

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

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:00 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 Heinzl, Public Works Superintendent Rick Smith, Chief Financial Officer Sandy Webb, Police Chief Pinelli, Borough Auditor Bob Morrison, Borough Attorney Walter Bliss and several officers for the Pennington Police Department.

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.

Mayor's Business

Mayor Lawver announced the appointment of an Ad-Hoc committee to evaluate the Pennington Police Department and the Pennington Municipal Court and review policies and procedures with regard to systemic bias. Mayor Lawver stated that he has full confidence in Chief Pinelli and the police force. Mayor Lawver stated that this review will prove to the community that systemic bias is not an issue in Pennington Borough. Council Member Chandler made a motion to approve the appointment of an ad-hoc committee, second by Council Member Mills with all members present voting in favor.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that the Personnel Committee met today and approved reimbursement to Michelle Needham for damages to a property during an inspection by the Borough. Mrs. Gnatt also reported that the Personnel Committee recommends that employees who travel to areas with outbreaks of COVID 19 will be required to quarantine for two weeks using their own time. Mrs. Gnatt stated that another matter was discussed and will be discussed further in Closed Session.

Mrs. Gnatt stated that there will be a discussion later regarding Deer Management that the Open Space Committee will also be discussing.

Mrs. Gnatt stated that the Planning Board did not meet in June.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that the Public Safety Committee met in anticipation of the Mayor's appointment of an ad-hoc committee and took an internal look at the Standard Operating Procedures for the Police Department. Mrs. Chandler stated that the committee is also reviewing numbers to decide if another officer can be added to the department.

Mrs. Chandler stated that Economic Development met but they did not have a quorum.

Mrs. Chandler stated that the intern for the Environmental Resource Inventory is moving along with the project. Mrs. Chandler stated that there are new rules coming regarding Stormwater Management and they are trying to get ahead of it now.

Mayor Lawver inquired about the status of the Arboretum project. Mrs. Heinzl stated that we are waiting for approval from the State.

Public Works – Mr. Marciante stated that there are two ordinances on for introduction later in the meeting for an automated garbage truck and a dump truck for the Public Works Department.

Mr. Marciante asked Mr. Smith if they will starting hydrant flushing. Mr. Smith stated that we need to have some rain before they can start hydrant flushing.

Finance – Mr. Griffiths stated that once again the Borough received a clean audit. Mr. Griffiths thanked Betty Sterling and Sandy Webb.

Mr. Griffiths stated that there will be a discussion later in the meeting on Deer Management.

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. Mrs. Mills stated that the Library will start collecting books from residents this week by appointment. Mrs. Mills stated that the next phase will be curbside pickup of books but they are not ready for that yet. Mrs. Mills stated that the Library Board will be setting up a personnel committee to review a template for employee evaluation forms.

Parks and Recreation / Shade Tree – Ms. Semple stated that Art in the Park is moving forward at Kunkel Park with several sessions a day and limited membership. Mrs. Semple stated that the playground equipment remains closed. Mrs. Semple asked about a bill on the bill list for the purchase of candy for the Easter Egg Hunt that was cancelled. Mrs. Semple asked what happened to the candy. Mrs. Heinzel stated that the candy was donated to TASK.

Mrs. Semple stated that the Shade Tree Committee met but she was unable to attend. Mrs. Semple reported that the 14 trees planted on Burd Street in 2019 are doing well.

Mayor Lawver encouraged everyone to explore the new bridge that opened last week on the Lawrence Hopewell Trail.

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

COUNCIL DISCUSSION

Mr. Griffiths gave the following presentation on Deer Management:

Proposed Pennington 2020-21 Deer Management Program Discussion

Rationale/Background

- Deer population is 10X sustainable levels and creating significant health hazards (disease and car crashes)
- Deer tend to congregate outside Borough borders and forage within Borough
- Deer season runs September 12, 2020 through mid February 2021, 1/2 hour before sunrise to 1/2 hour after sunset

Overview

- Pennington will hire two experienced deer hunters (see resumes) to harvest deer in and around Borough
- Harvested deer will be donated to local non-profit food support groups

Hunters' Responsibilities (see proposal)

- Recommend 10-12 sites for the full season that ensure public safety and minimize public visibility
 - Private and non-profit land
 - Borough land may include distant areas of Kunkel Park and Pennington School land
- Hunters will submit site recommendations for Borough approval and permission
- Harvest activity—hunters will:
 - Inform Borough of specific site, date and approximate times for bait and harvest activity
 - Begin harvest activity in waning daylight hours and continue until dark to minimize public visibility, unless they advise Borough and, after contacting landowners, it consents to other hours of activity
 - Set up bait stations on a site prior to harvest activity so deer congregate
 - Set up temporary tree stands at sites
 - Use high powered, accurate cross bows
 - Take all shots from an elevated position to ensure projectiles travel into ground
 - Field dress harvested deer on-site to prevent meat spoilage and transport to a food non-profit
 - Cover viscera with leaves and debris to avoid public discovery; scavengers will eat viscera within days
 - Continue to harvest deer at a site until they develop a sense of danger at a site and avoid it
 - Rotate sites, repeating the baiting and harvesting activity at each one to attract deer to new sites
 - Advise the Borough of each new site and the dates and times for baiting and harvesting
- Hunters will produce receipts from food support groups proving donation requirements met

Borough Responsibilities

- Borough will review and approve the 10-12 recommended sites and properties within 50 yards of sites
- Borough will seek land owners' general permission for hunters to enter their property for harvest activity
 - Borough will coordinate with Township, County, and private deer management programs
 - Hunters will be advised of harvest activities conducted by other entities
- Once hunters advise specific harvest site, date and approximate times, Borough will re-confirm

- permission
- Borough will compensate hunters at the rate of \$150 inclusive of expenses per carcass donated
- Borough will inform residents of deer management program via public meetings, website, and mailings
 - Key communication points will include public health rationale; endorsements from FOHOVS, Watershed, D&R Greenway, County and their respective professional wildlife biologists
- Borough will approve program via a resolution, ordinance amendments or other instruments as necessary

Funding

- Borough open space fund will cover hunter fees

Program Termination

- The Borough may terminate the program at any time by asking hunters to stop
- If the Borough does not terminate the program, it automatically stops on the last day of deer season 2021

Next Steps

- Borough discussion July 6, 2020
- Borough resolution of other approval action August 3, 2020
- Upon approval, hunters will begin site investigation

Mr. Marciante had some questions about what happens to the deer after it is shot. Mrs. Gnatt stated that she forwarded Mr. Griffiths proposal to Alan Hershey of the Open Space Committee. Mrs. Semple asked where the hunting will take place. Mayor Lawver asked if the sites around Pennington are approved hunting areas would that drive the deer into Pennington. Henry _____ of the Division of Fish and Wildlife answered these questions for Council.

Mayor Lawver asked Mr. Bliss about the use of Open Space Funds. Mr. Bliss stated that open space funds can be used for maintenance of open space acquired by the Borough so it is a judgement call. Mr. Bliss stated that the Statute calls for broad discretion by Council, if there is a consensus and nexus between the hunt and the investment in open space. Mr. Bliss stated that there might be a political issue to the extent that taxpayers might be in opposition. Mr. Bliss stated that some questions need to be answered such as the cost, how broad is the scope of the hunt etc.

Mayor Lawver stated that there will be further discussion at the August meeting.

Mrs. Semple asked how many hunters there would be. Mr. Griffiths stated that would be defined in the contract. Mrs. Chandler stated that this could be a long term proposition because deer are really bad this summer.

Audit Presentation

Mayor Lawver asked that Resolution 2020-7.16 be moved up on the agenda for discussion as Mr. Morrison is in attendance to present the Audit for 2019.

Council Member Chandler made a motion to approve Resolution 2020-7.16, second by Council Member Gnatt.

Mr. Morrison began by thanking the Borough staff for their cooperation this year given the current situation with COVID 19. Mr. Morrison stated that the State has granted an extension for filing the audit to September 30th, so Pennington has filed their audit early.

Mr. Morrison stated that as Glen reported earlier this was a clean audit. Mr. Morrison reviewed the accounting standards that we are required to follow by the State of New Jersey. Mr. Morrison reviewed the various opinions that they are required to file as part of the audit process and reported that this year there is an additional report related to COVID 19 as no one can say how COVID 19 will affect financial positions going forward.

Mr. Morrison stated that audits are conducted by reviewing internal controls and processes in place to see if there is risk of errors or major areas of concern and a variety of tests are performed to make sure the Borough is in compliance with rules and regulations.

Mr. Morrison stated that internal controls and segregation of duties are critical and in a small town the Governing Body plays an important role. Mr. Morrison stated that non-compliance was not found. Mr. Morrison stated that there were a few incidents of purchases being made prior to purchase orders being issued and he would watch that, but no overexpenditures were reported.

Mr. Morrison stated that there was a small drop in fund balance of \$60,000 which is not terrible, there were no major surprises in revenues or expenditures. Mr. Morrison stated that Utility surplus is also down slightly with no major surprises in revenue or expenditures. Mr. Morrison stated that COVID 19 may have an effect on surplus next year.

Mr. Morrison stated that Utility debt service will remain constant until 2030 and the NJEIT debt service will remain constant until 2044. Mr. Morrison stated that once we get through 2030 there will be

significant funds to put back into the utility.

Mr. Morrison stated that with regard to General Capital, the Borough is well below what the State Statute allows. Mr. Morrison stated that there will be no decreases until 2030 and there have been some increases over the past couple of years. Mr. Morrison stated that if the Borough is considering a bond sale this would be the year to do it as rates are at historic lows. Mr. Morrison stated that a bond sale would increase the debt service burden and may call for an increase in tax rates.

Mr. Morrison stated that the key piece of the audit for Borough Council is the General Comments and Recommendations section. Mr. Morrison stated that there are no recommendations in the audit, the Borough is doing fine. Mr. Morrison stated that he assigned a new person to the audit for this year and he is very pleased to report that this is a clean audit.

Mayor Lawver thanked Mr. Morrison and his team.

ORDINANCES FOR INTRODUCTION

Mayor Lawver read Ordinance 2020-12 by title.

BOROUGH OF PENNINGTON ORDINANCE 2020 - 12

ORDINANCE APPROPRIATING \$140,000 FROM MONIES RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID FOR PRELIMINARY ENGINEERING COSTS FOR STREETScape IMPROVEMENTS, IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. \$140,000 is hereby appropriated from monies received from the State of New Jersey Department of Transportation Division of Local Aid for streetscape improvements, including all related costs and expenditures incidental thereto, in and by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough").

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Council Member Marciante made a motion to introduce Ordinance 2020-12, second by Council Member Chandler with all members present voting in favor.

Mayor Lawver read Ordinance 2020-13 by title.

BOROUGH OF PENNINGTON ORDINANCE 2020 – 13

AN ORDINANCE PROHIBITING SHORT-TERM RENTALS OF RESIDENTIAL PROPERTIES, PROVIDING FOR ENFORCEMENT, AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON

BE IT ORDAINED by the Borough Council of the Borough of Pennington, that the Code of the Borough of Pennington is hereby amended by the addition of the following new chapter under General Legislation prohibiting short-term rentals of residential properties in the Borough and providing for enforcement and penalties, as follows:

1. **Findings.** Borough Council finds:
 - a. The rental of residential dwellings for short-term occupancy is a community concern due to the potential for increased traffic, noise, litter, sanitation issues, high occupant turnover, and increased density in residential neighborhoods;
 - b. The number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the

occupants, neighbors, and nearby properties;

- c. The Borough is authorized by N.J.S.A. 40:52-1(d) to license and regulate by ordinance furnished and unfurnished rented housing or living units and all other places and buildings used for occupancy, sleeping and lodging purposes;
- d. The Borough is authorized by N.J.S.A. 40:52-1(n) to license and regulate by ordinance the rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and
- e. The Borough is further authorized pursuant to N.J.S.A. 40:48-2.12a to regulate by ordinance buildings and structures and their use and occupancy to prevent and abate conditions harmful to the health and safety of the occupants of these buildings and structures and the general public;

2. **Definitions.** As used in this Chapter:

Advertise or Advertising shall mean any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Chapter, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this Chapter.

Consideration shall mean any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

Dwelling unit shall mean any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes a house, an apartment, condominium, building, co-operative, converted space, or portions thereof, that is used or offered or made available for use for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of thirty (30) days or less.

Occupant shall mean any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

Owner shall mean any person or entity, association, limited liability company, corporation, or partnership, in any number or combination, including an operator, principal, shareholder, director, agent, or employee of one or any of them, individually or collectively, who legally uses, possesses, owns, leases, sub-leases or licenses a dwelling unit, has charge, care or control of a dwelling unit, or participates in the expense and/or profit of a dwelling unit pursuant to a rental agreement, lease, license, use or occupancy agreement or any other written or unwritten agreement.

Person shall mean an individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

Residential occupancy shall mean the use of a dwelling unit by an occupant(s).

- 3. **Prohibited Use.** It shall be unlawful for an owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting individually or in concert or in any combination, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit for a period of thirty (30) days or less.
- 4. **Prohibited Advertising.** It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Chapter.
- 5. **Enforcement; Violations and Penalties.**
 - a. The provisions of this Section shall be enforced by the Borough Police Department.
 - b. Any person who violates this Chapter shall be subject to a fine of no less than \$100 nor more than \$1,250. Each day that the violation exists shall be considered a separate offense. Any person who is convicted of violating this Chapter within one year of the date of a previous violation of this Chapter shall be sentenced to an additional fine as a repeat offender. The additional fine imposed for a repeated offense shall not be less than \$100 or more than \$1,250 and shall be calculated separately from the fine imposed for the violation itself.

6. **Repealer.** All ordinances or portions of ordinances which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.
7. **Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
8. **Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

Council Member Mills made a motion to introduce Ordinance 2020-13, second by Council Member Gnatt. Mr. Marciante asked about the reason for this ordinance. Mrs. Mills stated that there is an Air BNB on Main Street and several of the neighbors have complained about noise, garbage and loud parties at all hours. Mrs. Mills stated that there are several of the neighbors on the Zoom call.

Mrs. Chandler stated that she is sympathetic to the neighbors, but this seems like overkill. Mrs. Chandler stated that banning the entire industry seems harsh.

Chief Pinelli stated that they are currently handing out copies of the noise ordinance and trash ordinance to people renting this house and he has contacted the Health Department and Public Works regarding garbage in the yard. Chief Pinelli stated that he is trying to track down the owner of the property. Chief Pinelli stated that the house sold at sheriff sale and is now owned by a company that has several properties that they rent out as short term rentals. Chief Pinelli stated that there is no ordinance that gives the Borough authority to do anything. Chief Pinelli state that he has reached out to the Sheriff's office to see if he can find out how to contact the owner of the property.

Michelle Needham of 215 S. Main Street stated that the property is advertised as a Pennington Mansion and when it is rented there are 30 to 50 people gathering in the yard till all hours. Mrs. Needham stated that she and her neighbors are concerned that there is no attempt at social distancing and no one is wearing a mask. Mrs. Needham stated that there are vehicles parked on Main Street with license plates from hot spots in the Country. Mrs. Needham stated that she is concerned that the number of people in the house is over the capacity for fire regulations as well as the concerns related to noise, smoking pot, garbage and these things need to be reeled in and controlled.

Mrs. Chandler stated that she agrees that there is a problem now that needs to be addressed, but this is ordinance is not what is needed.

Mr. Griffiths suggested that the Borough pick up the trash and bill the owner. Mr. Griffiths agreed with Mrs. Chandler that an ordinance is not the answer.

Mrs. Vidican of 222 S. Main stated that she is concerned that these large groups of people from out of state are shopping in the local stores and it is very scary given during the current pandemic. Mrs. Vidican also stated that she is seeing workmen entering the house during the week and there are other strange happenings.

Mrs. Louise Profit of 211 S. Main stated that she is in support of all that has been said. Mrs. Profit stated that this is not a normal situation and she has concerns about the number of cars and number of people that are using this house.

Mrs. Reba Holley of 2 S. Main stated that there are cars up and down Lanning Avenue and they are turning around in driveways and parking along Main. Mrs. Holley stated that the people staying in the house hang out on the sidewalks, they have big parties and there are strange comings and goings all day.

Chief Pinelli stated that he is working on trying to contact the owner and the Police Department will continue to monitor the situation. Mr. Marciante stated that he would also suggest reaching out the Fire District regarding the fire concerns with regard to occupancy. Mrs. Heinzl stated that she would reach out to Andy Fosina in the morning.

Ms. Semple asked if this ordinance would even help with this situation. Mr. Bliss stated that the ordinance would not even take effect until sometime in August and he would defer to Chief Pinelli on the best course of action.

Mayor Lawver encouraged neighbors to call the police department and report problems when they occur. Mayor Lawver asked that this ordinance be pulled from the agenda.

Mayor Lawver announced that Ordinance 2020-14 is being pulled from the agenda as it is not ready for introduction.

**BOROUGH OF PENNINGTON
ORDINANCE 2020 - 14**

**ORDINANCE AUTHORIZING EMPLOYMENT AGREEMENT
WITH DOUGLAS M. PINELLI AS CHIEF OF POLICE**

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

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 & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & 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:	\$450,000	\$427,500	

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 open the Public Hearing on Ordinance 2020-8, second by Council Member Chandler. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing on Ordinance 2020-8, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-8, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver read Ordinance 2020-9 by title.

**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 Marciante made a motion to open the Public Hearing on Ordinance 2020-9, second by Council Member Chandler. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Mills with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2020-9, second by Council Member Chandler with all members present voting in favor.

Mayor Lawver read Ordinance 2020-10 by title.

**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
Chief of Police	\$109,000.00
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 | \$ 85.53 |
| Police Department: | | |
| Crossing Guards | \$ 15.00 | \$ 26.01 |
| 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 if appropriate.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2020-10, second by Council Member Gnatt. There were no comments from the public. Council Member Gnatt made a motion to close the Public Hearing, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-10, second by Council Member Mills with all members present voting in favor.

Mayor Lawver read Ordinance 2020-11 by title.

**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 Marciante made a motion to open the Public Hearing on introduce Ordinance 2020-11, second by Council Member Gnatt. There were no comments from the public. Council Member Marciante 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 2020-11, second by Council Member Mills with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 7.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Goodwill Industries of Southern New Jersey & Philadelphia, 2835 Route 73 South, Maple Shade, NJ 08052 for refund of escrow balance for Planning Board Application #: 19-004 in the amount of \$72.02.

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 2020-7.1, second by Council Member Griffiths with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2020 – 7.2
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 \$1,553,442.18 from the following accounts:

Current	\$1,195,092.84
W/S Operating	\$ 166,862.47
Animal Control Fund	\$ 2.40
COAH	\$ 0.00
General Capital	\$ 131,131.47
Developer’s Escrow	\$ 0.00
Grant Fund	\$ 60,080.00
Open Space Trust	\$ 273.00
TOTAL	\$1,553,442.18

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

Council Member Marciante made a motion to approve Resolution 2020-7.2, second by Council Member Mills. Mrs. Sterling asked a correction of two of the amounts on the Resolution. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.3
RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$2,515,000 GENERAL IMPROVEMENT BONDS, SERIES 2020, OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:

Section 1. (a) The \$2,515,000 General Improvement Bonds, Series 2020, of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), referred to and described in a resolution of the Borough duly adopted on July 6, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2020, of the Borough of Pennington, in the County of Mercer, New Jersey, Into a Single Issue of Bonds Aggregating \$2,515,000 in Principal Amount" and in the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "General Improvement Bonds, Series 2020" (the "Bonds").

(b) **The Bonds shall mature in the principal amounts on August 15 as follows:**

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$175,000	2027	\$210,000
2022	180,000	2028	215,000
2023	190,000	2029	220,000
2024	195,000	2030	225,000
2025	200,000	2031	250,000
2026	205,000	2032	250,000

(c) **The actual principal amounts may be adjusted by the Borough, at its option, in accordance with N.J.S.A. 40A:2-26(g). Any such adjustment shall not exceed 10% of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall issue.**

(d) The Bonds shall be subject to redemption prior to their stated maturity in accordance with the full Notice of Sale attached hereto as Exhibit A (the "Full Notice of Sale").

(e) The Bonds shall be twelve in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-12, inclusive.

(f) The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the fifteenth day of February and August in each year until maturity or prior redemption, commencing on February 15, 2021, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1%, proposed by the successful bidder in accordance with the Full Notice of Sale.

(g) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 2. (a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple in excess thereof through book-entries made on the books and records of the Securities Depository and its participants.

(b) The principal of and interest on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding February 1 and August 1 (the "Record Dates" for the Bonds).

Section 3. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository:

[Form of Bond begins on next page]

REGISTERED
NUMBER GI- ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MERCER

BOROUGH OF PENNINGTON

GENERAL IMPROVEMENT BOND, SERIES 2020

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

RATE OF INTEREST PER ANNUM:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RECORD DATES:

CUSIP NUMBER:

BOROUGH OF PENNINGTON, a public body corporate and politic of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Borough or its designated paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES. The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to August 15, 2028 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after August 15, 2028 are redeemable at the option of the Borough in whole or in part on any date on or after August 15, 2027 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than 30 days nor more than 60 days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Borough; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof

called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the redeemed bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Borough shall send redemption notices only to Cede & Co.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough duly adopted on July 6, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2020, of the Borough of Pennington, in the County of Mercer, New Jersey, Into a Single Issue of Bonds Aggregating \$2,515,000 in Principal Amount" and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF PENNINGTON has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATED DATE as specified above.

BOROUGH OF PENNINGTON

[SEAL]

By: _____
[executed upon issuance]
Mayor

ATTEST:

By: _____
[executed upon issuance]
Clerk

By: _____
[executed upon issuance]
Chief Financial Officer

[End of Form of Bond]

Section 4. (a) The Bonds shall be sold on August 12, 2020, or such other date as may be determined by the Chief Financial Officer, via the "PARITY Electronic Bid System" ("PARITY") upon the terms and conditions set forth and described in the Full Notice of Sale for the Bonds. The Full Notice of Sale shall be posted on MuniHub.

(b) Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with the Full Notice of Sale with such changes as to date or the terms as deemed advisable or necessary by Phoenix Advisors, LLC, the Borough's Municipal Advisor, and McManimon, Scotland & Baumann, LLC, the Borough's Bond Counsel, to access effectively the market for the sale of the Bonds, and such Chief Financial Officer shall report in writing the results of the sale to this Borough Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Full Notice of Sale, to retain the good faith deposit of the successful bidder and to return immediately such good faith deposits, whether by wire or check, to the unsuccessful bidders. The Chief Financial is further authorized to determine whether to use any premium that is part of the award of the successful bidder, upon advice from the Borough's Financial Advisor, either to pay down all or a portion of the Bonds being sold equivalent to such premium, or to be applied as additional funds for any of the capital projects being financed as part of the bond issue.

Section 5. The Full Notice of Sale shall be substantially in the form attached hereto as Exhibit A with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and

PARITY. The Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and PARITY. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and PARITY. The Borough Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized in Exhibit B in the form provided herein in the Hopewell Valley News or such other authorized newspaper of the Borough and any actions taken by the Clerk prior to the date of adoption of this resolution in connection with the publication of the Short Notice of Sale are hereby ratified, confirmed and approved. McManimon, Scotland & Baumann, LLC is hereby directed to arrange for the publication of the Summary Notice of Sale authorized in Exhibit C in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, such publication to be not less than seven days prior to the date of sale.

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 7. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Bonds and the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC, Phoenix Advisors, LLC and Borough officials. The Mayor and the Chief Financial Officer are hereby authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 8. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended, in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 9. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

(b) In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered Bonds in denominations of \$5,000 or any integral multiple in excess thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the registered Bonds in certificated form.

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each year, beginning September 30, 2020, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) the Borough indebtedness, (ii) property valuation information and (iii) tax rate, levy and collection data. The audited financial

information will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of such event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough;
- (13) The consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Borough, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); *provided, however*, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such Chief Financial Officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule. The Chief Financial Officer is also hereby authorized and delegated to change the amount of the Bonds and the maturity schedule and to make related revisions to the notices of sale by execution of a certificate.

(f) In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 11. This resolution shall take effect immediately.

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			

CERTIFICATE

I, Elizabeth Sterling, Clerk of the Borough of Pennington, in the County of MERCER, New Jersey (the "Borough"), **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the governing body of the Borough duly called and held on July 6, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of July, 2020.

[SEAL]

Elizabeth Sterling, Clerk

Exhibit A

(Full Notice of Sale to be Posted on MuniHub)

NOTICE OF SALE

\$2,515,000*
GENERAL IMPROVEMENT BONDS, SERIES 2020
OF THE BOROUGH OF PENNINGTON, IN THE
COUNTY OF MERCER, NEW JERSEY
(Book-Entry-Only Bonds) (Callable)

SUMMARY

ISSUER:	Borough of Pennington, in the County of Mercer, New Jersey
PAR AMOUNT:	\$2,515,000*
SECURITY:	General Obligations of the Borough
TAX-EXEMPT:	Yes
RATING:	Rating to be assigned.
TYPE OF SALE:	Electronic proposals via PARITY Electronic Bid System (PARITY) of I-Deal, LLC ("I-Deal"). See "Bidding Details" herein.
AGENT:	PARITY – Electronic proposals will be received via the PARITY Electronic Bid System ("PARITY") of I-Deal
SALE DATE & BID TIME:	August 12, 2020 until 11:00 a.m. local time, at which time they will be publicly opened, received and announced. Award by 3:00 p.m.
DATED DATE:	Date of Delivery

DELIVERY DATE: August 26, 2020

INTEREST PAYMENT DATES: February 15 and August 15, commencing February 15, 2021

CALL DATE: August 15, 2027 @ par for Bonds maturing on or after August 15, 2028

MINIMUM BID: \$2,515,000 (Par)

MAXIMUM BID: \$2,665,900 (Par plus 6% bid premium)

BID SECURITY: **Good Faith Check or wire transfer in the amount of \$50,300 received by Borough (prior to bidding)**

BASIS OF AWARD: True Interest Cost

LEGAL OPINION: McManimon, Scotland & Baumann, LLC, Roseland, New Jersey

OFFERING STATEMENT: Preliminary Official Statement available at www.munihub.com

*Preliminary, subject to change.

NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Borough of Pennington, in the County of MERCER, New Jersey (the "Borough"), for the purchase of \$2,515,000* original principal amount of the Borough's General Improvement Bonds, Series 2020 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety via "PARITY Electronic Bid System" (PARITY) prior to 11:00 a.m., New Jersey time, on August 12, 2020 (the "Sale Date"). To bid, Bidders (as defined below) must have submitted a good faith check, wire or Financial Surety Bond, if available, payable to the Borough, in the amount of \$50,300 by no later than 10:30 a.m. on the Bid Date (see Bidding Details below).**

Preliminary and Final Official Statement

The Borough's Preliminary Official Statement (the "POS") is available for viewing in electronic format on MuniHub's website located at www.munihub.com. In addition, broker-dealers registered with the Financial Industry Regulatory Authority and dealer banks with The Depository Trust Company ("DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer or (b) at any time prior to the Sale Date, elect to receive a photocopy of the POS in the mail by requesting it by calling the Borough's bond counsel, Edward J. McManimon, III, Esq., of McManimon, Scotland & Baumann, LLC ("Bond Counsel"), 75 Livingston Avenue, Roseland, New Jersey 07068 (telephone no. 973-622-5028), or attention of Elizabeth A. Manuel, Paralegal (telephone no. 973-622-5280) or the Borough's Municipal Advisor, Phoenix Advisors, LLC (the "Municipal Advisor"), Sherry L. Tracey, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 (telephone no. 609-291-0130). All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Borough to be final as of its date for purposes of SEC Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Borough, at its own expense, will make available to the winning Bidder a reasonable number of Final Official Statements within seven (7) business days following the date of acceptance of the Bid.

Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$2,515,000*. There will be only one CUSIP assigned to each annual maturity of the issue. First, a Bidder must submit a conforming

Bid for the entire issue, and if such Bid is accepted by the Borough, such winning Bidder will be required to purchase the entire issue in accordance with such Bid.

*Preliminary, subject to change.

Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each February 15 and August 15, commencing on February 15, 2021. Interest shall be computed on the basis of a 30-day month/360-day year.

Principal Amortization

The Bonds shall mature on August 15 as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$175,000	2027	\$210,000
2022	180,000	2028	215,000
2023	190,000	2029	220,000
2024	195,000	2030	225,000
2025	200,000	2031	250,000
2026	205,000	2032	250,000

The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds; *provided, however*, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, will not exceed \$2,515,000*. The dollar amount bid by the winning bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted Bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the original Bid, and the initial public offering prices required to be delivered to the Borough, as stated herein.

Book-Entry-Only

The Bonds will be issued in book-entry-only form, initially in the name of Cede & Co., as nominee for DTC. Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000 or any integral multiple in excess thereof. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

*Preliminary, subject to change

Terms of PARITY

Each electronic proposal must be submitted via PARITY. No bidder will see any other bidder's Bid, nor will any bidder see the status of its Bid relative to other Bids (*e.g.*, whether its Bid is a leading bid). To the extent any instructions or directions set forth on PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact PARITY at I-Deal at (212) 404-8102. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any Bid submitted electronically via PARITY. In the event that a Bid for the Bonds is submitted via PARITY, the bidder further agrees that: the Borough may regard the electronic transmission of the Bid via PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds specified, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as though the same information were submitted on the official "Proposal for Bonds" provided by the Borough and executed by a duly authorized signatory of the bidder. If a Bid submitted electronically via PARITY is accepted by the Borough, the terms of the official "Proposal for Bonds" and this Notice of Sale and the information that is electronically transmitted via PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

PARITY is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY, including, but not limited to, any failure by PARITY to correctly or timely transmit information provided by the Borough or information provided by the bidder.

The Borough may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 10:00 a.m., Eastern Time, on the Sale Date.

Once the bids are communicated electronically via PARITY to the Borough, each Bid will constitute an official "Proposal for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Proposals for Bonds", whether electronically or sealed, the time as maintained on PARITY shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its Bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor i-Deal shall have any duty or obligation to provide or assure to any bidder, and neither the Borough nor i-Deal shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY. The Borough is using PARITY as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

Bidding Details

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **BIDDERS MUST SUBMIT A GOOD FAITH CHECK OR WIRE TRANSFER IN THE AMOUNT OF \$50,300 PAYABLE TO THE BOROUGH NO LATER THAN 10:30 A.M. ON THE SALE DATE. HOWEVER, BIDDERS ARE ENCOURAGED TO SUBMIT CHECKS OR WIRES ON THE DAY PRIOR TO THE SALE DATE TO ASSURE RECEIPT OF PAYMENT BY THE BOROUGH AT THE FOLLOWING ADDRESS:**

**Sandra Webb
Chief Financial Officer
Borough of Pennington
30 North Main Street
Pennington, NJ 08534**

BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE BOROUGH. BIDDERS SUBMITTING A WIRE SHOULD CONTACT THE BOROUGH'S MUNICIPAL ADVISOR, SHERRY L. TRACEY (TELEPHONE NO. 609-291-0130), TO OBTAIN THE WIRE INSTRUCTIONS.

UNSUCCESSFUL BIDDERS SUBMITTING THE GOOD FAITH DEPOSIT BY WIRE TRANSFER SHALL, NO LATER THAN THE CLOSE OF BUSINESS ON THE SALE DATE OF THE BONDS, PROVIDE THE CHIEF FINANCIAL OFFICER IN WRITING WITH WIRING INSTRUCTIONS FOR THE RETURN OF SUCH UNSUCCESSFUL BIDDER'S GOOD FAITH DEPOSIT. IN THE EVENT THAT THE BOROUGH FAILS TO RETURN ANY GOOD FAITH WIRES IN A TIMELY FASHION, THE BOROUGH SHALL NOT BE LIABLE FOR MONETARY DAMAGES, REMEDY BEING HEREBY SPECIFICALLY LIMITED TO SPECIFIC PERFORMANCE.

- (2) **All Bids must be submitted on PARITY. No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (3) **All Bids for the Bonds must be submitted on an AON basis. Bidders may change and submit Bids as provided for herein, but a submitted Bid may not be withdrawn.**

- (4) Bidders may bid to purchase Bonds from the Borough with a bid premium in an amount not in excess of six percent (6%) of the par amount of the Bonds, representing a bid price of not in excess of \$2,665,900. No Bid will be considered if the Bid is to purchase Bonds at a price less than 100% of the principal amount thereof. The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds as set forth in more detail under "Principal Amortization" above.
- (6) (5) Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds and the rate or rates named must be multiples of 1/8 or 1/20 of 1%. The difference between the highest and lowest interest rates named in the Bid shall not exceed two percent (2%) per annum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. Each proposal submitted must state the purchase price, which must be not less than par. The Bonds will be awarded to the bidder on whose Bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC shall be calculated as described below. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Borough under any legally acceptable proposal. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price, if applicable.
- (6) Bidders are only permitted to submit Bids for the Bonds during the bidding period.

Definitions

"Bid"	any confirmed purchase offer received by PARITY on or before the proposal submission deadline.
"Bidder"	any firm registered and approved for participation in sale.
"True Interest Cost (TIC)"	true interest cost shall be computed in each instance by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding interest accrued to the Delivery Date. The TIC serves as the basis for awarding bonds to the winning bidder.
"Winning Bid"	any purchase offer made by a bidder and received by PARITY that, at the end of the bidding time period, results in the lowest TIC that is acceptable to the Borough.

Bid Procedure and Basis of Award

Subject to the right reserved by the Borough to reject any or all Bids, the Bonds will be sold to the bidder whose Bid produces the lowest TIC for the Borough and otherwise complies with the Notice of Sale.

Bids must remain valid until at least 3:00 p.m., prevailing time, on the Sale Date, and if accepted by the Borough, prior to such time, shall be irrevocable except as otherwise provided in the Notice of Sale. Upon selection of the winning bidder, the Borough will execute an award certificate to award the Bonds and will promptly communicate with the winning bidder by telephone, e-mail or fax.

Bid Security and Method of Payment for Bonds

A good faith deposit (the "Deposit") in the form of a certified or cashier's check, wire transfer (wiring instructions can be obtained from the Borough's Bond Counsel or Municipal Advisor) or a Financial Surety Bond in the amount of \$50,300, payable to the order of the Borough, is required for each Bid to be considered. If a check is used, it must be a certified treasurer's or cashier's check and must be provided to the Borough prior to 10:30 a.m. on the Sale Date for bids to be submitted. If a wire transfer is used, such wire must be received by the Borough prior to 10:30 a.m. on the Sale Date. Each bidder accepts responsibility for delivering such check or wire on time and the Borough is not responsible for any check or wire that is not received on time. If a Financial Surety Bond is used, it must be from an insurance company

licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the "Director") and such bond must be submitted to the Borough prior to 10:30 a.m. on the Sale Date at the address referred to above. At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that winning bidder is required to submit its Deposit to the Borough by wire transfer as instructed by the Borough not later than 3:30 p.m. on the next business day following the Sale Date. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement. No interest on the Deposit will accrue to the winning bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the winning bidder fails to honor its accepted Bid, the Deposit will be retained by the Borough. Award of the Bonds to the winning bidder or rejection of all Bids is expected to be made within two hours after opening of the bids, but such winning bidder may not withdraw its proposal until after 3:00 p.m. on the Sale Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in federal funds by wire transfer to the Borough on or about the Delivery Date.

Right to Reject Bids; Waive Irregularities

The Borough reserves the right to reject any and all Bids and, to the extent permitted by law, to waive any irregularity or informality in any Bid.

Information Required from the Winning Bidder

By making a bid for the Bonds, the winning bidder(s) agrees: (a) to provide to the Borough, in writing, immediately upon being unofficially awarded the Bonds, a written confirmation of the Bid, which shall include the purchase price, reoffering yield(s) and other related information necessary for completion of the Final Official Statement by the Municipal Advisor and by Bond Counsel; (b) to disseminate to all members of the underwriting syndicate copies of the Official Statement; (c) to promptly file a copy of the Final Official Statement with the Municipal Securities Rulemaking Board; and (d) to take any and all other actions necessary to comply with applicable Securities and Exchange Commission and Municipal Securities Rulemaking Board rules governing the offering, sale and delivery of the Bonds to alternate purchasers.

Establishment of Issue Price for the Bonds

In the event the Borough receives at least three (3) bids for the Bonds, then the issue price for the Bonds shall be established based on the reasonably expected initial offering prices of the Bonds as of the Sale Date (the "Expected Offering Prices"). The Expected Offering Prices shall consist of the prices for each maturity of the Bonds used by the winning bidder in formulating its bid to purchase the Bonds. The winning bidder shall be required to deliver on the Delivery Date a certificate to such effect and to provide to the Borough, in writing, the Expected Offering Prices as of the Sale Date.

In the event the Borough receives fewer than three (3) bids for the Bonds, then the issue price for the Bonds shall be established based on the following method as selected by the winning bidder on the Sale Date:

10% Sold: The issue price for the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below). The winning bidder shall be required to deliver on the Delivery Date a certificate to such effect and to provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of such sales prices for each maturity of the Bonds. In the event that the winning bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the winning bidder shall (i) provide to the Borough, in writing, on the Delivery Date, the Expected Offering Prices for each Unsold Maturity and a certificate regarding same and (ii) have a continuing obligation to provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of the first price at which at least 10% of each Unsold Maturity is sold to the Public, contemporaneous with each such sale, until at least 10% of all such Unsold Maturities have been sold to the Public.

Hold-the-Price: The issue price for the Bonds shall be established based on the initial offering price

of the Bonds to the Public as of the Sale Date, provided that the winning bidder shall, in writing, (i) confirm that the Underwriters have offered or will offer the Bonds to the public on or before the Sale Date at the offering price or prices set forth in the Bid submitted by the Winning Bidder and (ii) agree, on behalf of the Underwriters participating in the purchase of the Bonds, that the Underwriters will neither offer nor sell the Bonds to any person at a price that is higher than the initial offering price to the Public during the period starting on the Sale Date and ending on the earlier of: (1) the close of the fifth (5th) business day after the sale date or (2) the date on which the Underwriters have sold at least 10% of the Bonds to the Public at a price that is no higher than the initial offering price to the Public.

Public means any person (including an individual, trust, estate, partnership, association, company or corporation) other than an Underwriter (as defined herein) or a related party to an Underwriter. The term "related party" generally means any two or more persons who have greater than 50% common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the Public).

Delivery of the Bonds

The Bonds will be delivered on or about the Delivery Date (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON MUNIAUCTION NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York City at DTC against payment of the purchase price therefor (less the amount of the good faith deposit) in federal funds.

There will also be furnished the usual closing papers, including (1) a certificate signed by the officials who signed the Bonds stating that no litigation of any kind is now pending or, to their knowledge, threatened to restrain or enjoin the issuance or delivery of the Bonds, or in any manner questioning the proceedings and authorization under which the Bonds are issued or affecting the validity of the Bonds, and (2) a certificate signed by the Borough relating to the Official Statement.

CUSIP Numbers

The Municipal Advisor will apply for CUSIP numbers with respect to the Bonds, but neither the Municipal Advisor nor the Borough will assume any obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the winning bidder to accept delivery of and make payment for the Bonds. The CUSIP Service Bureau charge for the assignment of the CUSIP numbers shall be the responsibility of and shall be paid for by the winning bidder.

Legal Opinion

The approving opinion of McManimon, Scotland & Baumann, LLC, Bond Counsel to the Borough, will be furnished without cost to the winning bidder.

Postponement

The Borough reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED OR POSTED BEFORE 10:00 A.M. ON THE SALE DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via PARITY at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of the Notice of Sale, except for the date of sale and except for the changes announced on PARITY at the time the sale date and time are announced.

Additional Information

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Borough. The Notice of Sale and the POS may be viewed on MuniHub's website located at www.munihub.com. However, the Borough makes no assurance or representation with respect to the form of the Notice of Sale and the POS on MuniHub, and no investment decision should be made in reliance thereon. Printed copies of the POS and the Notice

of Sale may be obtained from the Municipal Advisor or Bond Counsel at the addresses and phone numbers stated above. For additional information relating to the sale, please contact PARITY at (212) 404-8102. Additional information relating to the Borough can be obtained by contacting the undersigned Chief Financial Officer at (609) 737-0276 or at taxcollector@penningtonboro.org or by contacting the Borough's Municipal Advisor.

BOROUGH OF PENNINGTON
By: Sandra Webb, Chief Financial Officer

Dated: _____, 2020

Exhibit B

(Notice of Sale to be Published in Local Newspaper)

**NOTICE OF SALE
\$2,515,000*
GENERAL IMPROVEMENT BONDS, SERIES 2020
OF THE BOROUGH OF PENNINGTON, IN THE
COUNTY OF MERCER, NEW JERSEY
(Book-Entry-Only Bonds) (Callable)**

SUMMARY

ISSUER:	Borough of Pennington, in the County of MERCER, New Jersey
PAR AMOUNT:	\$2,515,000*
SECURITY:	General Obligations of the Borough
TAX-EXEMPT:	Yes
RATING:	Rating to be assigned.
TYPE OF SALE:	Electronic proposals via PARITY Electronic Bid System (PARITY) of I-Deal, LLC ("I-Deal"). See "Bidding Details" herein.
AGENT:	PARITY – Electronic proposals will be received via the PARITY Electronic Bid System ("PARITY") of I-Deal
SALE DATE & BID TIME:	August 12, 2020 until 11:00 a.m. local time, at which time they will be publicly opened, received and announced. Award by 3:00 p.m.
DATED DATE:	Date of Delivery
DELIVERY DATE:	August 26, 2020
INTEREST PAYMENT DATES:	February 15 and August 15, commencing February 15, 2021
CALL DATE:	August 15, 2027 @ par for Bonds maturing on or after August 15, 2028
MINIMUM BID:	\$2,515,000 (Par)
MAXIMUM BID:	\$2,665,900 (Par plus 6% bid premium)
BID SECURITY:	<u>Good Faith Check or wire transfer in the amount of \$50,300 received by Borough (prior to bidding)</u>
BASIS OF AWARD:	True Interest Cost
LEGAL OPINION:	McManimon, Scotland & Baumann, LLC, Roseland, New Jersey
OFFERING STATEMENT:	Preliminary Official Statement available at www.munihub.com

*Preliminary, subject to change.

NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Borough of Pennington, in the County of MERCER, New Jersey (the "Borough"), for the purchase of \$2,515,000* original principal amount of the Borough's General Improvement Bonds, Series 2020 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety via "PARITY Electronic Bid System" (PARITY) prior to 11:00 a.m., New Jersey time, on August 12, 2020 (the "Sale Date"). To bid, Bidders (as defined below) must have submitted a good faith check, wire or Financial Surety Bond, if available, payable to the Borough, in the amount of \$50,300 by no later than 10:30 a.m. on the Bid Date (see Bidding Details below).**

Preliminary and Final Official Statement

The Borough's Preliminary Official Statement (the "POS") is available for viewing in electronic format on MuniHub's website located at www.munihub.com. In addition, broker-dealers registered with the Financial Industry Regulatory Authority and dealer banks with The Depository Trust Company ("DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer or (b) at any time prior to the Sale Date, elect to receive a photocopy of the POS in the mail by requesting it by calling the Borough's bond counsel, Edward J. McManimon, III, Esq., of McManimon, Scotland & Baumann, LLC ("Bond Counsel"), 75 Livingston Avenue, Roseland, New Jersey 07068 (telephone no. 973-622-5028), or attention of Elizabeth A. Manuel, Paralegal (telephone no. 973-622-5280) or the Borough's Municipal Advisor, Phoenix Advisors, LLC (the "Municipal Advisor"), Sherry L. Tracey, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 (telephone no. 609-291-0130). All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Borough to be final as of its date for purposes of SEC Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Borough, at its own expense, will make available to the winning Bidder a reasonable number of Final Official Statements within seven (7) business days following the date of acceptance of the Bid.

Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$2,515,000*. There will be only one CUSIP assigned to each annual maturity of the issue. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Borough, such winning Bidder will be required to purchase the entire issue in accordance with such Bid.

*Preliminary, subject to change.

Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each February 15 and August 15, commencing on February 15, 2021. Interest shall be computed on the basis of a 30-day month/360-day year.

Principal Amortization

The Bonds shall mature on August 15 as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$175,000	2027	\$210,000
2022	180,000	2028	215,000
2023	190,000	2029	220,000
2024	195,000	2030	225,000
2025	200,000	2031	250,000

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2026	205,000	2032	250,000

The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds; *provided, however*, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, will not exceed \$2,515,000*. The dollar amount bid by the winning bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted Bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the original Bid, and the initial public offering prices required to be delivered to the Borough, as stated herein.

Book-Entry-Only

The Bonds will be issued in book-entry-only form, initially in the name of Cede & Co., as nominee for DTC. Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000 or any integral multiple in excess thereof. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

*Preliminary, subject to change

Terms of PARITY

Each electronic proposal must be submitted via PARITY. No bidder will see any other bidder's Bid, nor will any bidder see the status of its Bid relative to other Bids (*e.g.*, whether its Bid is a leading bid). To the extent any instructions or directions set forth on PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact PARITY at I-Deal at (212) 404-8102. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any Bid submitted electronically via PARITY. In the event that a Bid for the Bonds is submitted via PARITY, the bidder further agrees that: the Borough may regard the electronic transmission of the Bid via PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds specified, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as though the same information were submitted on the official "Proposal for Bonds" provided by the Borough and executed by a duly authorized signatory of the bidder. If a Bid submitted electronically via PARITY is accepted by the Borough, the terms of the official "Proposal for Bonds" and this Notice of Sale and the information that is electronically transmitted via PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

PARITY is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY, including, but not limited to, any failure by PARITY to correctly or timely transmit information provided by the Borough or information provided by the bidder.

The Borough may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 10:00 a.m., Eastern Time, on the Sale Date.

Once the bids are communicated electronically via PARITY to the Borough, each Bid will constitute an official "Proposal for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Proposals for Bonds", whether electronically or sealed, the time as maintained on PARITY shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its Bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor i-Deal shall have any duty or obligation to provide or assure to any bidder, and neither the Borough nor i-Deal shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY. The Borough is using PARITY as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

Bidding Details

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **BIDDERS MUST SUBMIT A GOOD FAITH CHECK OR WIRE TRANSFER IN THE AMOUNT OF \$50,300 PAYABLE TO THE BOROUGH NO LATER THAN 10:30 A.M. ON THE SALE DATE. HOWEVER, BIDDERS ARE ENCOURAGED TO SUBMIT CHECKS OR WIRES ON THE DAY PRIOR TO THE SALE DATE TO ASSURE RECEIPT OF PAYMENT BY THE BOROUGH AT THE FOLLOWING ADDRESS:**

**Sandra Webb
Chief Financial Officer
Borough of Pennington
30 North Main Street
Pennington, NJ 08534**

BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE BOROUGH. BIDDERS SUBMITTING A WIRE SHOULD CONTACT THE BOROUGH'S MUNICIPAL ADVISOR, SHERRY L. TRACEY (TELEPHONE NO. 609-291-0130), TO OBTAIN THE WIRE INSTRUCTIONS.

UNSUCCESSFUL BIDDERS SUBMITTING THE GOOD FAITH DEPOSIT BY WIRE TRANSFER SHALL, NO LATER THAN THE CLOSE OF BUSINESS ON THE SALE DATE OF THE BONDS, PROVIDE THE CHIEF FINANCIAL OFFICER IN WRITING WITH WIRING INSTRUCTIONS FOR THE RETURN OF SUCH UNSUCCESSFUL BIDDER'S GOOD FAITH DEPOSIT. IN THE EVENT THAT THE BOROUGH FAILS TO RETURN ANY GOOD FAITH WIRES IN A TIMELY FASHION, THE BOROUGH SHALL NOT BE LIABLE FOR MONETARY DAMAGES, REMEDY BEING HEREBY SPECIFICALLY LIMITED TO SPECIFIC PERFORMANCE.

- (2) All Bids must be submitted on PARITY. **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (3) All Bids for the Bonds must be submitted on an AON basis. Bidders may change and submit Bids as provided for herein, but a submitted Bid may not be withdrawn.
- (4) Bidders may bid to purchase Bonds from the Borough with a bid premium in an amount not in excess of six percent (6%) of the par amount of the Bonds, representing a bid price of not in excess of \$2,665,900. No Bid will be considered if the Bid is to purchase Bonds at a price less than 100% of the principal amount thereof. The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds as set forth in more detail under "Principal Amortization" above.
- (7) (5) Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds and the rate or rates named must be multiples of 1/8 or 1/20 of 1%. The difference between the highest and lowest interest rates named in the Bid shall not exceed two percent (2%) per annum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. Each proposal submitted must state the purchase price, which must be not less than par. The Bonds will be awarded to the bidder on whose Bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC shall be calculated as described below. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Borough under any legally acceptable proposal. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price, if applicable.

- (6) Bidders are only permitted to submit Bids for the Bonds during the bidding period.

Definitions

"Bid"	any confirmed purchase offer received by PARITY on or before the proposal submission deadline.
"Bidder"	any firm registered and approved for participation in sale.
"True Interest Cost (TIC)"	true interest cost shall be computed in each instance by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding interest accrued to the Delivery Date. The TIC serves as the basis for awarding bonds to the winning bidder.
"Winning Bid"	any purchase offer made by a bidder and received by PARITY that, at the end of the bidding time period, results in the lowest TIC that is acceptable to the Borough.

Bid Procedure and Basis of Award

Subject to the right reserved by the Borough to reject any or all Bids, the Bonds will be sold to the bidder whose Bid produces the lowest TIC for the Borough and otherwise complies with the Notice of Sale.

Bids must remain valid until at least 3:00 p.m., prevailing time, on the Sale Date, and if accepted by the Borough, prior to such time, shall be irrevocable except as otherwise provided in the Notice of Sale. Upon selection of the winning bidder, the Borough will execute an award certificate to award the Bonds and will promptly communicate with the winning bidder by telephone, e-mail or fax.

Bid Security and Method of Payment for Bonds

A good faith deposit (the "Deposit") in the form of a certified or cashier's check, wire transfer (wiring instructions can be obtained from the Borough's Bond Counsel or Municipal Advisor) or a Financial Surety Bond in the amount of \$50,300, payable to the order of the Borough, is required for each Bid to be considered. If a check is used, it must be a certified treasurer's or cashier's check and must be provided to the Borough prior to 10:30 a.m. on the Sale Date for bids to be submitted. If a wire transfer is used, such wire must be received by the Borough prior to 10:30 a.m. on the Sale Date. Each bidder accepts responsibility for delivering such check or wire on time and the Borough is not responsible for any check or wire that is not received on time. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the "Director") and such bond must be submitted to the Borough prior to 10:30 a.m. on the Sale Date at the address referred to above. At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that winning bidder is required to submit its Deposit to the Borough by wire transfer as instructed by the Borough not later than 3:30 p.m. on the next business day following the Sale Date. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement. No interest on the Deposit will accrue to the winning bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the winning bidder fails to honor its accepted Bid, the Deposit will be retained by the Borough. Award of the Bonds to the winning bidder or rejection of all Bids is expected to be made within two hours after opening of the bids, but such winning bidder may not withdraw its proposal until after 3:00 p.m. on the Sale Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in federal funds by wire transfer to the Borough on or about the Delivery Date.

Right to Reject Bids; Waive Irregularities

The Borough reserves the right to reject any and all Bids and, to the extent permitted by law, to waive any irregularity or informality in any Bid.

Information Required from the Winning Bidder

By making a bid for the Bonds, the winning bidder(s) agrees: (a) to provide to the Borough, in writing, immediately upon being unofficially awarded the Bonds, a written confirmation of the Bid, which shall include the purchase price, reoffering yield(s) and other related information necessary for completion of the Final Official Statement by the Municipal Advisor and by Bond Counsel; (b) to disseminate to all members of the underwriting syndicate copies of the Official Statement; (c) to promptly file a copy of the Final Official Statement with the Municipal Securities Rulemaking Board; and (d) to take any and all other actions necessary to comply with applicable Securities and Exchange Commission and Municipal Securities Rulemaking Board rules governing the offering, sale and delivery of the Bonds to alternate purchasers.

Establishment of Issue Price for the Bonds

In the event the Borough receives at least three (3) bids for the Bonds, then the issue price for the Bonds shall be established based on the reasonably expected initial offering prices of the Bonds as of the Sale Date (the "Expected Offering Prices"). The Expected Offering Prices shall consist of the prices for each maturity of the Bonds used by the winning bidder in formulating its bid to purchase the Bonds. The winning bidder shall be required to deliver on the Delivery Date a certificate to such effect and to provide to the Borough, in writing, the Expected Offering Prices as of the Sale Date.

In the event the Borough receives fewer than three (3) bids for the Bonds, then the issue price for the Bonds shall be established based on the following method as selected by the winning bidder on the Sale Date:

10% Sold: The issue price for the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below). The winning bidder shall be required to deliver on the Delivery Date a certificate to such effect and to provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of such sales prices for each maturity of the Bonds. In the event that the winning bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the winning bidder shall (i) provide to the Borough, in writing, on the Delivery Date, the Expected Offering Prices for each Unsold Maturity and a certificate regarding same and (ii) have a continuing obligation to provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of the first price at which at least 10% of each Unsold Maturity is sold to the Public, contemporaneous with each such sale, until at least 10% of all such Unsold Maturities have been sold to the Public.

Hold-the-Price: The issue price for the Bonds shall be established based on the initial offering price of the Bonds to the Public as of the Sale Date, provided that the winning bidder shall, in writing, (i) confirm that the Underwriters have offered or will offer the Bonds to the public on or before the Sale Date at the offering price or prices set forth in the Bid submitted by the Winning Bidder and (ii) agree, on behalf of the Underwriters participating in the purchase of the Bonds, that the Underwriters will neither offer nor sell the Bonds to any person at a price that is higher than the initial offering price to the Public during the period starting on the Sale Date and ending on the earlier of: (1) the close of the fifth (5th) business day after the sale date or (2) the date on which the Underwriters have sold at least 10% of the Bonds to the Public at a price that is no higher than the initial offering price to the Public.

Public means any person (including an individual, trust, estate, partnership, association, company or corporation) other than an Underwriter (as defined herein) or a related party to an Underwriter. The term "related party" generally means any two or more persons who have greater than 50% common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the Public).

Delivery of the Bonds

The Bonds will be delivered on or about the Delivery Date (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON MUNIAUCTION NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York City at DTC against payment of the purchase price therefor (less the amount of the good faith deposit) in federal funds.

There will also be furnished the usual closing papers, including (1) a certificate signed by the officials who signed the Bonds stating that no litigation of any kind is now pending or, to their knowledge, threatened to restrain or enjoin the issuance or delivery of the Bonds, or in any manner questioning the proceedings and authorization under which the Bonds are issued or affecting the validity of the Bonds, and (2) a certificate signed by the Borough relating to the Official Statement.

CUSIP Numbers

The Municipal Advisor will apply for CUSIP numbers with respect to the Bonds, but neither the Municipal Advisor nor the Borough will assume any obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the winning bidder to accept delivery of and make payment for the Bonds. The CUSIP Service Bureau charge for the assignment of the CUSIP numbers shall be the responsibility of and shall be paid for by the winning bidder.

Legal Opinion

The approving opinion of McManimon, Scotland & Baumann, LLC, Bond Counsel to the Borough, will be furnished without cost to the winning bidder.

Postponement

The Borough reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED OR POSTED BEFORE 10:00 A.M. ON THE SALE DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via PARITY at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of the Notice of Sale, except for the date of sale and except for the changes announced on PARITY at the time the sale date and time are announced.

Additional Information

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Borough. The Notice of Sale and the POS may be viewed on MuniHub's website located at www.munihub.com. However, the Borough makes no assurance or representation with respect to the form of the Notice of Sale and the POS on MuniHub, and no investment decision should be made in reliance thereon. Printed copies of the POS and the Notice of Sale may be obtained from the Municipal Advisor or Bond Counsel at the addresses and phone numbers stated above. For additional information relating to the sale, please contact PARITY at (212) 404-8102. Additional information relating to the Borough can be obtained by contacting the undersigned Chief Financial Officer at (609) 737-0276 or at taxcollector@penningtonboro.org or by contacting the Borough's Municipal Advisor.

BOROUGH OF PENNINGTON
By: Sandra Webb, Chief Financial Officer

Dated: _____, 2020

Exhibit C

(Summary Notice of Sale to be Published in The Bond Buyer)

NOTICE OF SALE

\$2,515,000*
GENERAL IMPROVEMENT BONDS, SERIES 2020
OF THE
BOROUGH OF PENNINGTON, IN THE
COUNTY OF MERCER, NEW JERSEY
(Book-Entry-Only Bonds) (Callable)

SUMMARY

Dated: Date of Delivery – On or about August 26, 2020
Bid Date and Time: August 12, 2020 at 11:00 a.m. and award by 3:00 p.m.
Type of Sale: PARITY
Interest: Multiple Interest Rates – multiples of 1/8 or 1/20 of 1%
Legal Opinion: McManimon, Scotland & Baumann, LLC, Roseland, NJ
Bid Security: Good faith check or wire transfer Bond must be received by the
Borough by 10:30 a.m. prior to bidding in the amount of \$50,300
Limitation on Premium: \$2,665,900 (par plus 6% original issue premium)
Maturity Schedule: **August 15 as set forth in the following table:**

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$175,000	2027	\$210,000
2022	180,000	2028	215,000
2023	190,000	2029	220,000
2024	195,000	2030	225,000
2025	200,000	2031	250,000
2026	205,000	2032	250,000

* Preliminary, subject to change

Preliminary Official Statement, Notice of Sale and other details available at www.munihub.com

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			

Council Member Gnatt made a motion to approve Resolution 2020-7.3, second by Council Member Griffiths. Chief Financial Officer explained the bond sale details for Council. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2020 – 7.4

RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Borough Tax Sale held on December 13, 2019, a lien was sold on Block 503.03, Lot 10, also known as 24 Academy Court, Pennington, NJ, for 2018 delinquent water/sewer payments; and

WHEREAS, this lien, known as Tax Sale Certificate #18-00006, was sold to US Bank Cust/Pro Cap 8/Pro Cap for 0%, redemption fee and a \$200.00 premium: and

WHEREAS, Susan Lupack, 24 Academy Court, Pennington, NJ 08534, has effected redemption of Certificate #18-00006 in the amount of \$848.88;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$848.88, payable to US Cust Pro Cap 8 / ProCap, 50 S. 16th Street, Suite 2050, Philadelphia, PA 18102 for the redemption of Tax Sale Certificate #18-00006.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$200.00 (Premium) from the Other Trust Fund to the aforementioned lienholder.

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

Council Member Mills made a motion to approve Resolution 2020-7.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.5**

**RESOLUTION AUTHORIZING PURCHASE OF 2020 FORD SUPER DUTY F450 DRW TRUCK
FOR THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH QUOTATION BY
NATIONAL AUTO FLEET GROUP. THROUGH SOURCEWELL**

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a 2020 Ford Super Duty F450 DRW Truck and related equipment; and

WHEREAS, the Superintendent of Public Works has determined that the required equipment is available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

WHEREAS, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 13611 R1 dated May 18, 2020, by which it would sell to the Borough one (1) 2020 Ford Super Duty F-450 DRW (F4H) XL 4WD Regular Cab 145” WB 60” CA, A & K Body, in accordance with related written specifications (“Truck”) for the price of \$68,838.00;

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase at the revised price under General Capital Ordinance 2020-8;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) 2020 Ford Super Duty F-450 DRW (F4H) XL 4WD Regular Cab 145” WB 60” CA, A & K Body for the Pennington Borough Public Works Department pursuant to the attached proposal from National Auto Fleet Group (Quote #13611 R1 and related specifications) is hereby authorized; and (b) the Borough Administrator and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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 2020-7.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.6**

**RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE 2021 ROAD IMPROVEMENT PLAN PROJECT**

WHEREAS, Borough Council has determined that portions of West Franklin Avenue and Knowles Street require reconstruction;

WHEREAS, the Borough seeks to obtain grant funds for this purpose from the New Jersey Department of Transportation as a 2021 Road Improvement Plan Project;

WHEREAS, the project is designed to improve the condition of the roadways including resurfacing, reconstruction and drainage;

WHEREAS, the deadline for grant application submission was July 1, 2020 and an application on behalf of the Borough was timely submitted by the Borough Engineer;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Borough Council hereby approves and ratifies the Engineer’s submission of an electronic grant application identified as MA-2021 – Improvements to West Franklin Ave. and Knowles Streets – 00549 to the New Jersey Department of Transportation on behalf of the Borough of Pennington.

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk is hereby authorized to sign the grant agreement on behalf of the Borough of Pennington and that his signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2020-7.6, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver asked for a consent agenda for Resolutions 2020–7.7, 2020-7.8, 2020-7.9 and 2020-7.10.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-7.7**

**RESOLUTION APPROVING ADDITIONAL
OUTDOOR DINING FOR EMILY’S CAFÉ**

WHEREAS, the Governor has announced that restaurants will be allowed to offer outdoor dining starting June 15, 2020, and Executive Directive 20-014 issued by the State Department of Health contains specific guidelines and rules to which all restaurants offering outdoor dining must adhere;

WHEREAS, Pennington is offering Outdoor Seating Temporary Waivers to restaurants in Pennington Borough in conformance with applicable federal, State and local regulations relating to the COVID-19 pandemic;

WHEREAS, Borough guidelines describing the process for obtaining a Waiver, the regulations applicable to outdoor dining areas covered by a Waiver, and general conditions concerning the duration and effectiveness of a Waiver are set forth in the attached two-page document issued by the Borough Administrator incorporated herein by reference (hereafter referred to as “Regulations”);

WHEREAS, Emily’s Café at 9 North Main Street in Pennington, by authority of Borough Council Resolution 2020-4.7, currently maintains a temporary outdoor dining area in the public right-of- way immediately adjacent to the restaurant with 3 tables and up to 6 chairs permitted;

WHEREAS, Emily’s Café has submitted an application for Outdoor Seating Temporary Waiver seeking to enlarge its outdoor capacity to 6 tables and up to 14 chairs;

WHEREAS, a copy of the application and sketch of the proposed seating is attached;

WHEREAS, the application has been reviewed by the Administrator and found to be in general conformance with the Regulations;

WHEREAS, the Borough Fire Official and the Borough Zoning Officer have reviewed the application and sketch and have no objection;

WHEREAS, because the proposed seating is in the public right-of-way, Emily’s Café has submitted a Certificate of Insurance naming the Borough of Pennington as an additional insured;

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

1. The attached Regulations are adopted and incorporated in this Resolution by reference.
2. The attached application for Outdoor Seating Temporary Waiver is approved on the following conditions:
 - a. Compliance with the Regulations.
 - b. Continued compliance with the conditions of approval in Resolution 2020-4.7 to the extent not inconsistent with the Regulations.
 - c. Compliance with all applicable federal and State laws and emergency orders and directives and the ordinances of the Borough regulating restaurant operations and outdoor dining.
3. In accordance with the Regulations, this approval shall expire on November 1, 2020 unless earlier extended or revoked by Borough Council.

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	S				Semple	X			

Council Member Marciante made a motion to approve Resolutions 2020-7.7, 2020-7.8, 2020-7.9, 2020-2.10 as a consent agenda, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-7.8**

**RESOLUTION APPROVING OUTDOOR
SEATING FOR SOURLAND COFFEE**

WHEREAS, the Governor has announced that restaurants will be allowed to offer outdoor dining starting June 15, 2020, and Executive Directive 20-014 issued by the State Department of Health contains specific guidelines and rules to which all restaurants offering outdoor dining must adhere;

WHEREAS, Pennington is offering Outdoor Seating Temporary Waivers to restaurants in Pennington Borough in conformance with applicable federal, State and local regulations relating to the COVID-19 pandemic;

WHEREAS, Borough guidelines describing the process for obtaining a Waiver, the regulations applicable to outdoor dining areas covered by a Waiver, and general conditions concerning the duration and effectiveness of a Waiver are set forth in the attached two-page document issued by the Borough Administrator incorporated herein by reference (hereafter referred to as “Regulations”);

WHEREAS, Sourland Coffee at Suite C, 250 S. Main Street in Pennington has submitted an application for Outdoor Seating Temporary Waiver seeking to place 2 tables and 6 chairs in the parking lot at that location;

WHEREAS, Sourland Coffee currently offers online and in-person ordering and pick-up at its walk-up window only;

WHEREAS, Sourland Coffee will not offer service by its staff at the outside tables but offers the tables and chairs as a customer courtesy;

WHEREAS, a copy of the application and sketch of the proposed seating is attached;

WHEREAS, the parking lot is private property and the owner, Curlis Center, LLC, has consented to

the proposal;

WHEREAS, the application has been reviewed by the Administrator and found to be in general conformance with the Regulations;

WHEREAS, the Borough Fire Official and the Borough Zoning Officer have reviewed the application and sketch and have no objection;

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

1. The attached Regulations are adopted and incorporated in this Resolution by reference.
2. The attached application for Outdoor Seating Temporary Waiver is approved on the following conditions:
 - a. Compliance with the Regulations.
 - b. Compliance with all applicable federal and State laws and emergency orders and directives and the ordinances of the Borough regulating restaurant operations and outdoor dining.
3. In accordance with the Regulations, this approval shall expire on November 1, 2020 unless earlier extended or revoked by Borough Council.

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	S				Semple	X			

Council Member Marciante made a motion to approve Resolutions 2020-7.7, 2020-7.8, 2020-7.9, 2020-2.10 as a consent agenda, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-7.9**

**RESOLUTION APPROVING OUTDOOR
SEATING FOR SUMO SUSHI**

WHEREAS, the Governor has announced that restaurants will be allowed to offer outdoor dining starting June 15, 2020, and Executive Directive 20-014 issued by the State Department of Health contains specific guidelines and rules to which all restaurants offering outdoor dining must adhere;

WHEREAS, Pennington is offering Outdoor Seating Temporary Waivers to restaurants in Pennington Borough in conformance with applicable federal, State and local regulations relating to the COVID-19 pandemic;

WHEREAS, Borough guidelines describing the process for obtaining a Waiver, the regulations applicable to outdoor dining areas covered by a Waiver, and general conditions concerning the duration and effectiveness of a Waiver are set forth in the attached two-page document issued by the Borough Administrator incorporated herein by reference (hereafter referred to as “Regulations”);

WHEREAS, Sumo Sushi at 12 S. Main Street in Pennington has submitted an application for Outdoor Seating Temporary Waiver seeking to place 8 tables and 40 seats (@5 per table) in certain common area at that location;

WHEREAS, a copy of the application and sketch of the proposed seating is attached;

WHEREAS, the common area in question is private property and the owner, S&C Property LLC, has consented to the proposal;

WHEREAS, the application has been reviewed by the Administrator and found to be in general conformance with the Regulations;

WHEREAS, the Borough Fire Official and the Borough Zoning Officer have reviewed the application and sketch and have no objection, except the Fire Official cautions applicant that the tables must not block any exits from any of the stores and no propane-fired space heaters may be used;

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

- 4. The attached Regulations are adopted and incorporated in this Resolution by reference.
- 5. The attached application for Outdoor Seating Temporary Waiver is approved on the following conditions:
 - c. Compliance with the Regulations.
 - d. Compliance with directive of the Fire Official that the tables not block any exits from any of the stores and no propane-fired space heaters may be used.
 - e. Compliance with all applicable federal and State laws and emergency orders and directives and the ordinances of the Borough regulating restaurant operations and outdoor dining.
- 6. In accordance with the Regulations, this approval shall expire on November 1, 2020 unless earlier extended or revoked by Borough Council.

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	S				Semple	X			

Council Member Marciante made a motion to approve Resolutions 2020-7.7, 2020-7.8, 2020-7.9, 2020-2.10 as a consent agenda, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-7.10**

**RESOLUTION APPROVING ADDITIONAL
OUTDOOR DINING FOR VITO’S PIZZA**

WHEREAS, the Governor has announced that restaurants will be allowed to offer outdoor dining starting June 15, 2020, and Executive Directive 20-014 issued by the State Department of Health contains specific guidelines and rules to which all restaurants offering outdoor dining must adhere;

WHEREAS, Pennington is offering Outdoor Seating Temporary Waivers to restaurants in Pennington Borough in conformance with applicable federal, State and local regulations relating to the COVID-19 pandemic;

WHEREAS, Borough guidelines describing the process for obtaining a Waiver, the regulations applicable to outdoor dining areas covered by a Waiver, and general conditions concerning the duration and effectiveness of a Waiver are set forth in the attached two-page document issued by the Borough Administrator incorporated herein by reference (hereafter referred to as “Regulations”);

WHEREAS, Vito’s Pizza at 2 North Main Street in Pennington, by authority of Borough Council Resolution 2020-4.8, currently maintains a temporary outdoor dining area in the public right-of- way immediately adjacent to the restaurant with a total of 6 tables and 24 chairs permitted;

WHEREAS, Vito’s Pizza has submitted an application for Outdoor Seating Temporary Waiver seeking to modify the arrangement of its outdoor seating to accommodate 6 tables and 18 chairs using barriers and spacing;

WHEREAS, a copy of the application and sketch of the proposed seating is attached;

WHEREAS, the application has been reviewed by the Administrator and found to be in general conformance with the Regulations;

WHEREAS, the Borough Fire Official and the Borough Zoning Officer have reviewed the application and sketch and have no objection;

WHEREAS, because the proposed seating is in the public right-of-way, Vito’s Pizza has submitted a Certificate of Insurance naming the Borough of Pennington as an additional insured;

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

- 7. The attached Regulations are adopted and incorporated in this Resolution by reference.
- 8. The attached application for Outdoor Seating Temporary Waiver is approved on the following conditions:
 - f. Compliance with the Regulations.

- g. Continued compliance with the conditions of approval in Resolution 2020-4.8 to the extent not inconsistent with the Regulations.
 - h. Compliance with all applicable federal and State laws and emergency orders and directives and the ordinances of the Borough regulating restaurant operations and outdoor dining.
9. In accordance with the Regulations, this approval shall expire on November 1, 2020 unless earlier extended or revoked by Borough Council.

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	S				Semple	X			

Council Member Marciante made a motion to approve Resolutions 2020-7.7, 2020-7.8, 2020-7.9, 2020-2.10 as a consent agenda, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020-7.11**

RESOLUTION GRANTING APPLICATION OF CUGINO’S HOLDING LLC FOR ADDITIONAL TIME TO SATISFY CONDITIONS FOR ISSUANCE OF LIQUOR LICENSE UNDER RESOLUTIONS 2016-9.8 AND 2017-3.4 AND CORRESPONDING EXTENSION OF USE OF BOROUGH PROPERTY UNDER USE AGREEMENT

WHEREAS, Borough Council, under Resolution 2016-9.8, authorized the public sale of a new plenary retail consumption license to the highest qualified bidder, subject to conditions;

WHEREAS, Resolution 2016-9.8 and the Notice to Accept Bids provided in particular that the license shall be issued only for use in a restaurant as defined in N.J.S.A. 33:1-1 which, among other things, will begin operation under the license within twenty-four months of the resolution granting the license, unless such period is extended by resolution of the Pennington Borough Council, by the Director of the Division of Alcoholic Beverage Control or otherwise as permitted or required by law;

WHEREAS, Cugino’s Holding LLC (“Cugino’s”) was the successful bidder for the license, for the sum of \$175,000, and under Resolution 2017-3.4, adopted March 6, 2017, was awarded the license subject to satisfaction of all specified requirements for issuance of the license;

WHEREAS, further pursuant to Resolution 2017-3.4, Cugino’s paid the bid price and certain fees into escrow pending satisfaction of all specified requirements for issuance of the license;

WHEREAS, Cugino’s intends that the license shall be used for its restaurant at 147 West Delaware Avenue in Pennington which as of August 10, 2016, memorialized by Planning Board Resolution adopted on November 9, 2016, was the subject of Preliminary and Final Site Plan and related Planning Board approvals for expansion and additional improvements;

WHEREAS, amendments to Cugino’s original development application resulted in amended Planning Board approvals as of June 14, 2017, designated Amended Preliminary and Final Site Plan, etc., memorialized by Resolution adopted November 8, 2017 and a Revised Resolution adopted January 10, 2018;

WHEREAS, as of March 2019, Cugino’s restaurant had not begun operations under the license within the required twenty-four month period in satisfaction of that condition under Resolution 2016-9.8 and the Notice to Accept Bids, and it applied to Borough Council for an extension of time to complete construction for the reasons set forth in the correspondence from attorney Robert Friberg dated February 28, 2019;

WHEREAS, as set forth in the Friberg letter, after the adoption of Resolution 2017-3.4 Cugino’s negotiated and executed a new Lease Agreement with the owner of the Old Mill Square Shopping Center to accommodate construction and occupancy of the expanded restaurant premises, and further, applied for and secured full financing for the construction of the new space and closed on that loan on November 30, 2018;

WHEREAS, as further represented in the Friberg letter, after receiving municipal approvals, the applicant obtained outside agency approvals and worked toward completing compliance with the conditions of the Planning Board approval resolution, except the approval of the Mercer County Planning Board proved to be much more cumbersome than anticipated as a result of the relocation of the storm sewer and the numerous design proposals it required prior to obtaining approval, which was not finalized until late 2018;

WHEREAS, Cugino’s had submitted plans to the Borough Construction Office for permit review but that review had not then begun because resolution compliance had not yet been completed;

WHEREAS, the Borough and Cugino's were also discussing an agreement which would permit Cugino's to use adjoining Borough property during construction and the discussion had not yet produced an agreement;

WHEREAS, the Friberg letter further represented that construction of the expanded facility was expected to take 6 to 8 months from the time of commencement, and an extension of time of 18 months was requested "out of an abundance of caution;"

WHEREAS, by Resolution 2019-3.7, adopted March 4, 2019, Borough Council granted this request for an extension of time to complete construction but only for a period of eight months, without prejudice to request additional time if needed;

WHEREAS, the eight-month extension of time was due to expire in November 2019 and construction was not yet complete, and as set forth in the letter of Robert Friberg dated October 31, 2019, Cugino's therefore applied to Borough Council for an extension of the 24-month requirement for an additional eight months;

WHEREAS, Cugino's agreed to update its license application and to make such additional applications and obtain such additional approvals as required by law to be issued a license upon completion of construction, as further required by Resolution 2017-3.4;

WHEREAS, that request for extension of time was predicated on the condition of the public sale of the license pursuant to Resolutions 2016-9.8 and 2017-3.4 and the Notice to Accept Bids that compliance must precede issuance of a license;

WHEREAS, in addition, on May 16, 2019, Cugino's and the Borough entered into a Use Agreement (also sometimes referred to as a License Agreement) by which Cugino's was permitted to use a designated area of Borough property adjacent to the Cugino's premises as a construction staging area during construction, for a period of six months from the date of issuance of construction permit;

WHEREAS, Cugino's received its permit and began construction in July 2019 and the term of the Use Agreement were set to expire in January 2020;

WHEREAS, the Friberg letter of October 31, 2019 also requested an extension of the term of the Use Agreement to coincide with the additional eight months needed to complete construction, which would therefore extend the end of the term to July 2020;

WHEREAS, by Resolution 2019-11.7, Borough Council granted an extension of time for completing construction and being ready to commence operations under Resolutions 2016-9.8 and 2017-3.4 and granted a corresponding extension of the term of the Use Agreement through and including July 2020;

WHEREAS, both construction and the processing of Cugino's liquor license application are not presently complete but completion of both is imminent;

WHEREAS, by letter of attorney Martin J. Jennings, Jr. dated July 2, 2020 (copy attached), Cugino's therefore requests a further extension of time for satisfaction of conditions for the issuance of Liquor License under Resolutions 2016-9.8 and 2017-3.4 and a corresponding extension of the Use Agreement in order to complete construction;

WHEREAS, attorney Jennings represents that Cugino's is in the final stages of construction and is diligently responding to queries by the Borough in connection with processing the Liquor License application;

WHEREAS, attorney Jennings estimates that his client will require until the end of August 2020 to complete the project and open for business, provided New Jersey's COVID 19 restrictions are lifted;

WHEREAS, Borough Council acknowledges the difficulties of completing this project during months of emergency restrictions responding to the COVID-19 pandemic;

WHEREAS, despite Cugino's prediction of likely completion by the end of August, any extension should run into at least September to permit further assessment by Council at that time;

WHEREAS, as cited in its previous resolutions, Council envisions that the ongoing construction and anticipated opening of the Cugino's restaurant will produce an asset to the community; and it determines that the public interest will be served by granting the requested extensions, which are believed to be made in good faith and not the result of a lack of diligence on Cugino's part;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the application of Cugino's Holding LLC seeking an extension of time for completing construction and being ready to commence operations under Resolutions 2016-9.8 and 2017-3.4 is hereby granted to and including September 2020; and

BE IT FURTHER RESOLVED, that the requested extension of the term of the Use Agreement between Cugino’s and the Borough to coincide with the completion of construction is hereby also granted.

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 2020-7.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-7.12**

**RESOLUTION AUTHORIZING AMERICAN PROPERTIES’ HERITAGE AT PENNINGTON-
PHASE 2 TO CONNECT FIVE SPECIFIED UNITS TO THE SEWER SYSTEM BEFORE
EXPANSION OF PENNINGTON TREATMENT PLANT IS COMPLETE, IN ACCORDANCE
WITH SBRSA APPROVAL**

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) approved the Treatment Works Application for Heritage at Pennington –Phase 2 (HAP) on September 23, 2019, subject to the condition that HAP not connect to the Pennington Wastewater Treatment Plant until the upgrade and expansion of that plant is complete;

WHEREAS, HAP’s Phase 2 development is a thirty-six (36) unit development with a total allocated flow of 10,200 gallons per day;

WHEREAS, upgrade and expansion of the Pennington Wastewater Treatment Plant is still ongoing and not yet complete, but at the meeting of the Board of SBRSA on June 22, 2020, the Board approved HAP’s request nonetheless to allow connection of the following properties to the Pennington sewer system:

- 22 Tucker Way
- 24 Tucker Way
- 26 Tucker Way
- 28 Tucker Way
- 30 Tucker Way.

WHEREAS, the reasons for urgency relate to pending closings on these properties and the need for contract purchasers to close in time to meet mortgage commitment requirements;

WHEREAS, HAP represents that a factor in SBRSA’s authorization is that average daily gallonage used by Phase 1 of the HAP development is about 40% of the capacity permitted by SBRSA;

WHEREAS, this Resolution authorizing sewer connections for the above five units will permit HAP to satisfy that aspect of its applications for Certificates of Occupancy for those units;

WHEREAS, the SBRSA’s authorization is limited to the five units;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that in accordance with the aforesaid authorization by the Stony Brook Regional Sewerage Authority, connections to the Pennington sewer system are hereby authorized for the following units in Phase 2 of Heritage at Princeton: 22 Tucker Way, 24 Tucker Way, 26 Tucker Way, 28 Tucker Way and 30 Tucker Way.

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			

Council Member Gnatt made a motion to approve Resolution 2020-7.12, second by Council Member Griffiths. Mrs. Chandler asked why Stonybrook gave approval when the expansion is not complete. Mrs. Heinzl stated that Stonybrook gave the okay for these five units so that certificates of occupancy can be issued and the units can be sold. Upon a roll call vote all members present voted in favor.

Mayor Lawver asked for a consent agenda for Resolutions 2020-7.13, 2020-7.14 and 2020-7.15.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.13**

RESOLUTION AUTHORIZING PURCHASE OF 2021 MODEL YEAR PETERBILT 520 RH DRIVE SINGLE AXLE CAB AND CHASSIS WITH 46,000 LB GVW FOR THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH QUOTATION BY HUNTER TRUCK CLARKSBURG THROUGH SOURCEWELL

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a new garbage truck and related equipment for use in the collection of garbage; and

WHEREAS, the Public Works Committee has reviewed this request and after considerable investigation has determined that it is in the best interest of the Borough to convert to automated trash collection; and

WHEREAS, the Public Works Committee made a recommendation to Borough Council to proceed with the purchase of an automated garbage truck and related equipment; and

WHEREAS, the Superintendent of Public Works upon direction from the Public Works Committee has determined that the required cab and chassis are available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

WHEREAS, Hunter Truck Clarksburg (“Dealer”) located in Clarksburg, NJ is an authorized vendor under Sourcewell Contract #: 081716-PMC for the desired vehicle truck body and has provided the Borough with the attached quote dated May 4, 2020, by which it would sell to the Borough one (1) 2021 model year Peterbilt 520 RH Drive Single Axle Cab & Chassis with a 46,000 lb GVW, in accordance with related written specifications (“Truck”) for the price of \$140,860.00; and

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase under General Capital Ordinance 2020-8 contingent upon adoption and advertisement as required by law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) 2021 model year Peterbilt 520 RH Drive Single Axle Cab and Chassis with a 46,000 lb GVW for the Pennington Borough Public Works Department pursuant to the attached proposal from Hunter Truck Clarksburg (Quote dated May 4, 2020 and related specifications) is hereby authorized; and (b) the Borough Administrator and Borough Clerk are directed to execute such purchase orders and other documents as are needed to effectuate this purchase.

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 2020-7.13, 2020,7.14 and 2020-7.15 as a consent agenda, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.14**

RESOLUTION AUTHORIZING PURCHASE OF LABRIE MODEL AUTOMIZER RIGHT HAND 24 CUBIC YARD (20+4) SIDELOADER REFUSE BODY WITH OPTIONS FOR THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH QUOTATION BY SANITATION EQUIPMENT CORP. THROUGH SOURCEWELL

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a new garbage truck and related equipment for use in the collection of garbage; and

WHEREAS, the Public Works Committee has reviewed this request and after considerable investigation has determined that it is in the best interest of the Borough to convert to automated trash collection; and

WHEREAS, the Public Works Committee made a recommendation to Borough Council to proceed with the purchase of an automated garbage truck and related equipment; and

WHEREAS, by separate Resolution 2020-7.13, Borough Council has authorized purchase of cab and chassis for the desired truck anticipating separate purchase of a refuse body;

WHEREAS, the Superintendent of Public Works upon direction from the Public Works Committee has determined that the required refuse body is available from Sanitation Equipment Corp. through Sourcewell (formerly the National Joint Powers Alliance); and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

WHEREAS, Sanitation Equipment Corp. (“Dealer”) located in Totowa, NJ is an authorized vendor under Sourcewell Contract #: 091219-LEG for the desired sideloader refuse body with options and has provided the Borough with the attached quote dated May 6, 2020, by which it would sell to the Borough one (1) new LABRIE model Automizer Right Hand 24 Cubic Yard (20 +4) sideloader Refuse Body with body options, in accordance with related written specifications for the price of \$142,017.00; and

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase under General Capital Ordinance 2020-8 contingent upon adoption and advertisement as required by law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) new LABRIE model Automizer Right Hand 24 Cubic Yard (20 +4) sideloader Refuse Body with body options for the Pennington Borough Public Works Department pursuant to the attached proposal from Sanitation Equipment Corp. (Quote dated May 6, 2020 and related specifications) is hereby authorized; and (b) the Borough Administrator and Borough Clerk are directed to execute such purchase orders and other documents as are needed to effectuate this purchase.

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 2020-7.13, 2020-7.14 and 2020-7.15 as a consent agenda, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.15**

RESOLUTION AUTHORIZING PURCHASE OF TWO (2) PERKINS MODEL D6220 LIFTERS WITH DUAL TAP IN KIT TO BE INSTALLED ON CUSTOMER USED HEIL REFUSE BODY FOR USE IN THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH QUOTATION BY SANITATION EQUIPMENT CORP. THROUGH ESCNJ

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase lifters for the Department’s 2010 garbage truck; and

WHEREAS, the Public Works Committee recommends this purchase; and

WHEREAS, the Superintendent of Public Works upon direction from the Public Works Committee has determined that the required lifters are available from Sanitation Equipment Corp. through ESCNJ (formerly Middlesex Regional Educational Services Commission Cooperative Purchasing); and

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

WHEREAS, the Middlesex Regional Educational Services Commission Cooperative Purchasing (now ESCNJ) accepted Pennington Borough’s request to join; and

WHEREAS, Sanitation Equipment Corp. (“Dealer”) located in Totowa, NJ is an authorized vendor under ECSNJ Bid #: ESCNJ 17/18-30 for the desired Perkins Model D6220 Lifter with Duel Tap in Kit to be installed on used Heil refuse body and has provided the Borough with the attached quote dated May 5, 2020

(Confirmation #AC-161), by which it would sell to the Borough two (2) new Perkins Model D6220 Lifters with Dual Tap In Kit to be installed on Borough used Heil Refuse Body, in accordance with related written specifications for the total price for two of \$14,146.18; and

WHEREAS, purchase of the equipment through ESCNJ (formerly Middlesex Regional Educational Services Commission Cooperative Purchasing) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase under General Capital Ordinance 2020-8 contingent upon adoption and advertisement as required by law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of two (2) new Perkins Model D6220 Lifters with Dual Tap In Kit to be installed on Borough used Heil Refuse Body for the Pennington Borough Public Works Department pursuant to the attached proposal from Sanitation Equipment Corp. (Quote dated May 5, 2020 and related specifications) is hereby authorized; and (b) the Borough Administrator and Borough Clerk are directed to execute such purchase orders and other documents as are needed to effectuate this purchase.

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 2020-7.13, 2020,7.14 and 2020-7.15 as a consent agenda, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.16**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2019 ANNUAL
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

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

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

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

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

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

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

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

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

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

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

Prior to the Auditor’s presentation of the Audit, Council Member Chandler made a motion to approve Resolution 2020-7.16, second by Council Member Gnatt. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 7.17**

RESOLUTION AUTHORIZING RETURN OF ESCROW BALANCES TO THE PENNINGTON SCHOOL

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 Borough Council approved Resolution 2020-5.13 authorizing the return of the entire Performance Guaranty to the School, with earned interest, but deferring return of Escrow balances pending an accounting for all current charges;

WHEREAS, there has since been an accounting for the current charges against the Escrow funds and the balance is presently \$32,163.44;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to release to The Pennington School the remaining Escrow funds for this project, including earned interest.

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 2020-7.17, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 7.18**

RESOLUTION APPROVING REVISED LIST OF AUTHORIZED ENGINEERING PROJECTS FOR 2020 BY ADDING APPLICATION TO NJDEP FOR AIR PERMIT RELATING TO THE BOROUGH HALL GENERATOR PROJECT

WHEREAS, by Resolution 2020-3.4 Borough Council approved a list of certain engineering projects for 2020 prior to adoption of the budget; and

WHEREAS, a copy of the that Engineering Project List is attached to this Resolution;

WHEREAS, the purpose of this Resolution is to amend the List to add the cost of obtaining an Air Permit approval from NJDEP relating to the anticipated exhaust from the Borough Hall Generator presently being installed;

WHEREAS, the application was prepared and submitted to NJDEP by Van Note-Harvey Associates and is budgeted to cost \$4,000 in engineering fees and a \$1,000 permit fee;

WHEREAS, if approved by Borough Council, the sum of \$5,000 shall be inserted under “Authorized” projects;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available in the

respective engineering budgets and/or Capital Ordinances for the projects identified as “Authorized” on the Project List;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the “Authorized” projects on the attached Project List are hereby amended by the insertion of \$5,000 for Air Permit Application.

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 2020-7.18, second by Council Member Gnatt with all members present voting in favor.

Professional Reports

Mrs. Heinzl asked Ronica Bregenzer, Architect for the Borough Hall Renovation Project if she would like to speak. Ms. Bregenzer stated that there is change in the scope of phase 1 of the project where instead of completing work in one area of the building and then moving on to another area, the scope will require that the building be closed so that the contractor can do each phase of the project completely. Ms. Bregenzer stated that staff will not be allowed in the building while work is going on.

Mrs. Sterling thanked the Police and Public Works Departments for their assistance in getting the Fire House ready for Election Day tomorrow.

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.

Closed Session

AT, 9:12 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Personnel -

AT, 9:37 PM, Mayor and Council returned to open session.

Approval of Closed Session Minutes (for content but not for release)

Council Member Marciante made a motion to approve the Closed Session minutes for March 2, 2020 for content but not for release, second by Council Member Chandler with all members present voting in favor.

At 9:38 pm, with no further business to come before Council, Council Member Chandler made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk