stated that Economic Development met and they are also looking at some initiatives. Mrs. Chandler stated that one thing that did come up was the closure of South Main Street for the County paving project. Mrs. Chandler asked if anyone living on South Main Street or operating a business on South Main Street was notified regarding the road closure. Mrs. Chandler stated that in the June newsletter we said that South Main Street would be closed in the summer and that is the last notification that was given. Mr. Griffiths stated that he got a hint when the 250 signs on the side of the road were posted. Mrs. Chandler stated that in terms of communicating directly to residents and business owners, was there any communication about the closing of the road. Mr. Meytrott stated that he spoke to business owners and the County posted signs as to on or about when the road would be closed for construction. Mrs. Chandler asked when the Borough was notified of the road closing. Mr. Meytrott stated that the Borough was notified a couple days prior to the closure. Mr. Griffiths asked why this matters. Mrs. Chandler stated that there were businesses that were affected because the road was closed. Mr. Griffiths asked what would have been done differently if they were individually notified. Mrs. Chandler stated that they might have informed their customers and reached out to Mr. Meytrott. Mr. Griffiths stated that it is done and over. Mrs. Chandler asked what the Borough has learned from this. Mr. Lawver stated that the learning is that particularly with County road projects that we try to get the word out. Mr. Meytrott stated that the Police Department has been working very closely with the County. Mr. Meytrott stated that he spoke with several property owners and he also requested that the County post signs that the road is open to local businesses. Mrs. Chandler stated that she agrees with Mr. Griffiths that there was not a lot that could be done, but it would have been better if the business owners were notified of what was going on and how long it would take.

Mrs. Heinzl stated that when the North Main Street project was done she did send letters out to property owners, but she did not send letters out for this project. Mrs. Heinzl stated that letters did go out to residents on East Franklin and Academy Avenue so that they had a little more heads up but the Borough did not have a definite date from the County within enough time to notify everyone individually. Mrs. Heinzl stated that the idea of hand-delivering letters was discussed but there were a lot of no parking signs and notifications posted. Mrs. Heinzl stated that the paving project was mentioned in both the summer and fall newsletters, a notice was posted on the website and she also did a blast to the Pennington Business and Professionals Association. Mrs. Heinzl stated that she would like to compile an e-mail list of business owners because then we would not have to rely on the PBPA to distribute notices. Mrs. Heinzl stated that Mr. Meytrott did a great job out every day providing the best information that we had and working to accommodate keeping the local businesses open. Mr. Lawver stated that this project was delayed because the County was working on trying to solve some drainage issues. Mr. Lawver stated that we can talk to the County about getting advance notice, however once the County was on site for this project, they have been very accommodating and very helpful in addressing any concerns that were voiced. Mr. Lawver stated that they deserve credit for a job well done. Mr. Meytrott stated that the County has been very easy to work with and they have been very responsive to any request that they have made. Mrs. Chandler stated that at the last meeting Mr. Marcianti mentioned having a notification system for non-emergency communications and this would have been a situation where that could have been used. Some discussion took place regarding the best way to get word to residents. Mr. Griffiths stated that there is a certain amount of responsibility that goes with the citizen who has been notified and then forgets. Mr. Griffiths stated that these projects are always subject to uncertain dates because of the nature of the project. Mr. Griffiths stated that we are trying to knit a process that will never work because of the uncertainty of these types of projects. Mr. Marcianti stated that Mercer County is providing the labor for this project as a favor to Pennington and we have to balance that somehow. Mrs. Chandler stated that she loves the newsletter but this is a small community and we need to do a better job of notifying residents and business owners. Mayor Persichilli stated that he agrees with Mr. Lawver about lessons learned because in the very near future we will be on Main Street again with the Streetscape project. Mr. Griffiths stated that direct communication via e-mail is the preferential method, so a direct communication for the Borough Administrator is better than using the PBPA as a conduit to distribute information. Mr. Griffiths stated that responsibility is just as incumbent on the recipients to read notifications as it is on the Borough to provide notifications. Mr. Mark Blackwell stated that he went to lunch on Monday while the paving was being done in front of Sumo Sushi and between the Police and the County, they stopped the milling machines and allowed them to drive in and park at the restaurant. Mayor Persichilli stated that he has nothing bad to say about the County because there are two things that they did that helped the Borough, one is fixing the water issue and the other is providing the labor to pave East Franklin and Academy. Mayor Persichilli stated that it saves the taxpayers a lot of money having to only pay for the asphalt.

### **Council Discussion**

**Social Affairs Permit – Trenton Cyrus Lodge** – Mayor Persichilli stated that Council Members received a copy of the Social Affairs Permit for review. Mrs. Sterling stated that this permit was received in the office, but there was not enough time to get it approved by the Alcoholic Beverage Control if we waited until tonight to take action. Mrs. Sterling stated that the permit was circulated to Council via e-mail for

comments, no comments were received and so the permit was signed and mailed to the ABC. Mrs. Sterling explained that this is on the agenda as a formality so that Council is aware that the event is taking place.

**Ordinances for Public Hearing and Adoption**

Mayor Persichilli read Ordinance 2018-14 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2018 - 14**

**BOND ORDINANCE PROVIDING FOR REPAIRS AND UPGRADES TO THE READING STREET SENIOR CENTER IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$392,694 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$373,059 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$392,694, including a grant expected to be received in the amount of \$196,347 from Mercer County (the "County Grant") and community donations and available funds from Hopewell Township, Hopewell Borough and the Borough (the "Donations and Funds") in accordance with the Cost Sharing Agreement that Hopewell Township, Hopewell Borough and the Borough have entered into to fund the 50% match of the County Grant and further including the sum of \$19,635 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the County Grant and the Donations and Funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$373,059 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is repairs and upgrades to the Reading Street Senior Center, including, but not limited to, repairs and upgrades to the kitchen, windows, roof, siding of the building, bathrooms, floors and outdoor lighting and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$373,059, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$58,900 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Lawver made a motion to open the Public Hearing on Ordinance 2018-14, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2018-14, second by Council Member Griffiths with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2018-14, second by Council Member Griffiths. Mr. Lawver stated that the amount of \$392,694 referenced in the ordinance is a recognized high end number. Mr. Lawver stated that this project will not cost that amount of money and we already know of some savings through in-kind donations from the County for paving of the parking lot and Wyckoff Roofing for the roofing and siding and from the Direct Install Program for electrical and lighting. Mr. Lawver stated that we are getting a grant from Mercer County and contributions from Hopewell Township and Hopewell Borough to cover the costs of the project. Upon a roll call vote, all members present voted in favor of adoption.

Mayor Persichilli read Ordinance 2018-15 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2018-15**

**BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF AN ASSET MANAGEMENT  
PLAN FOR THE WATER SYSTEM IN AND BY THE BOROUGH OF PENNINGTON, IN THE  
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all  
members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank and because the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully described in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the undertaking of an Asset Management Plan for the Water System, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local

Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$300,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) The entire \$300,000 is for items of expense listed in and permitted under N.J.S.A. 40A:2-20.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Lawver made a motion to open the Public Hearing on Ordinance 2018-15, second by Council Member Griffiths. There were no comments from the public. Council Member Lawver made a motion to close the Public Hearing on Ordinance 2018-15, second by Council Member Griffiths with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2018-15, second by Council Member Mills. Mr. Lawver stated that this ordinance is in the amount of \$300,000, but we think that we will be spending closer to \$210,000 to get this done. Mr. Lawver stated that this will be funded as a loan through the I-Bank. Upon a roll call vote all members present voted in favor.

### **New Business**

## **BOROUGH OF PENNINGTON RESOLUTION #2018 – 10.1**

### **RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, that a refund be issued to Paul A. Frank III and Lucinda A. Tiajolloff, 122 West Welling Avenue, Pennington, NJ 08534 for refund of planning board escrow account #: 15-003, in the amount of \$200.10.

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	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-10.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2018 – 10.2**

**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 \$ 1,128,874.59 from the following accounts:

Current	\$ 822,411.08
W/S Operating	\$ 46,789.20
Animal Control Fund	\$ 4,681.54
Water/Sewer Capital	\$ 245,000.00
Developers Escrow	\$ 9,992.77
TOTAL	\$1,128,874.59

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 2018-10.2, second by Council Member Mills. Mr. Marciante had a question regarding attendance at a Shade Tree Convention. Mr. Lawver stated that is for Mr. Smith and Mr. Fabian to attend that annual conference. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-10.3**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VAN NOTE-HARVEY ASSOCIATES FOR ENGINEERING SERVICES RELATED TO PREPARATION OF THE BOROUGH ASSET MANAGEMENT PLAN REQUIRED BY THE WATER QUALITY ACCOUNTABILITY ACT**

**WHEREAS**, the Water Quality Accountability Act (“WQAA”), effective October 18, 2017, requires development of a formal program of inspection and maintenance of all water supply facilities and requires that all affected water purveyors systematically manage their water utilities using a transparent format developed pursuant to detailed engineering analysis of asset condition, subject to oversight by the NJDEP and Board of Public Utilities;

**WHEREAS**, a central component of the water purveyor’s obligations under the WQAA is the preparation of an Asset Management Plan to permit the inspection, maintenance, repair and renewal of the utility’s infrastructure consistent with standards established by the American Water Works Association and NJDEP Technical Guidance;

**WHEREAS**, an Asset Management Plan is also required for all I-Bank funded projects (formerly NJEIT) which offers funding for small water systems to develop an Asset Management Plan;

**WHEREAS**, an Asset Management Plan must include a water main renewal program, a water supply and treatment program and such other programs as required by DEP regulations, and essential components of the Plan are asset inventory, assessment of the condition of all assets, evaluation of level of



service and identification of a sustainable level of service, prioritization of risks and implementation of a management plan;

**WHEREAS**, the Borough seeks to retain the services of Van Note-Harvey Associates to play the leadership role in preparing the Borough’s Asset Management Plan;

**WHEREAS**, the scope of services (“Scope of Services”) to be provided by Van Note-Harvey Associates (“VNHA”) in preparing the Asset Management Plan is described in the attached letter dated September 13, 2018 from Brandon M. Fetzer, P.E./Norman F. Nelson, P.E., of VNHA;

**WHEREAS**, as described in the Scope of Services, VNHA will lead a project team including the Borough’s Licensed Water System Operator, Public Works Assistant, Borough Administrator or designee, Borough Finance Committee representative, representative of RCAP Solutions, VNHA Project Manager, VNHA Engineer and Borough Engineer;

**WHEREAS**, as further provided in the Scope of Services, VNHA shall be responsible for preparing the deliverables for each of the tasks to be accomplished under the Scope of Services;

**WHEREAS**, in order to meet the required date of April 19, 2019 for implementation of the Borough’s Asset Management Plan in accordance with the Water Quality Accountability Act, the work will begin as early as possible in October 2018;

**WHEREAS**, because the Borough is not able to commit to a specific degree or amount of assistance to the project at this time, VNHA proposes to proceed under proposed Option 3, which reduces the Borough’s scope of work by reassigning the Borough tasks associated with procuring coordinates via GPS for each of the assets (i.e., more than 500 assets) to VNHA’s Scope of Services, and if the Borough needs still additional assistance to complete their designated scope of work under Option 3, then VNHA will submit a change order for the additional scope of work to the Borough for its review and consideration;

**WHEREAS**, recommended on-going support and routine updating of the Asset Management Plan will be the subject of a separate proposal by VNHA;

**WHEREAS**, a proposed Agreement for Professional Engineering Services (entitled “Agreement for Professional Engineering Construction Services”) is attached to this Resolution incorporating the Scope of Services as Exhibit D;

**WHEREAS**, VNHA will perform the Scope of Services (Option 3) for estimated fees on a time and materials basis in accordance with VNHA’s attached Standard Billing Rates for Pennington Borough with the proviso that total fees and costs for the work shall not exceed \$209,623, and that no additional work or costs will be undertaken without the written prior approval of Pennington Borough;

**WHEREAS**, the contract authorized by this Resolution is a contract for professional services for which public bidding is not required under the Local Public Contracts Law;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in Capital Ordinance 2018-15, contingent upon adoption and final publication of the Ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the annexed Agreement for Professional Engineering Services with Van Note-Harvey Associates, with such changes as to form as may be required by the Borough Attorney, for a contract amount not to exceed \$209,623.00.

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 2018-10.3, second by Council Member Griffiths. Mr. Marciante asked for a discussion of the three options. Mr. Lawver stated that Van Note Harvey prepared three options for consideration. Mr. Lawver stated that the first option is if Van Note Harvey does the entire project with no assistance from the Borough. Mr. Lawver stated that option two is where Van Note Harvey Associates would compile the information, but the Borough would physically go out and collecting all of the data. Mr. Lawver stated that option three is a hybrid of options one and two with Van Note Harvey using their GPS equipment to collect the data and then the Borough will assist with inpting and compiling the data with Van Note Harvey pulling together the Asset Management Plan based on that data. Mr. Lawver stated that ideally the Borough would have chosen option two but the learning curve and the equipment that we would have to purchase made option two not cost effective. Mr. Lawver stated that cost difference is about \$78,000. Mr. Griffiths asked if the Borough has the manpower to do the work. Mr. Smith stated that no one in the Department has experience with capturing GPS points so it would require a lot of training, plus the equipment and then having to get the information over to Van Note Harvey in a way that it would make sense to them does not seem possible in the time frame that we have. Mrs. Heinzl stated that

if Van Note Harvey is provided with data that does not make sense, they will have to come out and recheck it anyway. Mrs. Heinzel stated that Van Note Harvey has the staff and equipment required to get this done and it just made sense to look at a third option. Mr. Lawver stated that the Borough will own the data collected but the question will be how to maintain it and make sure it is updated going forward. Mr. Lawver stated that once the Asset Management Plan is completed we will have to figure out how to keep it updated and maintained. Mr. Smith stated that the learning part is the CUPS software program that will host all of the data and they will learn how to go on to the system and update records but they will not be able to update GPS/GIS data. Mr. Smith stated that as he understands it Van Note Harvey will be created and input into the CUPS system to create maps that the Borough can access. Mr. Smith stated that moving forward the updates will be included in large infrastructure projects and so the process will be ongoing and will update itself through larger projects. Mr. Smith stated that once the hydrants and valves are input in to the system they won't have to be updated and if they are changed, they will be included as part of a larger project. Mr. Smith stated that in terms of the smaller, operational maintenance, they will be able to update and change those records. Mr. Lawver stated that currently the Borough gets as-builts for projects, so going forward that means that the as-builts will include any infrastructure changes uploaded to CUPS. Mr. Marciante asked if the Borough will need to purchase GPS equipment down the road. Mr. Lawver stated that he would prefer to reach out to DEP and ask if military grade precision is needed or can an iphone be used to capture GPS information. Mr. Lawver stated that Council should keep in mind that down the road this may be required for Stormwater and Sanitary Sewer as well. Mr. Smith stated that they dug in and tried to figure out a way for the Public Works Department to take on some of the work, but the deadlines are too tight. Mr. Lawver stated that the Asset Management Plan has to be filed by April 19<sup>th</sup>, 2019. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.4**

**RESOLUTION AUTHORIZING CONTRACT MODIFICATION FOR ENGINEERING SERVICES  
BY VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH WATER MAIN  
REPLACEMENT ON EAST CURLIS AND WEIDEL AVENUES**

**WHEREAS**, the Borough has obtained funding through the NJEIT Grant Program for water main replacement on East Curlis and Weidel Avenues in the Borough ("Project");

**WHEREAS**, pursuant to Borough Council Resolution 2017-8.10, the Borough has contracted with Van Note-Harvey Associates, Inc. to provide professional engineering services in connection with this Project as set forth in the attached copy of Agreement dated August 8, 2017;

**WHEREAS**, pursuant to the Agreement, compensation of Van Note-Harvey Associates is based on time and materials in accordance with Schedule D annexed to the Agreement provided total expenditures for these engineering services, including disbursements, shall not exceed \$52,000.00 without prior written approval by Borough Council;

**WHEREAS**, during the construction of the Project two contract modifications for additional time were issued to the construction contractor, John Garcia Construction Company, increasing the allowable construction time from 60 days to 109 days;

**WHEREAS**, Van Note-Harvey Associates has therefore proposed a modification of its Agreement to increase the fees allotted for engineering observation and project management because additional construction observation was required for the additional construction time;

**WHEREAS**, a form of Contract Modification Proposal and Acceptance providing additional compensation to Van Note-Harvey Associates in the amount of \$30,600.00 is annexed to this Resolution;

**WHEREAS**, the Borough intends to grant this request for Contract Modification and Acceptance subject to approval of funding by the NJEIT Grant Program;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Agreement For Professional Services between the Borough of Pennington and Van Note Harvey Associates, Inc. dated August 8, 2017 is hereby modified to increase expenditures for the compensation of Van Note-Harvey Associates by \$30,600.00 in accordance with the annexed form of Contract Modification and Acceptance, subject to approval of the necessary additional funding by the NJEIT Program; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the attached Contract Modification and Acceptance as required for submission to NJEIT subject to NJEIT approval, and subject further to the understanding that all other terms of the Agreement between the Borough and Van Note-Harvey Associates shall remain unchanged.

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 2018-10.4, second by Council Member Griffiths. Mr. Lawver stated that for the past several years the Borough has developed a system for tracking Engineering projects through separate purchase orders for each project. Mr. Lawver stated that each project has a firm budget and we have held the engineer to those budgets and we have been pretty successful over the last five years. Mr. Lawver stated that Van Note Harvey came to the Public Works Committee asking for a change order on their engineering budget related to the Curlis and Weidel Water Main Project. Mr. Lawver stated that the Public Works Committee is recommending that Council grant the request for three reasons. Mr. Lawver stated that first, this is a project that was inherited from the prior engineer and so they used the prior engineer cost estimate for engineering which proved to be less than realistic. Mr. Lawver stated that second, because of the work, they have reduced the construction cost of the project by \$70,000 and had they not put in the effort and spent the extra time we would not have saved on the construction cost. Mr. Lawver stated that third and most importantly is that he asked what has been learned and how can we avoid this happening again and they said that this project is under the NJEIT program with a whole different set of standards, specifically NJEIT requires an engineer to be on site every minute that the contractor is working the job and this job because of weather and some other things, instead of being finished in the thirty or forty-five days allotted for the project stretched to six months. Mr. Lawver stated that resulted in the contractor spending a couple hours here there on multiple days which required the engineer to be there. Mr. Lawver stated that the long and short of it is that Van Note Harvey has a better understanding of NJEIT projects and what is required so that their cost estimates will be much more accurate. Mr. Lawver stated that Van Note Harvey is asking for a \$30,000 change order, but they have eaten \$37,000 in extra costs already. Mr. Lawver stated that these charges will fall under the NJEIT Loan and not have an impact on the budget. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-10.5**

**RESOLUTION MEMORIALIZING MAYOR’S CERTIFICATION OF BOROUGH COMPLIANCE  
WITH PUBLIC WATER REGULATIONS AND REQUIREMENTS IN COMPLIANCE WITH THE  
WATER QUALITY ACCOUNTABILITY ACT**

**WHEREAS**, the Water Quality Accountability Act (“WQAA”), effective October 18, 2017, requires among other things that the mayor or chief executive officer of the municipality, if the public water system is publically owned, shall certify in writing each year to the Department of Environmental Protection that the public water system complies with all federal and State drinking water regulations, including water quality sampling, testing and reporting requirements; the hydrant and valve requirements set forth in section 3 of the Act; the notice of violation mitigation plan requirements set forth in section 5 of this act, if applicable; and the infrastructure improvement investment required pursuant to section 7 of the Act;

**WHEREAS**, in an effort to comply with this requirement, the Mayor of the Borough has consulted with the Licensed Water Operator of the Borough and the Borough Attorney and has completed and certified the attached questionnaire supplied by the New Jersey Department of Environmental Protection;

**WHEREAS**, the Borough’s current Licensed Operator has served in that position since March 2017 and in preparing responses to the questionnaire has consulted with his predecessor, John Meier of Water Resource Management, who served in that capacity from August 2014 to March 2017 and currently serves as the Borough’s Water and Sewer Compliance Officer, as well as the Borough Engineer;

**WHEREAS**, the purpose of this Resolution is to memorialize the Mayor’s affirmative responses to each of the questions asked and the basis for these responses;

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

1. On the advice of the Licensed Operator, the Mayor has certified that the Borough is in compliance with Federal and State Safe Drinking Water Regulations (questions 1 and 2). A printout from Drinking Water Watch ([www.waterwatch.usgs.gov](http://www.waterwatch.usgs.gov)), the water search system of the NJDEP, indicates that the Borough had four violations in 2018, all involving late reporting by the Borough’s contracted testing laboratory. All these violations were promptly resolved when learned about. All other violations shown on the Water Watch printout have been documented as resolved, except certain violations in 1999, 2000 and 2001 are believed to have been resolved but are not so documented. They have not been the subject of any communication from NJDEP. Water Watch includes both Federal and State violations. All laboratory results received to date indicate compliance with Federal and State standards. This representation does not include samples that have been taken for which on this date results have not yet been reported.

2. On the advice of the Licensed Operator and the Borough Attorney, the Mayor has certified that the Borough is in compliance with required Licensing of Water Supply and Wastewater Operators (question 3) The Borough system requires a licensed operator with T2, W2 and C2 licenses and the Borough’s Licensed Operator has these three licenses.

3. On the advice of the Licensed Operator, the Mayor has certified that the Borough is in compliance with Water Supply Allocation Permits (question 4). The Borough’s Water Allocation Permit expires in 2023.

4. In reliance on the advice of the Licensed Operator and the Borough Attorney, the Mayor has certified that the Borough is in compliance with Sections 3, 5 and 7 of the Water Quality Accountability Act (question 5). Under Section 3 of the Act, the Borough has identified and located all valves 12 or more inches in diameter and has a plan for inspections as defined by the Act within the two years allotted for this work (to October 19, 2019). All other valves have been located and mapped and must be inspected as defined by the Act within four years (by October 2021). Further in accordance with Section 3 of the Act, every hydrant in the Borough has been mapped, inspected, tested and flushed. Valves integral to each hydrant have also been inspected. Going forward, the plan is to flush every hydrant as part of the required annual testing of all hydrants. The Borough has maintained and will continue to make a record of all such inspections, tests and flushings which will be scanned into an electronic data base and preserved for at least the six (6) years required by the Act. Each hydrant has been tagged indicating a unique identification number and ownership by the Borough of Pennington. Section 3 of the Act provides that to the extent possible the geographic location of each valve and fire hydrant shall be identified using a global positioning system based on satellite or other location technology. This is not possible at the present time but will be addressed in the anticipated Asset Management Plan.

5. Under Section 5 of the Act, requiring a mitigation plan within 60 days after three notices of violation have been received, the late-reporting violations by the Borough’s testing laboratory (paragraph 1) were all resolved well before 60 days had elapsed and no mitigation plan was therefore required. The Borough is advised by the DEP through John Meier, Water and Sewer Compliance Officer, that no remediation plan is required.

6. Under Section 7 of the Act, requiring at least once every three years the submission of a report on infrastructure improvements based on the asset management plan for the system, the Borough system does not yet have an asset management plan. The Borough is in the process of preparing such a plan which is not due under the Act until April 2019.

7. Copies of this Resolution shall be maintained on file, together with the attached Certification, by the Borough Clerk and 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	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-10.5, second by Council Member Gnatt. Mr. Bliss stated that there is an amendment that needs to be made based on information received today from the Borough Compliance Officer. Mr. Bliss asked that the following be added to paragraph 5 on page 2 of the resolution “The Borough is advised by DEP through John Meier, Water and Sewer Compliance Officer, that no remediation plan is required.” Upon a roll call vote, all members present voted in favor.

Mrs. Sterling asked that Resolution 2018-10.6 be pulled from the agenda as the Chief Financial Officer would like to take another look at the Ordinances. Mrs. Sterling stated that a revised resolution will be on the agenda in November.

**NO ACTION TAKEN**

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.6**

**RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCES**

**WHEREAS**, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

**WHEREAS**, the Borough’s Chief Financial Officer has reviewed all capital ordinances to verify which projects are complete, but have balances remaining; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer that the following capital ordinances be cancelled:

**General Capital**

Ordinance 2003-9	Streetscape	\$520,479.51
Ordinance 2013-9	Office Furniture	\$ 321.49
Ordinance 2014-13	Police Radios	\$ 10,641.90
	DVD Recorders	\$ 5,731.00
	Vehicles	\$ 4,536.00
	Generator	\$ 13,000.00
	Emergency Road Repair	\$371,399.10
Ordinance 2015-7	Mowers/Leaf Collectors	\$ 12,668.00
Ordinance 2017-1	King George Road	\$ 888.65
Ordinance 2017-15	Backhoe	\$ 2,580.36

**Water/Sewer Capital**

Ordinance 2003-8	Various Improvements W/S	\$ 9,897.42
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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Pennington authorize the Borough Chief Financial Officer to cancel the Ordinances to Deferred Charge to Future Taxation - Unfunded.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-10.7**

**RESOLUTION AUTHORIZING THE EMERGENCY REPAIR OF TWO (2) LEAKING WATER VALVES ON BROEMEL PLACE**

**WHEREAS**, the Superintendent of Public Works for the Borough of Pennington has identified an emergency circumstance as defined by N.J.S.A. 40A:11-6 involving the need to immediately contract to cut out and replace two leaking water valves on Broemel Place, including a 6 inch gate valve and a 12 inch gate valve; and

**WHEREAS**, the above referenced provision of the New Jersey Local Public Contracts Law permits the award of a contract without competitive bidding (or competitive contracting) when an emergency affecting the public health, safety or welfare exists; and

**WHEREAS**, in accordance with the New Jersey Local Public Contracts Law the Superintendent has prepared and filed with the Borough Administrator written notification of the emergency; and

**WHEREAS**, the Superintendent has obtained quotations from four contractors able to perform the work and has recommended CRJ Contracting, Inc. ("CRJ") as providing the proposal in the best interests of the Borough, price and all other factors considered:

**WHEREAS**, the CRJ proposal dated September 12, 2018 provides for the installation of one 6" and one 12" gate valve, all couplers, valve boxes, DIP pipe, DGA backfill and base material to restore the road surface ("the Work"), for the total amount of \$ 23,930.00; and

**WHEREAS**, the Borough Administrator finds in accordance with the Local Public Contracts Law that the foregoing constitutes an emergency affecting the public safety and welfare and necessitates the immediate hiring of CRJ to perform the Work; and

**WHEREAS**, the Superintendent requests that a purchase order be issued immediately in an amount not to exceed \$23,930.00 to cover the cost of the Work; and

**WHEREAS**, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances, prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, CRJ has made no such political contribution and shall make no such contribution during the term of the contract;

**WHEREAS**, approval of this contract also complies with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by business entities regardless of the value of the contract;

**WHEREAS**, CRJ has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither it nor its principals has made nor shall make any political contribution prohibited by the relevant provisions of either the statute or the Borough Code concerning pay-to-play;

**WHEREAS**, CRJ shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this project in the Water/Sewer Capital Fund under Ordinance 2007-9;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey that a purchase order be issued to CRJ Contracting, Inc., as described above, subject to approval by the Borough Attorney as to sufficient liability insurance coverage on the part of CRJ. .

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	X				Mills	S			

Council Member Marciante made a motion to approve Resolution 2018-10.7, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.8**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF  
PENNINGTON AND COUNTY OF MERCER FOR  
“SWIFTREACH” EMERGENCY NOTIFICATION SYSTEM**

**WHEREAS**, the Borough of Pennington seeks to enter into a shared services agreement with the County of Mercer for access to and use of the “SwiftReach” system maintained by the County for public service announcements and mass emergency notifications;

**WHEREAS**, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction;

**WHEREAS**, the proposed shared services agreement will be substantially in the form annexed to this Resolution;

**WHEREAS**, the proposed agreement provides for a term of three years, from January 1, 2018 through December 31, 2020, at no cost to the Borough;

**WHEREAS**, the proposed shared services agreement provides that prior to the Borough activating and utilizing the SwiftReach system , in order to avoid said utilization interfering with, or being redundant of, any other activation in process on said system, the Borough shall notify the County’s Emergency Notification Coordinator (“ENC”), and at that time or within 12 hours of the activation shall provide the ENC with a copy of the proposed content of the Borough’s notification or message.

**WHEREAS**, the proposed shared services agreement requires the Borough to indemnify and hold the County harmless from any claims, including claims for damages, resulting from the Borough’s use or attempted use of the SwiftReach system and/or the content of the Borough’s emergency notification announcements through the system;

**WHEREAS**, the County reserves the right to terminate the Borough’s access to and utilization of the SwiftReach system at any time with or without cause on 30 days’ written notice;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the aforesaid shared services agreement with such amendments as to form which are approved by the Borough Attorney.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	S				Mills	S			

Council Member Marciante made a motion to approve Resolution 2018-10.8, second by Council Member Griffiths. Mr. Lawver asked how many time the provider has been changed. Mrs. Heinzel stated that this is a renewal of the prior contract. Mrs. Heinzel stated that the struggle has been getting contact information from people who want to get information. Mrs. Heinzel stated that she is planning to put together a flyer that will be distributed to residents the next time the water meters are read. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.9**

**RESOLUTION AUTHORIZING AGREEMENT WITH TRI-STATE LIGHT AND ENERGY, INC.  
FOR INSTALLATION OF ENERGY-EFFICIENCY MEASURES  
AT THE PENNINGTON SENIOR CENTER**

**WHEREAS**, the Borough of Pennington has executed the attached Direct Install Application and Participation Agreement with Tri-State Light & Energy Systems, Inc. (“Tri-State”) for the installation of energy efficiency retrofit measures at the Pennington Senior Center, to be performed by Tri-State;

**WHEREAS**, pursuant to the Direct Install Application and Participation Agreement, Tri-State has performed an energy assessment at the Senior Center and from that assessment has generated the attached Scope of Work to be attached to the Application and Participation Agreement listing the measures eligible for subsidy under New Jersey’s Clean Energy Program;

**WHEREAS**, the attached Scope of Work identifies measures (“Work”) whose installation will cost an estimated \$12,276.85 and result in net cost to the Borough amounting to \$3,683.06 after subsidy;

**WHEREAS**, Tri-State has now submitted the attached July 10, 2018 invoice covering the Work in the amount of \$3,683.06 (“Invoice”), which the Borough must pay in full before the Work can begin;

**WHEREAS**, sufficient Borough funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Business Administrator is hereby authorized to pay the attached Invoice and the Borough’s intent to enter into and comply with the attached Application and Participation Agreement and Scope of Work Attachment is ratified and confirmed.

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	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Lawver made a motion to approve Resolution 2018-10.9, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.10**

**RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT  
BETWEEN THE BOROUGH OF PENNINGTON AND THE MERCER COUNTY IMPROVEMENT  
AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE TERM OF FIVE  
(5) YEARS COMMENCING ON JANUARY 1, 2019 THROUGH  
DECEMBER 31, 2023**

**WHEREAS**, there exists a need in the Borough of Pennington to provide recycling services to the residents of Mercer County; and

**WHEREAS**, the Mercer County Improvement Authority (“MCIA”) has been designated by the County of Mercer as the implementing agency for the Solid Waste Management Plan within Mercer County under the Solid Waste Management Act N.J.S.A. 13:1E-1 et seq. for the curbside collection of recyclables; and

**WHEREAS**, the Borough of Pennington, wishes to continue its participation in the Mercer County Solid Waste Management Plan by having MCIA provide for the Curbside Recycling Program throughout the Borough during the term of the agreement; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-4 et seq., permits the Borough to enter into an Agreement with the MCIA to provide for said Curbside Recycling Services during the Term of the Agreement; and

**WHEREAS**, the Agreement between the MCIA and the Borough for the Curbside Recycling Collection Program is for a period of five (5) years commencing on January 1, 2019 through December 31, 2023; and

**WHEREAS**, the Agreement between the Borough and the MCIA supersedes all prior shared services agreements for Curbside Recycling Services;

**WHEREAS**, the Chief Financial Officer has certified that funds for this agreement are available contingent upon a sufficient appropriation being provided in the adopted Municipal Budgets for the years 2019, 2020, 2021, 2022 and 2023;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, in the County of Mercer and State of New Jersey, that the Shared Services Agreement between the Borough and the MCIA for curbside collection of recyclables for the Term of the Agreement be and hereby is authorized and accepted by the Borough of Pennington and the Mayor is authorized to execute said Agreement on behalf of the Borough; and

**BE IT FURTHER RESOLVED**, that the Agreement shall take effect according to its terms upon the adoption of an appropriate resolution by the MCIA and the execution of the Agreement by and between the Borough of Pennington and the MCIA in accordance with N.J.S.A. 40:8A-1 et seq.; and

**BE IT FURTHER RESOLVED**, that the form of the agreement shall be subject to approval by the Borough Attorney who shall be guided by the offer letter of July 5, 2018 by Daniel G. Napoleon to Eileen Heinzl, Borough Administrator, of which a copy is annexed.

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 Marcianti made a motion to approve Resolution 2018-10.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.11**

**RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND  
EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR THE 2019 ROAD IMPROVEMENT PLAN PROJECT**

**WHEREAS**, Borough Council has determined that a section of Burd Street requires reconstruction;  
and

**WHEREAS**, the project is designed to improve the condition of the roadways including resurfacing, reconstruction and drainage;

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington, formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED**, that the Borough Engineer is hereby authorized to submit an electronic grant application identified as MA-2019 - Pennington Borough – 00382 to the New Jersey Department of Transportation on behalf of the Borough of Pennington.

**BE IT FURTHER RESOLVED**, that the Mayor with the attestation of the Borough Clerk is hereby authorized to sign the grant agreement on behalf of the Borough of Pennington and that his signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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				Marcianti	X			
Griffiths	X				Mills	M			

Council Member Mills made a motion to approve Resolution 2018-10.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018 – 10.12**

**RESOLUTION REQUESTING CHANGE IN TITLE,  
TEXT, OR AMOUNT OF APPROPRIATION PURSUANT TO  
NJS 40A:4-85**

**WHEREAS**, NJS 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,



**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the provisions of NJS 40A:4-85, the Borough of Pennington hereby requests the Director of the Division of Local Government Services to make the following correction in the 2018 budget:

Change “2018 Bond Ordinance”  
To  
“Purchase of 2019 Ford F-450 Dump Truck and Equipment”

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough for the reason set forth:

The intent was to fully fund the 2018 Capital Projects

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	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2018-10.12, second by Council Member Griffiths. Mr. Griffiths asked if this purchase will be fully funded and Mrs. Sterling responded that it would as seen in the next resolution. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-10.13**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NATIONAL AUTO FLEET GROUP THROUGH SOURCEWELL (FORMERLY THE NATIONAL JOINT POWERS ALLIANCE) CONTRACT #: 120716-NAF FOR A 2019 FORD SUPER DUTY F-450 DUMP TRUCK WITH DUMP BODY AND SPREADER FOR USE BY THE PENNINGTON PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the Superintendent of the Pennington Public Works Department has identified the need to purchase a 2019 F-450 Dump Truck and related equipment; and

**WHEREAS**, the Superintendent of Public Works has determined that the required equipment is available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member #: 132214 to the Borough; and

**WHEREAS**, National Auto Fleet Group located in Watsonville, California is an authorized dealer for this vehicle and they have provided the Borough with Quote #: 8145 dated September 6, 2018; and

**WHEREAS**, a copy of the quote from National Auto Fleet Group in the amount of \$54,333.00 is attached to this Resolution; and

**WHEREAS**, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available through an appropriation in the 2018 budget and through General Capital Ordinance 2014-013;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the purchase of one (1) 2019 Ford Super Duty F-450 DRW (F4H) XL 4WD Regular Cab 145” WB 60” CA, Airflo 9”SS Dump Body and 8’ Polycaster Spreader for the Pennington Borough Public Works Department pursuant to the attached proposal from National Auto Fleet Group is hereby authorized, and the Borough Administrator and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

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	X			
Griffiths	M				Mills	S			

Council Member Griffiths made a motion to approve Resolution 2018-10.13, second by Council Mills with all members present voting in favor.

**Professional Reports**

Mrs. Heinzl stated that there is a lot going on in town. Mrs. Heinzl stated that regarding the Curlis and Weidel road project will be constructed in 2019, Phase II of Burd Street will be in 2019, Abey Drive and Kings Court will be in 2020 and then Phase III of Burd Street will be in 2021. Mr. Lawver stated that the Streetscape-Phase II project will also be done in 2021. Mrs. Heinzl stated that we will be meeting with representatives from the NJDOT regarding the Transportation Alternative Program which is the funding source for the Streetscape II project.

Mrs. Heinzl stated that we are still waiting for Mercer County to provide us with an agreement for the Senior Center renovation project. Mrs. Heinzl stated that Mark Kataryniak, Hopewell Township Engineer is working on the bid specs for the project.

Mrs. Heinzl stated that Library Director, Kim Ha will be at the November meeting to discuss the installation of a "Little Library" in Kunkel Park.

Mrs. Heinzl reminded Council Members that the November meeting has been changed to November 13, 2018.

There were no other comments from professionals.

**Public Comment**

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

Mr. Mark Blackwell reminded everyone that the Annual Pancake Breakfast for the Fire Department is Sunday, October 7<sup>th</sup> starting at 8:00am until 12:00 noon.

At 8:00 pm, with no further business to come before the Borough, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Mills.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk