

**Pennington Borough Council
Regular Meeting – December 2, 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 Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Borough Auditor Bob Morrison 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.

Presentations

Mayor Lawver invited Borough Auditor, Bob Morrison to come forward for presentation of the 2018 Audit. Mr. Morrison stated that since the last time he was in attendance a couple of things have happened. Mr. Morrison stated that first, his firm merged into PKF, O'Connor, Davies, going from a two partner, eighteen member office to part of a thirteen office, one-thousand plus professional northeast regional firm. Mr. Morrison stated that this was because he and his partner Andy Hodulik were spending too much time running a business and not enough time being auditors and they prefer to be auditors. Mr. Morrison stated that all of the administrative nightmares of having their own business have vanished and he is back to being an auditor which makes him very happy. Mr. Morrison stated that any rumor that he was avoiding Borough Council is not true and he apologized for missing the last two meetings where he was scheduled to present the audit.

Mr. Morrison stated that being said, he has no bad news to report to Council. Mr. Morrison stated that the audit was done using the same people this year as last year which is a little unusual because he tries to rotate staff members and in the next cycle he will rotate at least one staff member. Mr. Morrison stated that auditors are supposed to be skeptical and he instructs his staff to be skeptical. Mr. Morrison stated that the approach that a good auditor takes is to get documentation of everything. Mr. Morrison stated that after all is said and done they probably perform 35 to 40 different tests to determine that the Borough is following appropriate laws and regulations, that the Borough is following local ordinances, that the internal control structure is working the way that it is supposed to work with regard to compliance with tax laws, local public contract laws and laws relating to debt and debt paydowns, budgetary laws of the State of New Jersey and so forth. Mr. Morrison stated that after all is said and done, they gather all the evidence that the staff auditors have collected in the field and they determine whether or not they have gathered enough to form an opinion on the fairness of the financial statements, the adequacy of internal controls and the Borough's compliance with laws and regulations. Mr. Morrison stated that once that is done, they issue two reports, the first one is on page 2 through 4 of the audit and that is the Independent Auditors Report on the Financial Statements and the outcome on the Borough's is that the financial statements were fairly presented, that the Borough followed the appropriate accounting principles in their preparation and that those principles were applied consistently from year to year. Mr. Morrison stated that New Jersey does not follow National Accounting Standards so there is a two part opinion. Mr. Morrison stated that the first part says that the Borough did not follow National Standards and your financials are not fairly presented in accordance with National Standards and the second part says that the Borough is not supposed to follow National Standards, the State of New Jersey requires the Borough to follow a different standard and we have completely complied with that standard.

Mr. Morrison stated the second report which is on Internal Controls and Compliance appears on pages 5 and 6. Mr. Morrison stated that in two pages what they are essentially saying is that for an organization the size of the Borough, we have designed internal control processes that are appropriate for an organization of the Borough's size, meaning that wherever the Borough can have segregation of duties so that one person can't control a transaction from start to finish, there is segregation of duties. Mr. Morrison stated that Council has probably heard this before from him, but one of the most important parts of the Borough's internal control, is the function that the Governing Body plays in overseeing the financial activities and approving all of the financial actions as well as authorizing capital projects and debt. Mr. Morrison stated that the fact that the Governing Body in Pennington takes that job seriously is a great help

to his staff when doing the audit because they see in the documentation that staff members are bringing things to Council and getting appropriate approvals, bill lists are being approved, resolutions are being adopted before refunds are made and he could go on and on, but that is a key function of a government of this size and from their prospective it is working just fine. Mr. Morrison stated that being said, there were no issues with internal controls. Mr. Morrison stated that in a larger organization there would be more internal controls because of more staff members, but that is not the case in Pennington but everything is relative. Mr. Morrison stated that one of the objectives of internal controls is to make you be able to identify mistakes and correct them to follow laws and regulations and to do so without costing the taxpayers more than it is worth and based on a cost benefit analysis, they think that the Borough's internal control structure is adequately designed.

Mr. Morrison stated that as far as compliance goes, he directs his staff to find him something to report and for about the fifth year in a row, they have not found anything wrong. Mr. Morrison stated that there were no non-compliances found during the course of the audit and he congratulated the staff of the Borough.

Mr. Morrison stated that as far as the financial statements go the fund balance in the Current Fund decreased a little bit this year. Mr. Morrison stated that the Borough had a favorable budget variance but the Borough used a lot of fund balance to balance the budget so it ended up dropping about \$165,000. Mr. Morrison stated that fund balance at the end of 2018 was just under \$600,000 and if the trend continues the Borough will have to change the way the budget is formulated because the Borough has for several years used a lot of fund balance to balance the budget and counted on regenerating the fund balance by having favorable variance by collecting more in revenue than anticipated or spending less on the expense side than was budgeted. Mr. Morrison stated that those margins are starting to shrink a little bit. Mr. Morrison stated that is not a big surprise because it costs a lot to live in New Jersey and budgets are reflecting that.

Mr. Morrison stated that fund balance in the Water/Sewer Utility is actually up from 2018. Mr. Morrison stated that 2018 was a banner year for the utility and that has helped because the Borough is using a significant amount of surplus generated during 2018 in the 2019 budget. Mr. Morrison stated that once again the budget strategy should be to build in a cushion and those cushions are important because a larger fund balance buys the Borough a year or two at least to adapt to changing environments. Mr. Morrison stated that if the Borough had no fund balance and something happened at the State level where they changed State Aid policy or changed the cap allowed on property taxes the Borough would have fund balance that would allow the Borough to wean itself off and develop a Plan B if you will. Mr. Morrison stated that towns with no surplus funds do not have that luxury. Mr. Morrison stated that there is not one town in New Jersey that has set itself up perfectly because the State of New Jersey does not want municipalities to have fund balances, but within the environment that the Borough is working, the fund balances are strong.

Mr. Morrison stated that he would like to point out a couple of items in the notes. Mr. Morrison stated that 2019 is the last year of debt service on one of the bond issues so there will be some relief in 2020 that can be used to fund other budget functions or other capital projects. Mr. Morrison stated that at the end of 2018, fund balance was just under \$600,000 in the Current Fund and the Borough used \$475,000 of that and in Water/Sewer the balance was \$566,000 and the Borough used \$138,000 to balance the budget. Mr. Morrison stated that as surplus is generated that Borough tends to use it and hopefully the trend of regenerating continues.

Mr. Morrison stated that the financial statements do not reflect the Borough share of the States pension liability for PERS and PFRS. Mr. Morrison stated that on page 63 of the audit, note 10 explains the data as to what the State says the Borough's shares are. Mr. Morrison stated that at the end of 2018 the allocated share of the billions and billions of dollars of PERS pension debt was \$2,114,000 and of the PFRS pension debt the share was \$1.2 million. Mr. Morrison stated that there is also a cost associated with post-employment health benefits and the Borough's share of that is estimated at almost \$4.5 million. Mr. Morrison stated that these amounts will be paid over time. Mr. Morrison briefly reviewed how the State bills these amounts. Mr. Morrison stated that the good news is that both pension and post-employment health benefit amounts for the Borough went down in 2018 from the year before because of changes in State Legislation. Mr. Morrison stated that the Pension system has changed significantly, the COLA increase has been eliminated and for the post-employment health benefits, anyone who did not have twenty years of service in the system as of 2011 is now responsible for paying a portion of their health benefit costs. Mr. Morrison stated that some of those people became eligible for retirement in 2017 so we are starting to see a decrease in the net cost because current retirees are now paying a percentage towards the costs.

Mr. Morrison stated that on page 136 of the audit report is the one that seasoned Borough Council members go to first and that is the recommendations section and once again there are no recommendations to report and there is no need for a corrective action plan. Mr. Morrison stated that the only action that Council has to take is to acknowledge receipt of the audit and signing of the group affidavit which has already been done. Mr. Morrison stated that he would be happy to answer any questions.

Mayor Lawver stated that he would like to thank Mr. Morrison and the Borough staff for keeping the Borough in such good shape. Mayor Lawver stated that reviewing the bill list monthly and asking questions is how Council stays on top of things. Mr. Morrison stated that he would be remiss if he did not thank the staff for the cooperation and courtesy that is extended to his staff. Mr. Morrison stated that his staff likes working in Pennington because of the friendly environment.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that Open Space did not meet. Mrs. Gnatt stated that she was unable to attend the Planning Board meeting. Mrs. Gnatt stated that the Personnel Committee did meet and they will have some recommendations at a later time.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Public Safety did not meet however Mr. Meytrott has submitted a terrific report once again. Mrs. Chandler stated that Economic Development met prior to Thanksgiving. Mrs. Chandler stated that members of the commission walked around town talking to local businesses as part of the “Get Lit” program with the idea being to encourage business to light up their stores not only for the Holiday season but going forward to show that businesses are open. Mrs. Chandler stated that two businesses came to the EDC to discuss ways in which to get the center of town to look more inviting. Mrs. Chandler stated that the Holiday Walk is this Friday, December 6th. Mrs. Chandler stated that the Environmental Commission met and she was supposed to finalize the plastic bag resolution and she did not get to it yet. Mrs. Chandler reported that last week members of the Arboretum Committee met to mark 33 Ash Trees that need to be removed. Mrs. Chandler stated that there are several options for use of the trees that are being discussed. Mrs. Chandler stated that this will be the first step once the property is acquired.

Public Works – Mr. Marciante stated that later in the meeting contracts will be awarded to Top Line Construction for two road projects, Burd Street and Abey Drive/Kings Court. Mr. Marciante stated that the Burd Street award is \$50,000 under the grant amount which may allow the Borough to extend the project to pave between Voorhees and Laning. Mr. Marciante stated that Abey Drive/Kings Court bids also came in under the grant award which will allow the Borough to make some changes to that project as well. Mrs. Chandler thanked the Public Works Department for their work on the water main break on Abey Drive on the day after Thanksgiving.

Finance / Board of Health – Mr. Griffiths stated that the Board of Health did not meet. Mr. Griffiths stated that the Finance Committee did not meet, but we will be taking out a \$629,000 Bond Anticipation Note. Mr. Griffiths stated that the Chief Financial Officer is authorized to borrow the funds so no action is required by Council. Mr. Griffiths briefly explained what the funds are needed for and also that some of the funds will be reimbursed through grants which can then be used to pay down the note in August 2020. Mr. Griffiths stated that going forward there are some capital purchases scheduled for 2020 and depending on how the Borough renovation project goes and receipt of grant funds goes, there may be an additional note needed in the second half of 2020. Mr. Griffiths stated that 2020 will be a big year for debt service with a projected amount of \$75,000 in new debt payments. Mrs. Chandler asked if the purchase of a garbage truck is a definite for 2020. Mr. Smith stated that there are still a lot of decisions that need to be made.

Historic Preservation / Library – Mrs. Mills stated that the Historic Preservation Commission met with Bert Nini who presented proposed plans and elevations for a house at 32 West Delaware Avenue. Mrs. Mills stated that this design would replace the earlier design that was presented and approved. Mrs. Mills stated that the reason for the redesign is that originally there was going to be a third house, but that is not going to happen and the second house will be larger. Mrs. Mills stated that the Commission had some comments and Mr. Nini will address them and come back with some revisions to the plan. Mrs. Mills stated that the Commission would like to add a signature line to the Certificate of Appropriateness in light of a recent problem, there will be more to come on this.

Mrs. Mills stated that the Library has been conducting programs and they will once again be participating in the Holiday Walk. Mrs. Mills reviewed upcoming programs for December and January. Mrs. Mills stated that Clifford Zink will be presenting a program this Sunday on the Roebling Legacy and some other programs are taking place in collaboration with the Hopewell Valley Regional School District. Mrs. Mills stated that the Personnel Committee for the Library is updating the Personnel Manual to include the new regulations for earned sick leave.

Mayor Lawver asked if the Historic Preservation Commission would be coming to Council to discuss the additional language and signature requirement for the Certificate of Appropriateness. Mrs. Mills stated that she thought that Eric Holtermann had reached out already. Mrs. Heinzl stated that they are just updating the form to reference the existing code, but there is also a proposal that will come next year to amend the ordinance to tie the issuance of a Certificate of Approval from the Construction Department to compliance with requirements of the Historic Preservation Commission. Mrs. Heinzl stated that currently if there is non-compliance with the conditions for the Certificate of Appropriateness, the Zoning Officer issues a notice of violation and follows up. Mrs. Heinzl stated that she met with John Flemming, the Zoning Officer and some members of Historic Preservation to discuss how best to make sure that there is compliance and the conclusion was to amend the ordinance to include a requirement that no Certificate of Approval will be issued until compliance is ensured.

Parks and Recreation / Shade Tree – Ms. Semple stated that she had no report for Parks and Recreation. Ms. Semple stated that Shade Tree is completing a tri-fold brochure to raise their profile and they are expecting to be involved in the tree planting during the Burd Street Reconstruction project.

Senior Advisory Board – Mayor Lawver reported for the Senior Advisory Board that the main item is the status of the construction project at the Senior Center which Mrs. Heinzl will talk about later on.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2019-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 - 14**

**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**

WHEREAS, John D. Schragger and Michelle L. Schragger are the owners of property in the Borough of Pennington known as 417 South Main Street, designated on the tax records of the Borough as Lot 12 in Block 1002 (“Schragger Property”);

WHEREAS, the Pennington African Cemetery Association is the owner of property in the Borough of Pennington designated on the tax records of the Borough of Pennington as Lot 46 in Block 1002 (“PAC Property”), which adjoins the Schragger Property in the rear and includes a 15’ wide driveway running to South Main Street along and adjoining the Schragger Property on the north;

WHEREAS, the Pennington Borough Planning Board has approved a subdivision of the Schragger Property, with variances, creating Lots 12.01 in Block 1002 fronting on South Main Street and Lot 12.02 in Block 1002 without frontage on the street but adjoining the PAC Property and driveway (Resolution of Memorialization of Application No. P16-002, June 8, 2016);

WHEREAS, as part of the approval of subdivision the Planning Board requested an easement to continue the right of the public to use the existing PAC driveway for ingress and egress and requiring that it be granted in the same document as that providing easement rights for the Schragger Property (Resolution of Memorialization, Condition of Approval 14.b);

WHEREAS, the Pennington African Cemetery Association, John D. Schragger and Michelle L. Schragger, and the Borough of Pennington are now proposed parties to the proposed driveway and shed easements attached to this Ordinance (“Driveway and Shed Easements”) by which, among other things, (1) PAC conveys to the Borough of Pennington an easement for public pedestrian and vehicular ingress and egress between South Main Street and the Pennington African Cemetery, and (b) PAC grants and conveys unto the Schraggers and their successors and assigns a perpetual easement for the purpose of pedestrian and vehicular ingress and egress to Lots 12.01 and 12.02 as further described in the Driveway and Shed Easements;

WHEREAS, consideration for the Driveway and Shed Easements and their terms are described in the easement document and its exhibits, including but not limited to the responsibility of the Schraggers for perpetual maintenance of the easement, including snow removal;

WHEREAS, the form of Driveway and Shed Easements attached has been reviewed by the attorney for the Pennington Borough Planning Board and determined to be acceptable as to form and content and in compliance with Condition 14.b of the Board approval;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The proposed Driveway and Shed Easements granting the Borough of Pennington an easement for public pedestrian and vehicular ingress and egress as described above and in the annexed easement document is hereby accepted and approved on behalf of the Borough.
2. The proposed Driveway and Shed Easements includes an Environmental Easement to the Borough as well as a Historic Preservation Easement, which are also accepted on behalf of the Borough.
3. The Mayor, with the attestation of the Borough Clerk, is authorized to execute the Driveway and Shed Easements on behalf of the Borough and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

BE IT FURTHER ORDAINED that this Ordinance shall be effective upon passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2019-14, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Marciante with all members present voting in favor with the exception of Mrs. Mills who abstained. Council Member Chandler made a motion to adopt Ordinance 2019-14, second by Council Member Gnatt with all members present voting in favor with the exception of Mrs. Mills who abstained.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.1**

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 an overpayment of 2019 fourth quarter taxes, in the amount of \$2,290.32 for Block 102, Lot 1, Qualifier –C0103 also known as 3 Tucker Way.

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 an overpayment of 2019 fourth quarter taxes, in the amount of \$2,340.88 for Block 303, Lot 18, also known as 15 Park Avenue.

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 an overpayment of 2019 fourth quarter taxes, in the amount of \$4,911.20 for Block 601, Lot 61, also known as 31 Abey Drive.

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 an overpayment of 2019 fourth quarter taxes, in the amount of \$100.69 for Block 706, Lot 4, also known as 321 Hale Street.

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 2019-12.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.2**

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 \$ 1,270,443.59 from the following accounts:

Current	\$ 1,204,863.57
W/S Operating	\$ 35,283.80
Developer’s Escrow	\$ 2,762.25
General Capital	\$ 10,889.47
Water/Sewer Capital	\$ 15,703.00
Open Space Fund	\$ 916.50
COAH Trust Fund	\$ 25.00
TOTAL	\$1,270,443.59

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 2019-12.2, second by Council Member Griffiths. Mrs. Chandler and Mayor Lawver had questions on specific bills on the bill list. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.3**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, and capital improvement fund or interest and redemption charges;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2019 budget appropriations:

<u>Appropriations:</u>	<u>To:</u>	<u>From:</u>
Salaries – Municipal Clerk	\$3,000.00	
Salaries – Tax Assessment	\$1,000.00	
Other Expense – Legal Services	\$7,000.00	
Salaries – Construction	\$2,500.00	
Salaries – Trash	\$6,500.00	
Other Expense – Shade Tree	\$ 750.00	
Other Expense – Telephone	\$2,000.00	
Other Expense - Municipal Clerk		\$3,000.00
Salaries – Tax Collection		\$8,000.00
Other Expense – Engineering		\$2,500.00
Other Expense – Trash		\$7,250.00
Other Expense – Street Lighting		\$2,000.00
Total Current Fund	\$22,750.00	\$22,750.00

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 2019-12.3, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.4**

**RESOLUTION AUTHORIZING CANCELLATION OF
OUTSTANDING CHECKS**

WHEREAS the Chief Financial Officer has requested permission to cancel certain outstanding checks from the Current Fund, the Water/Sewer Operating and Animal Control accounts; and

WHEREAS, said outstanding checks should be cancelled and transferred to the proper statutory accounts – Current Fund - Miscellaneous Revenue Not Anticipated, Water/Sewer Operating – Miscellaneous Revenue Not Anticipated and Animal Control – Reserve for Animal Control; and

WHEREAS, it is the desire of the Borough Council to cancel said outstanding checks in the Current Fund totaling \$20.00, Water Sewer Operating totaling \$237.00 and Animal Control totaling \$14.40;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington that the Chief Financial Officer is hereby authorized to cancel outstanding checks of the Borough as set forth on the attached listing.

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 2019-12.4, second by Council Member Chandler with all members present voting in favor.

MEMORANDUM

DATE: November 22, 2019

TO: Sandra Webb
Chief Financial Officer

FROM: Betty Sterling
Borough Clerk/Assistant CFO

RE: Outstanding Checks

The following checks are outstanding and should be cancelled:

CURRENT FUND: \$20.00

5/9/2017 #14455 Pennington Day \$20.00

ANIMAL CONTROL FUND: \$14.40

12/31/2009 #1225 NJ Dept of Health & Sr. Services \$ 1.20
7/7/2015 #1274 NJ Dept of Health & Sr. Services \$13.20

WATER/SEWER OPERATING: \$237.00

10/6/2015 #4751 Golden Nugget \$237.00

BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.5

RESOLUTION AUTHORIZING CONTRACT WITH CIVICPLUS, INC. (CIVICPLUS)

WHEREAS, the Borough of Pennington has need for website re-design services; and maintenance services;

WHEREAS, the Borough solicited quotations from three (3) vendors for these services; and

WHEREAS, the three firms submitted proposals and made presentations to a website re-development ad hoc committee consisting of the Mayor, a Member of Council, the Administrator and the Clerk; and

WHEREAS, the committee has considered each proposal and presentation and recommends the retention of CivicPlus, Inc. (CivicPlus) for website re-development services; and

WHEREAS, the form of proposed contract entitled License and Service Agreement dated November 12, 2019, is attached to this Resolution;

WHEREAS, the proposed service will entail a one-time development fee of \$8,500 and an annual service fee of \$2,500 as further set forth in the attached form of Agreement;

WHEREAS, the expenditure for services under the one-year Agreement shall not exceed \$11,000 without the prior written approval of Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract in account the Grant Fund (Comcast Grant) - #: G-02-44-963-000-250;

WHEREAS, Civic Plus, Inc. shall comply with all applicable Anti-Discrimination and Affirmative Action laws as set forth in the annexed Exhibit A;

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 execute the aforesaid License and Service Agreement with CivicPlus, Inc. on behalf of the Borough, 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 2019-12.5, second by Council Member Mills. Mayor Lawver stated that the proposal includes automatic five percent increases each year and we should make note of that and negotiate that when the time comes. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.6**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY, AUTHORIZING THE
SIGNING OF CERTAIN GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS**

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

WHEREAS, the establishment of a governmental energy aggregation program (“GEA Program”) to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. (“Act”) and the New Jersey Board of Public Utilities’ implementing rules at N.J.A.C. 14:4-6.1 et seq. (“Rules”) will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance #2019-9 adopted by the Borough Council of the Borough of Pennington on October 7, 2019, the Borough publicly declared its intent to commence a GEA Program; and

WHEREAS, the Borough now seeks to begin the process of effecting the Program by retaining as Energy Agents and Consultants the professional firms Concord Energy Group, Inc., d/b/a Concord Energy Services (“CES”) and Commercial Utility Consultants, Inc., d/b/a Commercial Utility Consultants (“CUC”);

WHEREAS, CES and CUC (“CES/CUC”) are licensed by the New Jersey Board of Public Utilities as Energy Agents, Energy Consultants and Private Aggregators for industrial, commercial and residential sectors, and have extensive experience providing energy procurement, aggregation and consulting services to public entities in New Jersey;

WHEREAS, CES/CUC will manage the complete Program for the Borough, including program marketing, support, monitoring, recommendations and continuous energy advisory services, will perform functions and obligations of the Borough under agreements with PSE&G and the third-party electric supplier identified through public bidding, and will prepare the RFP and conduct the bidding process;

WHEREAS, by this Resolution the Borough further seeks authorization to enter into an agreement with PSE&G, the electric distribution company for Pennington, which working with CES/CUC can, among other things, provide information needed for preparation of the RFP for public bidding;

WHEREAS, by this Resolution the Borough further seeks to authorize entering into a cooperative pricing agreement with the Hunterdon Area Energy Cooperative (HAEC) for the purpose of seeking the advantages of public bidding as a group under NJSA 40A:11-11(5) and related statutes and regulations;

WHEREAS, participation in the HAEC, for which the Borough of Califon is the lead agency, shall be consistent with the principle that Pennington Borough shall have the right to disapprove any RFP proposed to be published on its behalf in connection with public bidding and shall have the right to reject any bid proposal received in response to public bidding if it determines that the RFP or the proposal, as it may affect the Borough, is not advantageous to the Borough, price and other factors considered;

WHEREAS, the respective agreements for which authorization is sought, of which copies are attached, are entitled:

1. Agreement By and Between the Borough of Pennington, Concord Energy Services and Commercial Utility Consultants;
2. Electric Distribution Company Aggregation Agreement;
3. Hunterdon Area Energy Cooperative – Agreement for a Cooperative Pricing System/ Cooperative Pricing Agreement and Cooperative Pricing Agreement Rider;

WHEREAS, these agreements do not require the Borough to incur out-of-pocket costs except as may be reimbursed by CES/CUC;

WHEREAS, intent of this Resolution is to authorize the Borough Attorney to resolve

any remaining issues as to the form of these agreements and to ensure compliance with the New Jersey Public Contracts Law before the agreements are executed on behalf of the Borough;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, in the County of Mercer, New Jersey, duly assembled in public session, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into on behalf of the Borough the aforesaid agreements with CES/CUC, PSE&G and HAEC, subject to such amendments as to form and legal compliance as may be approved by the Borough Attorney.

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

Council Member Chandler made a motion to approve Resolution 2019-12.6, second by Council Member Griffiths. Mayor Lawver stated that this resolution was tabled at the last meeting because there was a tremendous amount of confusion. Mayor Lawver stated that he along with Walter Bliss and Eileen Heinzl met with Stacia Scaduto and Vicky Malloy to clear up the confusion. Mayor Lawver stated that basically the reason for the confusion is that when we originally started this process we were going to be joining a cooperative with Hopewell Township and several other towns along the PennEast Pipeline route. Mayor Lawver stated that Hopewell Township slow rolled their process and other towns accelerated so our consultants encouraged the Borough to join the Hunterdon County cooperative and the long and short of that is because Pennington has PSE&G and because of some rule changes along the way, we could not join the Hunterdon County Cooperative because their pricing was for JCP&L only. Mayor Lawver stated that we have figured out where we have been and now the question is where we go next. Mayor Lawver stated that the first option is to walk away and be done with this idea and all we have lost is basically time and energy mostly on Walter Bliss' end or two, we go ahead and proceed. Mayor Lawver stated that if the Borough goes ahead, one of the agreements that will be signed is with Concord and it authorizes them to get Pennington's customer data from PSE&G. Mayor Lawver stated that they would then take that data and package it with other towns and go out to bid in the Spring for a contract that would begin servicing the Borough in January of 2021. Mayor Lawver stated that if we delay and do not do this now we will be in a position of playing catch up to join with a group that is already in place. Mayor Lawver stated that if the Borough goes ahead, the experience shows that Pennington residents will see a five to ten percent savings on their energy supply costs and there would be opportunities for renewable energy which would be less than what an individual would be able to purchase today. Mayor Lawver stated that Mr. Bliss has worked through all but one legal technicality related to the length of the terms of the contract.

Mrs. Chandler stated that she thought that from the beginning the idea was to join an already established cooperative. Mayor Lawver stated that a new cooperative was going to be established called the PennEast Cooperative because it was towns along the pipeline and it included Hopewell Township, the Amwells, Lambertville and others. Mayor Lawver stated that the PennEast Cooperative did not happen, so we looked into the Hunterdon County Cooperative which is already in existence and we can join but we just won't get the benefit of their current contract which runs through 2020. Mrs. Chandler asked if there were any costs incurred other than Walter's time and are there any other costs anticipated. Mayor Lawver stated that Concord Energy gets a cut of the contract that they negotiate with the provider. Mr. Bliss stated that there are agreements that impose costs on the Borough but there are provisions that the Borough is able to delegate its obligations in accordance with regulations. Mr. Bliss stated that the consultant will agree under these contracts to absorb all expenses otherwise payable by the Borough. Mrs. Chandler asked if the Borough moves forward on this agreement tonight, are we hoping that Hopewell Township will join the same group in 2020. Mayor Lawver stated that Hopewell Township would join the same cooperative. Mrs. Chandler asked if Hopewell Borough. Mayor Lawver stated that he did not think that it was on their radar. Mayor Lawver stated that the reason it is important for Hopewell Township to join is because they have a bunch of PSE&G customers. Mr. Marciante stated that he is sure that this opportunity will be there in 2020 even if the Borough does not commit right now. Mr. Marciante stated that he was in a consortium previously and then it went bad because you have to pay attention to the small print. Mr. Marciante asked what happens if they go out to bid and when the bid come back it is higher than PSE&G. Mayor Lawver stated that is the advantage to the cooperative is that what just happened to Mr. Marciante as an individual does not happen in this scenario. Mr. Marciante stated that PSE&G made him wait a month before they took him back. Mayor Lawver stated that when the contract runs out, the consultants will go out to bid for a new contract that will become effective at the end of the previous contract. Mr. Marciante stated that he asked that when the consultants came to a Council meeting and he was told there is a month lag. Mr. Bliss stated that the lag is just until the next meter reading which is the reason for the gap. Mayor Lawver stated that the consultant is watching the rates and then at the end of the contract and they are the ones that go out to bid for the rates and if the bid prices are not less than PSE&G, they would just put everyone back on PSE&G for the next cycle until they can go back out to bid again. Mayor Lawver stated that the advantage is that the individual does not have to watch the rates to make certain that you are paying the lower rate. Mayor Lawver stated that there would be no opt out required because if the rates were higher than PSE&G, they would take care of it. Mayor Lawver stated that this is an opt-out program not an opt-in program and he knows of two people who have indicated that they want to opt out from the beginning. Mayor Lawver stated that in the beginning residents will have to do something in order to opt-out. Mrs. Chandler stated that she thought that this was an opt-in program. Mrs. Heinzl stated that part of what the consultant will be doing is administering the program, sending letters to everyone and making sure that everyone is informed. Mrs. Heinzl stated that

there will be two letters giving the opportunity to opt-out. Mrs. Chandler stated that she has solar energy so how would she find out what the negotiated rate is. Mayor Lawver stated that there are some caveats pertaining to alternate power providers. Mayor Lawver stated that Mrs. Chandler would not be included in the plan because she has solar and wind power and nothing will change for her. Mr. Bliss stated that notices are required to be sent out, it is the Borough’s obligation to do it, but the consultant assumes that responsibility for the Borough, at their expense. Mr. Bliss stated that everyone will receive a notice whether they have PSE&G or alternate power sources and they will have to opt out. Mr. Bliss stated that only residents that are being serviced by a third party supplier will be excluded from noticing. Mr. Marciante stated that what happens if someone with a third party provider wants to get in on the reduced PSE&G rates. Mayor Lawver stated that will figure that out later. Mr. Bliss stated that under the current language anyone can opt-in.

Mr. Bliss stated that this resolution covers the approval of all three agreements subject to approval by the Borough Attorney as to both form and compliance with the Local Public Contracts Law because there are still some technical issues that must be resolved before the agreements are signed but approval of the resolution will prevent further delay. Upon a roll call vote all members present voted in favor of Resolution 2019-12.6.

**BOROUGH OF PENNINGTON
RESOLUTION #2019-12.7**

**RESOLUTION AUTHORIZING CONTRACT WITH CITY
CONNECTIONS, LLC**

WHEREAS, the Borough of Pennington has been working on redevelopment of the current website hosted by City Connections, LLC; and

WHEREAS, the website redevelopment committee solicited proposals from three vendors and has decided to award a contract to CivicPlus, Inc.; and

WHEREAS, the Borough of Pennington desires to maintain the current website while the new website is being redeveloped; and

WHEREAS, the anticipated date for launching the new website is May of 2020; and

WHEREAS, City Connections, LLC has submitted a quote in the amount of \$1,700.00 to maintain the current website for six months, January to June of 2020; and

WHEREAS, the Borough seeks to enter into contract with City Connections, LLC of Hazlet, New Jersey (“City Connections”) for provision of these services from January to June of 2020;

WHEREAS, the form of proposed contract entitled WebPage Development Agreement, is attached to this Resolution;

WHEREAS, the total fee for services under the Agreement shall not exceed \$1,700.00 without the prior written approval of Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract in account #: 9-01-20-100-000-250;

WHEREAS, City Connections shall comply with all applicable Anti-Discrimination and Affirmative Action laws as set forth in the annexed Exhibit A;

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 execute the aforesaid WebPage Development Agreement with City Connections on behalf of the Borough.

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 2019-12.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.8**

**RESOLUTION AUTHORIZING CANCELLATION OF
TAX BALANCES UNDER \$10.00**

WHEREAS, the Tax Collector has requested permission to cancel certain balances existing for current year taxes and water/sewer bills; and

WHEREAS, N.J.S.A. 40A:5-17.1 states that the governing body may appoint any official to cancel tax refunds and delinquencies under \$10.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington that the Chief Financial Officer/Tax Collector is hereby authorized to cancel tax and utility balances under \$10.00.

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 2019-12.8, second by Council Member Chandler with all members present voting in favor.

Mayor Lawver asked that Resolutions 2019-12.9 and 2019-12.10 be considered as a consent agenda. Council Member Marciante made a motion to approve Resolution 2019-9 and 2019-10, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.9**

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RECONSTRUCTION OF BURD STREET – NJDOT FY2017 – MUNICIPAL AID – (VNHA #43334-500-71)

WHEREAS, the Borough Council of the Borough of Pennington authorized advertisement for bids for the project known as Burd Street Reconstruction from Station 16+62 to Station 25 +75– NJDOT FY2017 – Municipal Aid (VNHA #43334-500-71);

WHEREAS, on November 14, 2019 the Borough received four bids for the project;

WHEREAS, the base bid of Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 in the amount of \$295,148.57, is the lowest responsible bid;

WHEREAS, the Add Alternate bids of Top Line Construction Corp. are also the lowest responsible bids and its bid under Deduct Alternate 1 was the most favorable as well;

WHEREAS, the Borough Engineer has reviewed the bid and its conformity with bid specifications as well as the bidder’s experience and ability to perform the work;

WHEREAS, the Borough Engineer has advised that the base bid of Top Line Construction Corp. is within the Borough’s budget for the project while the base bid combined with the add alternates is not;

WHEREAS, the Borough Engineer has advised that the Borough award the base contract to Top Line Construction Corp. for the base-bid amount of \$295,148.57; subject to concurrence by the New Jersey Department of Transportation;

WHEREAS, the Borough Engineer has further advised that the Borough consider also awarding to Top Line Construction Corp Add Alternate #2, for the replanting of trees in the project area, subject to certification of available funds for this purpose from the Borough’s Shade Tree budget;

WHEREAS, a summary of the bids is available in the office of the Borough Clerk;

WHEREAS, the Chief Financial Officer of the Borough has certified that Funds for the base project are available in account #G-02-44-964-000-250;

WHEREAS, the Chief Financial Officer of the Borough further certifies that the Funds for Add Alternate #2 are available in Shade Tree Budget Purchase of Trees, account # 9-01-26-313-000-265;

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

1. The contract entitled “Burd Street – NJDOT FY2017 – Municipal Aid” is hereby awarded to Top Line Construction Corp. for the total base bid amount of \$295,148.57, payable from account # G-02-44-964-000-250, subject to approval by the State Department of Transportation, together with Add Alternate #2 for the replanting of trees in the project area, in the amount of \$6,826.71payable from Shade Tree Budget Purchase of Trees, account # 9-01-26-313-000-265, for a total contract price of \$301,975.28;
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the said contract for the base project and Add Alternate #2 on behalf of the Borough upon approval of same by the Department of Transportation and the contractor’s submission of documents required to be submitted and approved prior to contract execution.

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	X				Mills	S			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.10**

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RECONSTRUCTION OF ABEY DRIVE AND KINGS COURT - NJDOT FY2018 – MUNICIPAL AID – (VNHA #43671-510-71)

WHEREAS, the Borough Council of the Borough of Pennington authorized advertisement for bids for the project known as Reconstruction of Abey Drive and Kings Court – NJDOT FY2018 – Municipal Aid (VNHA #43671-510-71);

WHEREAS, on November 14, 2019 the Borough received four bids for the project;

WHEREAS, the base bid of Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 in the amount of \$508,157.10, is the lowest responsible base bid;

WHEREAS, the Add Alternate #1 bid of Top Line Construction Corp in the amount of \$53,260 is also the lowest responsible bid and Top Line’s bid under Deduct Alternate #1 is the most favorable as well;

WHEREAS, the Borough Engineer has reviewed the bid and its conformity with bid specifications as well as the bidder’s experience and ability to perform the work;

WHEREAS, the Borough Engineer has recommended that the Borough award the contract to Top Line Construction Corp. for the base contract and Alternate #1, in the total amount of \$561,417.10, subject to concurrence by the New Jersey Department of Transportation;

WHEREAS, a summary of the bids is available in the office of the Borough Clerk;

WHEREAS, the Chief Financial Officer of the Borough has certified that Funds are available for the project in account #G-02-44-968-000-250;

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

1. The contract entitled “Reconstruction of Abey Drive and Kings Court – NJDOT FY2018 – Municipal Aid” is hereby awarded to Top Line Construction Corp. for the base contract and Add Alternate #1 in the total bid amount of \$561,417.10, subject to approval by the State Department of Transportation.
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the said contract on behalf of the Borough upon approval of same by the Department of Transportation and the contractor’s submission of documents required to be submitted and approved prior to contract execution.

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			

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.11**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO GEORGE KOUSTAS
PAINTING & CONSTRUCTION FOR WORK COMPLETED
ON THE READING STREET SENIOR CENTER**

WHEREAS, George Koustas Painting & Construction has completed work pursuant to the contract for the repairs and improvements to the Reading Street Senior Center; and

WHEREAS, Hopewell Township Engineer Mark Kataryniak has reviewed George Koustas Painting & Construction’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 1 in the amount of \$59,850.00 less 2% retainage in the amount of \$1,197.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #: C-04-18-014-000-250 (Ordinance 2018-14);

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to George Koustas Painting & Construction in the amount of \$58,653.00 pursuant to payment request No.1 is hereby authorized, upon receipt of certified payrolls.

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 2019-12.11, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2019 – 12.12**

**RESOLUTION AUTHORIZING ADDITIONAL COSTS FOR SERVICES OF
BOROUGH ATTORNEY**

WHEREAS, by Resolution 2019-1.4 adopted on January 7, 2019, Borough Council appointed Walter R. Bliss, Jr. as Borough Attorney subject to a professional services agreement which provided that he be compensated for his services at the hourly rate of \$120 per hour together with reimbursement for certain out-of-pocket costs;

WHEREAS, the contract for professional services between Mr. Bliss and the Borough further provided that total fees for his legal services, including reimbursed costs, not to exceed in the aggregate \$40,000. without the prior written approval of Borough Council;

WHEREAS, fees and reimbursements paid to Mr. Bliss through July 31, 2019 total \$29,186.40;

WHEREAS, invoices submitted by Mr. Bliss for August 1 through October 31, 2019 total \$11,400.05;

WHEREAS, Mr. Bliss’ estimated fees for November and December 2019 shall not exceed \$6,000;

WHEREAS, the reasons for this cost overrun relate to unanticipated hours expended on non-routine matters, including bid preparation, dispute resolution, litigation and contract negotiation;

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2019 Legal budget line #9-01-20-155-000-261;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that an increase in the total annual expenditures for the services and expenses of the Borough Attorney are hereby authorized in the amount of \$6,600.

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 2019-12.12, second by Council Member Griffiths. Mrs. Chandler stated that she would like to thank Mr. Bliss for all his hard work. Upon a roll call vote all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.13**

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH SOCKLER REALTY SERVICES GROUP, INC. FOR REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE PROPOSED ACQUISITION OF OPEN SPACE

WHEREAS, the Borough of Pennington has adopted Ordinance 2019-10 authorizing the acquisition of a portion of Block 1003, Lot 15 on the Pennington Borough Tax Map in order to create Howe’s Arboretum; and

WHEREAS, funds are available in the Borough Open Space Fund together with anticipated Green Acres Program funding the New Jersey Department of Environmental Protection; and

WHEREAS, the Borough of Pennington desires to determine the value of such property for potential acquisition; and

WHEREAS, the Green Acres Program requires that when the anticipated property value is less than \$250,000, one appraiser must be hired from the Green Acres list of approved appraisers; and

WHEREAS, Sockler Realty Services Group, Inc. is on the Green Acres List of approved appraisers; and

WHEREAS, the Borough seeks to retain for this purpose the professional services of Sockler Realty Services Group, Inc., which submitted a proposal for appraisal services in accordance with appraisal guidelines of the Green Acres Program;

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., a contract for professional services of the kind authorized herein is not subject to public bidding;

WHEREAS, prior to entering into the contract, Sockler Realty Services Group, Inc. shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

WHEREAS, funds are available in the Open Space Trust Fund, T-03-00-850-850-255;

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

- 1. The Mayor and Borough Clerk are hereby authorized to enter into the attached professional services contract with Sockler Realty Services Group, Inc. for appraisal services for a portion of Block 1003, Lot 15 as shown on the Pennington Borough tax map, subject to approval by the Borough Attorney as to form.
- 2. The scope of services shall include all appraisal services as described in the attached proposal from Sockler Realty Services Group, Inc.
- 3. The maximum authorized cost for these services is \$ 2,500.00.

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 2019-12.13, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 12.14**

RESOLUTION TO REQUEST AMENDMENT OF THE 2019 ADOPTED BUDGET (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR 2019 – NJDOT MUNICIPAL AID PROGRAM – FISCAL YEAR 2020 – IMPROVEMENTS TO EAST WELLING AVENUE

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 \$610,000.00 from the NJDOT – Municipal Aid Program – Fiscal Year 2020 – Improvements to East Welling Avenue; 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 \$610,000.00, which is now available as revenue from:

NJDOT – Municipal Aid Program – Fiscal Year 2020 – Improvements to East Welling Avenue

BE IT FURTHER RESOLVED that a like sum of \$610,000.00 be and the same is hereby appropriated under the caption of:

NJDOT – Municipal Aid Program – Fiscal Year 2020 – Improvements to East Welling Avenue

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				Marciante	M			
Gnatt	X				Mills	X			
Griffiths	X				Sample	X			

Council Member Marciante made a motion to approve Resolution 2019-12.14, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.15**

**RESOLUTION AUTHORIZING SUBMISSION OF
MUNICIPAL ALLIANCE STRAGETIC PLAN**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has established a Municipal Alliance Committee; and,

WHEREAS, Pennington Borough further recognizes that it is incumbent upon not only public officials but also upon the entire community to take action to prevent alcoholism and drug abuse in its community; and,

WHEREAS, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance for budget year of July 1, 2020 to June 30, 2021 in the amount of:

DEDR	\$25,334.00
Cash Match	\$18,800.00*
In-Kind	\$19,000.00

*Hopewell Township: \$14,960.00, **Pennington Borough \$1,500.00**, Hopewell Borough \$2,340.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit 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 2019-12.16, second by Council Member Mills. Mayor Lawver stated that he has a comment on this resolution. Mayor Lawver stated that this happens every year, but what is different this year is that Heide Kahme and the Municipal Alliance with the backing of Hopewell Township have asked for double the amount for Pennington Borough’s contribution from \$1,500 to \$3,000 per year. Mayor Lawver stated that this was just sprung on him today and he would like to suggest that the resolution be modified to reflect that Pennington Borough is only in this for \$1,500.00. Mayor Lawver stated as we learn more about the request and what will be done with the extra time then we can figure out if we want to double the Borough contribution. Mayor Lawver stated that he did talk to the Mayor of Hopewell Township to let her know that because of the lack of communication, this would be the outcome of the resolution. Mr. Griffiths asked what is really done with the money. Mr. Griffiths stated that he attended a meeting of the Municipal Alliance and learned nothing about what they actually do. Mayor Lawver stated that the Municipal Alliance drug and alcohol awareness programs, mental health awareness programs and other programs and gets them out into the community primarily through the school district. Mayor Lawver stated that Heide Kahme does a fantastic job and it the Municipal Alliance world she is recognized as the best in Mercer County and one of the best in the State. Mayor Lawver stated that he is not comfortable signing on for double the usual amount without further conversation. Mrs. Chandler stated that this is something that the Health Department discusses a lot. After some further discussion, the resolution was amended to reflect a payment of \$1,500 from Pennington Borough. Upon a roll call vote all members present voted in favor of the resolution as amended.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 12.16**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on October 25, 2018, a lien was sold on Block 701, Lot 14, also known as 334 Hale Street, Pennington, NJ, for 2017 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-00002, was sold to Vasyl or Maria Kavatsiuk, for 0%, redemption fee and a \$40,100.00 premium: and,

WHEREAS, Ulf & Denise Hansson, 334 Hale Street, Pennington, NJ 08534, has effected redemption of Certificate #17-00002 in the amount of \$47,316.71.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$47,316.71, payable to Vasyl or Maria Kavatsiuk, 449 Mountain Avenue, Berkeley Heights, NY 07922 for the redemption of Tax Sale Certificate #17-00002.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$40,100.00 (Premium) to the aforementioned lienholder.

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	S				Mills	X			
Griffiths	M				Semple	X			

Council Member Griffiths made a motion to approve Resolution 2019-12.16, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019-12.17**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VAN
NOTE-HARVEY ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH
RENOVATIONS TO PENNINGTON BOROUGH HALL PROJECT**

WHEREAS, certain professional engineering services are required in connections with proposed renovations to Pennington Borough Hall;

WHEREAS, the required services include preparation of certain of the contract documents for use in public bidding of construction, a limited existing conditions survey and preparation of an existing conditions plan for the project area, a boundary survey locating the existing rear property line for installation of a new generator, preparation of bid documents for purchase of equipment and administration of that aspect of the bidding, preparation of plans for the proposed generator and related site plan, and detailed ground topographic survey if needed;

WHEREAS, the needed engineering services will have to be coordinated with architectural services for the project and ongoing collaboration between the engineer and the architect will be required;

WHEREAS, Van Note-Harvey Associates has submitted a proposal for these services as set forth in the attached letter from Brandon M. Fetzer, P.E., Senior Project Manager, to Eileen M. Heinzl, Borough Administrator, dated October 18, 2019 (revised November 27, 2019) (“Engineering Proposal”);

WHEREAS, the attached Engineering Proposal includes a breakdown of fees as set forth on the final page of the Proposal, totaling \$28,000.00 if all options be selected;

WHEREAS, this contract for professional services is not subject to public bidding under the Local Public Contracts Law;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the awarding of this contract in the General Capital Fund under Ordinance 2017-14;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a contract with Van Note–Harvey Associates on the terms described in the attached Engineering Proposal and in a form approved by the Borough Attorney, for a total contract amount not to exceed \$28,000.00 for all of the described services.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2019-12. 17, second by Council Member Marciante. Mayor Lawver explained that the first two items are generic items that are part of the building renovation and would need to be done anyway, the second piece is the installation of generator and those are funds that will have to be spent if all of the issues surrounding the generator are resolved. Upon a roll call vote all members present voted in favor.

Professional Reports

Mrs. Heinzl reported that the contractor for the Senior Center should be done by December 6th with the interior work, there will still be some exterior work that would need to be completed. Mrs. Heinzl reviewed the improvements that have been completed and the couple of items that still need to be finished. Mrs. Heinzl stated that Senior Center programming has been moved to the fire house temporarily so that the contractor was able to complete the interior work. Mrs. Heinzl stated that the fire house has been great and she would like to thank them for their help with this project. Mrs. Heinzl stated that when the bids were received there was an add/alternate for installation of the ceiling tiles. Mrs. Heinzl stated that the ceiling tiles were purchased under the contract but the alternate bid amount was declined because the cost was very high. Mrs. Heinzl stated that she went back to the contractor to ask for a cost now that they have done the work and the price they provided totaled about \$9,000 just for installation. Mr. Smith stated that there about 300 ceiling tiles to install. Mayor Lawver stated that \$9,000 is too high so Mr. Smith is going to look at the ceilings tomorrow with Ken Smith of Public Works to see if this is something that our Public Works Department could take on. Mayor Lawver stated that he will also reach out to Hopewell Township and Hopewell Borough to see if they are interested in doing the work. Mrs. Heinzl stated that Public Works has a lot on their plates already. Mr. Smith stated that it is not just dropping tiles in, there are sensors and lights that need to be worked around. Mr. Marciante stated that he does not think that Public Works should take this on. Mr. Marciante suggested getting another price from another contractor. Mayor Lawver stated that we do not need to decide this tonight. Mr. Griffiths stated that he did not think that our Public Works Department should do this work.

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 8:18 PM, with no further business to come before Council, Mr. Marciante made a motion to adjourn, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk