

**Pennington Borough Council  
Regular Meeting – June 1, 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, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzel, Public Works Superintendent Rick Smith, Chief Financial Officer Sandy Webb, Police Chief Pinelli 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. Mayor Lawver requested that in consideration of others, all members of the public mute their computers and raise a hand for comments.**

Dr. Thomas Smith, Superintendent of the Hopewell Valley Regional Schools asked if he could take a minute to recognize the efforts of Mayor Lawver in facilitating the food pantry which is currently housed in the gymnasium. Dr. Smith thanked Mayor Lawver and all of the volunteers for their hard work.

Mayor Lawver stated that the idea started with Dr. Smith and he is happy to report that they actually have too much food and he will be e-mailing local food banks and food pantries to see if he can distribute some of the donations where they will be needed. Mayor Lawver stated that there are many families in the Hopewell Valley who are in need of help, but are either not asking or they think that someone else may be more in need. Mayor Lawver encouraged everyone to let him know if there is anyone they know of that is in need of donations.

**Mayor's Business**

Mayor Lawver announced the following proclamations. Mayor Lawver stated that on Wednesday, June 3<sup>rd</sup>, 2020 at 4:30pm there will be a socially distanced event to raise awareness about gun violence. Mayor Lawver invited everyone to attend but asked that everyone remember to wear a mask.

***PROCLAMATION  
DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL  
GUN VIOLENCE AWARENESS DAY***

***WHEREAS***, this proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Pennington, to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and

***WHEREAS***, every day, 100 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

***WHEREAS***, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

***WHEREAS***, protecting public safety in the communities they serve is the highest responsibility for the Mayor; and

***WHEREAS***, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

***WHEREAS***, Mayors and Law Enforcement Officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

***WHEREAS***, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should now be celebrating her 21<sup>st</sup> birthday; and

***WHEREAS***, to help honor Hadiya and the 96 Americans whose lives are cut short and the

*countless survivors who are injured by shootings every day, a national coalition of organizations has designated June 1<sup>st</sup>, 2018, the first Friday in June, as the 4<sup>th</sup> National Gun Violence Awareness Day; and*

***WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and*

***WHEREAS**, anyone can join this campaign by pledging to Wear Orange on June 5<sup>TH</sup>, the first Friday in June 2020, to help raise awareness about gun violence; and*

***WHEREAS**, by wearing orange on June 5<sup>th</sup>, 2020, Americans will raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; and*

***WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.*

***NOW, THEREFORE**, I Joseph Lawver, Mayor of the Borough of Pennington, County of Mercer do hereby proclaim the first Friday in June, June 5<sup>th</sup>, 2020, National Gun Violence Awareness Day in Pennington Borough and encourage all citizens to support their local community efforts to prevent the tragic effects of gun violence and to honor and value human lives.*

**PROCLAMATION  
DECLARING JUNE 2020 AS LESBIAN, GAY, BISEXUAL, TRANSGENDER AND  
QUEER PRIDE MONTH IN PENNINGTON BOROUGH**

**WHEREAS**, Pennington Borough residents recognize the human rights of all citizens and support an end to all forms of prejudice and discrimination; and

**WHEREAS**, the members of the Pennington Borough Council and the Mayor are committed to promoting equality and fostering a welcoming and supportive environment for all; and

**WHEREAS**, lesbian, gay, bisexual, transgender and queer residents have made important contributions to the history and quality of life of our nation; and

**WHEREAS**, lesbian, gay, bisexual, transgender and queer individuals and families across the United States continue to face significant forms of oppression and discrimination; and

**NOW, THEREFORE, I Joseph R. Lawver**, Mayor of the Borough of Pennington, County of Mercer do hereby proclaim June 2020 as lesbian, gay, bisexual, transgender and queer pride month in Pennington Borough and urges all of our residents to celebrate diversity and inclusion; promote equality; acknowledge the achievements and contributions of lesbian, gay, bisexual, transgender and queer people; and strive to eliminate prejudice everywhere that it exists.

Mayor Lawver stated that he would normally not mention what he is about to talk about, but in light of the George Floyd protests and riots he wanted to relate a story of something that happened in Pennington on Sunday that is an example of everything done wrong that should have been and could have been everything done right. Mayor Lawver stated that he got a call at 1:30 in the afternoon from Borough Administrator Eileen Heinzl stating that there was a protest in town and Chief Pinelli was on his way in. Mayor Lawver stated that the officer on duty had called Chief Pinelli who felt that the police vehicles could be a target. Mayor Lawver stated that no one did anything wrong. Mayor Lawver stated that he hopped on his bike and rode over to Borough Hall going through the alley at the back of the parking lot hoping to "sneak up" on the protest. Mayor Lawver stated that the "protest" ended up being three people sitting on a bench on Main Street eating pizza with one sign. Mayor Lawver stated that the right thing to do would have been for the officer on duty to stop and nicely ask if everything was ok and not drive up and down Main Street in front of where the protestors were sitting. Mayor Lawver stated that we could have done better with this situation and we should have done better.

Mrs. Mills thanked Mayor Lawver for his comments and stated that she was unaware of any protest. Mrs. Mills stated that she posts a Friday Memory each week. Mrs. Mills stated that she is well-known in Pennington, but when she leaves Pennington she is just another black woman. Mrs. Mills stated that she along with two of her friends wrote a Proclamation that is circulating on the internet and she wanted it to be

clear that she did not do this as a Councilperson in Pennington. Mrs. Mills stated that they have gotten over 20,000 signatures in support of the Proclamation which can be found and signed by searching “If These Stones Could Talk” or [change.org](http://change.org). Several Council Members asked for the link to sign the proclamation.

### **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 Economic Development did not meet formally as group, they were supposed to join with the Pennington Business and Professional Association but it was in the afternoon and she could not make it.

Mrs. Chandler stated that Environmental Commission met with the summer intern to go over the Environmental Resource Inventory and they are looking forward to working on this over the summer.

Mrs. Chandler stated that the Public Safety Committee met to discuss moving forward in the Police Department and the idea of hiring another officer for the department. Mrs. Chandler stated that the Collective Bargaining Agreement is expiring at the end of the year. Mrs. Chandler stated that the Police Force is presenting a new uniform for consideration which would redistribute the weight of the equipment they are required to carry.

Mayor Lawver stated that Governor Murphy announced the reopening of restaurants for outdoor dining on June 15<sup>th</sup> and he is looking into ways to make more outdoor space available for the local restaurants particularly on Main Street.

**Public Works** – Mr. Marciante stated that the Public Works Committee met and they are recommending that the grant application for this year be for Knowles and Franklin Avenue. Mr. Marciante stated that they are also recommending restructuring of the Public Works Department to show clear command. Mr. Marciante stated that they are recommending that the Borough proceed with the purchase of an automated garbage truck.

Ms. Semple stated that at the Mayor’s request Rick Smith has devised a plan to be net carbon neutral and go green by 2030. Ms. Semple stated that she would like to see Council go on record in support of the plan.

Mayor Lawver stated that he would like the entire Borough to get behind this and be carbon neutral by 2030. Mayor Lawver stated that we should be thinking about how we become more efficient. Mayor Lawver stated that he started this conversation in January or February and with all this is going on it has not had much movement. Mayor Lawver stated that he would like to have a resolution adopting a plan and going forward consider carbon neutral options for all capital purchases. Council discussed some possible sites in Pennington where hunting would be allowed.

**Finance** – Mr. Griffiths stated that the Finance Committee met and discussed the two Bond Ordinances on for introduction later in the meeting.

Mr. Griffiths stated that Health reports on statistics for COVID19 are plateauing.

Mr. Griffiths stated that a meeting was held with Mike Van Clef to further discuss a deer management plan for Pennington Borough. Mr. Griffiths stated that the next steps would be the recommendation of two hunters to meet with to discuss the details of the plan. Mr. Griffiths stated that once a plan is formulated it will be presented to Council for approval.

**Historic Preservation / Library** – Mrs. Mills stated that she had no report for Historic Preservation. Mrs. Mills stated that the Library is still closed and they are continuing to hold programs via Zoom.

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

**Parks and Recreation / Shade Tree** – Ms. Semple stated that no meetings were held for Shade Tree or Parks and Rec. Ms. Semple stated that Shade Tree will be meeting this month via ZOOM. Ms. Semple stated that the trees that were planted on Burd Street look great.

Mayor Lawver stated that someone reached out to him about holding Tai Chi in the park and he will be coordinating that with Parks and Recreation.

**ORDINANCES FOR INTRODUCTION**

Mayor Lawver read Ordinance 2020-8 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020 - 8**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND RETROFITTING OF VEHICLES AND EQUIPMENT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,500 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$450,000, and further including the aggregate sum of \$22,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$427,500 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of an automated garbage truck, a dump truck and garbage bins and the retrofitting of the existing garbage truck, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$275,000	\$261,250	5 years
b) The acquisition of a chassis for the automated garbage truck, including all related costs and expenditures incidental thereto.	\$175,000	\$166,250	15 years
Total:	<u>\$450,000</u>	<u>\$427,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.88 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 \$427,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 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 purposes or improvements.

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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or 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 introduce Ordinance 2020-8, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020 – 9**

**BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO BOROUGH HALL IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,140,000 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 \$1,200,000, including the sum of \$60,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,140,000 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 renovations and improvements to Borough Hall, 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 15 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 \$1,140,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 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 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 Griffiths made a motion to introduce Ordinance 2020-9, second by Council Member Gnatt. Chief Financial Officer Sandra Webb explained that this Ordinance will cover the costs of Phase I of the renovation project and the current Ordinance will be available if needed and if not it can be cancelled. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
ORDINANCE #2020 – 10**

**AN ORDINANCE AMENDING 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 officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

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
<b>Chief of Police</b>	<b>\$109,000.00</b>
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	\$ <b>85.53</b>
<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 if appropriate.  
Council Member Chandler made a motion to introduce Ordinance 2020-10, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
ORDINANCE 2020 – 11**

**AN ORDINANCE CHANGING TITLES AND RESPONSIBILITIES  
IN THE DEPARTMENT OF PUBLIC WORKS AND AMENDING  
THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Superintendent of Public Works and the Public Works Committee of Borough Council have recommended a restructuring of the Department of Public Works;

**WHEREAS**, the purposes to be served by the recommended restructuring would include, among others, clarifying the chain of command and related reporting and training responsibilities, providing a definitive career path for Public Works employees and creating titles consistent with other small-municipality public works departments, improving the flexibility of Public Works staffing, and increasing productivity, accountability and job satisfaction throughout the workforce;

**WHEREAS**, the proposed restructuring will include creation of two new titles, Foreman and Senior Crew Member, with a view toward phasing out the existing titles Assistant Foreman and Public Works Operations Coordinator;

**WHEREAS**, the job descriptions for each of the new titles are established by the within amendments to Chapter 39 of the Borough Code;

**WHEREAS**, the recommended Foreman title will strengthen the Department's management of the rapidly changing demands of regular operations, maintain a standard quality of work with less need for direct intervention by the Superintendent on a day to day basis, and streamline communications within the Department, especially critical during emergency events;

**WHEREAS**, the recommended Senior Crew Member title will create an additional step in the career path of Public Works employees, and combined with the phasing out of the title Public Works Operations Coordinator, will create a more efficient operational structure;

**WHEREAS**, these change in titles and responsibilities are part of a larger process within the Department devoted to improving productivity, increasing skill levels and the cross-training of employees, and upgrading the sophistication and efficiency of equipment;

**NOW, THEREFORE, BE IT ORDAINED**, by Borough Council of the Borough of Pennington, that Chapter 39 of the Code of the Borough of Pennington is hereby amended by the addition of two new titles in the Department of Public Works, as follows:

1. Foreman of Public Works

- a. Creation of Position. The position of Foreman of Public Works is hereby created.
- b. Basic Function and Responsibility. The Foreman will be able to perform all of the duties and responsibilities of the Superintendent of Public Works as delegated. Foreman must possess all required technical ability, skills and licenses. Under the general supervision of the Superintendent of Public Works, the Foreman must have the ability to perform all essential duties, functions and responsibilities required for the six key functions of the Borough Department of Public Works: Water, Sewer, Sanitation, Roads, Buildings and Grounds and Parks and Recreation.
- c. Professional Licenses Required.
  - (i) The following certifications by the New Jersey Department of Environmental Protection are required: T-1 (Water Treatment); W-1 (Water Distribution); and C-1 (Sewerage Collection).
  - (ii) The Foreman must also have a Class B Commercial Driver's License.
- d. Education Required.
  - (i) The Foreman must have a high school diploma or the equivalent combination of education and experience demonstrating required relevant knowledge, skills and abilities.
  - (ii) Within one (1) year of appointment, the Foreman must also have successfully

completed the “Management Tasks, Responsibilities, and Practices” course (30 hours) offered through the Rutgers “Public Works Manager Program,” or the equivalent.

e. Responsibilities and Required Knowledge, Skills and Abilities.

(i) The Foreman must assume all of the responsibilities of Superintendent when and as delegated by the Superintendent.

(ii) Foreman must demonstrate a mastery of all department responsibilities and possess all skills and licenses required of Laborer 1, Laborer 2, Crew Members and Senior Crew Members.

(iii) Under the direction of the Superintendent, the Foreman must manage all assigned tasks necessary to repair, replace or maintain water or sewer transmissions lines or any other public work task necessary to ensure the safety of the community.

(iv) Foreman shall inspect all department equipment daily to ensure the safe and efficient operation of all department functions.

(v) Foreman shall provide training for Laborer 1, Laborer 2, Crew Members and Senior Crew Members in all aspects of their duties and responsibilities as required by the Superintendent.

(vi) Foreman must coordinate with the Superintendent in recommending job assignments and troubleshooting issues and conflicts.

(vii) Foreman must assist in organizing daily tasks and the methods in which tasks are to be performed.

(viii) Foreman shall communicate and interact with residents, contractors and Borough employees in a professional, effective and courteous manner.

(ix) Foreman must possess skills to operate all Borough-owned vehicles and equipment.

(x) Foreman must be able to manage all jobs in the field, including those that require operation of the backhoe and bucket truck.

(xi) Foreman must be able to read and interpret maps, blueprints, surveys, engineering plans and equipment operations manuals.

(xii) Foreman must be able to create maps of Borough utilities, including fire hydrants, water lines and mains.

(xiii) Foreman shall be responsible for safety training and associated record keeping of the Public Works Department.

(xiv) Foreman shall supervise Laborer 1, Laborer 2, Crew Members and Senior Crew Members assigned to a task until it is completed.

(xv) Foreman shall perform quality control and inspection of the work of Laborer 1, Laborer 2, Crew Members and Senior Crew Members to ensure the task is completed to the standards set by Superintendent.

(xvi) Foreman shall provide direction, instruction, training and inspection consistent with the standards set by the Superintendent.

(xvii) Foreman shall perform such other tasks as the Superintendent may prescribe.

f. Special Requirements.

(i) Foreman is expected to represent the Borough Department of Public Works at all times in a professional and courteous manner.

(ii) Foreman shall represent the Department of Public Works at Borough Community events such as Pennington Day, Arbor Day and Busy Town.

(iii) Foreman shall be the representative of the Public Works Department on the Public Safety Committee as required by PEOSHA and the Joint Insurance Fund.

(iv) Foreman shall be the representative of the Department on the Borough Shade Tree Committee and the Parks and Recreation Committee as needed by the Borough.

g. Supervision.

- (i) Foreman shall be supervised and under the direction of the Superintendent of Public Works.
- (ii) Foreman shall be responsible for supervision and oversight of all Laborer 1, Laborer 2, Crew members and Senior Crew members as well as all probationary employees as necessary to complete all assigned tasks in a safe and efficient manner.

2. Senior Crew Member of Public Works

a. Creation of Position.

The position of Senior Crew Member of Public Works is hereby created.

b. Basic Function and Responsibility.

Senior Crew Member must be able to perform such duties and responsibilities of the Superintendent of Public Works as delegated.

Senior Crew Member must possess all required technical ability, skills and licenses. Under the general supervision of the Superintendent of Public Works or the Foreman, the Senior Crew Member must have the ability to perform the essential duties, functions and responsibilities required for the six key functions of the Borough Department of Public Works: Water, Sewer, Sanitation, Roads, Buildings and Grounds and Parks and Recreation.

c. Professional Licenses Required.

(i)The following certifications by the New Jersey Department of Environmental Protection are required: T-1 (Water Treatment); W-1 (Water Distribution); and C-1 (Sewerage Collection), or the ability to earn these certifications.

(ii)The Senior Crew Member must also have a Class B Commercial Driver's License.

d. Education Required.

The Senior Crew Member must have a high school diploma or the equivalent combination of education and experience demonstrating required relevant knowledge, skills and abilities

e. Responsibilities and Required Knowledge, Skills and Abilities.

(i)The Senior Crew Member shall assume such of the responsibilities of Foreman as delegated by the Superintendent.

(ii)The Senior Crew Member shall demonstrate a mastery of all department responsibilities and possess all skills and licenses required of Laborer 1, Laborer 2 and Crew Members including operation of all Borough-owned vehicles and equipment.

(iii)Under the direction of the Superintendent, Senior Crew Member shall assist with all assigned tasks necessary to repair, replace or maintain water or sewer transmission lines or any other public work task necessary to ensure the safety of the community.

(iv)Senior Crew Member shall communicate and interact with residents, contractors and Borough employees in a professional, effective and courteous manner.

(v) Senior Crew Member must be able to read and interpret maps, blueprints, surveys, engineering plans and equipment operations manuals.

(vi) Senior Crew Member must be able to create maps of Borough utilities, including fire hydrants, water lines and mains.

(vii) Senior Crew Member must perform utility mark outs with no assistance or guidance unless there are safety concerns.

(viii) Senior Crew Member shall advise Foreman on inventory and ordering of parts, tools, supplies and materials.

(ix) Senior Crew Member must be able to guide and advise Laborer 1, Laborer 2 and Crew Members assigned to a task until it is completed.

(x) Senior Crew Member shall be able to perform quality control and inspection of the work of Laborer 1, Laborer 2 and Crew Members to ensure the task is completed to the standards set by Superintendent.

(xi) Senior Crew Member shall provide direction, instruction, training and inspection consistent with the standards set by the Superintendent.\

(xii) Senior Crew Member shall perform such other tasks as the Superintendent may prescribe.

f. Supervision.

- (i) Senior Crew Member shall be supervised and under the direction of the Superintendent of Public Works. Supervision and direction shall be received from the Foreman when and as delegated by the Superintendent.
- (ii) Senior Crew Member shall give functional guidance to Crew Members, Laborer 1 and Laborer 2 and all probationary employees as necessary to complete all assigned tasks in a safe and efficient manner.

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

Council Member Semple made a motion to introduce Ordinance 2020-11, second by Council Member Griffiths with all members present voting in favor.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

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 Marciante made a motion to open the Public Hearing on Ordinance 2020-7, second by Council Member Chandler. There were no comments from the public. Council Member Mills made a motion to close the Public Hearing on Ordinance 2020-7, second by Council Member Chandler with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2020-7, second by Council Member Chandler with all members present voting in favor.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 6.1**

**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 2<sup>nd</sup> Quarter taxes in the amount of \$4,015.47 for 53 North Main Street, Block 301, Lot 14

**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 2020-6.1, second by Council Member Semple with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 6.2**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,301,800.44 from the following accounts:

Current	\$ 979,099.93
W/S Operating	\$ 30,052.39
Animal Control Fund	\$ 4.20
COAH	\$ 1,559.40
General Capital	\$ 92,574.63
Developer’s Escrow	\$ 2,554.90
Grant Fund	\$ 195,754.99
Other Trust Fund	\$ 200.00
TOTAL	\$1,301,800.44

**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 2020-6.2, second by Council Member Mills. Mayor Lawver had a couple questions regarding specific bills on the bill list. Upon a roll call vote all members present voted in favor.

Mayor Lawver asked Council to consider Resolutions 2020-6.3 and 2020-6.4 as a consent agenda.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2020 ADOPTED BUDGET  
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR  
FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDING**

**WHEREAS**, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Pennington has received a grant in the amount of \$133,119.35 from the NJDOT – Federal Highway Administration Program for Preliminary Engineering for the Downtown Streetscape II project; and

**WHEREAS**, the Borough wishes to amend its 2020 Budget to include this amount as a special item of revenue and appropriation;

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2020 in the sum of \$133,119.35, which is now available as revenue from:

NJDOT – Federal Highway Administration (FWHA) – Downtown Streetscape II

**BE IT FURTHER RESOLVED** that a like sum of \$133,119.35 be and the same is hereby appropriated under the caption of:

NJDOT – Federal Highway Administration (FWHA) – Downtown Streetscape II

**BE IT FURTHER RESOLVED** that the Borough Clerk file the required documents with the Director of Local Government Services.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 - 6.4**

**RESOLUTION AUTHORIZING FEDERAL AID  
AGREEMENT FOR PRELIMINARY DESIGN OF  
DOWNTOWN STREETSCAPE IMPROVEMENT PHASE II**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) has notified the Borough that based on a scope of work and budget agreed upon by the Borough and the Division of Local Aid, \$133,119.35 in Federal funding (“Grant”) has been authorized for Preliminary Engineering design activities in connection with the project known as Downtown Streetscape Improvements Phase II;

**WHEREAS**, through a process prescribed by NJDOT, the Borough Administration has collaborated with an engineering firm known as NV5 of Parsippany, New Jersey to develop the preliminary design budget in the amount of the Grant, which is the basis for the Grant;

**WHEREAS**, before the Borough may enter into a professional services agreement with NV5 for performance of services, NJDOT and the Borough must enter into a Federal Aid Cost Reimbursement Agreement establishing the terms and conditions governing receipt of Federal funds for these services;

**WHEREAS**, a copy of the proposed Agreement, known as Agreement No. 2020-DT-DLA-536 (“Agreement”), is attached to this Resolution;

**WHEREAS**, the Grant is provided on a reimbursement basis during the time allotted for performance of the project, which begins upon execution of the Agreement and continues through

completion of the project, which may be no later than May 31, 2023 unless either terminated or extended by written authorization of NJDOT;

**WHEREAS**, the Agreement may be terminated by either party upon 30 days written notice, including termination by NJDOT, USDOT or FHWA if in their sole discretion they determine that termination is in the public interest, entitling the Borough to make a claim for compensation;

**WHEREAS**, for reimbursement of allowable costs, design work may not proceed without specific written authorization of the State, and project limits cannot be exceeded, plans and specifications altered, construction change orders issued, or items added or deleted from the project without the State’s prior written approval;

**WHEREAS**, any project costs incurred by the Borough prior to execution of the Agreement by all parties are not reimbursable, and none have been so incurred;

**WHEREAS**, payment vouchers shall be submitted for approval by the State within three months of initial billing by the contractor/design consultant, may be submitted as frequently as every month, and must be submitted at least quarterly;

**WHEREAS**, the Agreement specifies mandatory provisions that must be included in contracts with contractors and consultants;

**WHEREAS**, a certification by the Borough is made part of the Agreement representing, among other things, that the Borough has not agreed, as an express or implied condition for obtaining the Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement;

**WHEREAS**, future phases of the project that will require separate Federal Aid Agreements include Final Phase Design and Construction Support, with Final Phase Design to be authorized once Preliminary Engineering Activities have been completed.

**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 annexed Agreement No. 2020-DT-DLA-536, together with applicable Appendices, and to take all steps as may be necessary to submit same to the NJDOT and obtain its approval and execution.

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	M				Mills	X			
Griffiths	X				Semple	X			

Council Member Gnatt made a motion to approve Resolutions 2020-6.3 and 2020-6.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.5**

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER  
“ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020**

**WHEREAS**, in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

**WHEREAS**, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

**WHEREAS**, the DLGS hasn’t Certified our Levy and the County Board of Taxation cannot certify taxes until after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

**WHEREAS**, without a Certified Levy, the Tax Collector cannot process the final 2020 Tax Levy; and

**WHEREAS**, the DLGS “*strongly recommends*” under Local Finance Notice 2020-07 “*that municipalities prepare to issue estimated property tax bills for 2020;*” and

**WHEREAS**, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Pennington, in the County of Mercer and State of New Jersey on this 1<sup>st</sup> day of June, 2020 that the Tax

Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

**BE IT FURTHER RESOLVED** that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**BE IT FURTHER RESOLVED**, that the Pennington Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of 2020 based upon an annualized levy analysis totaling \$14,330,834.05, \$2.803 total rate. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

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 2020-6.5, second by Council Member Gnatt. Mayor Lawver asked Chief Financial Officer Sandy Webb to talk about this resolution and to give an update on how tax appeals might affect the Borough, will there be a possibility that the Borough might have be on the hook for school and county taxes for successful tax appeals. Ms. Webb stated that this is the first time since she has been here that the Borough might have a need to do estimated tax bills. Ms. Webb stated that this Resolution is required in order to issue Estimated Tax Bills. Ms. Webb stated that she and Betty are watching the cash flow and we are in good shape right now, but with school and county tax payment due dates remaining unchanged and no news on when the tax rate will be set, it makes sense to do estimated tax bills for this year. Ms. Webb stated that it is a big expense and double the work, but given the current situation it is necessary. Ms. Sterling stated that Tax Assessor Marianne Busher emailed late today that there is a possibility that the Borough might be in a position to pay school and county taxes on tax appeals this year. Ms. Sterling stated that the email indicated that there are currently 8 residential tax appeals and 1 appeal in State Tax Court.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.6**

**RESOLUTION CREATING AN UNPAID INTERNSHIP FOR  
MAXWELL WARD**

**WHEREAS**, Maxwell Ward was a distinguished scholar at the Pennington School where he was a Student Ambassador and active in the athletics and arts programs prior to his graduation in 2019;

**WHEREAS**, in September 2020, Maxwell Ward will begin his sophomore year at Salve Regina University in Newport, Rhode Island where he majors in Environmental Studies; and

**WHEREAS**, Maxwell Ward has submitted a letter and resume for a summer internship with the Environmental Commission; and

**WHEREAS**, the Environmental Commission of the Borough has recommended the appointment of Maxwell Ward as an unpaid intern for the summer to assist the Environmental Commission in completion of an Environmental Resource Inventory (ERI) under the supervision of the Environmental Commission; and

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

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

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

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

Council Member Chandler made a motion to approve Resolution 2020-6.6, second by Council Member Gnatt with all members present voting in favor.



Mayor Lawver asked Council to consider Resolutions 2020-6.7 and 2020-6.8 as a consent agenda.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.7**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 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.2 in the amount of \$170,149.72 less 2% retainage in the amount of \$3,403.00; 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 \$166,746.72 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			

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 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.2 in the amount of \$382,886.42 less 2% retainage in the amount of \$7,657.73; 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 \$375,228.69 pursuant to payment request No.2 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 Resolutions 2020-6.7 and 2020-6.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 6.9**

**RESOLUTION AUTHORIZING CONTRACT WITH RONICA A BREGENZER, ARCHITECT, LLC, FOR CONSTRUCTION DOCUMENT AND CONSTRUCTION ADMINISTRATION PHASES OF RENOVATIONS TO PENNINGTON BOROUGH HALL**

**WHEREAS**, by Agreement effective December 27, 2017, the Borough contracted with Ronica A. Bregenzer, Architect, LLC (“Architect”), for the performance of professional services in connection with renovations to Pennington Borough Hall;

**WHEREAS**, the work covered by Architect’s initial contract required the Architect to assess the relative needs for and estimated costs of various desired renovations to Borough Hall and to make recommendations;

**WHEREAS**, further in accordance with Architect’s initial contract, Architect has collaborated with the Borough to consider options for proceeding with repairs and renovations or some combination of them in keeping with estimated costs, Borough priorities and the availability of Borough funds;

**WHEREAS**, upon completion of the work under the initial contract Borough Council selected the following repairs and renovations as the highest priority at this time: 1. New Building HVAC Systems 2. Roof Replacement 3. Window Replacement 4. Sidewalk Repair 5. Gas Generator;

**WHEREAS**, further in accordance with Architect’s initial contract, the Borough requested that Architect submit a proposal for architectural services for the design and construction of such repairs and renovations, and Architect submitted a proposal dated October 18, 2019;

**WHEREAS**, based on that proposal, Council authorized Design Phase Services by Architect for the lump sum fee of \$24,900.00 (including the Architect and Architect’s consultants Strunk-Albert Engineering and Becker & Frondorf, cost estimating);

**WHEREAS**, after the Design Phase or Design Development Phase of the project was completed, the Architect submitted at the Borough’s request a proposal dated October 18, 2019/Revised January 2, 2020 proposing a lump sum fee of \$35,000.00 for the Construction Document Phase of the project (including the Architect, Strunk-Albert Engineering and Becker & Frondorf cost estimating) and a lump sum fee of \$2,000.00 for services related to the Bidding of the project (including Architect and Strunk-Albert Engineering);

**WHEREAS**, by Resolution 2020-1.30, Borough Council adopted this proposal subject to entering into a detailed contract delineating the rights and obligations of the parties;

**WHEREAS**, at the Borough’s further request, Architect next submitted a proposal dated October 18, 2019/Revised January 31, 2020 proposing a lump sum fee of \$25,000.00 for the Construction Administration Phase of the project (including the Architect and Strunk-Albert Engineering), together with up to \$2,500 in reimbursable expenses as set forth in the proposal;

**WHEREAS**, by Resolution 2020-2.13, Borough Council adopted this further proposal subject to its inclusion as part of the detailed contract with the Architect authorized by Resolution 2020-1.30;

**WHEREAS**, the Borough and Architect now propose to enter into an Agreement covering the Construction Document and Construction Administration phases of the project in accordance with Resolutions 2020-1.30 and 2020-2.13;

**WHEREAS**, the base cost of the Agreement is \$62,000;

**WHEREAS**, the Chief Financial Officer of the Borough certifies that funds are available for the Agreement in the General Capital account under Ordinance 2017-14;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to sign and enter into the attached Agreement on behalf of the Borough, subject to such amendments as to form approved by the Borough Attorney.

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

Council Member Chandler made a motion to approve Resolution 2020-6.9, second by Council Member

Marciante. Borough Attorney Walter Bliss explained that this contract implements approved Resolutions from January and February concerning construction documents and administration approved contingent on a formal agreement. Mr. Bliss explained that this contract will nail down Architect and Engineer services and responsibilities and identify boundaries for the project. Upon a roll call vote all members present voted in favor.

### **Professional Reports**

Mr. Smith stated that it is business as usual in the Public Works Department, they are providing all essential services.

Chief Pinelli stated that there are no issues in the Police Department. Chief Pinelli stated that he has been working in Trenton to assist with protests.

Mrs. Heinzl stated that she appreciated Mrs. Mills comments earlier in the meeting.

There were no other comments from professionals.

### **Public Comment**

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

There were no comments from the public.

At 8:05pm, 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