

**Pennington Borough Council
Regular Meeting – June 3, 2019**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Mayor Lawver and Council Members Chandler, Griffiths, Marciante and Mills in attendance. Mrs. Semple arrived at 7:16 pm and Mrs. Gnatt arrived at 7:25 pm, both during the closed session.

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

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

Mayor Lawver asked everyone to stand for the Flag Salute.

Mayor Lawver announced a change to the Closed Session adding Cugino's License Agreement for discussion.

Open to the Public – Agenda Items Only

Mayor Lawver 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 Business

Mayor Lawver announced the resignation of Officer Keith Yasunas from the Pennington Police Department effective June 30, 2019.

Mayor Lawver announced the resignations of Winn Thompson from the Open Space Committee and Rachel Donington from the Economic Development Committee.

Mayor Lawver announced the retirement of Court Administrator, Nancy Griffin effective June 1, 2019.

Mayor's Appointment (with Council Approval)

Mayor Lawver announced the appointment of Hilary Burke to the Library Board of Trustees for an unexpired term ending December 31, 2021. Council Member Marciante made a motion to approve the appointment, second by Council Member Chandler with all members present voting in favor.

Closed Session

AT, 7:02 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Ed Schmierer, Planning Board Attorney - Fair Share Housing Plan Element
- License Agreement – Cugino's

Mr. Schmierer left at 7:35 pm.

AT, 7:40 PM, Mayor and Council returned to open session.

Presentations

Mayor Lawver invited Stacia Scaduto from Concord Energy Services and Commercial Utility Consultants, Inc. to come forward for a presentation on Energy Aggregation. Ms. Scaduto distributed information to Council Members. Ms. Scaduto stated that she is here representing Concord Energy Services and Commercial Utility Consultants, Inc. and they are energy consultants licensed by the State and they run energy aggregation programs for municipalities throughout the State. Ms. Scaduto stated that they are not a supplier and they have no relationship with any suppliers, their job is to facilitate residential energy aggregation programs. Ms. Scaduto stated that she is here to talk about what the program is, what it entails and ultimately to see if the Borough would be interested in pursuing the program along with seven other towns between Mercer and Hunterdon County that are looking to adopt something similar. Ms. Scaduto stated that the background to this is to reduce residential energy rates for Borough homeowners, it is not

part of a commercial program and not available for businesses or municipal buildings. Ms. Scaduto stated that PSE&G rates are set by the State, the Board of Public Utilities holds an auction once a year and they pick a supplier and set the rate and everybody gets that rate. Ms. Scaduto stated that this program is modeled after that process and it is a State promoted program through the Board of Public Utilities. Ms. Scaduto stated that Title 14 explains the process that the Board has for utility company auctions. Ms. Scaduto stated that the energy aggregation program is basically the same except that they pull it down to a local level. Ms. Scaduto stated that there are a couple of caveats and one is that in order to proceed and offer this to residents, the rate needs to be lower than the rate PSE&G is charging. Ms. Scaduto stated that is the draw for municipalities and there are also some consumer benefits. Ms. Scaduto stated that certainly anyone can do the research and make the call to sign up for an individual program. Ms. Scaduto stated that individual suppliers do not offer the consumer benefits that are offered through Title 14. Ms. Scaduto stated that any supplier participating in this must sign their contract which has consumer protections built into it such as no termination fees, no cancellation fees, and if a resident does not like the rate or does not want to participate for whatever reason, they can opt out with no fees or penalties. Ms. Scaduto stated that residents can opt out if they are skeptical and they opt back in if they choose. Ms. Scaduto stated that the Delaware River Cooperative is also looking at some additional options and this is where the aggregation program differs and offers flexibility. Ms. Scaduto stated that the Cooperative is seeking to have a higher renewable content included when the bid prices are submitted from suppliers. Ms. Scaduto spoke about some of the options that might be included when the bids go out to suppliers. Mr. Marciante asked if that would be like a menu for residents to choose from where a residents rate would be based on whichever percentage they choose. Ms. Scaduto stated that they can't get overly complicated with too many options because it would not be competitive. Ms. Scaduto stated that there might be three options to choose from. Ms. Scaduto stated that once they get to a price, the process would be to introduce an ordinance and she would come to answer resident's questions for the public hearing. Ms. Scaduto stated that the ordinance does not commit the Borough to anything it opens the door so that they can get data from PSE&G. Ms. Scaduto stated that once the data is collected, an auction would take place and that is where the options would be set collectively within the group. Ms. Scaduto stated that after the actions are written down and agreed upon, then they would begin a public outreach program to explain the program to residents. Ms. Scaduto stated that residents would be advised that nothing is changing other than the rate that they are being billed, the provider would still be PSE&G and worry free appliance contracts and emergency services and the like would remain the same.

Mr. Griffiths asked how Concord Energy is compensated, what the average savings for homeowners is and if the Borough is agreeable to the concept, what are the next steps. Ms. Scaduto stated that CUC and Concord get paid from the supplier by commission, .002 per kilowatt. Ms. Scaduto stated that the average homeowner will save about ten percent. Ms. Scaduto stated that the next steps would be to entertain an Ordinance so that they can begin to gather data.

Mr. Marciante stated that a homeowner can opt out of this program anytime from what he read and residents do not have to participate if they do not want to. Mr. Marciante stated that he got suckered into a plan once and it was a month or more before PSE&G would take him back. Ms. Scaduto stated that the delay would still be there and that is a standard delay for data transmission. Ms. Scaduto briefly explained the difference between the phone call solicitations and this program.

Mayor Lawver stated that if Council feels that this program is worth pursuing then the next step would be to introduce an ordinance in July and once the ordinance is adopted, there is a resolution that would need to be done. Mayor Lawver asked Ms. Scaduto to identify the other towns in the cooperative and indicate where they are in the process. Ms. Scaduto stated that Hopewell Township will be introducing an ordinance soon and they will hold some outreach meetings that Pennington residents are welcome to attend. Ms. Scaduto stated that Alexandria, Frenchtown, Lambertville, Delaware Township, West Amwell and one other town are in the process, four have completed the ordinance process and the other three are working through the process.

Mr. Griffiths stated that he likes the idea and thinks that there is value, but he would like to see some more specificity in writing like a draft ordinance and he would also like to see communication materials that have been used with other municipalities and residents. Mr. Griffiths also asked if there are any FAQ's that have come up from homeowners and how do they get addressed. Mrs. Chandler asked at what point the options that Mr. Marciante spoke about are determined. Ms. Scaduto stated that the group would collectively come up with them. Ms. Scaduto stated that a spokesperson from each town would meet and work out the details on the options. Mrs. Chandler stated that she can see a percentage of Pennington looking for clean energy and another percentage looking for the cheapest rates and then some that would fall somewhere in the middle. Ms. Scaduto stated that is generally the thought process for everybody so that there are options available for all residents. Ms. Scaduto stated that she can't say at this time what the options would be because there hasn't been an auction. Ms. Scaduto stated that she would be happy to attend the public hearing on the ordinance and also any other public meeting held for residents to answer questions and explain the program. Some further discussion took place about public outreach and the process.

Mayor Lawver thanked Ms. Scaduto for her presentation. Ms. Scaduto stated that she would e-mail Mrs. Heinzl some information for the July meeting.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt had no report for Open Space. Mrs. Gnatt reported that the Planning Board met, Zoning Officer John Flemming reported that the engineering plan for the house on Laning Avenue that is currently under construction will be reviewed by the Borough Engineer. Mr. Flemming stated that it does not look like the height of the structure is going to be a problem. Mrs. Gnatt stated that a Proclamation was read and presented to Winn Thompson for his many years of service on the Board. Mrs. Gnatt reported that Mr. Robert Ridolfi presented a plan for conceptual review on behalf of Blackwell Memorial Home and its owner Elizabeth Davis. Mrs. Gnatt stated that conceptual review is a way to get advice before submitting a full application. Mrs. Gnatt stated that the plan is to convert the home in the back of the property to a gathering space, no food will be prepared but there may be outside catering. Mrs. Gnatt stated that the plan provides for additional parking and subdivision of the lots. Mrs. Gnatt stated that they will present a formal application to the board.

Mrs. Gnatt stated that the Personnel Committee met and several salary recommendations are included in the Salary Ordinance that is on for introduction this evening. Mrs. Gnatt stated that Officer Yasunas will be resigning from the Pennington Police Department and Michael Rodriguez will be appointed to fill that vacancy.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Economic Development met and they are creating a summer calendar of events in Pennington Borough which was submitted to the Hopewell Valley Neighbors Magazine and it is the intent to create four calendars per year by season. Mrs. Chandler asked that if anyone has anything to include on the calendar to please let her know. Mrs. Chandler stated that they are reaching out to all non-profits including churches, the YMCA, the Seniors and the Fire Company.

Mrs. Chandler stated that the Environmental Commission met and they reviewed the Blackwell Property and there is some concern about the impervious coverage though it is allowed.

Mrs. Chandler stated that Public Safety did meet, they are working on coordinating a time to view a police officer video to respond to a concern that was raised by a resident of Hopewell.

Mrs. Chandler stated that they are in the process of hiring an Administrative Assistant for the Police Department. Mrs. Heinzl stated that it is a brand new position and she is working on creating the position.

Public Works – Mr. Marciante reported that trees are being planted throughout town. Mr. Marciante stated that the Public Works Committee met and discussed the road repair schedule. Mr. Marciante stated that the committee would like to see more mill and overlay projects and less road reconstruction projects to try to save some money. Mr. Griffiths stated that roads are deteriorating faster than the Borough can afford to repair them and milling and overlay would buy some time before a road would need to be reconstructed. Mayor Lawver suggested that a grant application be considered for a bundle of roads for mill and overlay as opposed to one road for reconstruction. Mr. Griffiths felt that was good idea. Mr. Griffiths stated that the finance committee will be meeting to discuss a financial strategy for road repair and financing. Mr. Griffiths also stated that we need to work within the grant award amount and not try to fund the shortfalls. Some discussion took place with regard to decisions made the last couple years and with regard to funding projects going forward.

Mr. Marciante stated that in the past couple weeks both garbage trucks were down and the Public Works Department used dump trucks to pick up the trash.

Mayor Lawver stated that Mercer County has been working on Ingleside Avenue and the work has not been going as smoothly as they had hoped. Mayor Lawver stated that the County has been generous to Pennington the past couple years and we should all thank them for the work they are doing and for saving the Borough a lot of money.

Finance / Board of Health – Mr. Griffiths stated that the Finance Committee will be meeting on June 11th to discuss planning for future debt.

Historic Preservation / Library – Mrs. Mills stated that Historic Preservation met on May 21st and discussed porch roof revisions were withdrawn at 64 South Main Street. Mrs. Mills stated that they also discussed 208 South Main Street and a new design for the exterior and the roof. Mrs. Mills stated that after discussing the proposed changes, the owner decided to just move along with the project as designed. Mrs. Mills stated that they also discussed the sub-division at the corner of Delaware and Burd Street which will now be only two houses instead of three. Mrs. Mills stated that the commission requested removal of the gables and changing the design of railings so that the new house will resemble the prior Thornton house that was on the property. Mrs. Mills stated that they also discussed Master Plan update and Eric Holtermann will be reaching out to the Borough Administrator.

Mrs. Mills stated that the Library Summer Programming is beginning and the adult summer reading program will be starting.

Parks and Recreation / Shade Tree – Mrs. Semple stated that the Memorial Day Parade and concert event was a big success. Mrs. Semple stated that there are five trees left to be planted under the grant program for tree planting.

Senior Advisory Board – Mr. Lawver stated that the Senior Advisory Board did not meet.

Ordinances for Introduction

Mayor Lawver read Ordinance 2019-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2019 – 7**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF
PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY
FOR THE YEAR 2019**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following official and employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Pennington, whose compensation shall be on an annual basis, is:

| | |
|---|---------------|
| Borough Administrator – January 1, 2019 to June 30, 2019 | \$53,296.43 |
| July 1, 2019 to December 31, 2019 | \$83,119.40 |
| Borough Clerk | \$ 43,423.29 |
| Assistant Chief Financial Officer | \$ 74,190.37 |
| | |
| Tax Collector | \$83.86/ hour |
| Utility Collector - January 1, 2019 – June 30, 2019 | \$55.50/ hour |
| July 1, 2019 – December 31, 2019 | \$30,000.00 |
| Technical Assistant to Construction – Jan 1, 2019 – March 4, 2019 | \$55.50/ hour |
| March 4, 2019 – December 31, 2019 | \$25.00/hour |
| | |
| Tax Assessor | \$13,248.98 |
| | |
| Zoning Officer | \$ 8,965.90 |
| | |
| Land Use Admin/Admin Asst. | \$ 52,256.64 |
| Deputy Registrar | \$ 2,258.03 |
| | |
| Supt. of Public Works | \$83,901.63 |
| Licensed Water Operator | \$46,818.00 |
| Assistant to Superintendent of Public Works | |
| January. 1 to June 30, 2019 | \$13.53/hour |
| July 1, 2019 –December 31, 2019 | \$15.00/hour |
| | |
| Judge of Municipal Court | \$ 12,596.60 |
| Court Administrator – January 1, 2019 to May 31, 2019 | \$17,604.69 |
| June 1, 2019 to December 2019 | \$ 17,500.00 |
| Acting Court Administrator | \$15,000.00 |
| Prosecutor - (Flat Rate per Court Session/per resolution) | \$ 300. 00 |
| Public Defender – (Flat Rate per Court Session/per resolution) | \$ 200.00 |
| Court Officer – (Flat Rate per Court Session) | \$76.50 |
| | |
| Public Safety Director | \$ 56,948.49 |
| Administrative Assistant | \$15.00/hour |
| | |
| Construction Official | \$27,817.19 |
| Plumbing Sub-Code | \$41.16/ hour |
| Fire Sub-Code | \$41.77/ hour |
| Electric Sub-Code | \$40.33/ hour |
| | |

- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the

discretion of Borough Council, lesser amounts can be paid.

d. The rate of compensation of each employee, paid on an hourly basis is as follows:

| | Minimum | Maximum |
|---|--------------------|----------|
| Finance | | |
| Municipal CFO(p/t) | \$ 25.00 | \$ 83.86 |
| Police Department: | | |
| Crossing Guards | \$ 15.00 | \$ 25.50 |
| Special Police | \$ 16.92 per hour | |
| Part Time Employees – All Departments: | | |
| Part Time or Temporary | \$ 8.00 | \$ 25.00 |
| Part Time/Temporary/Licensed | up to a maximum of | \$ 45.00 |

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2019.

Council Member Chandler made a motion to introduce Ordinance 2019-7, second by Council Member Griffiths. Mayor Lawver stated that the increases are pretty straightforward at two percent across the board with a couple of changes. Mayor Lawver stated that with regard to the Utility Collector and the Borough Administrator. Mayor Lawver stated that he knows that there has been some discussion concerning the Utility Collector. Mayor Lawver stated that the concern is that too much is being placed on the shoulders of one person who is the linchpin to our operation that we want to ensure that we do not stress her too much. Mayor Lawver stated that he shares the concern, but he understands why the Borough is choosing to go in this direction. Mrs. Chandler stated that her understanding is that the former Wayne Blauth position is not being filled at this time. Mrs. Heinzel stated that one of the positions that Wayne Blauth filled was Technical Assistant to Construction and that position has been filled by the hiring of Regina Taylor who is working part time. Mrs. Heinzel explained that the other position vacated by Wayne Blauth was Tax and Utility Collector. Mrs. Heinzel stated that Council appoint Sandra Webb as Tax Collector. Mrs. Heinzel stated that Betty Sterling has been doing the job and getting compensated by keeping track of hours worked. Mrs. Heinzel stated that this appointment will compensate Ms. Sterling without having her keep track of hours worked and compensating her at her hourly rate. Mrs. Chandler asked if this is a long term solution. Mrs. Gnatt stated that she does not think that this is intended to be a forever solution. Mr. Marciante stated that the committee felt that this is saving the Borough money, but the committee is concerned with keeping positions separate so that in the future it will be easier to fill each position. Mayor Lawver stated that one of the reasons that Council is going in this direction is that the position was advertised but none of the candidates who applied were able to work during operating hours, they all wanted to work evening hours. Mayor Lawver explained that a big chunk of the work would still have to be done during the day. Mrs. Mills stated that she sees this as the best solution for right now and Council can’t really determine what is best for the future. Mr. Griffiths stated that he has spoken with Betty and this is a manageable workload and it might be a couple extra hours here and there but Betty is very good at managing her time and he is sure that she will let Council know if it becomes too much to handle. Mrs. Gnatt stated that the position will not be advertised again at this time and this solution will save the Borough money in the long run. Mr. Marciante stated that another change that was made is that the Borough Administrator will be brought up to full-time status effective July 1st, 2019. Upon a roll call vote all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2019-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019-6**

**AN ORDINANCE CONCERNING SHADE TREES AND THE
BOROUGH SHADE TREE COMMITTEE AND FURTHER
AMENDING CHAPTER 13 OF THE BOROUGH CODE**

WHEREAS, Borough Council seeks to amend provisions of the Borough Code concerning procedures for the planting, care and removal of shade trees in the public right-of-way and on public property;

WHEREAS, among the desired changes is elimination of any question concerning Council's exclusive discretion over the types, sizes and locations of the trees to be planted;

WHEREAS, other changes would make clear the prohibition against removal of a public tree by a private person;

WHEREAS, a third change would remove the requirement that the Shade Tree Committee develop a Master Plan for planting trees, clarifying instead the Committee's responsibility for advising the Borough in crafting and implementing the Community Forestry Management Plan;

WHEREAS, new language is underlined and language to be deleted is crossed out;

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

1. Chapter 13, Article 1 of the Code of the Borough of Pennington is hereby amended at Section 13-1 as follows:

Section 13-1. Establishment, membership and purpose.

- A. The Shade Tree Committee has been established by ordinance effective December 2, 1985, amended April 4, 2016. It shall consist of seven members who shall be residents of this municipality and, when feasible, have experience or expertise in the area of arboriculture or related fields.
- B. The purpose of the Shade Tree Committee is to advise Borough Council in the exercise of its authority over the regulation, planting, care and removal of shade and ornamental trees and shrubbery upon and in the streets, highways, public right-of-way and public property of the Borough of Pennington. This authority shall not extend to state highways unless the State Highway Department shall assent thereto, or to county highways, roads, parks and parkways unless a County Shade Tree Commission is operative and gives assent thereto.
- C. Nothing in this ordinance shall be construed to limit the exclusive control of Borough Council over the planting, care and removal of trees and shrubbery in its public right-of-way and on its public property, including but not limited to removal of all or part of the roots, branches and other parts of trees and shrubbery on private property extending into or over the public right-of-way or public property, except as otherwise provided by Borough ordinance.

2. Chapter 13, Article 1 of the Code of the Borough of Pennington is hereby amended at Section 13-5, as follows:

Section 13-5. Scope of Responsibilities.

The Shade Tree Committee in its advisory capacity may:

A. Recommend to Borough Council legislation and other appropriate action governing the regulation, care and removal of trees and shrubbery upon and in the public right-of-way and public property of the Borough, and use of the ground surrounding them, so far as may be necessary for their growth, care and protection. All such recommendations shall be with notice to the Borough's Superintendent of Public Works and subject to such conditions as the Committee deems appropriate consistent with the purposes of this ordinance, after weighing the following considerations:

- (a) the safety of the public;
- (b) the condition or health of the tree;
- (c) the appropriateness of the location of the tree or shrub;
- (d) the significance of the tree for preservation of the urban forest;
- (e) opportunities for planting replacement trees or shrubbery conforming with Shade Tree Committee specifications;

- (f) the immediacy of the need for action;
- (g) the availability of public or private financing for the action contemplated; and
- (h) other factors favoring removal or non-removal of the tree in the best interests of the Borough and its residents.

B Recommend to Borough Council with notice to the Superintendent of Public Works legislation and other appropriate action to enhance and protect the public property of the Borough and the public right-of-way, including:

- 1. the planting of trees and shrubbery upon or in the public right-of-way or public property; and
- 2. the care or removal of roots, limbs, branches and other growth extending from trees and shrubbery on private property into or over public property or the public right-of-way.

~~Recommendations for the planting of trees shall be made after visiting the potential site and consulting the list of shade trees recommended for the Borough to identify the type or types of trees and the location and size that may be appropriate. When the potential site is in a public right-of-way adjoining private property, the Committee shall review the list of recommended shade trees in consultation with the adjoining property owner.~~

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

~~D. Develop and maintain a list of trees recommended for shade tree plantings in the Borough. The list shall provide a variety of options, taking into consideration the regional climate, the size of the tree and its root systems, and the available space for a planting. Advise the Borough in the crafting and implementation of its "Community Forestry Management Plan."~~

E. Encourage private property owners to plant, care for and maintain shade trees, ornamental trees and ornamental shrubs on their property as part of the urban forest.

3. Chapter 13, Article 1 of the Code of the Borough of Pennington is hereby amended at Section 13-6, as follows:

Section 13-6. Payment for planting or removal of trees.

A. The planting, care and removal of trees and shrubbery upon and in the public right-of way and public property of the Borough shall be paid for by the Borough provided the work is:

- (1) included in the annual budget for the Shade Tree Committee approved by Borough Council; and
- ~~(2) authorized by separate action of Borough Council in its sole discretion even when budgeted; and~~
- ~~(3) conducted by the Department of Public Works or a contractor retained by the Borough in conformance with the Local Public Contracts Law.~~

B. The removal of all or part of ~~the roots and branches~~ extending from trees and shrubbery on private property into public property or into the public right-of-way ~~as needed to protect the public safety or public infrastructure~~ shall, except as provided by Section 177-21 of the Code, also be paid for by the Borough, subject to the same conditions as set forth in the preceding subsection.

C. In other instances involving care or removal of trees and shrubbery on private property pursuant to this ordinance or the Borough Code, the work shall be paid for by the property owner. These instances include the removal of parts of trees and shrubbery on private property extending ~~over public property or~~ into the public right-of-way pursuant to Section 177-21 of the Code and the removal of trees determined to be diseased or otherwise dangerous to the public safety. The work in each case shall be performed by the Department of Public Works or a contractor retained by the Borough except with respect to work required to be performed by the property owner pursuant to Section 177-21 ~~of the Code~~.

D. When the Shade Tree Committee determines that a tree on private property requires removal in whole or in part because it is diseased or otherwise dangerous to the public safety, the Committee shall give the property owner 10 days' notice that it intends to recommend removal of all or part of the tree to Borough Council. Within that ten-day period the property owner may request a hearing before the Shade Tree Committee and the Committee shall report the property owner's objections to Borough Council. If the public safety requires immediate removal of the tree, no notice shall be necessary.

E. The property owner shall also be responsible for the cost of tree removal in the public right-of-way for which the owner has agreed to provide private financing as part of the review process

described in Section 13-5.A.

F. When the expense of the planting, care or removal of a tree or shrubbery, including the purchase of trees and shrubbery and replacement trees and shrubbery, is to be charged to a property owner pursuant to this article, the following provisions apply.

1. When the work is performed by the Borough Department of Public Works, the charges for the work, in addition to out-of-pocket costs, shall be computed according to the pertinent charges for labor and equipment provided in Chapter 98 of the Code, concerning fees.
2. When the work is performed by a contractor retained by the Borough, in accordance with the Local Public Contracts Law, the charge for the work shall be the charges and reimbursements incurred by the Borough, in addition to its out-of-pocket costs.
3. Charges for replacement trees will be at actual cost plus 10%.
4. The amount due for the work and out-of-pocket costs, unless earlier paid directly to the Borough by the property owner, shall be certified by Borough Council to the collector of taxes of the Borough and shall thereupon become a lien upon the affected real estate and be included in the next tax bill rendered to the owner or owners thereof and be collected in the same manner as other taxes against that property.

G. The planting of trees under the Pennington Memorial Tree planting program shall be at the expense of the applicant.

4. Chapter 13, Article 1 of the Code of the Borough of Pennington is hereby amended by the deletion of Section 13-10, as follows:

~~Section 13-10. Development of Master Plan for planting of trees.~~

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

5. Chapter 13, Article 1 of the Code of the Borough of Pennington is hereby amended at Section 13-11, as follows:

~~Section 13-11. Prohibition Against Removal of Trees on Public Property or in the Public Right of Way.~~

A. No person shall remove any tree or shrubbery or part of a tree or shrubbery upon or in the streets, highways, public right-of-way or public property of the Borough ~~unless expressly authorized by Borough Council in accordance with this article or otherwise pursuant to the Borough Code.~~

B. Any person violating this prohibition shall, upon conviction thereof, be subject to a fine not exceeding \$1,000. Such person also shall be required to pay for correction of the work as necessary to bring it into compliance with applicable specifications and requirements.

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2019-6, second by Council Member Griffiths. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing on Ordinance 2019-6, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2019-6, second by Council Member Gnatt with all members present voting in favor.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 6.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for refund of overpayment of 2019 second quarter taxes, Block 503, Lot 10, also known as 18 West Delaware Avenue, in the amount of \$2,102.23.

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for refund of overpayment of 2019 second quarter taxes, Block 601, Lot 18, also known as 39 South Main Street, in the amount of \$1,985.74.

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760, for refund of overpayment of 2019 second quarter taxes, Block 603, Lot 2, also known as 2 Walking Purchase Drive, in the amount of \$2,912.32.

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

Council Member Chandler made a motion to approve Resolution 2019-6.1, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 6.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 999,173.82 from the following accounts:

| | |
|---------------------|---------------|
| Current | \$ 904,207.15 |
| W/S Operating | \$ 34,162.29 |
| Grant Fund | \$ 5,054.00 |
| Developer’s Escrow | \$ 3,426.50 |
| General Capital | \$ 46,580.68 |
| Water/Sewer Capital | \$ 5,739.00 |
| Animal Control Fund | \$ 4.20 |
| TOTAL | \$ 999,173.82 |

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

Council Member Griffiths made a motion to approve Resolution 2019-6.2, second by Council Member Chandler. Mayor Lawver and Council Members Marciante and Gnatt had questions on bills on the bill list. Council Members with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 6.3**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO
A SHARED SERVICES AGREEMENT WITH HOPEWELL BOROUGH AND
HOPEWELL TOWNSHIP FOR SENIOR SERVICES COORDINATOR FOR THE
YEAR 2019**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Borough and Hopewell Township for the provision of Senior Services; and

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 services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of the proposed contract, entitled “Senior Services Agreement Between Borough of Hopewell, Borough of Pennington and the Township of Hopewell”, shall be for one year beginning January 1, 2019 and continue through December 31, 2019; and

WHEREAS, the cost to the Borough for senior services coordinator services as outlined in the Shared Services agreement would be \$5,000.00, which represents no increase over the previous

year;

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 execute the aforesaid Shared Services Agreement with Hopewell Borough and Hopewell Township for the services of a senior services coordinator during the period January 1, 2019 through December 31, 2019; and

BE IT FURTHER RESOLVED that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval as to form 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 | | | | Marciante | X | | | |
| Gnatt | X | | | | Mills | S | | | |
| Griffiths | M | | | | Semple | X | | | |

Council Member Griffiths made a motion to approve Resolution 2019-6.3, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.4**

RESOLUTION OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,813,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF PENNINGTON IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK’S TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM.

WHEREAS, the Borough of Pennington (the “Local Unit”), in the County of Mercer, New Jersey, has determined that there exists a need within the Local Unit to reconstruct Burd Street and Abey Drive/Kings Court including all work and materials necessary therefor and incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the transportation financing programs (the “Transportation Bank”) of the New Jersey Infrastructure Bank (the “I-Bank”) as established pursuant to, and in satisfaction of, the “New Jersey Infrastructure Trust Act,” constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same has been, and in the future may from time to time be, amended and supplemented (the “I-Bank Act”);

WHEREAS, the Local Unit has determined to short-term finance the design and construction of the Project through the Transportation Bank short-term loan program (the “Transportation Short-Term Loan Program”) with proceeds of a short-term loan (the “Transportation Short-Term Loan”) from the I-Bank;

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Transportation Short-Term Loan, and (ii) satisfy the requirements of the Transportation Short-Term Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Transportation Bank Short-Term Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$1,813,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law and Section 9 of the I-Bank Act permit the sale of the Note to the I-Bank, without any public offering, all pursuant to the terms and conditions set forth, respectively, therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2019-5 of the Local Unit, which bond ordinance (i) is entitled “Bond Ordinance Providing for Various Road Improvements in and by the Borough of Pennington, in the County of Mercer, New Jersey, Appropriating \$1,813,000 Therefor and Authorizing the Issuance of \$1,813,000 Bonds or Notes of the Borough to Finance the Cost Thereof” and was finally adopted by the Local Unit at a meeting duly called and held on May 6, 2019, at which time a quorum was present and acted throughout, (ii) thereafter duly published as required, and (iii) is in full force and effect, all pursuant to and in satisfaction of the terms of the Local Bond Law and other applicable law. In accordance with Section 28 of the Local Bond Law and Section 9 of the I-Bank Act, the Local Unit hereby authorizes the issuance, sale and award of the Note to the I-Bank in accordance with the provisions hereof.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law, the I-Bank Act, other applicable law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), (ii) the dated date of the Note and (iii) the interest rate of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note, to be issued to the I-Bank, shall be an amount up to \$1,813,000;
- (b) the maturity date of the Note shall be as determined by the I-Bank pursuant to the terms and provisions of the Transportation Short-Term Loan Program;
- (c) the interest rate of the Note shall be as determined by the I-Bank pursuant to the terms and provisions of the Transportation Short-Term Loan Program;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity and to repayment at or prior to its stated maturity, each in accordance with the terms and provisions of the Transportation Short-Term Loan Program;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJTB – STFP – 19 - 1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form on file in the Local Unit Clerk’s office.

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the drafting, preparation and printing of the Note, which law firm may authorize Chiesa Shahinian & Giantomasi PC, bond counsel to the I-Bank for the Transportation Short-Term Loan Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Transportation Short-Term Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution, issuance and delivery of the Note and the participation of the Local Unit in the Transportation Short-Term Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David E. Zimmer, Executive Director of the I-Bank, and Tricia M. Gasparine, Esq., Chiesa Shahinian & Giantomasi PC, bond counsel to the I-Bank for the Transportation Short-Term Loan Program.

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

Council Member Marciante made a motion to approve Resolution 2019-6.4, second by Council Member Chandler. Mr. Griffiths stated that this is for funding Burd Street and the amounts include the grant amounts so we will not be borrowing this amount of money. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.5**

RESOLUTION APPOINTING ENGINEER AND AUTHORIZING RELATED PROFESSIONAL SERVICES AGREEMENT UNDER NJ I-BANK PROGRAM FOR THE PROJECT KNOWN AS RECONSTRUCTION OF BURD STREET FROM O’HANLON AVENUE TO WEST CURLIS AVENUE

WHEREAS, the Borough has applied for funding through the NJ I-Bank program for road reconstruction on Burd Street between O’Hanlon and West Curlis Avenue in the Borough (“the Project”);

WHEREAS, Borough Council seeks to contract with Van Note Harvey Associates, Inc. to provide professional engineering services in connection with the Project, as set forth in the attached form of Agreement;

WHEREAS, the Agreement provides for compensation on the basis of time and materials pursuant to the schedule attached to the Agreement as Exhibit D, and further provides that total expenditures for these engineering services, including disbursements, shall not exceed \$94,500.00 without prior written approval by Borough Council;

WHEREAS, award of the contract shall be contingent upon approval of funding under the NJ I-Bank Program;

WHEREAS, the Chief Financial Officer has certified the funds are available for this contract in the Capital Account through Ordinance #: 2019-5;

WHEREAS, this a contract for Professional Services which may be awarded without public bidding;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that contingent upon approval of funding as provided above, Van Note Harvey Associates, Inc. is hereby appointed engineer and awarded the engineering contract for the Project, and the Mayor, with the attestation of the Clerk, is hereby authorized to enter into the annexed Agreement on behalf of the Borough subject only to final approval as to form 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 | | | | Marciante | M | | | |
| Gnatt | S | | | | Mills | X | | | |
| Griffiths | X | | | | Semple | X | | | |

Council Member Marciante made a motion to approve Resolution 2019-6.5, second by Council Member Gnatt. Some discussion took place regarding the estimate for the project that was included with the agreement. Mr. Marciante stated that a lot of trees are coming down. Mrs. Chandler asked how many trees are being removed. Mr. Lawver stated that this is just the engineer’s estimate for the project. Mrs. Chandler asked why this project is getting Belgian block curbing and there is no Belgian block curbing anywhere else in town. Mrs. Heinzel stated that this resolution is just to appoint the engineer for the project which is required by the I-Bank. Mrs. Heinzel stated that when the engineer applies to DOT for these grants they estimate high to ensure that the Borough receives the most funds possible. Mrs. Heinzel stated that we will not have a total cost for the project until the bids come in. Mayor Lawver stated that the Public Works Committee approves the final plans. Mr. Griffiths stated that this project will not have Belgian block curbing, it is too expensive. Mayor Lawver stated that the bid specs are out right now and if Council does not want Belgian block curbing that will require a change order to the project. Mrs. Chandler asked who approved Belgian block curbing. Mr. Smith stated that the Belgian block curbing was part of a compromise to soften the impact of putting in curbing. Mr. Smith stated that the blocks are designed to be driven on for parking. Mr. Griffiths stated that Council needs to have control over what goes out to bid. Mr. Griffiths stated that this is a major improvement to the road and it should have been brought to Council. Mayor Lawver stated that this was put in because of the speeding issues on Burd Street. Mr. Griffiths stated that it has been this way for many years and he does not understand why Council did not have more active control over what went into the bid specs. Mrs. Chandler stated that she is in favor of curbs, just not Belgian block curbs. Mr. Griffiths stated that the bid specs and estimates should be brought to the finance committee for consideration before the projects go out to bid. Mayor Lawver stated that this came out of the public information meeting that was held. Mr. Griffiths stated that we need to know where the money is coming from before projects are approved. Council agreed that the project is too expensive. Mayor Lawver stated that the process has been that the Public Works Committee approves projects before they go out to bid. Mr. Griffiths stated that the Finance Committee needs to be involved in the process. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.6**

RESOLUTION CREATING AN UNPAID INTERNSHIP FOR WILLIAM TITUS

WHEREAS, William Titus is a distinguished scholar at Hopewell Valley High School, a member of the National Honor Society, President of his Class in both Junior and Senior years, and a successful leader in a broad range of athletic and school activities over his four-year career;

WHEREAS, William Titus has approached the Borough expressing interest in learning more about municipal government, with the specific request that he work as an unpaid intern one day per week during the summer, participating in meetings and activities and shadowing Borough officials in appropriate aspects of local government;

WHEREAS, after consultation with the Mayor and Borough Administrator, William seeks to serve as an unpaid intern, one day a week, 9 to 3, from June 20, 2019 to August 20, 2019, under the supervision of the Borough Administrator;

WHEREAS, as an unpaid intern, William will be considered an unpaid volunteer subject to the rules, regulations, and protections for volunteers set forth in the Borough’s Volunteer Handbook;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the aforesaid internship for William Titus is hereby established as specified above; and

BE IT FURTHER RESOLVED, that William is commended for his achievements and for his interest in government, and is welcomed heartily to the Borough family.

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

Council Member Chandler made a motion to approve Resolution 2019-6.6, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver called for a consent agenda to address Resolutions 2019-6.7 and 2019-6.8 together.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.7**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENT WITH APPRAISER JOSEPH L. MAZOTAS IN CONNECTION WITH STATE TAX
COURT APPEAL BY MERCER INSURANCE COMPANY FOR THE 2019 TAX YEAR**

WHEREAS, Mercer Insurance Company and United Fire & Casualty Company has filed a Complaint in the Tax Court of New Jersey, Docket No. 007156-2019, appealing the 2019 tax assessments of the properties known as 10 Route 31 North, Block 201, Lot 5, in Pennington Borough; 160 Penn Harbourton Road, Block 63.01, Lot 14.02, in Hopewell Township; and Route 31 North, Block 63.01, Lot 15, in Hopewell Township;

WHEREAS, Borough Council seeks to retain the appraisal services of Joseph L. Mazotas, MAI, for assistance in defending this appeal;

WHEREAS, Mr. Mazotas has agreed to provide appraisal services and written appraisal as needed at the rate of \$150 per hour up to a maximum of \$3,000, subject to further agreement in the event trial testimony be required;

WHEREAS, the proposed professional services agreement is attached;

WHEREAS, the Chief Financial Officer has certified that funds are available in the Tax Assessor budget, account #: 9-01-20-150-000-250;

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 attached professional services agreement with Joseph L. Mazotas providing for services at the rate of \$150 per hour up to a maximum of \$3,000 as set forth above.

RECORD OF COUNCIL VOTE ON PASSAGE

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

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.8**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENT WITH APPRAISER JOSEPH L. MAZOTAS IN
CONNECTION WITH TAX APPEAL BY AMERICAN
PROPERTIES FOR THE 2019 TAX YEAR**

WHEREAS, American Properties at Pennington LLC has filed tax appeals with the Mercer County Board of Taxation appealing the 2019 tax assessments of properties in Block 102, Lot 1 on the Borough Tax Map, also known respectively as 2, 4, 6, 8, 9, 10A, 10B, 11, 12A, 12B, 13, 14A, 14B, 15, 16A, 16B, 18, 20, 22 and 24 Cannon Drive, and 22, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 42, 44 Tucker Way (Appeal Nos. 08-1900008L through 08-1900012L);

WHEREAS, Borough Council seeks to retain the appraisal services of Joseph L. Mazotas, MAI, for assistance in defending these appeals;

WHEREAS, Mr. Mazotas has agreed to provide appraisal services and a written appraisal as needed at the rate of \$150 per hour up to a maximum of \$3,000, subject to further agreement in the event trial testimony be required;

WHEREAS, the proposed professional services agreement is attached;

WHEREAS, the Chief Financial Officer has certified that there are funds available for this expenditure in the legal budget, account #: 9-01-20-155-000-250;

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 attached professional services agreement with Joseph L. Mazotas providing for services at the rate of \$150 per hour up to a maximum of \$3,000 as set forth above.

RECORD OF COUNCIL VOTE ON PASSAGE

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

Council Member Chandler made a motion to approve Resolutions 2019-2.7 and 2019-2.8 together, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.9**

**RESOLUTION RESCINDING RESOLUTION 2019-5.9 AND
APPOINTING ACTING BOROUGH COURT ADMINISTRATOR**

WHEREAS, Nancy Griffin, Administrator of the Pennington Municipal Court, has resigned effective June 1, 2019;

WHEREAS, by Resolution 2019-5.9, Borough Council sought to fill the vacancy but the Resolution must be rescinded because the process did not conform with the requirements of Court Rule 1:34-3;

WHEREAS, pending further action on a permanent appointment, Borough Council now seeks to appoint Margaret E. Umbro as Acting Court Administrator;

WHEREAS, Ms. Umbro is a Certified Municipal Court Administrator with 20 years of experience in court administration who over the years has substituted for Nancy Griffin in performance of the Administrator’s responsibilities as needed;

WHEREAS, the Office of the Municipal Court Administrator is approving of this temporary appointment;

WHEREAS, the Acting Administrator will be compensated on the basis of the salary for Administrator established by the Borough salary ordinance;

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

1. Resolution 2019.5.9 is hereby rescinded;
2. Margaret E. Umbro is hereby appointed Acting Administrator of the Municipal Court of the Borough of Pennington, effective June 1, 2019, and she shall be compensated consistent with the salary of the Court Administrator established by the Borough Salary Ordinance.

| 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 2019-6.9, second by Council Member Griffiths. Mr. Marciante stated that this is being done to comply with the Administrative Office of the Court. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.10**

**RESOLUTION AUTHORIZING THE HIRING OF MICHAEL ANTHONY RODRIGUEZ AS
PROBATIONARY POLICE OFFICER IN THE
PENNINGTON POLICE DEPARTMENT**

WHEREAS, the Borough of Pennington has a need for a qualified person to fill the position of Police Officer in the Pennington Police Department; and

WHEREAS, the Oral Interview Board established by the Public Safety Director interviewed 4 applicants; and

WHEREAS, the Oral Interview Board made a recommendation to the Public Safety Committee to hire Michael Anthony Rodriguez; and

WHEREAS, the Public Safety Committee has recommended the hiring of Michael Anthony Rodriguez for this position; and

WHEREAS, the recommended hiring of Michael Anthony Rodriguez is contingent upon him successfully passing both a medical and psychological exam;

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

1. the hiring of Michael Anthony Rodriguez as Probationary Police Officer in the Pennington Police Department is hereby approved;
2. Mr. Rodriguez’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Rodriguez’s start date shall be determined by the Public Safety Director.

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

Council Member Gnatt made a motion to approve Resolution 2019-6.10, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.11**

**RESOLUTION AUTHORIZING A LITTLE FREE LIBRARY IN MEMORY OF KATHLEEN
MCILVAINE IN KUNKEL PARK**

WHEREAS, the Pennington Public Library is a municipally funded free public library that was

established in 1876;

WHEREAS, the Pennington Public Library wishes to honor Kathleen McIlvaine, a Pennington resident for over 46 years who was a long time volunteer and steward of the Library and who passed away in January 2018, by establishing a Little Free Library in her memory in the Kunkel Park for the enjoyment of all residents;

WHEREAS, the “Little Free Library” is a registered non-profit organization with an international presence, with over 60,000 creative, community Little Free Libraries in 80 countries. Little Free Libraries are designed to promote reading and community by offering books free to the public on a “take one, leave one” basis;

WHEREAS, a Little Free Library in Kathleen McIlvaine’s memory has been constructed by resident and friend Nancy Willever and is approximately 24” by 20” and will be mounted on a 2” x 2” pole;

WHEREAS, investigation of possible sites for the Little Free Library by members of the Pennington Public Library, the Borough Administrator and the Borough Superintendent of Public Works has determined that a space in Kunkel Park near the front entrance to the park (Block 404, Lot 1), will be a suitable space because it is near the street on King George Road in a well-lighted space;

WHEREAS, the McIlvaine Little Free Library will be erected by the Pennington Public Works Department in the Kunkel Park;

WHEREAS, the McIlvaine Little Free Library will be paid for, supplied with an initial stock of books, and maintained exclusively by the Pennington Public Library;

WHEREAS, the Little Free Library will be added to the Library insurance policy and the Pennington Public Library shall agree to indemnify and hold harmless the Borough from any and all claims, damages, liabilities and expenses (including reasonable attorneys’ fees) relating to the presence of the Little Free Library on the property of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Pennington Public Library is authorized to erect the McIlvaine Little Free Library on the Borough property at Kunkel Park, adjacent to the front entrance at the above location as described above, subject to the following conditions:

1. the Little Free Library must be covered by applicable insurance policies of the Pennington Public Library, subject to approval by the Borough Attorney;
2. Pennington Public Library must supply a writing to the Borough, subject to approval by the Borough Attorney, promising to indemnify and hold harmless the Borough from all claims, damages, liabilities and expenses (including reasonable attorneys’ fees) relating to the presence of the Little Free Library on Borough property; and
3. this authorization is subject to withdrawal at any time if in the view of Borough Council the needs of the Borough so require, with the understanding that the Borough will work with the Pennington Public Library to attempt to find an alternative location.

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

Council Member Semple made a motion to approve Resolution 2019-6.11, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.12**

RESOLUTION IN SUPPORT OF AN ACCURATE 2020 CENSUS

WHEREAS, the United States Constitution mandates a comprehensive, direct count of every United States resident once every 10 years so that seats in the United States House of Representatives may be reapportioned among the states to continuously ensure equal representation to every person;

WHEREAS, decennial census data are used for redistricting at all levels of government to ensure that all Americans can have a fair opportunity to make their voices heard in our democracy;

WHEREAS, decennial census data determine the allocation of federal funding among the states; and state funding to localities to conduct sound state and local planning, and to drive and inform economic development;

WHEREAS, decennial censuses have historically undercounted population groups that account for significant percentages of Pennington’s residents, including people of color, children under age 5, immigrants, and homeless people;

WHEREAS, in 2015 alone, New Jersey received well over \$17 billion from the federal government for Medicare, Medicaid, highway planning and construction, food stamps, and childhood education;

WHEREAS, in slightly over a year, the 2020 Census will be fully underway, with a Census Day of April 1, 2020, and the success of the 2020 Census will require that the federal government effectively manage its largest and most complex peacetime mobilization of people and resources;

WHEREAS, to ensure the success of the 2020 Census, the Census Bureau must earn the American people’s confidence in its singular commitment to its nonpartisan statistical mission, and in its ability to protect the confidentiality of their responses;

WHEREAS, the inclusion of a controversial citizenship question threatens to result in a significant census undercount, particularly among traditionally hard-to-count individuals, including people of color, children, lower income persons, those with limited English proficiency, immigrants, homeless persons, and those with severe distrust of the government; this question was struck down by a lower court and will likely be appealed by the current White House administration;

WHEREAS, the Census Bureau’s plans call for the 2020 decennial census to be conducted using methods and approaches that are significantly different than those used to collect decennial Census data during previous cycles (such as the Internet and telephone);

WHEREAS, the Census Bureau will collect decennial census responses through the Internet for the first time in 2020, and will reduce its field presence and hiring in favor of relying upon administrative records to enumerate non-responding households;

WHEREAS, the current New Jersey allocation in the FY19 budget for Census 2020 outreach is \$500,000 , which is roughly only \$0.05 (five cents) per resident, and an increase to at least \$9 million dollars would enable a more intense outreach program to our hard-to-count communities;

WHEREAS, a full and accurate Census 2020 count of every person residing in Pennington Borough will promote the well-being and prosperity of the Borough, and help ensure its residents have a fair voice in our democracy;

WHEREAS, Pennington Borough stands ready and intends to work with the U.S. Census Bureau and other policymakers and stakeholders to secure a full, fair, and accurate count of every person residing in Pennington, the State of New Jersey, and the nation;

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

1. This Board expresses its strong support for providing sufficient Congressional appropriations for FY 2019 to conduct a sound and accurate Census in 2020; and
2. This Board expresses its strong support for providing sufficient New Jersey appropriations for FY 2019-2020: \$9 million, approximately \$1 per resident, to conduct a thorough Census 2020 outreach program; and
3. This Board urges the Census Bureau to use methods and approaches that enumerate all residents of the Borough, especially historically undercounted population groups.

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

Council Member Chandler made a motion to approve Resolution 2019-6.12, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.13**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2019 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
2019 – 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 \$5,914.74 from the State of New Jersey – for the 2019 Clean Communities Grant; and

WHEREAS, the Borough wishes to amend its 2019 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 2019 in the sum of \$5,914.74, which is now available as revenue from:

2019 – Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$5,914.74 be and the same is hereby appropriated under the caption of:

2019 – 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 | S | | | | Lawver | X | | | |
| Gnatt | X | | | | Marciante | X | | | |
| Griffiths | M | | | | Mills | X | | | |

Council Member Griffiths made a motion to approve Resolution 2019-6.13, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.14**

**RESOLUTION SUPPORTING THE 2019 RESURFACING OF INGLESIDE AVENUE (ROUTE 631)
BETWEEN SOUTH MAIN STREET AND STATE ROUTE 31 AND THE 2019 REPAVING OF
EGLANTINE AVENUE BY MERCER COUNTY**

WHEREAS, Mercer County has advised the Borough of Pennington of its intention to resurface Ingleside Avenue (County Route 631) between South Main Street and Route 31 due to deteriorated pavement surface conditions; and

WHEREAS, work is scheduled to commence on or about Tuesday, May 28, 2019 with an anticipated completion date of June 10, 2019, weather permitting, and

WHEREAS, during construction, Ingleside Avenue will need to be closed to through traffic from 9:00 am to 3:30 pm, Monday through Friday, however access will be permitted for local businesses and residents; and

WHEREAS, a detour will be posted for northbound traffic with motorists directed to use State Route 31 and West Delaware Avenue; and

WHEREAS, Mercer County staff will post signs prior to the start date advising motorists of the upcoming road work; and

WHEREAS, Mercer County has also advised the Borough of its intention to pave Eglantine Avenue in the Borough with the Borough paying only for the asphalt costs; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Pennington hereby support and endorse the Mercer County Milling and Resurfacing Project on Ingleside Avenue (County Route 631) in Pennington Borough/Hopewell Township; and

BE IT FURTHER RESOLVED, that Mayor and Council hereby further support and endorse to County paving Eglantine Avenue in the Borough with the Borough paying only for the cost of the asphalt.

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

Council Member Griffiths made a motion to approve Resolution 2019-6.14 second by Council Member Chandler with all members present voting in favor.

Mayor Lawver called for a consent agenda for Resolutions 2019-6.15, 2019-6.16 and 2019-6.17.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.15**

**RESOLUTION APPOINTING ELIZABETH STERLING UTILITY COLLECTOR FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, Wayne Blauth, who served as Utility Collector for the Pennington Water and Sewer Utility since May 2, 2011 resigned his position effective November 16, 2018; and

WHEREAS, Elizabeth Sterling, the Borough Clerk and Assistant Chief Financial Officer of the Borough, has performed the duties of Utility Collector on a part-time basis in addition to her other duties; and

WHEREAS, Elizabeth Sterling’s discharge of the part-time responsibilities of Utility Collector has been commendably effective and efficient; and

WHEREAS, the Borough now seeks to appoint Elizabeth Sterling to the position of Utility Collector, with the expectation that she will perform the duties of this position in addition to her other duties;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Elizabeth Sterling is hereby appointed Utility Collector for the Pennington Water and Sewer Utility effective July, 1, 2019, at the salary provided in the Salary Ordinance.

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

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.16**

**RESOLUTION RE-APPOINTING ELIZABETH STERLING REGISTRAR OF THE BOROUGH OF
PENNINGTON**

WHEREAS, Elizabeth Sterling is the Registrar of the Borough of Pennington appointed in July 2005;

WHEREAS, Elizabeth Sterling is also Municipal Clerk of the Borough;

WHEREAS, in municipalities with a population of less than 5,000 persons, as in the case of Pennington, state statute provides that the municipal clerk shall be appointed as local registrar, N.J.S.A. 26:8-11;

WHEREAS, in accordance with N.J.S.A. 26:8-13, the term of a local registrar shall be three years and shall serve until her successor has been appointed and qualified, except the term of office of a registrar who is also the municipal clerk shall be concurrent with her term of office as clerk;

WHEREAS, Borough Council nonetheless now seeks to formally re-appoint Ms. Sterling as Registrar;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Elizabeth Sterling is hereby formally re-appointed as Registrar of the Borough who shall continue to serve without additional compensation for her functions in this title.

RECORD OF COUNCIL VOTE ON PASSAGE

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

Council Member Chandler made a motion to approve Resolution 2019-6.16, second by Council Member Mills

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.17**

**RESOLUTION MEMORIALIZING REAPPOINTMENT OF
MARY MISTRETTA AS THE DEPUTY REGISTRAR OF THE
BOROUGH OF PENNINGTON**

WHEREAS, pursuant to N.J.S.A. 26:8-17, the local registrar, immediately upon acceptance of the appointment, shall appoint a deputy to assist in the normal day-to-day operation of the office and to act in the registrar’s stead in case of absence and as otherwise provided by statute;

WHEREAS, Registrar Elizabeth Sterling has previously appointed Mary Mistretta as Deputy Registrar, who has served in that capacity since December 2007;

WHEREAS, by Resolution 2019-6.16, Borough Council has re-appointed Elizabeth Sterling as Registrar, and she wishes to reappoint Mary Mistretta as Deputy Registrar;

WHEREAS, the purpose of this Resolution is to memorialize the reappointment of Mary Mistretta as Deputy Registrar;

WHEREAS, Mary Mistretta is a Certified Municipal Registrar (CMR);

WHEREAS, in accordance with N.J.S.A. 26:8-17, the Deputy Registrar serves at the pleasure of the Registrar who shall be the final authority with the responsibilities of fulfilling the duties of the local registrar;

WHEREAS, Mary Mistretta has served and continues to serve the Borough with distinction as Land Use Administrator and she will be compensated pursuant to the Salary Ordinance of the Borough as Deputy Registrar;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid appointment of Mary Mistretta as Deputy Registrar is hereby memorialized and confirmed of record subject to continued satisfaction of applicable legal requirements.

RECORD OF COUNCIL VOTE ON PASSAGE

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

Council Member Chandler made a motion to approve Resolution 2019-6.15, 2019-6.16 and 2019-6.17, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.18**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR REPAIRS AND IMPROVEMENTS TO THE READING STREET SENIOR CENTER**

WHEREAS, the Senior Center on Reading Street in the Borough of Pennington is a facility used by senior citizens from Pennington Borough, Hopewell Borough and Hopewell Township;

WHEREAS, in October of 2017, Pennington Borough, Hopewell Borough and Hopewell Township each adopted resolutions affirming their support for the undertaking of needed repairs and upgrades to the Senior Center and agreeing to work together to secure grant funds through the Mercer County Senior Center Grant Program combined with community donations and in kind donations for this purpose;

WHEREAS, on June 25, 2018, Pennington Borough, Hopewell Borough and Hopewell Township entered into an agreement by which they agreed to split the match requirement under the Grant Program based on the proportionate use of the building and senior services by their respective residents;

WHEREAS, on February 26, 2019, on behalf of the cooperating municipalities, the Borough of

Pennington entered into a grant agreement with the County of Mercer that will provide needed funding for the project when matched by the three municipalities, the agreement also recognizing that in-kind services may substitute for cash expenditures in meeting the match requirements;

WHEREAS, the Borough, on behalf of the cooperating municipalities, now seeks to advertise for bids for the repairs and improvements as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for the construction of repairs and improvements to the Reading Street Senior Center pursuant to plans, specifications and bid documents prepared in cooperation with the Hopewell Township Engineer, which contemplate that the work being bid will be coordinated with repairs and improvements donated in-kind.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2019-6.18, second by Council Member Chandler. Mayor Lawver stated that the estimated cost to the Borough will be zero dollars because we have already secured more than our share of in kind donations for the roof and siding. Mayor Lawver stated that Mercer County, Hopewell Township and Hopewell Borough will cover the remaining costs. Mayor Lawver stated that Hopewell Township Engineering will be managing the project with the assistance of Rick Smith and Eileen Heinzl. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.19**

**RESOLUTION AUTHORIZING BOROUGH PLANNER
TO PREPARE HOUSING PLAN ELEMENT**

WHEREAS, Borough Council seeks to authorize Borough Planner James T. Kyle, PP/AIC, to prepare a revised Housing Element and Fair Share Plan;

WHEREAS, the proposed scope of work is also to include determining the Borough’s current affordable housing obligation, preparing a vacant land analysis and representing the Borough at meetings and hearings as required to implement the Housing Element and Fair Share Plan;

WHEREAS, the proposed cost for the project is not to exceed \$21,300., payable from the Borough’s Affordable Housing Fund to the extent permitted by law;

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

1. the Borough Planner is hereby authorized to perform the work as aforesaid, total fees and costs not to exceed \$21,300;
2. all amounts payable to the Planner for this work shall be drawn from the Borough’s Affordable Housing Fund to the maximum extent permitted by law.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2019-6.19, second by Council Member Semple. Some discussion took place with regard to other ways to spend COAH funds that would help people get into affordable housing. Mayor Lawver stated that programs need to be set up to allow funds to be used for actual housing needs and he will work on that. Upon a roll call vote Mrs. Chandler stated that she is conflicted on this vote because in the past she has voted against spending money on these plans but after hearing the Borough Attorney she would vote yes, though she is still conflicted. Mr. Griffith stated that he agrees with Mrs. Chandler but he too would vote yes. All other members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 6.20**

**RESOLUTION AUTHORIZING ADJUSTMENT OF THE HOURS OF THE BOROUGH
ADMINISTRATOR TO 35 HOURS PER WEEK**

WHEREAS, Eileen M. Heinzl is an attorney at law and a former member of Borough Council who has served commendably as part-time Borough Administrator since her appointment five years ago;

WHEREAS, Ms. Heinzl’s work schedule as part-time Administrator is currently 22 hours per week in her Borough Hall office plus time after the regular work day communicating with staff, attending meetings and working as needed to supervise Borough operations; and

WHEREAS, over time it has become clear that Ms. Heinzl’s salary based on a 22-hour work week undervalues substantially her actual contribution to Borough operations and fails to account for the time needed to discharge her responsibilities; and

WHEREAS, the Personnel Committee of the Borough Council has recommended that effective July 1, 2019, Ms. Heinzl’s official work week be increased to 35 hours per week and her salary be increased to include the additional time at her imputed hourly rate; and

WHEREAS, this charge will make Ms. Heinzl eligible for health and pension benefits;

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

1. that the compensated hours of the Borough Administrator be increased to 35 hours per week effective July 1, 2019;
2. that the Salary Ordinance be amended to provide for an annual salary for Administrator in the amount of \$83,119.40; and
3. that the Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an amended employment agreement between the Borough and the Administrator reflecting the above changes.

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

Council Member Gnatt made a motion to approve Resolution 2019-6.20, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-6.21**

**RESOLUTION AUTHORIZING ADJUSTMENT OF THE HOURS OF THE ASSISTANT TO THE
SUPERINTENDENT OF PUBLIC WORKS TO
22 HOURS PER WEEK**

WHEREAS, the Superintendent of Public Works requires a confidential Assistant to support administrative responsibilities relating to management of the Department;

WHEREAS, the duties of the confidential Assistant include a supportive role in handling confidential personnel matters and in preparing, maintaining and analyzing payroll and personnel records and related communications;

WHEREAS, the position of Assistant to the Superintendent of Public Works was created in April 2017 with the expectation that the person in this title would work part-time for 18 hours per week;

WHEREAS, over the course of the year the Superintendent has determined that additional hours are required to permit the Assistant to fulfill assigned responsibilities;

WHEREAS, the Superintendent has requested that the hours for this position be increased to 22 hours per week at the hourly rate provided in the Borough Salary Ordinance (2019-7) which will increase from \$13.53 per hour to \$15.00 per hour effective July 1, 2019;

WHEREAS, this request has been reviewed and approved by the Personnel Committee of Borough Council;

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

that the hours of Assistant to the Superintendent of Public Works shall be adjusted to 22 hours per week.

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

Council Member Chandler made a motion to approve Resolution 2019-6.21, second by Council Member Griffiths with all members present voting in favor.

Professional Reports

Mrs. Heinzl reported that Mercer County will be paving Ingleside Avenue and on or about June 5th they will be working on Eglantine Avenue. Mrs. Heinzl reported that letters were delivered to residents on Eglantine Avenue. Mrs. Heinzl reported that work will begin on or about June 17th for residents on East Curlis and Weidel.

Mrs. Heinzl stated that the Streetscape project is underway but it will move very slowly because it is federally funded. Mrs. Heinzl stated that the design engineer that the Borough has chosen for this work will be in town this Friday to begin looking at the project to begin work on the design of the project.

Mrs. Heinzl stated that the landfill committee will be meeting on June 11th. Mrs. Heinzl stated that the Burd Street bids are due on June 19th.

Mayor Lawver stated that Council has a copy of a summary of the Borough Hall Renovation project and the next step is that the Architect for the project will be providing detail cost estimates for two options, one that just addresses the work that needs to be done such as the HVAC, the roof and the windows. Mayor Lawver stated that the second option would include the sally port and additional parking and work space for the administrative offices and police department.

Public Comment

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

There were no comments from the public.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk