

**Pennington Borough Council  
Regular Meeting – April 6, 2020**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:12 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance. Mr. Griffiths was having difficulty with his audio so at times we could not hear his response.

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

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

**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 Appointments**

Mayor Lawver stated that he has been overwhelmed and impressed with the way that the Borough staff has handled the COVID19 pandemic situation. Mayor Lawver stated that the situation is ever changing and every time a new curveball is thrown someone steps up and knocks it out of the park. Mayor Lawver stated that he appreciates the good spirit that everyone has expressed to do what is right and what we can for the residents of the town.

Mayor Lawver stated that one person in particular is Public Safety Director Bill Meytrott. Mr. Lawver stated that Mr. Meytrott has tendered his resignation effective May 1<sup>st</sup>. Mayor Lawver stated that the Borough has made certain that Mr. Meytrott will be available to the Borough as we move through this and Bill and Doug Pinelli have been working together to make sure that the Department will be in good hands when he goes. Mayor Lawver stated that there will be an application process coming. Mayor Lawver stated that a celebration of Bill's service to Pennington was planned for the Volunteer reception which has been cancelled, so once we get through the COVID19 situation, we will invite Bill back to recognize his service to the Borough.

Mr. Meytrott thanked Mayor Lawver and current Council Members as well as past Mayor's and Council for all of their support. Mr. Meytrott also thanked Borough staff members current and past. Mr. Meytrott stated that everyone he has worked with these last twenty-two years have made this a very pleasurable second career for him.

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the February 3, 2020 and March 2, 2020 Regular Meetings, second by Council Member Marciante with all members present voting in favor.

**Committee Reports**

**Planning & Zoning / Open Space / Personnel** – Mrs. Gnatt stated that the Planning Board met March 11, Cara Lautsis was welcomed as a regular member from her alternate position and Seung Kwak was welcomed as a new alternate member. Mrs. Gnatt stated that the Board reviewed their bylaws.

Mrs. Gnatt has no report for Open Space.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler stated that Public Safety met to review the transition from Director to Chief of Police, a job description has been written and criteria has been outlined. Mrs. Chandler stated that the position will be posted this week.

Mrs. Chandler stated that the Environmental Commission did not meet and the Economic Development Commission did not meet however the EDC is very concerned about local businesses in town. Mrs. Chandler reported that they are working with the Library to reach out to businesses. Mrs. Chandler reported that a banner was purchased to encourage residents to support local businesses and yard signs were also purchased and will be placed throughout the Borough. Mrs. Chandler stated that they are working on a link for the Borough Website so residents can easily find out what businesses are open, their

hours and any other pertinent information.

**Public Works** – Mr. Marciante stated that the Public Works Committee met to discuss extra funds in the grant for Burd Street and the grant for Abey Drive and Kings Court and how best to maximize the grant funds that were awarded. Mr. Marciante stated that there will be two change orders on for approval later in the meeting.

**Historic Preservation / Library** – Mrs. Mills stated that she has no report for Historic Preservation. Mr.s Mills stated that the Library Board meeting for March was cancelled but they will be meeting in April via Zoom.

Mrs. Mills stated that the Library is continuing with spring programming. Mrs. Mills reviewed upcoming programs that are on the Library schedule.

Mayor Lawver stated that Historic Preservation did meet to discuss an application on East Delaware. Mrs. Chandler reported on the application. Mrs. Chandler stated that the project went before the commission before and they came back with modifications requested at the last meeting and the application was approved.

**Parks and Recreation / Shade Tree** – Ms. Semple stated that the Shade Tree Committee has requested additional funds in the budget for this year. Ms. Semple stated that they are also working with public works regarding placement of trees on Burd Street.

Ms. Semple stated that she and Mayor Lawver met with Brett Margulis and they are looking to set up a tour of the parks to discuss playground equipment replacement but that had to be canceled due to the state of emergency we are in now.

Mayor Lawver stated that he has been contacted by a resident about a virtual Easter Egg Hunt and the Easter Bunny driving through town on the Saturday before Easter. Mayor Lawver stated that the Borough will provide a police escort for the event. Mr. Meytrott stated that Doug Pinelli is working on coordinating the event.

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

**Finance / Board of Health** – Mr. Griffiths was having audio problems so Mayor Lawver moved on to Council Discussion.

### **COUNCIL DISCUSSION**

**Board of Health Accreditation** - Mr. Lawver reported that Montgomery Township recently received National Accreditation which is a very big deal because not many small municipalities are able to qualify for accreditation. Mayor Lawver commended Montgomery Township Health Department for keeping the Borough updated on the COVID19 details.

**Tax Collector Report** – Ms. Sterling stated that this is a requirement for the Tax Collector and if anyone had questions she would try to answer them or get an answer from the Tax Collector. There were no questions.

Mrs. Chandler announced that the Pennington School closed the tennis courts due to the Corona virus. Mayor Lawver stated that the tennis courts have been packed, but signs and locks have now been put out. Mr. Marciante stated that only the track is open for use at the Pennington School.

**Finance / Board of Health** – Mr. Griffiths was having difficulty getting his audio to work for his report. Mrs. Heinzl attempted to call Mr. Griffiths. Mr. Griffiths had to log off and reconnect.

Mr. Griffiths gave an overview of the 2020 budget. Mr. Griffiths stated that the proposed budget calls for a 2.26% tax rate increase which will generate a 7% overall increase in revenue over last year. Mr. Griffiths stated that this increase is being generated primarily through property tax valuations including the addition of American Properties. Mr. Griffiths stated that the surplus has declined due to squeezing the appropriations over the past several years to the point where we have hit the bottom. Mr. Griffiths stated that we need to increase our surplus over the coming years in order to maintain our credit rating and avoid any comments on the audit. Mr. Griffiths stated that this budget utilizes 69 percent of surplus which is down from last year. Mr. Griffiths briefly went over the debt service plan for the next couple years. Mr. Griffiths stated that new debt for 2020 and 2021 will include building renovations and an automated garbage truck. Mr. Griffiths stated that road repair projects need to be planned so that no additional funds are needed from capital which means we need to work within grant awards.

Mr. Griffiths reported that he wanted to thank the Montgomery Health Department and State Health Commissioner Judy Persichilli for their work during this crisis. Mr. Griffiths also congratulated Montgomery Health Department for their National Accreditation. Mr. Griffiths gave some statistics on COVID19 cases reported in the Hopewell Valley and other municipalities covered under Montgomery Township Health Department. Mr. Griffiths reviewed guidelines for practicing safety during this crisis including the need to continue social distancing and wearing face masks when out in public. Mr. Griffiths

reviewed some information that is out in the public regarding treatments that are actually more harmful in treating the Corona Virus. Mr. Griffiths encouraged members of Council not to engage in conversations regarding treatments.

Mayor Lawver stated that all inquiries to Council Members should be referred to the Montgomery Township Health Department or the CDC website or the State Health Department.

#### **ORDINANCES FOR INTRODUCTION**

Mayor Lawver read Ordinance 2020-5 by title.

#### **BOROUGH OF PENNINGTON ORDINANCE # 2020-5**

#### **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$93,896.40 said amount being \$26,827.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2020 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Chandler made a motion to introduce Ordinance 2020-5, second by Council Member Griffiths with all members present voting in favor.

Mayor Lawver read Ordinance 2020-6 by title.

#### **BOROUGH OF PENNINGTON ORDINANCE #2020 – 6**

#### **AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2020**

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

**SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION**

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

Borough Administrator	\$84,781.79
Borough Clerk	\$44,291.76
Assistant Chief Financial Officer	\$75,674.18
Tax Collector	\$85.53/ hour
Utility Collector	\$30,600.00
Technical Assistant to Construction	\$25.50/hour
Tax Assessor	\$13,513.96
Zoning Officer	\$9,145.22
Land Use Admin/Admin Asst.	\$53,301.77
Deputy Registrar	\$2,303.19
Supt. of Public Works	\$85,579.66
Licensed Water Operator	\$47,754.36
Assistant to Superintendent of Public Works	\$15.30/hour
Judge of Municipal Court	\$12,848.53
Court Administrator	\$17,850.00
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300. 00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Public Safety Director	\$58,087.46
Administrative Assistant	\$15.00/hour
Construction Official	\$28,373.53
Plumbing Sub-Code	\$41.98/ hour
Fire Sub-Code	\$42.61/ hour
Electric Sub-Code	\$41.14/ hour

- b. One person may serve in more than one office or position of employment as listed in Section a hereof.
- c. The amounts shown in Section a. hereof are the maximum amounts to be paid, however, at the discretion of Borough Council, lesser amounts can be paid.
- d. The rate of compensation of each employee, paid on an hourly basis is as follows:

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

**SECTION II: Employee/Personnel Manual.**

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

**SECTION III:**

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

**SECTION IV:**

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

**SECTION V:**

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2020.

Council Member Chandler made a motion to introduce Ordinance 2020-6, second by Council Member Griffiths with all members present voting in favor.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

Mayor Lawver read Ordinance 2020-1 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020-1**

**ORDINANCE AMENDING SECTION 6(b) OF BOND ORDINANCE NUMBERED 2017-14 OF THE  
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY  
ADOPTED SEPTEMBER 5, 2017, IN ORDER TO AMEND THE USEFUL LIFE OF THE PROJECT**

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

Section One. Section 6(b) of Bond Ordinance numbered 2017-14 of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), finally adopted September 5, 2017, is hereby amended to change the useful life of the project to read as follows:

"(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years."

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2020-1, second by Council Member Mills. Mr. Dan Pace of Railroad Place asked what this Ordinance is for. Mayor Lawver stated that this will extend the useful life of the Borough Hall Renovation Ordinance from ten to fifteen years. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-1, second by Council Member Gantt with all members present voting in favor.

Mayor Lawver read Ordinance 2020-2 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020-2**

**AN ORDINANCE PHASING OUT-THE USE OF SINGLE-USE  
PLASTIC BAGS IN THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Borough of Pennington is increasingly concerned about the adverse environmental consequences of the use of single use plastic carryout bags, provided by businesses and stores.

**WHEREAS**, it is beyond dispute that the use of single-use, plastic carryout bags, have a severe and negative impact on the local and global environment.

**WHEREAS**, single use plastic carryout bags are a preventable source of litter and pollution and studies have documented that the banning of single use plastic carryout bags will dramatically reduce the use

of single use plastic carryout bags and increase the use of reusable bags; and

**WHEREAS**, Borough Council finds that the reduction in the use of single use plastic carryout bags by businesses and stores in the Borough would be a public benefit and the Borough desires to reduce the number of such single-use, plastic carryout bags that are being used, discarded and left littering the Borough and to promote the use of reusable carry out bags and recyclable paper bags at businesses and stores located within the Borough;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington in the County of Mercer, that Chapter 127 of the Code of the Borough of Pennington concerning littering, is amended as follows:

Section 127-3

Definitions. The following words, phrases and terms as used in this chapter are hereby defined for the purpose thereof as follows.

*Business or Store.* Any retail establishment that engages in the retail sale of goods, products and personal services. The definition includes, but is not limited to, pharmacies, convenience stores, antique and general merchandise stores, dry cleaners, food service establishments, health and dental services, nail and hair services.

*Customer.* Any person purchasing goods or services from a store.

*Food Service Establishment.* Any establishment that serves made-to-order food or beverages for dine-in, takeout, or delivery.

*Goods and Products.* Items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, beverages, merchandise, books, clothing, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

*Operator.* The person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.

*Personal Service Establishment.* Any establishment that provides services involving the care of a person or his or her personal needs or apparel including but not limited to: dental services, health services, nail and/or hair care services.

*Retail.* The sale of goods and products for use and/or consumption.

*Reusable Bag.* A bag made of cloth or other washable and sewn together material with handles that is specifically designed and manufactured for multiple reuses and meets all of the following additional requirements:

- 1) It has a minimum lifetime of 125 uses;
- 2) It can carry a minimum of 22 pounds;
- 3) It is machine-washable or is made from material that can be cleaned or disinfected.

*Single-use plastic carryout bag.* A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term single-use plastic carryout bag does not include reusable bags. Such bags do not include the following:

- A bag provided by a pharmacy to a customer purchasing a prescription medicines that are intended to separate such items in order to reduce contamination or maintain cleanliness.
- A non-handled bag used to prevent a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic bag.
- A bag provided to contain an unwrapped food item.
- A non-handled bag that is designed to be placed over articles of clothing on a hanger.

*Recyclable.* Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.

*Recyclable paper carryout bag.* A paper bag (of any size) that is one hundred percent (100%) recyclable, is capable of composting and is accepted for recycling in curbside programs in the Borough. It displays the words "recyclable" on the outside of the bag.

**Section 127-4**

**Education regarding phase out of single-use, plastic carryout bags.**

Beginning with the effective date of this Ordinance, and lasting for a period of no less than six (6) months, Pennington Borough shall develop an education and outreach program to encourage the transition from single-use plastic carryout bags to alternatives including reusable bags (hereafter the "Education Period"). The Borough shall work with area nonprofits and education groups to develop and implement a plan to build public awareness among area businesses and create education materials for voluntary use by businesses in educating customers at point of sale locations. The Environmental Commission is hereby tasked with implementing such program and reporting back to Council on the results. The Education Period may be extended by Council for such period and with such conditions as it deems necessary.

**Section 127-5**

**Regulation of single-use, plastic carryout bags.** Beginning on the date six months from the effective date of this Ordinance (hereafter, the Enforcement period), no business or store shall provide any single-use, plastic carryout bags to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this chapter.

**Section 127-6**

**Permitted bags.** During the Enforcement Period, all businesses and stores that elect to provide carryout bags to a customer for the purpose of carrying away goods or other material from the point of sale, subject to the terms of this chapter, shall provide or make available to a customer only recyclable paper carryout bags or reusable bags as defined in this ordinance. Nothing in this chapter prohibits customers from using bags of any type which the customer may bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

**Section 127-7**

**Exemptions.** The Borough Council may approve, with the concurrence of the Environmental Commission, a request for an exemption from the requirements of this chapter by any operator of a business or store which can establish that it has no viable alternative to use of single-use plastic bags in its business or that enforcement of the requirements will otherwise cause it financial hardship. Any such exemption may be limited in duration and subject to other conditions consistent with the purposes of this chapter.

**Section 127-8**

**Enforcement and Violations.** After commencement of the Enforcement Period, the Borough Administrator is hereby authorized to make all rules and regulations and take all administrative measures as may be reasonable and necessary to enforce the provisions of this chapter, subject to approval by the Pennington Borough Council. The Borough may request the assistance and cooperation of the Pennington Borough Police Department to assist in the discharge of these duties, including the issuance of summonses as may be necessary.

Enforcement authority includes the authority to investigate all reported or apparent violations of any of the provisions of this chapter. If a violation is determined to exist, the Borough will attempt to obtain voluntary compliance for a period of no less than thirty (30) days. If following such period, compliance with this Ordinance has not been achieved to the satisfaction of the Borough, a notice of violation shall be issued by the Borough, followed by a summons in accordance with this section

**Section 127-9**

**Fines.** Any business violating any provisions of this ordinance shall be liable as follows:

- a. For the first violation, a fine of not less than \$50.00
- b. For a second violation, a fine of not less than \$100.00
- c. For a third violation, a fine of not less than \$150.00
- d. For a fourth and each additional violation thereafter, a fine of not less than \$250.00

Each violation of the provisions of this section for which a summons has been issued shall be deemed to be a separate violation hereof.

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2020-2, second by Council Member Gnatt. Mayor Lawver stated that Council would like to carry the Public Hearing on this ordinance to the May meeting. Mr. Bliss stated that the hearing can be carried by motion on second as long as the new date is indicated in the motion. Mayor Lawver stated that he did not think that the May meeting would be held face to face, more than likely it will be another ZOOM meeting. Mr. Bliss stated that if the intention is to carry more than one month, then the Ordinance should be re-advertised and re-introduced. Mrs. Chandler stated that there is an education period that will delay the enforcement of the ordinance. Mrs. Gnatt stated that currently some stores are not allowing carry in bags. Mayor Lawver stated that the intention is to give the public an opportunity to participate in the hearing. Council Member Chandler made a motion to continue the Public Hearing to the May 4<sup>th</sup> meeting, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver read Ordinance 2020-3 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020-3**

**BOND ORDINANCE PROVIDING FOR BURD STREET PHASE 3 IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$131,851 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$750,000, including a grant in the amount of \$618,149 from the State of New Jersey Department of Transportation (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$131,851 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Burd Street Phase 3, including, but not limited to, reconstruction, resurfacing and drainage and further including all work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the



extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$131,851, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$130,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

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

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

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2020-3, second by Council Member Mills. There were no comments from the public. Council Member Gnatt made a motion to close the Public Hearing on Ordinance 2020-3, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-3, second by Council Member Gnatt with all member present voting in favor.

Mayor Lawver read Ordinance 2020-4 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020-4**

**AN ORDINANCE CONCERNING PARKING AND AMENDING CHAPTER 200 OF THE  
BOROUGH CODE**

**WHEREAS**, upon the recommendation of the Borough Public Safety Committee, Borough Council seeks to amend Chapter 200 of the Borough Code with respect to parking in certain areas of the Borough;

**WHEREAS**, one such amendment would repeal Section 200-11.1 of the Code in its entirety, thus eliminating the restriction of parking to 15 minutes during certain hours on parts of North Main Street and West Delaware Avenue;

**WHEREAS**, a second amendment would amend Section 200-11.2 to eliminate two-hour restricted parking on Green Avenue;

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

1. Section 200-11.1 of the Code of the Borough of Pennington is hereby deleted in its entirety, as follows:

~~200-11.1. Parking restricted to 15 minutes during certain hours.~~

~~No person shall park a vehicle on any of the following streets or parts thereof for longer than 15 minutes, between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays:~~

<del>Name of Street</del>	<del>Side</del>	<del>Location</del>
<del>North Main Street</del>	<del>East</del>	<del>From 235 feet north of Delaware Avenue north a distance of 44 feet</del>
<del>North Main Street</del>	<del>West</del>	<del>From 65 feet north of Delaware Avenue north a distance of 44 feet</del>
<del>West Delaware Avenue</del>	<del>East</del>	<del>From 101 feet west of Main Street west a distance of 44 feet</del>

2. Section 200-11.2 of the Code is hereby amended (with deleted language \ crossed out, new language underlined) as follows:

200-11.2. Parking restricted to two hours during certain hours.

No person shall park a vehicle on any of the following streets or parts thereof for longer than two hours, between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Academy Avenue	South	From Burd Street to Crawley Avenue
Burd Street	East	From 145 feet south of West Delaware Avenue to 370 feet north of Academy Avenue and from Academy Avenue south to Laning Avenue
<del>Green Avenue</del>	<del>East</del>	<del>From Delaware Avenue a distance of 100 feet</del>
West Delaware Avenue	North	From 60 feet west of Main Street west a distance of 24 feet, which shall be reserved as parking for the handicapped, and from 145 feet west of Main Street west a distance of 515 feet

3. 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 2020-4, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2020-4, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-4, second by Council Member Gnatt with all members present voting in favor.

**2020 BUDGET INTRODUCTION**

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 4.15**

**RESOLUTION TO INTRODUCE BUDGET FOR 2020**

Section 1.

Municipal Budget of the Borough of Pennington, County of Mercer for the Fiscal Year 2020.

**BE IT RESOLVED**, that the attached statement of revenues and appropriations shall constitute the Municipal Budget for the year 2020;

**BE IT FURTHER RESOLVED**, that said Budget be published in The Hopewell Valley News in the issue of April 13, 2020.

The Governing Body of the Borough of Pennington does hereby approve the attached as the Budget for the year 2020.

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Pennington, County of Mercer, on April 6, 2020. A hearing on the Budget and Tax Resolution will be held at the Borough Hall, on May 4, 2020 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

**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				Sample	X			

Council Member Chandler made a motion to introduce the 2020 budget, second by Council Member Griffiths. Mrs. Sterling read some changes to debt service into the record, the net effect did not change the budget totals. Mayor Lawver thanked everyone involved in putting the budget together as it is a big undertaking. Upon a roll call vote, all members present voted in favor.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 4.2**

**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 \$1,364,972.18 from the following accounts:

Current	\$ 1,050,443.54
W/S Operating	\$ 76,297.22
Grant Fund	\$ 5,595.00
Animal Control Fund	\$ 24.00

Open Space	\$	8,148.10
General Capital	\$	216,786.68
Water/Sewer Capital	\$	461.00
Developer’s Escrow	\$	7,216.64
TOTAL	\$	1,364,972.18

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			

Council Member Marciante made a motion to approve Resolution 2020-4.2, second by Council Member Mills. Mayor Lawver had a few questions on the bills which were all answered. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION #2020–4.3**  
**RESOLUTION AUTHORIZING AMENDMENTS TO THE**  
**2020 TEMPORARY BUDGET**

**WHEREAS**, the 2020 Budget for the Borough of Pennington has not been adopted; and

**WHEREAS**, additional funds are necessary to meet various obligations of the Borough of Pennington;

**NOW, THEREFORE, BE IT RESOLVED**, that the following additional appropriations be made in the 2020 Temporary Budget for the Current Account.

Administration	Other Expense	\$5,000.00
Mayor and Council	Other Expense	\$ 900.00
Tax Assessor	Other Expense	\$1,000.00
Engineer	Other Expense	\$ 750.00
Planning Board	Salaries	\$4,000.00
Planning Board	Other Expense	\$2,000.00
Construction	Salaries	\$3,000.00
Construction	Other Expense	\$1,000.00
Police	Salaries	\$40,000.00
Prosecutor	Other Expense	\$4,200.00
Trash	Salaries	\$15,000.00
Trash	Other Expense	\$15,000.00
Borough Property	Salaries	\$2,000.00
Library	Salaries	\$7,000.00
Street Lights	Other Expense	\$2,000.00
Telephone	Other Expense	\$2,000.00
Gas Propane	Other Expense	\$2,500.00
Social Security	Other Expense	\$10,000.00
Court	Salaries	\$4,000.00
Total		\$121,350.00

**BE IT FURTHER RESOLVED**, that the following additional funds be appropriated for the 2020 Temporary Budget for the Water and Sewer Fund:

Water / Sewer	Salares	\$50,000.00
Water	Other Expense	\$25,000.00
TOTAL		\$75,000.00

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 2020-4.3, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION #2020- 4.4**  
  
**RESOLUTION IN SUPPORT OF PENNINGTON BOROUGH BOARD OF HEALTH**  
**RESOLUTION NO. 2020.01**

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington supports Resolution 2020-01 In Support of Expanded Deer Management Within the Borough and Across Hopewell Valley approved by the Board of Health on February 19<sup>th</sup> 2020 and attached to this resolution.

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

Council Member Chandler made a motion to approve Resolution 2020-2.4, second by Council Member Gnatt. Mayor Lawver had some concerns about authorizing robust deer management when we don’t know what that is and we have not had the infrared survey done yet. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION #2020 – 4.5**  
  
**RESOLUTION AUTHORIZING FINAL REFUND OF REDEMPTION**  
**MONIES TO OUTSIDE LIENHOLDER**

**WHEREAS**, Resolution 2019-12.16 authorized a refund of redemption monies to outside lienholder; and

**WHEREAS**, at the time of the redemption Wells Fargo still owed \$1,018.32 for penalty and interest charges paid by the Lienholder in error; and

**WHEREAS**, on March 19, 2020, Check #4179438 in the amount of \$1,018.32 was received by the Borough; and

**WHEREAS**, this lien, known as Tax Sale Certificate #17-00002, was sold to Vasyl or Maria Kavatsiuk; and

**WHEREAS**, in light of the fact that this amount should have been included in the original redemption payment to the lienholder, the Chief Financial Officer authorized the issuance of Check #16396 in the amount of \$1,018.32 on March 25, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that the payment of \$1,018.32 to Vasyl or Maria Kavatsiuk, 449 Mountain Avenue, Berkeley Heights, NJ 07922 for the final redemption of Tax Sale Certificate #17-00002, authorized by the Chief Financial Officer is hereby approved.

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

Council Member Chandler made a motion to approve Resolution 2020-4.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 4.6**

**RESOLUTION APPOINTING RICHARD SMITH AS DEPUTY EMERGENCY MANAGEMENT  
COORDINATOR**

**WHEREAS**, with permission of the State of New Jersey Office of Emergency Management, Pennington Borough entered into a joint agreement with the Township of Hopewell and the Borough of Hopewell creating a Joint Emergency Management Council, to ensure a common plan of action in the event of disasters and emergencies;

**WHEREAS**, on November 13, 2017 the Borough Council of the Borough of Pennington in order to insure the continued operation of the Emergency Management Council joined in the appointment of the Executive Coordinator of the Council as well as appointing Pennington’s Emergency Management Coordinator, Kenneth Baker; and

**WHEREAS**, Emergency Management Coordinator, Kenneth Baker in a letter dated, March 9, 2020 has recommended the appointment of Richard Smith as Deputy Emergency Management Coordinator;

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

1. Borough Public Works Superintendent, Richard Smith is hereby appointed as Deputy Emergency Management Coordinator of the Borough of Pennington to assist the Emergency Management Coordinator in performing such duties as set forth in the joint agreement for a period of three years (3) years effective March 9, 2020 and continuing thereafter until his successor is appointed and qualified.
2. That the Borough Clerk shall forward a copy of this resolution to the State of New Jersey Office of Emergency Management.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2020-4.6, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver asked Council to consider Resolutions 2020-4.7 and 2020-4.8 as a consent agenda.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 4.7**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO  
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN  
2020**

**WHEREAS**, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

**WHEREAS**, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

**WHEREAS**, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

**WHEREAS**, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Café, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 3 tables and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:
  - A. The tables and chairs shall be arranged as shown on the attached sketch.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.

G. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates outdoor dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2020.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 4.8**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO  
MAINTAIN A TEMPORARY OUTDOOR  
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2020**

**WHEREAS**, Egnazio (Nat) Casano is the owner of Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

**WHEREAS**, Mr. Casano has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 4 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 8 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

**WHEREAS**, Borough Council finds that the availability of outdoor dining contributes to the vitality

of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

**WHEREAS**, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito’s Pizza is hereby granted permission to locate up to 6 tables and 24 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 4 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 8 chairs on the Delaware side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Egnazio Casano and Vito’s Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

G. The outdoor dining area approved by this resolution shall not operate until Mr. Casano and Vito’s Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

H. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates outdoor dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Mr. Casano or Vito’s Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2020.

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

Council Member Marciante made a motion to approve Resolutions 2020-4.7 and 2020-4.8, second by Council Member Gnatt with all members present voting in favor.



Mayor Lawver pulled Resolution 2020-4.9 from the agenda as it was no longer relevant.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 - 4.9**

**RESOLUTION AUTHORIZING COVID-19 TESTING FOR PENNINGTON POLICE AND OTHER  
FIRST RESPONDERS THROUGH THE CITY OF TRENTON**

**BOROUGH OF PENNINGTON  
RESOLUTION 2020-4.10**

**RESOLUTION AWARDED CONTRACT FOR NEW  
GENERATOR INSTALLATION AT BOROUGH HALL**

**WHEREAS**, Borough Council has authorized advertisement for bids for the project known as New Generator Installation at Pennington Borough Hall Project (VNHA #43829-400-71);

**WHEREAS**, bids for the Project were received on March 31, 2020 and five (5) contractors submitted bids;

**WHEREAS**, the bids have been evaluated by the Borough Engineer and the lowest responsible bidder has been identified as Innovative Electric Contracting, Inc., with a total lump sum bid of \$53,477.00;

**WHEREAS**, the Borough Engineer advises that the bid is within the budget for the Project and all required submittals are in order and in compliance with specifications, with the only potential exception that the bid proposal was signed by the Owner/President of the corporation, Shannon Leckie, who also signed in his capacity as corporate Secretary;

**WHEREAS**, the Borough Engineer recommends award of the contract to Innovative Electric Contracting, Inc. for the price bid provided the corporation confirm that the corporation’s bylaws do not prohibit signature of the bid by Shannon Leckie in his dual capacity as President and Secretary;

**WHEREAS**, the Chief Financial Officer of the Borough certifies that funds are available for the award of this contract through Ordinance 2016-3 and Ordinance 2017-14;

**WHEREAS**, the received bids are available for inspection at the office of the Borough Clerk;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that (1) the aforesaid contract for New Generator Installation at Pennington Borough Hall is hereby conditionally awarded to Innovative Electric Contracting, Inc. for a total contract price of \$53,477.00, subject to the aforesaid confirmation that corporate by-laws do not prohibit the corporate president from signing the bid in his dual capacity; and (2) upon receipt of such confirmation, the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the aforesaid contract 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	M				Marciante	X			
Gnatt	S				Mills	X			
Griffiths	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-4.10, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver asked Council to consider Resolutions 2020-4.11 and 2020-4.12 as a consent agenda.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 4.11**

**RESOLUTION AUTHORIZING CHANGE ORDER  
NO. 1 TO INCLUDE THE ADDITION OF NEW CURBING AND SIDEWALK - ADD ALTERNATE  
#2 - IMPROVEMENTS TO BURD STREET PROJECT**

**WHEREAS**, Van Note Harvey Associates has recommended a certain Change Order No. 1 with regard to the Contract between the Borough of Pennington and Top Line Construction Corp., for the project known as Reconstruction of Burd Street – FY2017 - (VNH #: 43334-551-71) ;

**WHEREAS**, Change Order No. 1 would approve a scope change to include the addition of new curbing and accessible sidewalk ramps, shown as a part of Add Alternate #2 of the Bid Documents; and

**WHEREAS**, the net proposed adjustment would increase the Contract by \$61,792.51, producing an adjusted total contract price for the project in the amount of \$363,767.79; and

**WHEREAS**, total Municipal Aid FY 17 funding for the Reconstruction of Burd Street is currently approved in the amount of \$345,000., and the Borough understands that any amount of the final construction cost that exceeds this amount must be self-funded by the Borough;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this change order under Ordinance 2019-5;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid Change Order No. 1 adjusting the contract to include Add Alternate #2 in the amount of \$61,792.51 under the contract with Top Line Construction Corp. is hereby approved, subject to approval by the New Jersey Department of Transportation.

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 4.12**

**RESOLUTION AUTHORIZING CHANGE ORDER  
NO. 1 TO INCLUDE ADDITIONAL LENGTH - ADD ALTERNATE #1 - IMPROVEMENTS TO  
ABEY DRIVE AND KINGS COURT**

**WHEREAS**, Van Note Harvey Associates has recommended a certain Change Order No. 1 with regard to the Contract between the Borough of Pennington and Top Line Construction Corp., for the project known as Reconstruction of Abey Drive and Kings Court – FY2018 - (VNH #: 43671-551-71) ;

**WHEREAS**, Change Order No. 1 would approve a scope change to include additional length to bring the project closer to the intersection of Mallard Place in addition to the already approved work, indicated as the Base Bid and Add Alternate #1 scope of work in the Bid Documents; and

**WHEREAS**, the net proposed adjustment would increase the Contract by \$139,848.67, producing an adjusted total contract price for the project in the amount of \$701,265.77; and

**WHEREAS**, total Municipal Aid FY 18 funding for Reconstruction of Abey Drive and Kings Court is currently approved in the amount of \$693,900, with the understanding that any amount of the final construction cost that exceeds this amount must be self-funded by the Borough;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this change order under Ordinance 2019-5;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid Change Order No. 1 adjusting the contract to include Add Alternate #1 in the amount of \$139,848.67 under the contract with Top Line Construction Corp. is hereby approved, subject to approval by the New Jersey Department of Transportation.

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

Council Member Marciante made a motion to approve Resolutions 2020-4.11 and 2020-4.12, second by Council Member Gnatt. Ms. Semple stated that she is not happy with the decision for Burd Street. Mayor Lawver stated that given the current budget the Borough cannot afford to take on additional debt. Upon a roll call vote all members voted in favor.

Resolution 2020-4.13 was incorrectly listed on the agenda as a duplicate of an earlier resolution

**BOROUGH OF PENNINGTON  
RESOLUTION # 2020 – 4.14**

**RESOLUTION AUTHORIZING APPLICATION FOR  
RECYCLING TONNAGE GRANT BASED ON 2019 RECYCLING**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, this resolution, authorizing this municipality to apply for a tonnage grant based on calendar year 2019 recycling, will memorialize the commitment of this municipality to recycling and to meeting the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, this resolution must designate the individual authorized to ensure that the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of Pennington Borough that Pennington Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection;

**BE IT FURTHER RESOLVED**, that Richard Smith, a Certified Recycling Coordinator, is hereby designated to ensure that the application is properly completed and timely filed;

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**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 2020-4.14, second by Council Member Marciante. Mr. Bliss corrected a minor typo on the resolution. Upon a roll call vote all members present voting in favor.

**Professional Reports**

Mr. Meytrott thanked Mayor and Council once again.

Mr. Smith stated that he would like to acknowledge Bill as a great resource to him and a great friend and a pleasure to work with.

Ms. Sterling stated that she also would like to thank Bill for his friendship and help and she would miss him a lot.

Mr. Bliss stated that he has known Bill for twenty-two years and he admires his integrity and confidence and he thanked Bill for all the good will that he has shown to him.

Mrs. Heinzl stated that she too would like to thank Bill who has been a great asset to the Borough of Pennington.

**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.

Mr. Daniel Pace of 9 Railroad Place stated that he has also known Bill for a very long time and he would like to raise a glass to toast Bill and thank him for all of his years of service. Mr. Pace had a couple other questions about items on the website.

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

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk