

**Pennington Borough Council
Regular Meeting – May 4, 2020**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:05 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, Marcianti, 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 Heinzl, Public Works Superintendent Rick Smith, Chief Financial Officer Sandy Webb, Public Safety Director Bill Meytrott, Police Chief Doug Pinelli and Borough Attorney Walter Bliss. Health Officer Stephanie Carey and members of the Board of Health were also in attendance.

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. Mayor Lawver requested that in consideration of others, all members of the public mute their computers and raise a hand for comments.**

There were no comments from the public.

Presentations

Mayor Lawver invited Health Officer, Stephanie to give an update on the COVID 19 Pandemic. Mrs. Carey presented the latest counts for New Jersey and particularly the towns that they service including Pennington Borough. Mrs. Carey stated that there is pressure mounting to reopen the State but at this time it is not safe to do so. Mrs. Carey explained that there are three factors that will need to be met in order to reopen, first is when cases are no longer spreading widely, second is when the health care system is stronger and third is when there is robust health capacity meaning when there is enough testing available for contact tracing. Mrs. Carey stated that the takeaway for municipalities is the need for more drive through testing sites, infected people need to be isolated, everyone who has been in contact with infected people should be isolated and support residents who are quarantined by providing care packages, remote resources other support to those who are quarantined. Mrs. Carey stressed the importance of contact tracing which involves the need for one full-time contact tracer for every 6,000 residents and currently New Jersey has about 100 contract tracers now but need to be at 1,400 within a month. Mrs. Carey stated that this not cheap but it is what is needed to reopen the economy. Mrs. Carey stated that her team consists of a Public Health Nurse, School Nurses, School of Public Health Students for summer help, Retired Public Health Officials, Cross Training and re-assignment of “non-essential” staff. Mrs. Carey stated that Montgomery Township has a plan in place to hire three new employees to help with providing services to the four municipalities that they service. Mrs. Carey stated that the Health Department asks everyone to be a Courteous, Community Minded Hero and wear a mask to protect others.

Mayor Lawver asked Mrs. Carey what we can do to help long term facilities. Mrs. Carey stated that they need more equipment and more staff. Mrs. Carey stated that the Public Health Nurse is working daily to provide facilities with additional help and with emergency staffing.

A reporter from Mercer Me asked why Pennington is reporting 15 cases, but the County has different numbers. Mrs. Carey stated that it is a challenge dealing with rapidly updating data. Mrs. Carey stated that they are trying to capture probable cases meaning those that might need testing and the County might not have access to that data.

Mrs. Carey stated that statewide it is mandated that masks must be worn in stores and Montgomery Township is considering mandating masks in their parks but it is a decision for each municipality.

Mayor Lawver thanked Health Officer Carey and her team for all they are doing.

Mayor’s Business

Mayor Lawver read the following proclamation honoring Public Safety Director Bill Meytrott and his twenty-two years of service with the Pennington Police Department.

PROCLAMATION

WHEREAS; having served honorably for twenty-two years as Director of Public Safety, dedicated to the service of the residents, elected officials and employees of Pennington Borough as mentor, colleague and friend, William B. Meytrott leaves an enduring legacy to the Pennington Police Department with his retirement May 1, 2020;

WHEREAS; on April 6, 1998, William B. Meytrott, a graduate of the Hopewell Valley Central High School was appointed Director of Public Safety, a position that was established by the Pennington Borough Council upon the departure of the Chief of Police; and

WHEREAS; William B. Meytrott's decades of public service started upon his graduation from Parris Island, South Carolina in 1965 and subsequent three years of service in the United States Marine Corps and one year of active reserve service; and

WHEREAS; William B. Meytrott served with distinction in the Vietnam War, stationed outside of DaNang as a rifleman and 60mm mortar man where he was wounded in action on Hill 10 and for which he received the Purple Heart Medal; and

WHEREAS; upon his honorable discharge from the Marine Corps as L/Cpl., William B. Meytrott was appointed to the Raritan Township Police Department in 1970 and was through the years promoted to the rank of Sergeant, Captain, and in 1985 as Chief of Police of the Raritan Police Department, the largest municipal department in Hunterdon County, a position he served in with distinction until his retirement in 1995; and

WHEREAS; the many accomplishments of William B. Meytrott include his service in the Marine Corps League, Marine Corps Historical Foundation, VFW, American Legion, Military Order of Purple Heart, President of the Hunterdon County PBA, Gold Life member of the NJPBA, membership in the NJ Police Honor Legion, drug education specialist for Hunterdon Drug Awareness, counselor with the New Jersey hotline for police officers "Cop 2 Cop" program, founding service member of the Hopewell Valley Veterans' Association; and

WHEREAS; William B. Meytrott's wise and thoughtful approach will leave an indelible influence on the many boards and commissions he served, including the Pennington Planning Board, the Joint Insurance Fund, the Pennington Borough Board of Fire Commissioners, the Hopewell Valley Veterans Association, on which he served as a founding Trustee, the Hopewell Valley Municipal Alliance, and the Pennington Holiday Walk Committee; and

WHEREAS; William B. Meytrott's steady and visible presence at community events large and small, such as Pennington Day, Busy Town, the Memorial Day Parade, Toll Gate School events, and The Pennington School, serves as a model of leadership for all who have had the great honor of knowing and working with him; and

WHEREAS; William B. Meytrott was a mentor to many, offering valuable advice and guidance to them, including the many police officers who served under his leadership in the Pennington Police Department, the officers and leaders of the Hopewell Township Police Department, the colleagues with whom he served in the Borough administration, and the dozens of elected officials with whom he served so well over the twenty-two years of his tenure; and

WHEREAS, William B. Meytrott's dedication to the office he greatly enjoyed, has earned him the respect and deep appreciation of his many colleagues, constituents, neighbors, and officials at all levels of government who will miss him deeply.

NOW THEREFORE BE IT PROCLAIMED that the Mayor and Council of the Borough of Pennington, recognize and honor the long and distinguished service and many accomplishments of William B. Meytrott and extend to him the best wishes of a grateful community on this 4th day of May, 2020.

Mr. Meytrott thanked Mayor Lawver and stated for all his years in Pennington he has enjoyed working with all Mayors and Councils both past and present, the Borough staff and the many residents here and gone that make Pennington the town that it is. Mr. Meytrott stated that he is humbled by the Proclamation and he has enjoyed his twenty-two years working for the Borough.

Mayor Lawver read the following Proclamation honoring front line workers during the COVID19 pandemic.

PROCLAMATION THANKING THOSE ON THE FRONTLINES

WHEREAS, in December of 2019 a novel coronavirus outbreak began in Wuhan, China and since then has touched almost every corner of the world and has shuttered villages, towns, cities, and healthcare facilities; and

WHEREAS, more than a million people across the country and more than 118,000 people in New Jersey and 14 people in Pennington have become sickened due to this outbreak; and

WHEREAS, more than a 62,000 people across the country and more than 7,200 people in New Jersey and 3 people in Pennington have died due from the disease; and

WHEREAS, the first 1st case of Covid-19 hit the United States February 2020 and since then has transmitted throughout the Country, leaving thousands on the frontlines to combat this virus by working long hours as they assist those in need in our communities; and

WHEREAS, around the Country millions of healthcare professionals, first responders, warehouse operators, truck drivers, postal workers, delivery workers, construction workers, grocery store clerks, gas attendants and public works employees are fighting this pandemic and helping to ensure the health, well-being, and safety of the citizens of Pennington Borough, the County of Mercer, the State of New Jersey, and the United States of America; and

WHEREAS, these individuals on the frontline are heroes because of their enduring and selfless dedication to their fellow citizens as they continue to work in dangerous conditions, particularly healthcare workers experiencing a short supply of protective gear; and

WHEREAS, the Country is at war with this pandemic and the great people that Americans rely on in this time are unmatched in any and all regards;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Pennington Borough extend their sincere gratitude to all of these heroes who continue to sacrifice for the sake of the residents of Alexandria Township and the Country;

BE IT FURTHER RESOLVED that the Mayor and Council extend a personal thank you to every frontline worker and are grateful for everything they are doing for our citizens and calls on all residents of Pennington Borough, residents of the County of Mercer, residents of the State of New Jersey, and across the Country to also extend their gratitude for every frontline worker risking their personal health and the health of those they love. We are forever grateful for everything these heroes do!

Mayor Lawver read the following Proclamation recognizing Older Americans during the month of May 2020.

**A PROCLAMATION
OLDER AMERICANS MONTH 2020**

Whereas, Pennington Borough includes a growing number of older Americans who enrich our community through their diverse life experiences; and

Whereas, Pennington Borough is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and

Whereas, Pennington Borough recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and

Whereas, Pennington Borough can enhance the lives of older Americans in our community by:

- promoting home- and community-based services that support independent living;
- involving older adults in community events and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

Now, therefore, I, Joseph Lawver, Mayor of the Borough of Pennington do hereby proclaim May 2020 to be Older Americans Month. I urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

Mayor's Appointments

Mayor Lawver announced the following appointments:

Peter Betaneli – appointed to the Environmental Commission as Alternate 1 for an unexpired term ending December 31, 2020.

Eileen Heinzl will be moved from Mayor's Designee on the Planning Board to Borough Official.

Approval of Minutes

Council Member Marcianti made a motion to approve the minutes of the April 6, 2020 regular meeting, second by Council Member Gnatt. Mrs. Chandler had one correction to the minutes on page four during the discussion of Ordinance 2020-2, education period should be enforcement period. Upon a roll call vote

all members present voted in favor.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt had no report for Planning Board or Open Space.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that the Environmental Commission met via Zoom to discuss moving forward with seeking a summer intern. Mrs. Chandler stated that Economic Development met also via Zoom, to brainstorm how to help local businesses and promote supporting local businesses. Mrs. Chandler stated it was a good meeting and they are going to look into joining with Hopewell Township and Hopewell Borough Economic Development Committees for the next meeting.

Mrs. Chandler stated that the Public Safety Committee met to discuss the transition from Public Safety Director to Chief of Police. Mrs. Chandler welcomed new Chief Doug Pinelli. Mr. Marciante asked what the salary would be. Mayor Lawver stated that the resolution is on for later in the meeting.

Public Works – Mr. Marciante stated that the Public Works Committee met to discuss road projects including Burd Street III and Knowles Street.

Finance – Mr. Griffiths stated that the Finance Committee did not meet. Mr. Griffiths stated that the 2020 Budget is on for adoption later with one amendment that came about during the State review of the budget, the addition of \$915.00 which is State Aid due to the Fire District.

Historic Preservation / Library – Mrs. Mills stated that she has no report for Historic Preservation. Mrs. Mills stated that the Library Board met via Zoom. Mrs. Mills stated that library programs are ongoing through online platforms, check the library website for information.

Parks and Recreation / Shade Tree – Ms. Semple stated that no meetings were held for Shade Tree or Parks and Rec. Ms. Semple stated that Easter Bunny parade was a big success, Pennington Day and Memorial Day Parade have been cancelled

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

ORDINANCES FOR INTRODUCTION

Mayor Lawver read Ordinance 2020-7 by title.

BOROUGH OF PENNINGTON ORDINANCE 2020 - 7

ORDINANCE EXTENDING FOR THREE MONTHS THE EXPIRATION OF FOOD ESTABLISHMENT LICENSES AND AMENDING SECTION 112-1 OF THE BOROUGH CODE

WHEREAS, the public health emergency caused by Covid-19 has forced radical changes in the day to day operations of retail food establishments, temporarily closing many;

WHEREAS, under Section 112-1 of the Borough Code, retail food establishments are required to be licensed annually, with licenses expiring on June 30;

WHEREAS, to relieve hardship in the present emergency it is the intent of Borough Council to amend the Code to extend the date of license expiration for retail food establishments by three month, to September 30, for this year only;

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

1. Section 112-1 of the Borough Code, entitled Retail food establishments, shall be amended at subsection 112-1.A (2) as follows:

“Licenses shall be issued annually and expire June 30, except in the year 2020, licenses may be issued up to and including September 30.”

2. All other provisions of the Code applicable to food establishments shall remain unchanged.
3. This Ordinance shall be effective upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2020-7, second by Council Member Marciante with all members present voting in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

**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 2020-5, second by Council Member Semple. Mr. Mike Pisauro, Policy Director for the Stonybrook Watershed urged Council to adopt this Ordinance. Mr. Pisauro stated that plastic bags have a big impact on the environment and recycling facilities. Mr. Pisauro stated that plastic bags take a long time to disappear. Over 100 other municipalities have some form of Ordinance so hopefully the State will step up and do something Statewide. Dan Pace of 9 Railroad Place also urged Council to adopt this Ordinance. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2020-2, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-2, second by Council Member Mills with all members present voting in favor.

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 open the Public Hearing on Ordinance 2020-5, 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 2020-5, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-5, second by Council Member Mills 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
Finance		
Municipal CFO(p/t)	\$ 25.00	\$ 83.86

Police Department:

Crossing Guards	\$ 15.00	\$ 25.50
Special Police	\$ 16.92 per hour	

Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 45.00

SECTION II: Employee/Personnel Manual.

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

SECTION III:

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

SECTION IV:

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

SECTION V:

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2020-6, 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 Griffiths with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-6, second by Council Member Gnatt. Mr. Marciante asked where the Chief of Police salary was. Mayor Lawver stated that the ordinance will be amended next meeting.

2020 BUDGET PUBLIC HEARING

BUDGET AMENDMENT

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.16**

RESOLUTION AMENDING THE 2020 BUDGET

WHEREAS, the local municipal budget for the year 2020 was approved on the 6th day of April 2020; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer that the following amendments to the approved budget for the calendar year of 2020 be made:

Current Fund		<u>From</u>	<u>To</u>
1. Surplus Anticipated		\$ 366,000.00	\$ 366,915.00
Total Surplus Anticipated		\$ 366,000.00	\$ 366,915.00
Summary of Revenues			
1. Surplus Anticipated (Sheet 4 #1)		\$ 366,000.00	\$ 366,915.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)		\$ <u>1,094,749.16</u>	\$ <u>1,095,664.16</u>
TOTAL GENERAL REVENUES		\$3,667,176.77	\$3,668,091.77

8. General Appropriations		
(A) Operations – Excluded from “CAPS”		
SFSP – Due to Fire District	\$ 0.00	\$ 915.00
Total Operations excluded from “CAPS”	\$ 369,797.77	\$ 370,712.77
Detail: Other Expenses	\$ 36,979.77	\$ 37,894.77
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	\$ 663,797.77	\$ 664,712.77
(O) Total General Appropriations Excluded from “CAPS”	\$ 663,797.77	\$ 664,712.77
(L) Subtotal General Appropriations {Items (H-1) and (O)}	\$3,417,176.77	\$3,418,091.77
9. TOTAL GENERAL APPROPRIATIONS	\$ 3,667,176.77	\$ 3,668,091.77

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2020 local municipal budget so amended.

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 2020-5.16, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.17**

RESOLUTION TO ADOPT BUDGET FOR 2020

BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount:

- (a) \$2401,628.07 - (item 2 below) for municipal purposes, and
- (b) - (item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation, and
- (c) - (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenue and appropriations.
- (d) \$ 51,098.47 - (sheet 43) Open Space, Recreation, Farmland & Historic Preservation Trust Fund Levy.
- (e) \$ 170,799.54 - minimum Library Tax

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	\$ 366,915.00	
Miscellaneous Revenue Anticipated	\$ 535,985.34	
Receipts from Delinquent Taxes	\$ 192,763.82	
2. Amount to be Raised by Taxation for Municipal Purposes (item 6(a), Sheet 11)		\$2,401,628.07
3. Amount to be Raised by Taxation for Schools in Type I School Districts Only: Item 6, Sheet 42		
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
Total Amount to be Raised by Taxation for Schools In Type 1 School Districts Only		
4. To be added to the Certificate for Amount to Be Raised by Taxation in Type II School Districts Only: Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
5. Minimum Library Tax		\$ 170,799.54
Total Revenues		\$ 3,667,176.77

SUMMARY OF APPROPRIATIONS

6. General Appropriations:	
Within “CAPS”	
(a&b) Operations Including Contingent	\$ 2,753,379.00
(d) Deferred Charges and Statutory Charges – Municipal	
(e) 9f) Judgements	
Excluded from “CAPS”	
(a) Operations – Total Operations Excluded from “CAPS”	\$ 370,712.77
(c) Capital Improvements	\$ 15,000.00
(d) Municipal Debt Service	\$ 279,000.00
(e) Deferred Charges – Municipal	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	

- (g) Cash Deficit
- (k) For Local District School Purposes
- (m) Reserve for Uncollected Taxes (Include other Reserves) \$ 250,000.00

7. School Appropriations – Type I School Districts Only (N.J.S. 40A:4-13)

Total Appropriations \$ 3,667,176.77

BE IT FURTHER RESOLVED, that the Water/Sewer Utility Budget with revenues and appropriations totaling \$1,455,608.00 is also 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	X				Mills	X			
Griffiths	S				Semple	X			

Council Member Griffiths made a motion to open the Public Hearing on the 2020 Budget, second by Council Member Chandler. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Semple with all members present voting in favor. Council Member Chandler made a motion to approve Resolution 2020-5.17, second by Council Member Griffiths with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued to Wells Fargo Real Estate Tax Services, Attention: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for and overpayment of 2nd Quarter taxes in the amount of \$253.28 for 144 Woolsey Court, Block 102.05 Lot 2.

BE IT RESOLVED that a refund be issued to Wells Fargo Real Estate Tax Services, Attention: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for and overpayment of 1st Quarter taxes in the amount of \$333.50 for 29 Baldwin Street, Block 1001 Lot 7.

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 2020-5.1, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.2**

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 \$ 1,027,459.37 from the following accounts:

Current	\$ 814,418.45
W/S Operating	\$ 157,012.03
Animal Control Fund	\$ 6.60
Open Space	\$ 877.50

General Capital	\$ 53,307.74
Developer’s Escrow	\$ 1,837.05
TOTAL	\$1,027,459.37

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

Council Member Gnatt made a motion to approve Resolution 2020-5.2, second by Council Member Griffiths. Mayor Lawver asked each Council Member if they had reviewed the bill list. Council Members Gnatt, Marciante and Semple indicated that they had not. Upon a roll call vote Council Members Griffiths, Chandler and Mills voted yes, Council Members Gnatt, Semple and Marciante voted no. Given the tie vote, Mayor Lawver voted yes.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.3**

**RESOLUTION AUTHORIZING RE-ADVERTISEMENT FOR BIDS
FOR RENOVATIONS TO BOROUGH HALL**

WHEREAS, the Borough seeks to make renovations to Pennington Borough Hall (VNHA Project No. 43829-200-71);

WHEREAS, by Resolution 2020-2.4, Borough Council authorized advertisement for bids for this project calling for bids to be received by April 15, 2020 and opened on that date;

WHEREAS, the opening of bids on April 15, 2020 was not possible and was cancelled as a result of the State of Emergency now in effect statewide as a result of the COVID-19 virus;

WHEREAS, as a result of the Emergency, the Borough Hall Buildin was closed to the public, making the pre-bid meeting and site visit for potential bidders prior to receipt of bids impossible;

WHEREAS, the Borough seeks to re-advertise for bids on the project establishing new dates for the pre-bid meeting and site visit as well as receipt of bids;

WHEREAS, the Borough intends to use the same Bid Documents for the re-advertised bidding process as used for the initially advertised process;

WHEREAS, potential bidders who have already picked up bid packages in response to the initial advertisement may use those same documents in response to the re-advertisement, and they have been so advised by an Addendum to the Bid Documents sent to them by mail;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that (1) cancellation of the receipt of bids for the aforesaid project scheduled for April 15, 2020 is hereby ratified and approved; and (2) the Borough Clerk is hereby authorized to take all actions necessary to re-advertise for and receive, in the manner provided by law, bids for the aforesaid Renovations to Pennington Borough Hall, pursuant to the same plans, specifications and bid documents prepared by the Borough Engineer in connection with the original advertisement, using dates for pre-bid meeting and opening of bids determined by the Clerk to be practicable.

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

Council Member Marciante made a motion to approve Resolution 2020-5.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.4**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE**

COMPLETION OF THE 2019 RIGHT TO KNOW SURVEY

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2019 Right To Know Survey;

WHEREAS, a copy of the PARS proposal, dated April 16, 2020, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2019 Right to Know Survey for each area, together with update of the Written Hazard Communications Plan (Tasks 1 and 2 in attached proposal);

WHEREAS, the areas inventoried for hazardous chemicals will include:

- 1. Borough Hall/Library/Police Dept.
- 2. Senior Citizen Center
- 3. Public Works Garage
- 4. Well House 4 & 5
- 5. Well House 6
- 6. Well House 7
- 7. Well House 8 & 9

WHEREAS, PARS Environmental, Inc. will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

WHEREAS, PARS Environmental, Inc. has agreed to perform Tasks 1 and 2 for the lump sum amount of \$1,800.00;

WHEREAS, the attached PARS proposal includes additional tasks (“Additional Tasks”) which may be optional, namely tasks ,3, 3a,and 4, as described on pages 2,3 and 4 priced on page 5 of the proposal;

WHEREAS, Borough Council wishes to authorize the Borough Administrator and the Borough Clerk, as appropriate, to obtain the performance of such of the Additional Tasks as may be legally required;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator and Borough Clerk of the Borough are hereby authorized to issue one or more purchase orders or enter into one or more agreements with PARS to ensure performance of Tasks 1 and 2 at the cost of \$1,800. and to issue or enter into such additional purchase orders or agreements as needed to obtain performance of such of the Additional Tasks as may be legally required, at the price or prices indicated in the proposal.

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 2020-5.4, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver asked that Council consider Resolution 2020-5.5 and 2020-5.6 together under one vote.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.5**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION CORP. FOR WORK COMPLETED ON THE BURD STREET RECONSTRUCTION – STATION 16+62+ TO STATION 25+75+ PROJECT

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the Burd Street Reconstruction – Station 16+62+ to 25+75+ Reconstruction Project (VNHA File #:43334-551-71); and

WHEREAS, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.1 in the amount of \$158,460.20 less 2% retainage in the amount of \$3,169.20; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2019-5 in the

General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$155,291.00 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and 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	M			
Gnatt	S				Mills	X			
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2020-5.5 and 2020-5.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.6**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION CORP. FOR WORK COMPLETED ON THE ABEY DRIVE AND KINGS COURT RECONSTRUCTION PROJECT

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the Abey Drive and Kings Court Reconstruction Project (VNHA File #:43671-551-71); and

WHEREAS, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.1 in the amount of \$210,869.02 less 2% retainage in the amount of \$4,217.38; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2019-5 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$206,651.64 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and 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	M			
Gnatt	S				Mills	X			
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2020-5.5 and 2020-5.6, second by Council Meeting Gnatt.

Mayor Lawver asked that Council consider Resolutions 2020-5.7 and 2020-5.8 under on vote.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 5.7**

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO INCLUDE ADDITIONS AND REDUCTIONS IN CONTRACT QUANTITIES AS NECESSARY FOR COMPLETION OF THE PROJECT – EAST CURLIS AVENUE & WEIDEL DRIVE RECONSTRUCTION PROJECT

WHEREAS, Van Note Harvey Associates has recommended a certain Change Order No. 1(Final) with regard to the Contract between the Borough of Pennington and Earle Asphalt Company, for the project known as East Curlis Avenue and Weidel Drive Reconstruction Project – FY2016 - (VNH #: 43328-554-71) ;

WHEREAS, Change Order No. 1 (Final) proposes additions and reductions in contract quantities as necessary for completion of the project; and

WHEREAS, the net proposed adjustment would decrease the Contract in the amount of \$117,643.52, producing an adjusted total contract price for the project in the amount of \$441,869.61; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid Change Order No. 1 (Final) adjusting the contract to include additions and

reductions in contract quantities for a net decrease of \$117,643.52 under the contract with Earle Asphalt Company, 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	X				Mills	X			
Griffiths	X				Semple	S			

Council Member Marciante made a motion to approve Resolutions 2020-5.7 and 2020-5.8, second by Council Member Semple with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 (FINAL) TO
EARLE ASPHALT COMPANY FOR WORK COMPLETED ON THE EAST CURLIS AVENUE
AND WEIDEL DRIVE ROAD RECONSTRUCTION PROJECT**

WHEREAS, Earle Asphalt Company has completed work pursuant to the contract for the East Curlis Avenue and Weidel Drive Road Reconstruction Project (Van Note Harvey Associates Project No: 43328-554-71); and

WHEREAS, Van Note Harvey Associates has reviewed Earle Asphalt Companys’ attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No. 2 (Final) in the amount of \$50,836.45 including retainage; and

WHEREAS, this is represents final payment under the contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available under a grant from the NJ DOT and Ordinance 2019-1;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Earle Asphalt Company in the net amount of \$50,836.45 pursuant to payment request No.2 (Final) is hereby authorized.

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	X			
Griffiths	X				Semple	S			

Council Member Marciante made a motion to approve Resolutions 2020-5.7 and 2020-5.8, second by Council Member Semple with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.9**

**RESOLUTION AUTHORIZING SOFTWARE IMPLEMENTATION AND DATA CONVERSION
AGREEMENT WITH EDMUNDS GOVTECH FOR PERMITTING AND CODE ENFORCEMENT**

WHEREAS, the Borough currently uses PermitsNJ software provided by the State of New Jersey at no cost to the Borough; and

WHEREAS, by letter dated August 1, 2019 from the State of New Jersey, Division of Codes and Standards, the Borough was notified that effective June 30, 2020, the PermitsNJ software will no longer be available for use; and

WHEREAS, the Borough request three (3) proposals for these services and received two (2) responses; and

WHEREAS, the most cost effective solution to provide these services was provided by Edmunds GovTech; and

WHEREAS, the proposal dated December 12, 2019 includes Software License Fees, Implementation Services, Data Conversion Fees and Annual Maintenance Fees for a total of

\$8,000.00 for the remainder of this year; and

WHEREAS, the proposal includes data conversion of all open and closed permits currently housed on the PermitsNJ system; and

WHEREAS, the Borough now seeks to retain for this purpose, for the remainder of the year 2020, the firm of Edmunds GovTech (“EGT”) of Northfield, New Jersey;

WHEREAS, it is understood that the total cost of services shall not exceed \$8,000.00 without the express prior written agreement of Borough Council;

WHEREAS, the Chief Financial Officer of the Borough certifies that sufficient funds are available for these services in the Construction Budget under account #: 0-01-22-195-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the proposal dated December 12, 2019 is hereby accepted and the Borough Clerk and Borough Administrator are hereby authorized to take the necessary steps to issue a purchase order to Edmunds GovTech for these services.

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	X			
Griffiths	S				Semple	M			

Council Member Semple made a motion to approve Resolution 2020-5.9, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.10**

**RESOLUTION APPOINTING DOUGLAS PINELLI
CHIEF OF POLICE OF THE PENNINGTON BOROUGH POLICE DEPARTMENT**

WHEREAS, William Meytrott, Director of Public Safety of the Borough of Pennington, has resigned effective May 1, 2020 after more than two decades of distinguished service;

WHEREAS, Borough Council intends to appoint in his stead a Chief of Police. as authorized by Section 46-8 of the Borough Code;

WHEREAS, a Chief of Police, when appointed, shall be the head of the Police Department and shall be directly responsible to Borough Council for the efficiency and routine day to day operations of the Department and shall discharge the duties and responsibilities of the chief of police as defined by N.J.S.A. 40A:14-118;

WHEREAS, an ad hoc Committee made up of Mayor Joseph Lawver, Council President and Chair of the Public Safety Committee Catherine Chandler, Councilperson Glen Griffiths, Chief William Straniero, former Chief of Mercer County Detectives and current Deputy Director of Campus Police at The College of New Jersey, and Eileen Heinzl, Business Administrator, reviewed the applications and conducted interviews of interested applicants and are recommending to Borough Council that First Sergeant Douglas Pinelli be appointed Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Douglas Pinelli be and hereby is appointed Chief of Police of the Pennington Police Department on an interim basis, subject to entering into a mutually satisfactory employment agreement, including agreement as to salary; and

BE IT FURTHER RESOLVED that during the interim period, pending approval of an employment agreement and amendment of the Borough salary ordinance, Chief Pinelli shall be compensated at his present salary.

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			
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Council Member Chandler made a motion to approve Resolution 2020-5.10, second by Council Member Griffiths. Mayor Lawver explained that this has been a process over the past three years. Mayor Lawver stated that a Police Chief is a sworn officer and the Police Chief serves as the Officer in Charge and he can delegate duties differently than a Public Safety Director can. Mayor Lawver explained that there were three applicants that were interviewed by the interview panel. Mayor Lawver stated that the salary will be \$109,000 with increments as training requirements are completed. Mayor Lawver stated that the position will be probationary for one year providing for completion of West Point Training. Mayor Lawver stated that the remaining training requirements must be completed within two years. Mr. Marciante stated that salary of \$109,000 is too low and would not equal Mr. Pinelli’s current salary with overtime. A heated discussion took place between Council Members. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.11**

**RESOLUTION APPOINTING EILEEN HEINZEL AS
JOINT INSURANCE FUND COMMISSIONER FOR THE REMAINDER OF THE YEAR,
EFFECTIVE MAY 1, 2020**

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, by Resolution 2020-1.11 Borough Council appointed William Meytrott as the Joint Fund Commissioner for Pennington Borough for a period of one year from January 1, 2020 through December 31, 2020; and

WHEREAS, William Meytrott has resigned from the Borough of Pennington effective May 1, 2020; and

WHEREAS, it is the desire of the Mayor and Council to appoint Eileen Heinzl to the position for the remainder of the year from May 1, 2020 through December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED, that Eileen Heinzl is hereby appointed as Joint Insurance Fund Commissioner for the remainder of 2020 effective May 1, 2020 through December 31, 2020; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington that Mrs. Heinzl shall serve in this capacity without additional compensation.

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	X				Sample	S			

Council Member Chandler made a motion to approve Resolution 2020-5.11, second by Council Member Sample with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.12**

**RESOLUTION AUTHORIZING CONTRACT WITH
BRT TECHNOLOGIES FOR TAX-ASSESSMENT SOFTWARE**

WHEREAS, the Tax Assessor of the Borough of Pennington has recommended to Borough Council that it replace existing tax assessment software of the Borough to improve the efficiency and effectiveness of the tax assessment function;

WHEREAS, the Tax Assessor has further recommended that the Borough enter into a contract with BRT Technologies of Mantua, New Jersey, to provide the needed software and related services;

WHEREAS, BRT Technologies has provided the attached Proposal for software and related services calling for a 3-year contract at the rate of \$125 per month, subject to the availability of funds;

WHEREAS, the Proposal would provide among other things computer-aided mass appraisal software, patented sketching technology, certified New Jersey ModIV software and software to generate comparables, together with conversion, implementation and training;

WHEREAS, the proposed contract is not subject to public bidding under the Local Public Contracts

Law, and the proposed three-year term is further authorized by the statute;

WHEREAS, the Chief Financial Officer of the Borough has certified the availability of funds for this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator and the Borough Clerk are hereby authorized to issue such purchase orders and to take such additional steps as needed (a) to effect a contract between the Borough and BRT Technologies in accord with the attached Proposal, and (b) coordinate introduction of the new software and services with expiration of existing software agreements.

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 2020-5.12, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.13**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTY OF THE
PENNINGTON SCHOOL FOR CONSTRUCTION PROJECTS**

WHEREAS, by letter dated February 4, 2020, the Chief Financial Officer of The Pennington School (“School”) requested that the Borough release the Escrow Funds in Planning Board File Nos. 13006 and 90056 and terminate the Northfield Bank Line of Credit, Loan Number 611469, in the amount of \$1,746,404.39, in connection with the project known as Pennington School Humanities and Lowellden Buildings Project, including related Circulation and Parking (VNHA #43329-110-71);

WHEREAS, in response to this request the Borough Engineer conducted a site inspection to review the completed work for acceptance and prepared a punch list to be completed for bond release;

WHEREAS, the School has completed all of the required work identified on the punch list to the satisfaction of the Borough Engineer and the Engineer recommends release of the performance guaranty for the project;

WHEREAS, the performance guaranty for the project as of April 30, 2020 consists of \$195,073.78 cash, including interest, and \$1,746,404.39 in the form of a line of credit from Northfield Bank (the cash and line of credit hereafter collectively referred to as “Performance Guaranty”);

WHEREAS, the School’s request for return of Escrow Funds should be deferred pending accounting for all applicable charges to date;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to release to the School the entire Performance Guaranty, including earned interest; and

BE IT FURTHER RESOLVED that return of Escrow balances shall be deferred pending an accounting for all current charges.

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

Council Member Marciante made a motion to approve Resolution 2020-5.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.14**

**RESOLUTION EXTENDING GRACE PERIOD
FOR SECOND QUARTER TAX PAYMENTS**

WHEREAS, in accordance with N.J.S.A. 54:4-66(a), second-quarter property taxes are due May 1, 2020;

WHEREAS, Executive Order 130 promulgated by the Governor of the State of New Jersey, effective April 28, 2020, provides that the COVID-19 outbreak has caused substantial economic disruption for many taxpayers throughout the State, making it difficult for many residents to meet the May 1, 2020 due date for timely payment of real property taxes;

WHEREAS, the Governor is empowered by law to suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency, and the Governor has determined that the strict enforcement of certain statutory provisions relating to property tax grace periods is detrimental to the public welfare;

WHEREAS, Executive Order 130 further provides that any governing body of a municipality with a calendar year budget cycle may adopt a resolution instituting a grace period for the payment of second-quarter property taxes concluding on a date no later than June 1, 2020;

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

1. a grace period concluding on June 1, 2020 is hereby instituted for the payment of second-quarter real property taxes in the Borough of Pennington;
2. as further provided by the Governor’s Executive Order, the Borough Clerk shall notify the Director of the Division of Local Government Services in the Department of Community Affairs regarding the adoption of this Resolution no later than the third business day after adoption;
3. no other provision of law is affected by this Resolution.

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		X			Semple	M			
Mayor Lawver	X								

Council Member Semple made a motion to approve Resolution 2020-5.14, second by Council Member Chandler. Council Members Gnatt, Mills and Semple voted in favor, Council Members Chandler, Griffiths and Marciante voted no, since there was tie vote, Mayor Lawver voted yes.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.15**

RESOLUTION AUTHORIZING ADOPTION OF REVISED AGREEMENT WITH CONCORD ENERGY SERVICES/COMMERCIAL UTILITY CONSULTANTS PERTAINING TO ENERGY AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric 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, in accordance with the Ordinance, by Resolution 2019-11.6, Borough Council authorized the signing of certain agreements as part of the implementation of the Program including an Agreement to retain Concord Energy Services and Commercial Utility Consultants (“CES/CUC”) as energy agents and consultants;

WHEREAS, the authorized Agreement with CES/CUC requires revision in two of its sections, Section 2 (concerning Reservation of Rights) and Section 5 (concerning Term);

WHEREAS, a copy of the amended Agreement is attached;

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into on behalf of the Borough the aforesaid amended Agreement with CES/CUC.

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		X			Semple	S			

Council Member Chandler made a motion to approve Resolution 2020-5.15, second by Council Member Semple. Borough Attorney Walter Bliss explained that the agreement was approved at the November 2019 Council Meeting but there were two problematic items which are resolved by this resolution. Mr. Bliss stated that Hopewell Township is also in the process of adopting its packet of documents. Mr. Griffiths stated that he has lost confidence in our agent for this process. Mr. Griffiths stated that when they first approached Council with this idea they stated that it would be an easy process and it has not been easy. Mr. Bliss explained that some of the problems ensued due to the Borough service being PSE&G instead of JCP&L. Upon a roll call vote all members present voted in favor with the exception of Mr. Griffiths who voted no.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.18**

**RESOLUTION AUTHORIZING PURCHASE OF NEW COMPUTER FOR THE
ADMINISTRATION OFFICE FROM CDW-G THROUGH COOPERATIVE PRICING SYSTEM
AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES
COMMISSION (65MCESCCPS)**

WHEREAS, the Tax Assessor has identified the need to contract with a new software provider for Tax Assessment services that requires an updated computer to run the software; and

WHEREAS, the Borough has determined that the required computer equipment is available from CDW-G through the Middlesex Regional Educational Services Commission (65MCESCCPS); and

WHEREAS, Pennington Borough joined the Middlesex Regional Educational Services Commission by Resolution 2013-7.4 in July of 2013; and

WHEREAS, CDW-G located in Cherry Hill, New Jersey is an authorized dealer for the desired computer and will be providing the Borough with a quote for an HP ProDesk 400 G6 Small Form Factor PC as requested by RnD Consulting on behalf of the Borough a pricing provided through the Middlesex Regional Services Commission; and

WHEREAS, there is a need to acquire this computer as soon as possible to ensure a smooth transition from the current Tax Assessment program to the new Tax Assessment Program; and

WHEREAS, RnD Consulting has recommended that this purchase should not exceed \$1,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the Administration budget line item 0-01-20-100-000-225;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of one (1) HP ProDesk 400 G6 Small Form Factor PC for the Administration Office is hereby authorized in an amount not to exceed \$1,000.00 pending receipt of an official quote from CDW-G.

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 2020-5.18, second by Council Member Gnatt with all members present voting in favor.

Professional Reports

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 the deer management survey report showed what we already know and that is that there are way too many deer in the Hopewell Valley. Mr. Pace asked about progress on the Deer Management Plan that was discussed last year. Mayor Lawver stated that he received the report and that he will be putting together an ad-hoc committee to work on a plan that could then be presented to Borough Council. Mr. Pace stated that he would be interested in serving on an ad-hoc committee.

Mr. Pace asked about piles of debris that has appeared on the site of the old landfill. Mr. Smith stated that is temporary storage for the road projects that are going on in town.

At 8:59pm, with no further business to come before Council, Mr. Marciante made a motion to adjourn, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk