

**Pennington Borough Council
Regular Meeting – October 5, 2020**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:07 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, Police Chief Pinelli and Borough Attorney Walter Bliss.

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

Mr. Bliss announced that there is no longer a need for the Closed Session listed on the agenda for later in the meeting and Resolution 2020-10.13 listed for action after the Closed Session would be considered by Council under Resolutions.

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 that the new website has gone live and he encouraged everyone to take a look at the new website. Mayor Lawver thanked Eileen Heinzl, Betty Sterling and Gabrielle Canavera, Civic Plus and City Connections for all of their hard work in getting the website up and running. Mayor Lawver stated that it has been a long time coming and it looks great.

Mayor Lawver announced the retirement of Construction Code Official John Hall effective September 30, 2020 and the resignation of Harry Compton from the Environmental Commission where he served as Chair.

Mayor Lawver stated that the Agenda lists the appointment of a new Chair for the Environmental Commission however that is not ready for tonight.

Mayor Lawver reported briefly on Halloween. Mrs. Heinzl stated that she spoke to Health Officer, Stephanie Carey and the Borough will be following guidelines from the Board of Health and the CDC regarding wearing masks, social distancing and handwashing. Mrs. Heinzl stated that Hopewell Township came out with guidelines for Halloween. Mrs. Heinzl stated that Pennington Borough will not be closing any streets this year for Halloween and it is recommended that anyone wishing to participate in the tradition of handing out candy put a bowl at the end of their driveway for trick or treaters to take a candy from.

Mayor Lawver stated that she had a conversation with Commissioner of Health for the State, Judy Persichilli and she encouraged everyone to get a flu shot to lessen the impact on hospitals as we wait for a Covid 19 vaccine to be developed.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the August 25, 2020 Special Meeting, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the September 7, 2020 Regular Meeting, second by Council Member Mills with all members present voting in favor.

Committee Reports

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

Public Safety /Economic Development / Environmental – Mrs. Chandler reported that Council will consider a resolution later in the meeting for a new hire in the Police Department.

Mrs. Chandler stated that the EDC continues to discuss the “Get Lit” program for lighting up the downtown, the current situation with trash cans in the downtown area and ideas for correcting the problems with the cans.

Mrs. Chandler stated that the Environmental Commission is proceeding with work on the Environmental Resource Inventory and Stormwater Management.

Mrs. Chandler asked Mr. Bliss if he was aware of Governor Murphy signing a Plastic Bag Ban for the State, because the education program under the Borough Ordinance is on hold and if the State adopts a ban, would that preempt the Borough Ordinance? Mr. Bliss stated that he would review the language of the any adopted legislation.

Mrs. Chandler asked Mrs. Heinzl if the deer management program has begun. Mrs. Heinzl stated that she along with Chief Pinelli and Public Works Superintendent Rick Smith met on Friday with Scorpion and discussed starting the deer hunt in the area behind the solar panels at the Public Works Building. Mrs. Chandler reminded Mrs. Heinzl of the need for signs at Kunkel Park.

Public Works – Mr. Marcianti stated that the Public Works Committee also discussed the garbage cans in the downtown area and he suggested that language be added to the resolutions approving outdoor dining. Mrs. Chandler stated that the EDC agrees with that idea.

Mr. Marcianti stated that plans for the next phase of Burd Street are underway and the project should go out to bid sometime in November.

Mr. Marcianti stated that the new garbage truck has been ordered and the committee discussed the purchase of a new bucket truck.

Finance – Mr. Griffiths stated that the Finance Committee did not meet so no report.

Mr. Griffiths stated that the Board of Health continues to discuss Deer Management. Mr. Griffiths stated that they also discussed the need for a COVID 19 vaccine.

Historic Preservation / Library – Mrs. Mills stated that Historic Preservation met but she was unable to attend. Mrs. Mills stated that an application for a porch at 205 South Main Street was reviewed and approved.

Mrs. Mills stated that the Library continues with their phased opening of the library. Mrs. Mills stated that they discussed Cares Act Funding for Libraries. Mrs. Mills stated that a Special Meeting was held on October 1 and the Board approved the lease of space at 19 Brookside Avenue for Library operations during the renovations to Borough Hall.

Mayor Lawver stated that County Libraries re-opened last week.

Parks and Recreation / Shade Tree – Ms. Semple stated that Parks and Recreation has cancelled all events for the remainder of 2020. Ms. Semple stated that she had no report for Shade Tree.

Senior Advisory Board – Mayor Lawver stated that the Senior Advisory Board did not meet and he had no report.

COUNCIL DISCUSSION

Hopewell Valley Municipal Alliance – Mrs. Heinzl stated that Council will consider a resolution later in the meeting for an extension of the Municipal Alliance Grant Program. Mrs. Heinzl stated that the Municipal Alliance will now be operating through the School District and not Hopewell Township. Mrs. Heinzl stated that once it is all worked out the grant funds will be handled by the School District. Mrs. Heinzl stated that the resolution later in the meeting is for the match for the extension period of the grant.

NEW BUSINESS

BOROUGH OF PENNINGTON RESOLUTION #2020 – 10.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to A&E Construction, 2479 Pennington Road, Pennington, NJ 08534 for the balance remaining for Planning Board application 19-007, Block 906, Lot 22, 7 Ingleside Avenue in the amount of \$707.99.

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 2020-10.1, second by Council Member Griffiths with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2020 – 10.2

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 \$ 930,417.14 from the following accounts:

| | |
|---------------------|---------------|
| Current | \$ 853,121.72 |
| W/S Operating | \$ 47,583.42 |
| Animal Control Fund | \$ 5.40 |
| Grant | \$ 125.00 |
| General Capital | \$ 29,557.33 |
| COAH Trust | \$ 24.27 |
| TOTAL | \$ 930,417.14 |

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2020-10.2, second by Council Member Mills. Mr. Marciante asked Mr. Smith if all of the Water/Sewer licenses that are on the bill list are actively being used. Mr. Smith stated that they were. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.3

RESOLUTION AUTHORIZING RETENTION OF DESIGN ENGINEER FOR PRELIMINARY
DESIGN OF DOWNTOWN STREETScape IMPROVEMENT PHASE II

WHEREAS, through a process prescribed by the New Jersey Department of Transportation (NJDOT) the Borough has been awarded \$133,119.35 in Federal funding (“Grant”) for Preliminary Engineering design activities in connection with the project known as Downtown Streetscape Improvements Phase II;

WHEREAS, pursuant to Resolution 2020-6.4, the Borough has now entered into a Federal Aid Cost Reimbursement Agreement establishing the terms and conditions governing receipt of Federal funds for these Preliminary Engineering design activities;

WHEREAS, the Borough now seeks to enter into a professional services agreement with the engineering firm known as NV5 of Parsippany, New Jersey for design services in accordance with the project budget;

WHEREAS, the Borough selected NV5 as its preferred consultant for this project from a pool of engineering design consultants established by NJDOT through a quality-based selection process;

WHEREAS, NV5 is a full service professional and technical engineering firm in New Jersey with extensive experience in providing these services;

WHEREAS, this contract does not require advertising for competitive bids because it is a contract for professional services;

WHEREAS, the federal funds will be provided for these service on a reimbursement basis during the time allotted for performance of the project, which begins upon execution of the grant agreement and continues through completion of the project, which may be no later than May 31, 2023 unless either terminated or extended by written authorization of DOT;

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

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

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

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

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

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

WHEREAS, execution of the professional services agreement between the Borough of Pennington and NV5 will occur after NJDOT certification of the Borough’s eligibility to receive federal funding;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into on behalf of the Borough a professional services agreement with the firm of NV5, 7 Campus Drive, Suite 300, Parsippany, New Jersey 07054, for the purposes described above and in compliance with the terms and conditions of the Federal Aid Cost Reimbursement Agreement at a cost not to exceed \$133,119.35 , subject to approval in form by the Borough attorney and certification of funding by the Chief Financial Officer of the Borough; and

BE IT FURTHER RESOLVED, that notice of this Resolution and Agreement be published as required by law and that a copy of the executed Agreement be placed on file in the office of the Borough Clerk.

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

Council Member Gnatt made a motion to approve Resolution 2020-10.3, second by Council Member Chandler. Mrs. Chandler raised some questions regarding the process for selecting this firm. Mrs. Heinzel stated that she, Betty Sterling, Rick Smith and Bill Meytrott met with several engineering firms on the NJ DOT list of approved engineers. Mrs. Chandler stated that there are many groups that should be included in this process, Shade Tree, Economic Development, Environmental, Historic Preservation and the Pennington Business and Professional Association should all collaborate on this project. Mrs. Heinzel stated that public input and meeting with committees is built into the Preliminary Engineering phase of the project. Mrs. Chandler stated that the committees should be brought in first before public input. Mrs. Heinzel stated that she will be coordinating the project, there are many rules that need to be followed with regard to this being a federally funded project. Mr. Bliss asked for a couple of corrections in the language of the resolution. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.4**

**RESOLUTION APPOINTING THOMAS A. PETTO AS CONSTRUCTION CODE OFFICIAL FOR
THE BOROUGH OF PENNINGTON**

WHEREAS, the Construction Code Official of the Borough of Pennington is the chief administrator of the Construction Code Enforcement Department of the Borough; and

WHEREAS, John Hall L. Hall has served in this position from August 3, 2004 until is recent retirement effective September 30, 2020; and

WHEREAS, Mayor and Council seek to appoint Thomas A. Petto to the position of Construction Code Official on a part-time basis; and

WHEREAS, Mr. Petto has 39 years of experience in the construction industry and is licensed by the New Jersey Department of Community Affairs as a Construction Official, Building Subcode Official, Building Inspector HHS, Fire Protection Inspector ICS, and Mechanical Inspector 1 & 2 Family in accordance with the Uniform Construction Code Act and is otherwise qualified as a construction code official as required by law;

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

1.

that Thomas A. Petto is hereby appointed Construction Code Official of the Borough of Pennington, on a part-time basis, effective October 19, 2020;

2.

that the weekly hours of the Construction Code Official are hereby set at 6 hours per week;

3.

that the rate of compensation of the Construction Code Official shall be consistent with the annual salary ordinance of the Borough;

4.

that this appointment is for a term of four years from effective date, as provided by law.

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 2020-10.4, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.5**

**RESOLUTION AUTHORIZING MAYOR’S CERTIFICATION OF BOROUGH COMPLIANCE
WITH PUBLIC WATER REGULATIONS AND REQUIREMENTS IN COMPLIANCE WITH THE
WATER QUALITY ACCOUNTABILITY ACT**

WHEREAS, the Water Quality Accountability Act (“WQAA”), effective October 18, 2017, requires among other things that the mayor or chief executive officer of the municipality, if the public water system is publically owned, shall certify in writing each year to the Department of Environmental Protection that the public water system complies with all Federal and State drinking water regulations, including water quality sampling, testing and reporting requirements; the hydrant and valve requirements set forth in section 3 of the Act; the notice of violation mitigation plan requirements set forth in section 5 of this act, if applicable; and the infrastructure improvement investment required pursuant to section 7 of the Act;

WHEREAS, in an effort to comply with this requirement, the Mayor of the Borough in consultation with the Licensed Water Operator of the Borough and the Borough Attorney will complete and certify the attached questionnaire supplied by the New Jersey Department of Environmental Protection by the deadline of October 19, 2020;

WHEREAS, the Borough’s current Licensed Operator has served in that position since March 2017 and in preparing responses to the questionnaire has consulted with his predecessor, John Meier of Water Resource Management, who served in that capacity from August 2014 to March 2017 and currently serves as the Borough’s Water and Sewer Compliance Officer;

WHEREAS, the purpose of this Resolution is to authorize the Mayor’s responses to each of the questions asked pertaining to the Pennington Water Department (identified by the NJDEP as Pennington W Dept, NJ1108001);

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

5

Pennington, as follows:

1. On the advice of the Licensed Operator, the Mayor will certify that the Borough is in compliance with Federal and State Safe Drinking Water Regulations (questions 1 and 2). A printout from Drinking Water Watch (www.waterwatch.usgs.gov), the water search system of the NJDEP, indicates that over the past year from October 21, 2019 to the present, there have been nine (9) reported violations involving administrative matters or late test result submittals. Seven (7) of these violations have been remediated and the remaining two (2) are currently being remediated. None of these matters involve water quality.
2. On the advice of the Licensed Operator and the Borough Attorney, the Mayor **will certify** that the Borough is in compliance with required Licensing of Water Supply and Wastewater Operators (question 3). The Borough system requires a licensed operator with T2, W2 and C2 licenses and the Borough's Licensed Operator has these three licenses.
3. On the advice of the Licensed Operator, the Mayor will certify that the Borough is in compliance with Water Supply Allocation Permits (question 4). The Borough's Water Allocation Permit expires in 2023.
4. In reliance on the advice of the Licensed Operator and the Borough Attorney, the Mayor will certify that the Borough is in compliance with Sections 3, 4, 5 and 7 of the Water Quality Accountability Act (question 5). Under Section 3 of the Act, the Borough has identified and located all valves 12 or more inches in diameter and has a plan for inspections as defined by the Act. All other valves have been located and mapped and have been inspected as defined by the Act. Further in accordance with Section 3 of the Act, every hydrant in the Borough has been mapped, inspected, tested and flushed. Valves integral to each hydrant have also been inspected. Going forward, the plan is to flush every hydrant as part of the required annual testing of all hydrants. The Borough has maintained and will continue to make a record of all such inspections, tests and flushings which will be scanned into an electronic data base and preserved for at least the six (6) years required by the Act. Each hydrant has been tagged indicating a unique identification number and ownership by the Borough of Pennington. Section 3 of the Act provides that to the extent possible the geographic location of each valve and fire hydrant shall be identified using a global positioning system based on satellite or other location technology.
5. Under Section 4 of the Act, requiring development of a cybersecurity system, the Borough currently does not have an internet-connected control system.
6. Under Section 5 of the Act, requiring a mitigation plan within 60 days after three notices of violation have been received, there were no violations reported, therefore no remediation plan is required.
7. Under Section 7 of the Act, requiring at least once every three years the submission of a report on infrastructure improvements based on the asset management plan for the system, the Borough completed its asset management plan in April 2019.
8. Copies of this Resolution shall be maintained on file, together with the attached Certification, by the Borough Clerk and the Superintendent of Public Works.

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

Council Member Chandler made a motion to approve Resolution 2020-10.5, second by Council Member Gnatt. Mr. Bliss asked for the addition of language in number 1 of the resolution. Upon a roll call vote all members present voted in favor with the exception of Ms. Semple who abstained.

BOROUGH OF PENNINGTON
RESOLUTION 2020 - 10.6
RESOLUTION ENDING PROBATIONARY STATUS FOR PUBLIC WORKS EMPLOYEES JOHN VAGOTT AND ERIK MARTIN

WHEREAS, John Vagott and Erik Martin are new employees in the Pennington Department of Public Works and both are close to completing their one-year probationary periods with the Department;

WHEREAS, both employees have performed satisfactorily but as the result of the COVID-19 crisis and delays at the Motor Vehicle Commission they have yet been unable to obtain the Class B Commercial Driver License that is the last requirement they must satisfy before advancing from probationary status, in accordance with Article 28, Section 4, of the Union Contract;

WHEREAS, in these circumstances, the Superintendent of Public Works recommends that the

probationary status of each of these employees be ended as of the date it was otherwise scheduled to end, each be granted permanent status as Laborer 1, and each be given another 6 months to obtain the required CDL;

WHEREAS, the purpose of these actions is to give Mr. Vagott and Mr. Martin confidence that based on their performance they are wanted on the DPW team;

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

1. the probationary status of DPW employees John Vagott and Erik Martin shall end as scheduled notwithstanding failure to obtain the Class B Commercial Driver License required under Article 28, Section 4 of the Union Contract;
2. upon completion of probation at the scheduled time, each employee shall be granted permanent status as Laborer 1; and
3. effective on that date, each shall be given another 6 months to obtain the required Commercial Driver License.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2020-10.6, second by Council Member Marciante. Mr. Marciante stated that this was discussed in the Public Works meeting and it was decided that since coming off probation requires that employees have a CDL license and Motor Vehicle has been closed due to the pandemic it was unfair to keep these employees on probation when their work performance has been great. Mr. Marciante stated that they will come off probation at this time, but receive the additional money once they get the CDL license. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 10.7**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 (FINAL) TO INNOVATIVE ELECTRICAL CONTRACTING, INC. FOR WORK COMPLETED ON THE NEW GENERATOR INSTALLATION AT PENNINGTON BOROUGH HALL (VNHA #43829-370.71)

WHEREAS, Innovative Electrical Contracting, Inc. has completed work pursuant to the contract for the New Generator Installation at Pennington Borough Hall (VNHA #: 43829-320-71); and

WHEREAS, Van Note Harvey Associates has reviewed Innovative Electrical Contracting, Inc.’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.2 (Final) in the amount of \$5,969.54; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available through a FEMA grant through the NJ State Police and under Ordinances 2016-3 and 2017-7 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that final payment to Innovative Electrical Contracting, Inc. in the net amount of \$5,969.54 pursuant to payment request No. 2 (Final) is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2020-10.7, second by Council Member Griffiths with all members present voting in favor with the exception of Mr. Marciante who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.8**

**RESOLUTION AMENDING RESOLUTION 2020-9.17 AUTHORIZING ACQUISITION
OF POLICE VEHICLE UNDER STATE CONTRACT**

WHEREAS, by Resolution 2020-9.17 Borough Council authorized the purchase of a 2021 Police Interceptor Utility, with all-wheel drive, appropriately equipped for intended police purposes; and

WHEREAS, the authorized purchase price was \$66,103.00 based on purchase under New Jersey State Contract No. 20-FLEET-01189 from Cherry Hill Winner Ford; and

WHEREAS, the authorized purchase price does not reflect the cost of financing, which has been obtained from Lease Servicing Center, Inc. dba NCL Government Capital, Alexandria, Minnesota on the basis of a four-year lease and \$1 purchase option requiring payments @ \$17,757.20 per year for a total purchase price of \$71,029.80;;

WHEREAS, Resolution 2020-9.17 therefore requires amendment to reflect this price and credit arrangement;

WHEREAS, the funds needed to pay for the vehicle are available in Account No. 0-01-25-240-000-277;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Resolution 2020-9.17 is hereby amended to authorize acquisition of the described police vehicle for the sum of \$71,029.80, including financing by means of the lease/purchase from Lease Servicing Center dba NCL Government Capital described above, subject to all terms and conditions applicable to New Jersey State Contract No. 20-FLEET-01189 and all other applicable State contracts.

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

Council Member Marciante made a motion to approve Resolution 2020-10.8, second by Council Member Chandler with all members present voting in favor.

Mayor Lawver called for a consent agenda on Resolutions 2020-10.9 and 2020-10.10.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 10.9**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
BOROUGH OF PENNINGTON AND ROBERT AND KATHRYN BELLI PERMITTING FENCE
TO BE WITHIN DRAINAGE EASEMENT AT 34 ABEY DRIVE**

WHEREAS, Robert and Kathryn Belli are the owners of the real property known as 34 Abey Drive, also known as Block 802, Lot 4 on the Borough Tax Map (‘Property’);

WHEREAS, a drainage easement owned by the Borough of Pennington (“Borough”) runs along the rear or easterly end of the Property approximately 15 feet in width, as shown on the attached plan of survey (“Drainage Easement”);

WHEREAS, Mr. and Mrs. Belli wish to install a four (4) foot high fence along the rear or easterly boundary within the easement as well as along the northerly and southerly boundaries of the Property necessitating the crossing of the Drainage Easement at the northerly and southerly ends, as sketched on the attached plan of survey;

WHEREAS, the intended fence will be a pressed wood/slip board gate and will look the same on both sides;

WHEREAS, the Superintendent of Public Works has reviewed the proposal and has no objection, subject to the terms and conditions stated further below;

WHEREAS, Borough Council intends by this Resolution to approve the Bellis’ request subject to these terms and conditions as set forth below; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an agreement on behalf of the Borough of Pennington granting permission to Robert and Kathryn Belli to install and maintain the proposed fence within the Drainage Easement as substantially described in the annexed plan, subject to the following conditions:

1. If for any reason in its judgment the Borough must remove the fence or the Borough otherwise damages the fence in connection with accessing or using the easement, the Borough shall not be responsible for replacing, repairing or rebuilding the fence.
2. The Borough shall be held harmless by Robert and Kathryn Belli from all costs and other liabilities (including reasonable attorney’s fees) arising from the presence of the fence in the Drainage Easement.
3. This Agreement permitting the fence in the Drainage Easement shall be personal to Robert and Kathryn Belli, shall not be transferable by them, shall be revocable at will by the Borough, shall not run with the land and shall not be recorded.

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

Council Member Chandler made a motion to approve Resolution 2020-10.9 and Resolution 2020-10.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 10.10**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
BOROUGH OF PENNINGTON AND KRISTOPHER AND JILL YOUNG PERMITTING FENCE
TO BE WITHIN DRAINAGE EASEMENT AT 36 ABEY DRIVE**

WHEREAS, Kristopher and Jill Young are the owners of the real property known as 36 Abey Drive, also known as Block 802, Lot 3 on the Borough Tax Map (“Property”);

WHEREAS, a drainage easement owned by the Borough of Pennington (“Borough”) runs along the rear or easterly end of the Property as shown on the attached plan of survey (“Drainage Easement”);

WHEREAS, Mr. and Mrs. Young wish to install a four (4) foot high fence along the rear boundary within the easement as well as along the side boundaries of the Property necessitating the crossing of the Drainage Easement at the ends of the Easement, as sketched on the attached plan of survey;

WHEREAS, the intended fence will be a slip board fence with a wire mesh at the bottom designed to contain the family’s puppy;

WHEREAS, the Superintendent of Public Works has reviewed the proposal and has objection to the wire mesh for the likelihood it will obstruct leaves, pine needles, branches and other detritus that ordinarily flows with water causing water to back up;

WHEREAS, Borough Council intends by this Resolution to approve the Youngs’ request subject to the Superintendent’s approval and the terms and conditions set forth below; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor with the attestation of the Borough Clerk is hereby authorized to enter into an agreement on behalf of the Borough of Pennington granting permission to Kristopher and Jill Young to install and maintain the proposed fence within the Drainage Easement as substantially described in the annexed plan, subject to the following conditions:

1. The fence will be designed to avoid obstruction of flowing water, subject to the approval of the Superintendent of Public Works;
2. If for any reason in its judgment the Borough must remove the fence or the Borough otherwise damages the fence in connection with accessing or using the easement, the Borough shall not be responsible for replacing, repairing or rebuilding the fence.
3. The Borough shall be held harmless by Kristopher and Jill Young from all costs and other liabilities (including reasonable attorney’s fees) arising from the presence of the fence in the Drainage Easement.

4. This Agreement permitting the fence in the Drainage Easement shall be personal to Kristopher and Jill Young, shall not be transferable by them, shall be revocable at will by the Borough, shall not run with the land and shall not be recorded.

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

Council Member Chandler made a motion to approve Resolution 2020-10.9 and Resolution 2020-10.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.11**

**RESOLUTION AUTHORIZING SUBMISSION OF GOVERNOR’S COUNCIL ON ALCOHOLISM
AND DRUG ABUSE FISCAL GRANT OCTOBER 1, 2020 TO JUNE 30, 2021**

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

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

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

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

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

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

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for budget year of October 1, 2020 to June 30, 2021, subject to certification of available funds by the Chief Financial Officer of the Borough, in the amount of:

| | |
|------------|--------------|
| DEDR | \$ 6,768.00 |
| Cash Match | \$ 1,692.00* |
| In-Kind | \$ 5,076.00 |

*Hopewell Township: \$1,253.00, **Pennington Borough \$204.00**, Hopewell Borough \$235.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

Council Member Chandler made a motion to approve Resolution 2020-10.11, second by Council Member Mills. Mrs. Sterling asked that the resolution be amended to state that approval is subject to certification of available funds by the Chief Financial Officer because this was not included in the amount budgeted and we are not able to make transfers to Shared Services lines. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.12**

**RESOLUTION AUTHORIZING AMENDMENT OF RESOLUTION 2020-9.9 TO AUTHORIZE
AMERICAN PROPERTIES’ HERITAGE AT PENNINGTON TO SWITCH SEWER
CONNECTION AUTHORIZATION FROM 12B CANNON DRIVE TO 10A CANNON DRIVE**

WHEREAS, by Resolution 2020-9.9 Borough Council authorized American Properties’ Heritage at Pennington to connect six units to the Pennington sewer system, including the unit at 12B Cannon Drive, to accommodate American Properties’ request for early connection of these units to permit sale of the units, in accordance with prior authorization by the Stony Brook Regional Sewerage Authority;

WHEREAS, American Properties has notified the Borough that the purchaser for 12 B Cannon Drive has withdrawn from its contract to purchase, and American Properties requests that the authorization to connect that unit be switched to 10A Cannon Drive, for which there is a purchaser;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that Resolution 2020-9.19 is hereby amended to delete authorization for connecting unit 12 B Cannon Drive to the Pennington sewer system and to substitute for it authorization to connect unit 10A Cannon Drive; and

BE IT FURTHER RESOLVED, that all other provisions, terms and conditions of Resolution 2020-9.19 shall remain unchanged.

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

Council Member Chandler made a motion to approve Resolution 2020-10.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 10.13**

**RESOLUTION AUTHORIZING THE HIRING OF DANIEL HUDSPITH AS PROBATIONARY
POLICE OFFICER IN THE PENNINGTON POLICE DEPARTMENT**

WHEREAS, the Borough of Pennington has advertised for a qualified person to fill the position of Police Officer in the Pennington Police Department; and

WHEREAS, twelve candidates were interviewed during a first round of interviews conducted via Zoom on August 27, 2020, the Zoom panel consisting of Chief of Police Douglas Pinelli, Officer Michael Rodriguez and Administrator Eileen Heinzl;

WHEREAS, five candidates were selected from that pool and invited to interview in person with the Oral Interview Board, consisting of Chief Pinelli, the Administrator, a Police Chief from a nearby municipality, and a local school official who is also a member of the Mayor’s Police and Court Review Committee;

WHEREAS, interviews were conducted on September 3, 2020, and the Oral Interview Board recommended to the Public Safety Committee and Borough Council that Daniel Hudspith be hired for the position;

WHEREAS, the recommended hiring of Daniel Hudspith is contingent upon him successfully passing both a medical and psychological exam;

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

1. the hiring of Daniel Hudspith as Probationary Police Officer in the Pennington Police Department is hereby approved;
2. Mr. Hudspith’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Hudspith’s start date shall be determined by the Chief of Police.

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

Council Member Chandler made a motion to approve Resolution 2020-10.13, second by Council Member Gnatt with all members present voting in favor with the exception of Mrs. Mills and Ms. Semple.

Public Comment

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

Mr. Dan Pace of 9 Railroad Place thanked Council for the contract with Scorpion for deer management.

There were no further comments from the public.

At 8:03pm, 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