

**Pennington Borough Council
Regular Meeting – October 7, 2019**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:02 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, and Marciante in attendance. Mrs. Mills arrived at 7:20 during Council Discussion. Mrs. Gnatt and Ms. Semple were absent.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Chief Financial Officer Sandra Webb 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 invited everyone to stand for the Flag Salute.

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 asked for a moment of silence for former Pennington Borough Councilman and Mayor, Michael D. Winkler who passed away on September 15, 2019.

Mayor Lawver read the following Proclamation – Put the Brakes on Fatalities.

PROCLAMATION

WHEREAS, across the nation, traffic crashes caused nearly 36,750 fatalities in 2018, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, in New Jersey 563 individuals lost their lives in traffic crashes in 2018; and

WHEREAS, pedestrian and bicyclist related crashes accounted for 34.0 percent of the State's traffic fatalities; and

WHEREAS, motorcyclists, bicyclists and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 53 motorcyclists 17 bicyclists, and 165 pedestrians were killed in New Jersey in traffic-related crashes in 2018; and

WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I Joseph Lawver, Mayor of the Borough of Pennington, County of Mercer do hereby proclaim October 10, 2019, Put the Brakes On Fatalities Day, and call upon everyone to put these lifesaving behaviors into practice to improve the safety on the roadways in our community and throughout the State.

Mayor's Appointments

Mayor Lawver announced the appointment of Gregg Rackin to the Environmental Commission for a two year term ending December 31, 2020.

Approval of Minutes

Mayor Lawver announced that presentation of the audit by Mr. Bob Morrison will be held in November.

Committee Reports

Planning & Zoning / Open Space / Personnel – No report – Mrs. Gnatt was absent.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that the Environmental Commission met and the new member just appointed was in attendance. Mrs. Chandler stated that a commitment was made to finish the Environmental Resource Inventory by December. Mrs. Chandler stated that Economic Development met, but there was nothing new to report. Mrs. Chandler stated that Public Safety met and there are a couple of items on for discussion later in the meeting.

Public Works – Mr. Marciante reported that the Public Works Committee met and discussed the Pennington Street inventory that Mr. Griffiths prepared outlining the priority list of roads in need of repair, which roads needs reconstruction and which roads can just be mill and overlayed. Mr. Marciante stated that this will help with budget planning going forward. Mr. Marciante stated that a discussion took place regarding purchasing a core sampler so that Public Works can do testing to see what type of work is required. Mr. Marciante stated that Mr. Smith will be seeking quotes for a core sampler. Mr. Marciante stated that the committee discussed the possibility of once a week garbage collection and the possibility of automating collection with the purchase of a new garbage truck. Mr. Marciante stated that no changes will be made without Council discussion and approval. Mr. Marciante stated that the trash calendar was discussed with regard to the large gap between collections around Labor Day. Mr. Marciante stated that Mercer County has updated the Water Management Plan, this plan is updated every six years, and the plan has been forwarded to Van Note Harvey for review. Mr. Marciante stated that Earle Asphalt is finalizing work on East Curlis and Weidel and once the sidewalks and curbs are completed the contract can be finalized. Mr. Marciante reported that Van Note Harvey is finalizing bid specifications for Burd Street and Abey Drive to submit to the DOT for approval.

Finance / Board of Health – Mr. Griffiths stated that the finance committee did not meet, but he would like to comment that water/sewer revenues are about four percent behind last year. Mr. Griffiths stated that the finance committee will be watching this carefully to see if a rate increase is needed in 2020.

Mr. Griffiths stated that the Board of Health had a presentation from Mike Van Clef of Friends of Hopewell Valley Open Space regarding deer management. Mr. Griffiths stated that the deer population in the Valley is ten times what it should be and neighboring towns have approved deer management programs to allow for crossbow hunting to help with this problem. Mr. Griffiths stated that the Board of Health at his encouragement will adopt a resolution encouraging the Borough to develop an active deer management program. Mr. Griffiths suggesting having Mr. Van Clef come to a Council meeting to discuss this further. Mr. Griffiths also suggesting contacting Mercer County to see if something can be done about the deer population in Curlis Lake woods.

Historic Preservation / Library – No report – Mrs. Mills absent.

Parks and Recreation / Shade Tree – No Report - Mrs. Semple was absent.

Senior Advisory Board – Mr. Lawver stated that a very successful senior picnic was held on the rain date. Mr. Lawver stated the Hopewell Valley Golf Club has closed and there is a movement to consider exploring that location for a new senior/community center. Mr. Lawver stated that Hopewell Township is taking the lead on this and Pennington Borough has not taken a position one way or another.

Council Discussion

Mr. Lawver stated that the building committee minus citizen representatives met to make recommendations on scope and phasing for the Borough Renovation project. Mr. Lawver stated that the committee looked at all of the work done by Ronnie Bregenzer and boiled it down to three different phases. Mr. Lawver stated that determining the scope is the first step in a long process followed by concept design, schematics and design development before you can get to construction documents and developing bid specifications. Mr. Lawver stated that the committee is recommending that the scope for Phase I be limited to HVAC, new roof, window repair and/or replacement, sidewalk repair and the FEMA generator. Mr. Lawver stated that Phase I consists of failed systems and safety concerns with the exception of the generator. Mr. Lawver stated that the committee is still considering what type of HVAC system will be installed, that will be part of the next phase. Mr. Lawver stated that he is looking to have a special meeting later in the month to consider a proposal from Ronnie Bregenzer for the next phase of the project. Mr. Marciante stated that the reason that the generator is in Phase I is because of the timing of the grant. Mr. Marciante stated that the deadline for installing the generator is May 19, 2020. Mr. Lawver stated that we may need to request an extension of the deadline. Mrs. Heinzl stated that the Borough has received a couple of extensions already and the last time we were advised that there would be no more extensions. Some discussion took place regarding the generator and whether it could be a portable generator. Mrs. Heinzl stated that the approval is for a mounted generator and changing to a portable generator would require a change of scope, which takes time. Mr. Lawver stated that Council needs to decide if they want to just eliminate the generator and return the grant or put out some funds to get the generator installed. Mr. Griffiths asked if this has to be bundled or if it could be a standalone project. Mr. Lawver stated that the generator placement is tied to the HVAC system so there is some complexity in the project. Mr. Lawver stated that it would still take some time to do it separately. Mr. Griffiths stated that he would like to do whatever is necessary so that we do not lose the grant. Council Members agreed to have Ronnie Bregenzer put together a proposal for the scope of Phase I as discussed.

Mrs. Heinzel stated that she would send an e-mail regarding a Special Meeting on October 21st at 7:00pm.
Mrs. Chandler stated that there is a conflict that night with the Environmental Commission.

Ordinances for Introduction

Mayor Lawver read Ordinance 2019-12 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 – 12**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF
THE BOROUGH OF PENNINGTON, CHAPTER 163, CONCERNING
SITE PLAN REVIEW, INCLUDING A REQUIREMENT THAT OWNERS
OF MAJOR DEVELOPMENTS REPORT AND ANNUALLY CERTIFY REGULAR
MAINTENANCE AND REPAIR OF THEIR STORMWATER MANAGEMENT MEASURES**

WHEREAS, the Borough of Pennington seeks to update its stormwater management requirements with respect to the maintenance and repair of stormwater management measures for major developments;

WHEREAS, as part of the changes, the Borough will require annual certification that the owner has performed the maintenance and repairs required by the maintenance plan for the development;

WHEREAS, the changes also include amendment of checklist requirements for site plan review to include disclosure of State and Federal environmental enforcement actions affecting the site;

WHEREAS, the proposed changes require amendment of Chapter 163 of the Borough Code, concerning site plan review, in particular present sections 163-20.10 and 163-10;

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

1. Section 163-20.10 of the Code of the Borough of Pennington, is amended as follows:

163-20.10. Maintenance and repair.

- A. Applicability. Projects subject to review as major development shall comply with the requirements of this section.
- B. General maintenance.
 - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
 - (4) If the person responsible for maintenance identified under § 163-20.10B(2) above is not a public agency, the maintenance plan and any future revisions based on § 163-20.10B(7) below shall be recorded in the title of each property on which the maintenance described in the maintenance plan must be undertaken.
 - (5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
 - (6) The person responsible for maintenance identified under Subsection B(2) above shall ~~maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders~~ submit to the Borough by January 1 of each year an annual inspection report and related log prepared by a Professional Engineer licensed in New Jersey or by a New Jersey Certified

Stormwater Inspector. The inspection report and log shall include but need not be limited to investigation of:

- a. Detention Basin outflow structures, escape provision as outlined in R.S.I.S. 7:8-62, and all components;
- b. Storm sewer inlets, cleanouts, manholes, and structures;
- c. Manufactured Treatment Devices;
- d. Stormwater management basins;
- e. Vegetation;
- f. Trash racks and overflow grates;
- g. Embankment erosion;
- h. Sediment removal and pond maintenance.

Submission of the annual report shall be accompanied by the certification of the owner of the stormwater measure(s) that it has performed all maintenance and repairs required by the maintenance plan or otherwise by notice from the Borough. The certification shall be made on a form supplied by the Borough. Filing of the report and certification shall require an annual fee of \$100.

- (7) The person responsible for maintenance identified under Subsection B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed. The owner of the stormwater management measure shall complete minor repairs of the facility within 14 days from notice of maintenance issues.
 - (8) The person responsible for maintenance identified under Subsection B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections B(6) and B(7) above. Each act or violation, and every day upon which any violation shall occur or continues to occur shall constitute a separate offense.
 - (9) The requirements of Subsections B(3) and B(4) above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. Failure to provide annual maintenance records shall be subject to a fine of \$100.
 - (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Notwithstanding the penalties set forth in Section 163-20, any person who has not complied with this section and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than \$1,000, or ninety days in jail, or both, plus the cost of prosecution.
 - (11) The requirements of Subsections B(3) and B(4) above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. In all other cases in which the municipality does not take responsibility for repair and maintenance of any stormwater management resources, the applicant shall post a two-year maintenance guarantee in accordance with N.J.S.A. 40:559-53.
 - (12) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Upon notice to the owner, in addition to any penalty or other remedy provided by law, such cost shall be certified to the Tax Assessor and shall become part of the taxes next assessed against the property on which the affected stormwater management measure(s) are located.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

2. Section 163-10 of the Code of the Borough of Pennington, in particular Subsection C of that section, is hereby amended as follows:

C. No application for preliminary site plan review shall be deemed complete in the absence of (a) proof that a plan for soil erosion and sedimentation control has been submitted to the Mercer County Soil Conservation District, pursuant to the requirements of N.J.S.A. 4:24-39, et seq., or proof that

such a plan is not required for the particular application; and (b) a statement whether any State or Federal environmental investigation or enforcement action affecting the site has been initiated or ongoing within the most recent five (5) years. Nothing in the latter statement shall be construed to authorize any action by the Board which conflicts with preemptive State or Federal jurisdiction.

3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

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

Council Member Marciante made a motion to introduce Ordinance 2019-12, second by Council Member Griffiths with all members present voting in favor.

Mayor Lawver read Ordinance 2019-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019-13**

AN ORDINANCE DIRECTING INSTALLATION OF STOP SIGNS ON EGLANTINE AVENUE AT ITS INTERSECTION WITH EAST FRANKLIN AVENUE AND ABEY DRIVE AT ITS INTERSECTIONS WITH KINGS COURT, MALLARD DRIVE AND QUEENS LANE, AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, the Public Safety Committee of Borough Council has recommended installation of a stop sign on Eglantine Avenue at its intersection with East Franklin Avenue in the Borough; and

WHEREAS, the Public Safety Committee of Borough Council has further recommended installation of stop signs at the cul-de-sac intersections of Abey Drive and Kings Court, Mallard Drive and Queens Lane at each of those cul-de-sac roads in the Borough; and

WHEREAS, Borough Council has determined that installation of the recommended stop signs will further traffic safety at the intersections;

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

1. Chapter 200, Article II, of the Code of the Borough of Pennington, at Section 200-6, designating Stop Intersections in the Borough and directing installation of related stop signs, is hereby amended by the insertion of the following additional stop intersections and stop signs, with new language underlined:

Section 200-6. Stop intersections.

Intersection * * *	Stop Sign On * * *
<u>Eglantine Avenue and East Franklin</u>	<u>Eglantine Avenue (southbound)</u>
<u>Abey Drive and Kings Court</u>	<u>Kings Court</u>
<u>Abey Drive and Mallard Drive</u>	<u>Mallard Drive</u>
<u>Abey Drive and Queens Lane</u>	<u>Queens Lane</u>

2. This Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2019-13, second by Council Member Mills. Council briefly discussed the location of the stop signs. Mrs. Chandler stated that some of the stop signs have been in the stated locations but there was no ordinance for enforcement of the stop signs. Upon a roll call vote all members present voted in favor.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2019-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019-9**

**AN ORDINANCE OF THE BOROUGH OF PENNINGTON ESTABLISHING AN ELECTRIC
AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Borough is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents of the Borough of Pennington ("Borough"); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington in the County of Mercer and the State of New Jersey, duly assembled in public session, as follows:

1. The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. In implementation of any such aggregation program, the Borough shall use the professional services of vendors approved pursuant to the NJ E-Procurement Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs.
3. The Borough, alone or with other cooperating municipalities it elects to join, will seek bids from licensed and appropriate third-party suppliers of electricity in accordance with procedures and substantive regulations provided by law. Any price for energy so obtained will apply in accordance with the terms of the bid to all Borough residents who do not decline to participate (or opt out). Non-participating residents may choose any alternative energy source they desire
4. The contracts necessary for implementation of an aggregation program shall be authorized by Borough Council as required by law.
5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
6. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
7. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2019-9, second by Council Member Chandler. Mr. Bill Clementson of 304 West Welling Avenue stated that he is not interested in this program and he would like to be permanently opted out. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2019-9, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2019-9, second by Council Member Griffiths with all members present voting in favor.

Cancellation of Public Hearing (carried from September Meeting)

Mr. Lawver read Ordinance 2019-11 by title and stated that this is a continuation of the public hearing from September. Mr. Bliss stated that in the interim between meetings, the parties have met on the terms of the easement and everyone has agreed to a revised easement and they have an additional utility easement combined with it and that document is still being worked on by the parties. Mr. Bliss stated that the cleanest way to approach this is to terminate the public hearing, withdraw the current ordinance and introduce for first reading a new agreement at the November meeting. Council Member Chandler made a motion to close the public hearing on Ordinance 2019-11, second by Council Member Griffiths with all members present voting in favor. Council Member Griffiths made a motion to withdraw Ordinance 2019-11, second by Council Member Chandler with all members present voting in favor with the exception of Mrs. Mills who recused herself due to her involvement with the Cemetery Association.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 - 11**

**ORDINANCE ACCEPTING GRANT OF EASEMENT TO THE BOROUGH OF PENNINGTON
FOR PUBLIC RIGHT-OF-WAY ACCESS BETWEEN SOUTH MAIN STREET AND THE
PROPERTY OF THE PENNINGTON AFRICAN CEMETERY ASSOCIATION**

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 10.2**

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 \$ 1,675,984.50 from the following accounts:

Current	\$ 972,391.61
W/S Operating	\$ 137,656.59
Developer’s Escrow	\$ 2,415.92
General Capital	\$ 245,389.31
Grant Fund	\$ 311,429.00
Animal Control Fund	\$ 13.20
W/S Capital	\$ 6,688.87
TOTAL	\$ 1,675,984.50

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				Absent	Mills	X			
Griffiths	S				Semple				absent

Council Member Marciante made a motion to approve Resolution 2019-10.2, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 10.3**

**RESOLUTION AUTHORIZING THE HIRING OF JOHN VAGOTT JR. AS LABORER IN
THE DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, the Superintendent of Public Works and the Borough Administrator reviewed the applications received and selected four (4) applicants for interviews, which were held on

September 4, 2019; and

WHEREAS, as a result of the interviews held the Superintendent of Public Works has recommended the hiring of John Vagott Jr. for the position of Laborer I; and

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

1. the hiring of John Vagott as Laborer I in the Department of Public Works is hereby approved;
2. Mr. Vagott’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and Teamsters Local 35;
3. Mr. Vagott’s appointment shall be effective September 17, 2019.

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				absent	Mills	X			
Griffiths	S				Semple				absent

Council Member Marciante made a motion to approve Resolution 2019-10.3, second by Council Member Griffiths. Mr. Marciante stated that he was not aware that another employee had left the Public Works Department. Mr. Marciante stated that in the future the Personnel Committee would like to know what is going on. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.4**

RESOLUTION APPOINTING BOROUGH COURT ADMINISTRATOR

WHEREAS, Nancy Griffin, Administrator of the Pennington Municipal Court, has announced her resignation effective June 1, 2019, after almost 20 years of meritorious service;

WHEREAS, by Resolution 2019-6.9, Borough Council appointed Margaret E. Umbro as Acting Administrator of the Municipal Court of the Borough of Pennington effective June 1, 2019; and

WHEREAS, the Borough Administrator advertised the position on the Borough Website pursuant to the regulations of the Administrative Office of the Courts; and

WHEREAS, no other applications were received for the position; and

WHEREAS, Mr. David Eberhardt, Mercer Municipal Division Manager for the Administrative Office of the Court, by e-mail dated September 23, 2019, authorized the formal appointment of Margaret Umbro as Administrator of the Pennington Municipal Court;

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, and has served in an interim capacity since Ms. Griffin’s departure in June; and

WHEREAS, Municipal Court Judge Eric Perkins approves of the appointment of Ms. Umbro; and

WHEREAS, the Court Administrator is a part-time employee of the Borough with salary established by the Borough salary ordinance; and

WHEREAS, the position of Court Administrator is subject to tenure after five years, as provided in N.J.S.A. 2A:8-13.1;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Margaret E. Umbro is hereby appointed Administrator of the Municipal Court of the Borough of Pennington, effective on the date of adoption of this resolution, and shall be paid a salary in accordance with 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				Marciante	X			
Gnatt				Absent	Mills	S			
Griffiths	X				Semple				absent

Council Member Chandler made a motion to approve Resolution 2019-10.4, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 10.5**

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

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

WHEREAS, in an effort to comply with this requirement, the Mayor of the Borough in consultation with the Licensed Water Operator of the Borough and the Borough Attorney will complete and certify the attached questionnaire supplied by the New Jersey Department of Environmental Protection by the deadline of October 19, 2019;

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

WHEREAS, the purpose of this Resolution is to authorize the Mayor's responses to each of the questions asked pertaining to the Pennington Water Department (identified by the NJDEP as Pennington W Dept, NJ1108001);

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

1. On the advice of the Licensed Operator, the Mayor will certify that the Borough is in compliance with Federal and State Safe Drinking Water Regulations (questions 1 and 2). A printout from Drinking Water Watch (www.waterwatch.usgs.gov), the water search system of the NJDEP, indicates that the Borough had no violations as of October 1, 2019.

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

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

4. In reliance on the advice of the Licensed Operator and the Borough Attorney, the Mayor will certify that the Borough is in compliance with Sections 3, 4, 5 and 7 of the Water Quality Accountability Act (question 5). Under Section 3 of the Act, the Borough has identified and located all valves 12 or more inches in diameter and has a plan for inspections as defined by the Act. All other valves have been located and mapped and have been inspected as defined by the Act. Further in accordance with Section 3 of the Act, every hydrant in the Borough has been mapped, inspected, tested and flushed. Valves integral to each hydrant have also been inspected. Going forward, the plan is to flush every hydrant as part of the required annual testing of all hydrants. The Borough has maintained and will continue to make a record of all such inspections, tests and flushings which will be scanned into an electronic data base and preserved for at least the six (6) years required by the Act. Each hydrant has been tagged indicating a unique identification number and ownership by the Borough of Pennington. Section 3 of the Act provides that to the extent possible the geographic location of each valve and fire hydrant shall be identified using a global positioning system based on satellite or other location technology.

5. Under Section 4 of the Act, requiring development of a cybersecurity system, the Borough currently does not have an internet-connected control system.

6. Under Section 5 of the Act, requiring a mitigation plan within 60 days after three notices of violation have been received, there were no violations reported, therefore no remediation plan is required.

7. Under Section 7 of the Act, requiring at least once every three years the submission of a report on infrastructure improvements based on the asset management plan for the system, the Borough

completed its asset management plan in April 2019.

8. Copies of this Resolution shall be maintained on file, together with the attached Certification, by the Borough Clerk and the Superintendent of Public Works.

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

Council Member Chandler made a motion to approve Resolution 2019-10.5, second by Council Member Griffiths. Mr. Smith stated that this is the second year for this and we are in good shape. Upon a roll call vote all members present voted in favor

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.6**

**RESOLUTION AMENDING 2019 PROJECT LIST FOR
BOROUGH ENGINEER**

WHEREAS, by Resolution 2019-5.3 adopted on May 6, 2019, Borough Council has adopted a Final Project List identifying authorized engineering projects for the Borough Engineer;

WHEREAS, Borough Council now seeks to amend the authorized list of engineering projects by the addition of the following two projects:

1. Support, technical assistance and inspection in connection with abandonment of Well #5, at a cost of \$1,100;
2. Prepare and submit the required forms to modify the Borough’s Water Allocation Permit, including meeting With NJDEP, at a cost of \$7,500;

WHEREAS, it is understood and agreed that the Engineer shall not begin work on either of these projects without explicit written direction from the Borough Administrator;

WHEREAS, it is further understood that there is no guarantee that these projects will be undertaken this year;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for these additional projects in 9-05-55-501-000-262 (Water Engineering);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the above described engineering projects are hereby approved and added to the 2019 list of approved engineering projects, subject to specific authorization to proceed by the Borough Administrator as stated above.

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				Absent	Mills	X			
Griffiths	M				Semple				absent

Council Member Griffiths made a motion to approve Resolution 2019-10.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.7**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2018 ANNUAL
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe

regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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				absent	Mills	S			
Griffiths	M				Semple				absent

Council Member Griffiths made a motion to approve Resolution 2019-10.7, second by Council Member Mills with all members present voting favor. Mrs. Sterling reminded Council Members to stop in and sign the affidavit.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 10.8**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT
INSURANCE FUND**

WHEREAS, the Borough of Pennington is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said membership terminates as of January 1, 2020*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED, as follows:

1. The Borough of Pennington agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2020, and ending January 1, 2023*, and to be subject to the bylaws, rules and regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and the Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Borough’s intention to renew its membership.

*12.01 a.m.

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

A motion and second were made, Mr. Lawver stated that there has been some discussion about shopping around for insurance. Mr. Lawver asked if we rejoin the Mid Jersey Municipal Joint Insurance Fund will we be able to move to another carrier. Mr. Bliss stated that unless the JIF has an exit rule, renewing the membership would bind the Borough. Mr. Lawver stated that he would like to know if this is the best deal for the taxpayers. After some discussion, the resolution was tabled to November so that the Borough Administrator could do some research.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 10.9**

**RESOLUTION AUTHORIZING THE HIRING OF IT SPECIALIST/ADMINISTRATIVE
ASSISTANT FOR THE PENNINGTON POLICE DEPARTMENT ON A PART-TIME
TEMPORARY BASIS**

WHEREAS, the Pennington Borough Police Department has a need for an Administrative Assistant to support the First Sergeant in important clerical responsibilities relating to background investigations, preparation of reports and other compliance with reporting requirements, and diverse other administrative tasks;

WHEREAS, the Department’s assessment of its clerical needs has led to the further determination that the need for administrative support is closely aligned with the need for IT expertise and support;

WHEREAS, with the endorsement of the Public Safety Committee the Department seeks to experiment with the merger of the Administrative Assistant position with explicit IT responsibilities and related expertise;

WHEREAS, upon the recommendation of the Director of Public Safety, the Sergeant First Class and the Public Safety Committee, the Department seeks to create the title IT Specialist/Administrative Assistant and to hire in that title, on a part-time temporary basis, Will Mullen, currently the IT specialist for the Hopewell Township Police Department possessing the certifications appropriate for the systems in which he will be working;

WHEREAS, this position shall be for an initial duration of three months and be subject to renewal at the sole discretion of Borough Council at the end of that period;

WHEREAS, compensation for this temporary position will be at the rate of \$45 per hour for hours as needed at the direction of the Sergeant First Class up to a maximum of 34 hours per month;

WHEREAS, the specified compensation is authorized by the Borough Salary Ordinance for 2019 under the line Part Time Employees/Temporary/Licensed, up to a maximum of \$45 per hour;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Borough Council hereby authorizes the hiring of Will Mullen as IT Specialist/Administrative Assistant for the Pennington Police Department on a part-time temporary basis on the terms described above, provided that the need for continuation of the position at the end of the three-month period shall be determined at the sole discretion of Borough Council.

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				Absent	Mills	X			
Griffiths	M				Semple				absent

Council Member Griffiths made a motion to approve Resolution 2019-10.9, second by Council Member Chandler. Mrs. Chandler stated that this appointment is being made so that Sergeant Pinelli will get help with paperwork that is backing up and so that he can go out on patrol for a minimum of two hours per day. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.10**

RESOLUTION APPOINTING AD HOC COMMITTEE FOR ARBORETUM PROJECT

WHEREAS, the Borough is in the process of acquiring property from the Hopewell Valley

Regional School District for the Howe Arboretum project; and

WHEREAS, Borough Council seeks to appoint a committee to assist with the project; and

WHEREAS, the appointed citizens will serve without compensation on an ad hoc advisory committee: and

WHEREAS, the committee shall be known as the Ad Hoc Arboretum Committee on Howe Arboretum Project;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the following persons are appointed to this Ad Hoc Committee:

- Councilperson – Catherine Chandler
- Borough Administrator – Eileen Heinzel
- Open Space Chair – Alan Hershey
- Shade Tree Chair – Gabe Rosko
- Environmental Commission Chair – Harry Compton
- Environmental Commission Member – Joann Held

BE IT FURTHER RESOLVED, that the citizen members of the Ad Hoc Committee shall have all privileges and protections afforded to authorized volunteers responsible to Borough Council in service of the Borough.

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				absent	Mills	S			
Griffiths	X				Semple				absent

Council Member Chandler made a motion to approve Resolution 2019-10.10, second by Council Member Mills with all members present voting in favor.

Mayor Lawver asked that Resolutions 2019-10.11 and 2019-10.12 be considered together. Some discussion took place with regard to the costs. Mayor Lawver stated that proposals were requested from three other firms but no responses were received. Mr. Marciante stated that this seems like a lot of money for a survey.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.11**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VAN NOTE-HARVEY ASSOCIATES FOR PREPARATION OF BOUNDARY SURVEY IN CONNECTION WITH OBTAINING PROPERTY FROM HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT FOR ARBORETUM PROJECT

WHEREAS, Pennington Borough is preparing to purchase from the Hopewell Valley Regional School District up to approximately 3.4 acres of land representing a portion of Block 1003, Lot 15 (Proposed Lot 15.01) behind the Toll Gate School in the Borough of Pennington (Ordinance No. 2019-10) for the creation of Howe’s Arboretum;

WHEREAS, as a preliminary step to subdividing the School District property to purchase and create the Arboretum parcel, the Borough requires a Boundary Survey of the entire Tollgate Grammar School property (“Boundary Survey”) and Field Survey of the Arboretum parcel (“Field Survey”), with the setting of property corners;

WHEREAS, the Borough seeks to enter into a professional services agreement with Van Note-Harvey Associates for preparation of the Boundary Survey and the Field Survey and the setting of property corners as described variously in the attached proposal memoranda from VNHA dated March 1, 2019, September 3, 2019 and October 4, 2019;

WHEREAS, the fees for preparation of the Boundary Survey and the Field Survey with setting of property corners total \$10,100 as set forth under Task 1 in the attached VNHA memorandum dated October 4, 2019;

WHEREAS, any work exceeding the scope of work described in the annexed memoranda with respect to the Boundary Survey, the Field Survey and the setting of property corners, shall require prior written approval by Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Borough Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a professional services

agreement with Van Note-Harvey Associates for the preparation of the Boundary Survey and the Field Survey with the setting of property corners, as described above and in the attached memoranda, for a sum not to exceed \$10,100, provided the scope of services be further clarified in a form of agreement consistent with the above and approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that the funding for these services shall be made from the Borough Open Space Fund.

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				absent	Mills	X			
Griffiths	S				Semple				absent

Council Member Chandler made a motion to approve Resolution 2019-10.11, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 10.12**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VAN NOTE-HARVEY ASSOCIATES FOR PREPARATION OF MINOR SUBDIVISION PLAN AND GREEN ACRES SURVEY PLAN IN CONNECTION WITH OBTAINING PROPERTY FROM HOPEWELL VALLEY REGIONAL SCHOOL DISTRICT FOR ARBORETUM PROJECT

WHEREAS, Pennington Borough is preparing to purchase from the Hopewell Valley Regional School District up to approximately 3.4 acres of land representing a portion of Block 1003, Lot 15 (Proposed Lot 15.01) behind the Toll Gate School in the Borough of Pennington (Ordinance No. 2019-10) for the creation of Howe’s Arboretum;

WHEREAS, as necessary steps to subdividing the School District property to create the Arboretum parcel, the Borough requires preparation of a Minor Subdivision Plan, Legal Descriptions and a Green Acres Survey Plan (collectively “Subdivision and Survey Plans”) as described variously in the attached proposal memoranda from VNHA dated March 1, 2019, September 3, 2019 and October 4, 2019 (“VNHA Memoranda”);

WHEREAS, in connection with obtaining needed approvals from Pennington Borough Planning Board, Mercer County and New Jersey Green Acres, engineering services related to submissions to the Mercer County Planning Board and New Jersey Green Acres (“Approval Services”) will be required, as further described in the VNHA Memoranda;

WHEREAS, the Borough seeks to enter into a professional services agreement with Van Note-Harvey Associates for preparation of the Subdivision and Survey Plans and performance of Approval Services as described in the VNHA Memoranda;

WHEREAS, the fees for preparation of the Subdivision and Survey Plans and performance of Approval Services total up to \$12,900 if satisfaction of conditions of approval is required, as set forth under Tasks 2 and 3 in the attached VNHA memorandum dated October 4, 2019;

WHEREAS, any work exceeding the scope of work described in the annexed memoranda with respect to the Subdivision and Survey Plans and Approval Services shall require prior written approval by Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Borough Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a professional services agreement with Van Note-Harvey Associates for the preparation of the Subdivision and Survey Plans, as described above and in the attached memoranda, for a sum not to exceed \$12,900, provided the scope of services be further clarified in a form of agreement consistent with the above and approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that the funding for these services shall be made from the Borough Open Space Fund.

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				absent	Mills	X			
Griffiths	S				Semple				absent

Council Member Chandler made a motion to approve Resolution 2019-10.12, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-10.13**

**RESOLUTION CONFIRMING BOROUGH INTENT TO COMPLY WITH FEDERAL
REGULATIONS PERTAINING TO DOWNTOWN STREETScape IMPROVEMENTS PHASE II
PROJECT**

WHEREAS, Pennington Borough has been selected to receive \$580,000 in Transportation Alternatives Program funding for the Downtown Streetscape Improvements Phase II Project, as set forth in the attached award letter dated June 23, 2017;

WHEREAS, the grant will fund streetscape improvements in the downtown, including sidewalk and curb improvements and replacements, address non-compliance with current ADA standards, street trees more suitable to the streetscape, tree guards, benches, light fixtures and poles, extending approximately 300 feet on Delaware Avenue to the East and West of the section of Main Street improved during Phase I of the Streetscape, as well as continuation of improvements on South Main Street extending approximately 400 feet from the section improved during Phase 1 of the Streetscape;

WHEREAS, the grant is from Federal funds administered by the New Jersey Department of Transportation;

WHEREAS, a condition of the grant is Borough compliance with all applicable federal financial management, project implementation and oversight regulations, including the attached “Policies and Procedures Manual for the Management of Federal Aid Projects”, dated October, 2019 (Procedure”);

WHEREAS, a further condition of the grant is Borough appointment of a Responsible Charge and submission of a Responsible Charge Questionnaire subject to NJDOT approval;

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

1. The Borough hereby affirms its intent to comply with applicable Federal regulations, including the Procedure attached;
2. The Borough hereby appoints Eileen Heinzl as the Responsible Person in Charge, with the understanding that a Responsible Charge Qualification Form must be completed and approved prior to receiving federal funds.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2019-10.13, second by Council Member Griffiths. Mrs. Heinzl stated that this manual is required for Federal Aid Projects, and this one is specific to the Streetscape project, but it can be easily revised for other Federal Aid Projects. Upon a roll call vote all members present voted in favor.

Professional Reports

There were no further reports from Professionals.

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.

At 7:50 PM, with no further business to come before Council, Mrs. Chandler made a motion to adjourn, second by Council Member Griffiths.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk