

Pennington Borough Council
Regular Meeting – November 2, 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 and Semple in attendance. Mrs. Mills was absent.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Police Chief Pinelli, Chief Financial Officer Sandra Webb 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.

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 summarized the following Proclamation for Communities of Light.

PROCLAMATION

WHEREAS, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 89,777 women, 15,279 children and 6,566 men. Additionally, Womanspace has assisted more than 290,782 hotline callers over the last 43 years; and

WHEREAS, the Borough of Pennington commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 2, 2020, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2020 will be used to fund vital services for victims of domestic violence, sexual assault and human trafficking.

NOW, THEREFORE, I, Joseph Lawver, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 2, 2020, as

COMMUNITIES OF LIGHT DAY

and hereby honor Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Mayor Lawver announced the resignation of Mike Krupsky as Plumbing Sub-Code Official for the Borough.

Mayor's Appointments

Mayor Lawver announced the appointment of Brian Friedlich as Chair of the Environmental Commission. Mayor Lawver thanked Harry Compton for his all of his great work on the Environmental Commission.

Mayor Lawver announced that Peter Betaneli will be moving from Alternate 1 to Regular Member of the Environmental Commission for an unexpired term ending December 31, 2021.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the October 5, 2020 Regular Meeting, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver asked Council Member Gnatt to give a report for the Police/Court review Ad-Hoc Committee.

Mayor Lawver stated as a background to this in light of the George Floyd slaying and the protests that took place the Borough along with Chief Pinelli felt it would be a good exercise to review the procedures and practices of the Pennington Police Department and Municipal Court to ensure that there are no issues relative to systemic bias. Mayor Lawver stated that with Council approval a committee was appointed consisting of Deb Gnatt, Beverly Mills, Kathleen Nash, Chad Bridges from the Pennington School and he would like to thank everyone who sat on this committee and work hard to do this very valuable work. Mayor Lawver stated that understandably there was some hesitance from the Police Department but he would like to thank Chief Pinelli and the entire Police who gave full and robust cooperation throughout the process. Mayor Lawver asked Mrs. Gnatt to report on the findings. Mrs. Heinzl stated that she would just like to acknowledge that Kathleen Nash is in attendance at the meeting.

Mrs. Gnatt extended her thanks to the Mayor and the other members of committee who took this work very seriously. Mrs. Gnatt stated that in terms of the members of the Police Department, she did not sense any hesitance in cooperating with the committee. Mrs. Gnatt stated that many hours were put into this process and she would like to thank everyone involved. Mrs. Gnatt stated that they reviewed arrest records for June 2016 to June 2020 with regard to race, gender and age and a breakdown of personnel in the police department with regard to race and gender. Mrs. Gnatt stated that no red flags were raised. Mrs. Gnatt stated that the committee reviewed reports related to body cameras, internal affairs reports, annual reports and current and past composition of the personnel in the department.

Mrs. Gnatt stated that the committee received one complaint of alleged discrimination from the wife of a black resident. Mrs. Gnatt stated that the committee reviewed the details of the complaint and reached out to the complainant and received no response. Mrs. Gnatt stated that the committee was unable to substantiate the claim. Mrs. Gnatt stated that Mr. Bridges also interviewed several black residents in the Borough and no one indicated any concerns related to discrimination.

Mrs. Gnatt stated that the committee put a lot of time and work into this process and they did not find any concerns relative to systemic bias by the Pennington Police. Mrs. Gnatt commended the Pennington Police Department again for their help with the process and for the results that were found. Mrs. Gnatt stated that it was great conclusion to reach.

Mrs. Gnatt stated that though they did not find any concerns regarding systemic bias or discrimination, they did find that Chief Pinelli, in the course of reviewing and updating Standard Operating Procedures that the department is too small to handle a comprehensive review and update of the SOP's. Mrs. Gnatt stated that Chief Pinelli recommended that the committee hear a presentative from The Rodgers Group and they also made a presentation to the Public Safety Committee. Mrs. Gnatt stated that a proposal was provided that describes in detail what The Rodgers Group does and how they do it. Mrs. Gnatt stated that The Rodgers Group has worked with many law enforcement agencies in updating procedures and gaining NJSCP Accreditation. Mrs. Gnatt stated that they would do a complete rewrite and update of Pennington Police Department Written Directives including Standard Operating Procedures, General Orders and Rules and Regulations to ensure compliance with all NJ Laws and Regulations for NJSCP Accreditation.

Mrs. Chandler stated that the Public Safety Committee would be reviewing the proposal and making a recommendation. Mrs. Gnatt stated that the Adhoc Committee is recommending hiring The Rodgers Group to assist with accreditation of the Police Department.

Chief Pinelli thanked the committee for working with the Police Department on this and he stated that as of today all but the two new officers have attended de-escalation training. Chief Pinelli stated that they will also be attending Crisis Intervention training and they are moving forward with other training as best they can with the COVID 19 situation.

Mrs. Heinzel stated that she asked the Mid Jersey JIF about savings on insurance if the Department gets accreditation and it would be \$3,500 per year plus a \$1,000 initial deduction up front.

Mayor Lawver stated that Chief Pinelli has been asked to provide a 5 year plan of expenses related to accreditation and upgrades to the Police Department and hiring The Rodgers Group will be part of that discussion.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that she had no report for the Open Space. Mrs. Gnatt stated that the Planning Board did meet in October. Mrs. Gnatt reported that Mayor Lawver was sworn in and the Board adopted a Remote Meeting Policy. Mrs. Gnatt stated that Environmental Resource Inventory was discussed for inclusion in the Borough Master Plan. Mrs. Gnatt stated that the Environmental Commission has requested assistance with mapping and the Board approved an expenditure of \$2,500 for James Kyle to assist with the Environmental Resource Inventory. Mrs. Gnatt stated that Mr. Kyle gave an update on the vacant land analysis. Mrs. Gnatt explained that the Borough is seeking relief from the requirement to provide 180 units by seeking a vacant land adjustment through a settlement with the Fair Share Housing. Mrs. Gnatt stated that only three properties were identified as vacant land, the landfill, Broemel Place and the possibility of an overlay adjustment on East Delaware. Mrs. Gnatt stated more to come on that.

Public Safety /Economic Development / Environmental – Mrs. Chandler reported that Public Safety has been working very hard on a five year capital plan for the Police Department. Mrs. Chandler thanked Chief Pinelli and Will Mullen for the amount of work they have put in to the plan and the discussion is ongoing.

Mrs. Chandler stated that the Environmental Commission continues to work on the Environmental Resource Inventory.

Mrs. Chandler stated that Economic Development continues to work on the “Get Lit” initiative to light the poles in the downtown area. Mrs. Chandler stated that the poles are owned by PSE&G and that has created a delay.

Public Works – Mr. Marciante stated that the Public Works Committee did not meet so he had no report.

Finance – Mr. Griffiths stated that the Finance Committee and Board of Health did not meet so no report.

Mr. Griffiths stated that department budgets are under discussion to begin to put the 2021 budget together.

Historic Preservation / Library – No report due to Mrs. Mills’s absence.

Parks and Recreation / Shade Tree – Ms. Semple stated that she had no report for Parks and Recreation. Ms. Semple stated that the Shade Tree Committee is looking in to a Tree Giveaway Program to provide trees to residents for planting on private property. Mrs. Semple stated that the details need to be worked out.

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

COUNCIL DISCUSSION

Best Practices Inventory – Chief Financial Officer, Sandra Webb reported that this comes before Council each year and this is the eleventh year. Mrs. Webb stated that this year there are a total of sixty questions thirty one of them are unscored. Mrs. Webb stated that when this first started, the questions were related to budget, capital, financial administration and personnel, but this year the questions required assistance from all departments and so this was a joint effort with help from Betty, Eileen and Rick Smith. Mrs. Webb stated that there were questions related to liquor licenses, shared services, environmental, planning, COVID, cybersecurity. Mrs. Webb stated that some of the unscored questions make their way to score questions in the next year. Mrs. Webb stated that once again she is proud to say that Pennington will not lose any State Aid. Mrs. Webb thanked everyone for their assistance in getting this completed and filed.

Mayor Lawver thanked everyone who worked on this and hopefully it is not just an exercise and we actually get something out of doing it. Mrs. Webb stated that there is a resolution on later in the meeting that is a result of the Best Practices Inventory.

Tree Giveaway Program – Mayor Lawver asked Kate Fullerton of the Shade Tree Committee to talk briefly on this program. Ms. Fullerton stated that basically this has been an ongoing idea for several years in an effort to have a net zero reduction in the tree canopy for the Borough. Ms. Fullerton explained that it is a challenge for the Borough because the right of way area is not big enough to accommodate certain trees. Ms. Fullerton stated that we lose trees when road projects are done or because of disease and it is becoming increasing difficult to plant trees to replace trees that have come down. Ms. Fullerton stated that she recently heard a news cast regarding how to fund trees without using taxpayer dollars to plant trees on private property. Ms. Fullerton stated that a local business would sponsor the funds and all expenditures would run through that entity. Ms. Fullerton stated that they are looking into sponsors for the project, such as FOVHOS or TD Bank. Mrs. Fullerton reviewed some of the details of the program and the types of trees that would be considered. Ms. Fullerton stated that the details are still being worked out. Mrs. Chandler stated that she needs more information on this as to who will be handling the funds, how much funds, what types of trees. Ms. Semple agreed as representative of the Shade Tree Committee that she needs more information too. Mrs. Heinzl stated that she asked that this be on the agenda to see if here is interest in pursuing a program like this. Mayor Lawver stated that he has been pressing for this for the past five years or so to find a way to get past the roadblock of purchasing trees for private property without using taxpayer dollars. Mayor Lawver stated that he is in full support of this idea. Mrs. Chandler stated that there is no reason why Pennington homeowners can't have a little skin in the game on this. Ms. Fullerton stated that Shade Tree is meeting next week and they will continue to discuss this. A brief discussion took place with regard to using Open Space funds.

Stonybrook Sewer Authority – Mayor Lawver stated that a letter included in the packages indicates that Stonybrook is fully up and running and ready to accommodate the remaining connections for Heritage at Pennington. A brief discussion took place regarding other properties that might want to connect.

Shared Services – Municipal Alliance – Mrs. Heinzl stated that a copy of a proposed Shared Services Agreement with Hopewell Valley Regional School was distributed in the packages. Mrs. Heinzl stated that the Municipal Alliance will be housed under the school district and not Hopewell Township as it has been in the past. Mrs. Heinzl stated that Bob Colavita circulated that agreement for review and she heard from Michelle Hovan in Hopewell Borough who has some concerns but she wanted Council to get a first look at the agreement. Mr. Griffiths had questions regarding the fund balance and why the funds are not being used to benefit the community. Mr. Griffiths stated that reports need to be supplied to show where the funds are going and what they have been used for. Mr. Griffiths stated that the agreement is too vague and there is not enough information at this time. Mrs. Chandler expressed the importance of getting baseline numbers beginning in fourth grade and going through as kids exit the school system. Mrs. Chandler stated that until then it's a nice program but what are the results? Mr. Griffiths stated that mental health is a serious issue that needs more attention than what this program can provide.

Mayor Lawver stated that this agreement will put this program under the school district supervision and take it away from the Township which he has been advocating for many years. Mayor Lawver stated that he will raise Council concerns and keep pressing that this be a more accountable organization and effort than it has been in the past.

ORDINANCE FOR INTRODUCTION

Mayor Lawver read Ordinance 2020-15 by title. Mayor Lawver stated that the only change to the Ordinance is to Part Time/Temporary/Licensed.

**BOROUGH OF PENNINGTON
ORDINANCE #2020 – 15**

AN ORDINANCE FURTHER 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	\$ 26.51
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	<u>\$ 100.00</u>

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 Marciante made a motion to introduce Ordinance 2020-15, second by Council Member Griffiths with all members present voting in favor.

NEW BUSINESS

BOROUGH OF PENNINGTON
RESOLUTION #2020 – 11.1

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to A. Tim Lomma, 208 King George Road, Pennington, NJ 08534 for the balance remaining for Planning Board application 15-002, Block 403, Lot 12, in the amount of \$146.40.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to Gabrielle Shamsey, 107 King George Road, Pennington, NJ 08534 for the balance remaining for Planning Board application 19-006, Block 302, Lot 5, in the amount of \$251.92.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to The Pennington School, 112 West Delaware Ave, Pennington, NJ 08534 for the balance remaining for Planning Board application 18-003, in the amount of \$1,965.25.

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395, for an overpayment of 4th Quarter Taxes for Block 103.02, Lot 2, 17 Railroad Place in the amount of \$1,541.18.

BE IT RESOLVED that a refund be issued from the Current Fund to Asif Malik, 34 Baldwin Street, Pennington NJ 08534 for a sidewalk permit paid in error in the amount of \$100.00.

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				absent
Griffiths	X				Semple			X	

Council Member Chandler made a motion to approve Resolution 2020-11.1, second by Council Member Marciante with all members present voting in favor except Ms. Semple whose connection was lost.

BOROUGH OF PENNINGTON
RESOLUTION #2020 – 11.2

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	\$ 2,255,861.81
W/S Operating	\$ 33,164.62
Animal Control Fund	\$ 1.20

Other Trust Fund	\$	638.73
Grant Fund	\$	1,726.51
General Capital	\$	63,355.45
Developer’s Escrow	\$	3,388.05
TOTAL	\$	2,358,136.37

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				Absent
Griffiths	S				Semple			X	

Council Member Chandler made a motion to approve Resolution 2020-11.2, second by Council Member Griffiths with all members present voting in favor with the exception of Ms. Semple whose connection was lost.

BOROUGH OF PENNINGTON
RESOLUTION # 2020 – 11.3

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2020 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Municipal Clerk – Salaries	\$ 500.00	
Trash – Salaries	\$37,800.00	
Group Insurance		\$38,300.00
Total Current Fund	\$38,300.00	\$38,300.00

BE IT FURTHER RESOLVED, that transfers be made between the following 2020 budget appropriations in the Water/Sewer Utility:

SBRSA Treatment Costs	\$13,500.00	
Group Insurance		\$13,500.00
Total Water/Sewer	\$13,500.00	\$13,500.00

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				absent
Griffiths	M				Semple			X	

Council Member Griffiths made a motion to approve Resolution 2020-11.3, second by Council Member Chandler with all members present voting in favor with the exception of Ms. Semple whose connection was lost.

RESOLUTION 2020-11.4

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
ACCUMULATED ABSENCES LIABILITY TRUST FUND (NJAC 5:30-15)

WHEREAS, permission is required of the Director of the Division of Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absences Liability Trust and NJAC 5:30-15.
2. The Municipal Clerk of the Borough of Pennington is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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				absent
Griffiths	S				Semple			X	

Council Member Chandler made a motion to approve Resolution 2020-11.4, second by Council Member Griffiths with all members present voting in favor with the exception of Ms. Semple whose connection was lost.

Mayor Lawver asked for a consent agenda for Resolutions 2020-11.5 and 2020-11.6.

BOROUGH OF PENNINGTON
RESOLUTION 2020-11.5

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR RECONSTRUCTION OF BURD STREET – FY2019

WHEREAS, the Borough of Pennington seeks to construct curbs, sidewalks, drainage and other roadway improvements to a portion of Burd Street from Ingleside Avenue to West Curlis Avenue and from Laning Avenue to O’Hanlon Avenue under a FY 2019 Municipal Aid Grant; and

WHEREAS, the funds for the proposed project are being provided by the New Jersey Department of Transportation and the Borough of Pennington without special assessment of property owners;

WHEREAS, the Borough now seeks to advertise for bids for these projects as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for construction of the aforesaid roadway improvements to Burd Street in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

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				Absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.5 and Resolution 2020-11.6,

second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.6**

**RESOLUTION AUTHORIZING APPLICATION FOR CHANGE OF PROJECT SCOPE FOR THE
RECONSTRUCTION OF BURD STREET – PHASE 3**

WHEREAS, the Borough of Pennington has obtained Municipal Aid FY19 funding for the Reconstruction of Burd Street – Phase 3;

WHEREAS, the Borough now seeks to modify the scope of the proposed project to add the rehabilitation of Burd Street from O’Hanlon Avenue to Lanning Avenue, including installation of curb and a mill and overlay of the existing roadway, as well as work needed to abandon the cisterns under the sidewalk at the intersection near the curb ramps to be replaced;

WHEREAS, these scope modifications will be included in the base bid portion of the project, with the understanding that any amount of the final construction cost that exceeds the grant allotment will be self-funded by the Borough;

WHEREAS, a copy of the application to NJDOT to obtain authorization for this modification of project scope is attached;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Engineer is hereby authorized to take such steps as necessary to obtain NJDOT approval for the aforesaid modification of the project scope for the Reconstruction of Burd Street – Phase 3 as further described in the attached application.

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				Absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.5 and Resolution 2020-11.6, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Semple whose connection was lost.

A brief discussion took place regarding the change in scope and the concern that the Borough not commit to additional funds outside the grant.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 11.7**

**RESOLUTION APPOINTING GEORGE CONLEY AS
TEMPORARY PLUMBING SUB-CODE OFFICIAL FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, Mike Krupsky, Plumbing Sub-Code Official for the Borough resigned effective October 23, 2020; and

WHEREAS, George Conley who has previously assisted the Borough on an interim basis has agreed to fill in on a temporary basis while the Borough seeks to fill the position of Plumbing Sub-Code Official; and

WHEREAS, Mr. Conley holds all licenses necessary or desirable for holding the position of Temporary Plumbing Sub-Code Official including: State of New Jersey Plumbing Sub-code License #004510 as required by law;

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

1. George Conley is hereby appointed Plumbing Sub-Code Official for of the Borough of Pennington, on a temporary part-time basis, effective November 3, 2020;
2. Mr. Conley will work one day per week for two hours;
3. The rate of compensation for Mr. Conley will be \$100.00 per week as set forth in the annual salary ordinance of the Borough;
4. This temporary appointment will terminate once a permanent Plumbing Sub-Code Official is

hired.

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				absent
Griffiths	S				Semple			X	

Council Member Gnatt made a motion to approve Resolution 2020-11.7, second by Council Member Griffiths with all members present voting in favor with the exception of Ms. Semple whose connection was lost. Mrs. Heinzl stated that Mr. Conley has agreed to fill in temporarily so that inspections can continue while the Borough advertises and interviews for a plumbing sub-code official.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 -11.8**

RESOLUTION ADOPTING REMOTE PUBLIC MEETING PROCEDURES

WHEREAS, Section 8 of P.L.2020, c.34 provides that whenever a public health emergency, pursuant to the *Emergency Health Powers Act*, P.L.2020, c.11 (N.J.S.A. 26:13-1, *et seq.*), and/or a state of emergency pursuant to P.L.1942, c.251 (C.App.A.9-33 *et seq.*), or a state or local disaster emergency has been declared by the Governor and is in effect, a local public body may conduct a public meeting remotely by electronic means, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, P.L.2020, c.34 also provides that the Director of the Division of Local Government Services in the Department of Community Affairs (“DLGS”) shall adopt rules and regulations concerning the conduct of remote public meetings during a public health emergency or state of emergency that are necessary to implement the provisions of the law, which shall include minimum procedures to be followed to provide reasonable public notice and allowance for public input; and

WHEREAS, DLGS promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through -1.7 that implement P.L.2020, c.34; and

WHEREAS, DLGS issued Local Finance Notice LFN 2020-21 on September 24, 2020 to accompany and explain the new regulations; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires local public bodies to adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting and for public comments submitted in writing ahead of a remote public meeting; and

WHEREAS, the Pennington Borough Council desires to establish and adopt the procedures and requirements attached hereto as Exhibit A as its standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Council in Mercer County, New Jersey, that the Procedures and Requirements for the Conduct of Remote Public Meetings during a Declared Public Health Emergency and/or State of Emergency, attached hereto as Exhibit A, are hereby adopted as the standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

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				absent
Griffiths	S				Semple			X	

Council Member Chandler made a motion to approve Resolution 2020-11.8, second by Council Member Griffiths. Mr. Bliss explained that in connection with this resolution we have a request for a special meeting. Mr. Bliss stated that Cugino’s is very close to obtaining a Final Certificate of Approval. Mr. Bliss stated that the meeting would be to hold a hearing on objections to the issuance of the license if there are any. Mr. Bliss explained that there is an advertisement requirement of two consecutive weeks and that would mean a special meeting on November 24th. Mr. Bliss stated that if there are no objectors then the licenses can be issued at the special meeting. Upon a roll call vote all members present voted in favor with the exception of Ms. Semple whose connection was lost.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.9**

**RESOLUTION FURTHER EXTENDING TIME FOR CUGINO’S HOLDING LLC 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, by Resolution 2020-9.16 Borough Council granted the application of Cugino’s Holding LLC for an extension of time for completing construction and related liquor license application to be ready to commence operations;

WHEREAS, Resolution 2020-9.16 also granted an extension of the term of the Use Agreement between Cugino’s and the Borough granting Cugino’s use of adjacent Borough property during construction;

WHEREAS, Resolution 2020-9.16 recites the history of this matter to date;

WHEREAS, the extensions of time granted by Resolution 2020-9.16 were to and including October 2020;

WHEREAS, the construction is now substantially complete, inspections are underway and approvals are believed to be imminent;

WHEREAS, to permit time to complete construction and make ready for opening, as well as to permit time for publication of notice and any required hearing on the license, Council believes that a further extension of time is warranted in the public interest;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Cugino’s Holding LLC is hereby granted an extension of time for completing requirements for licensure and a corresponding further extension of the Use Agreement with the Borough, nunc pro tunc, through December 2020.

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				absent
Griffiths	S				Semple			X	

Council Member Chandler made a motion to approve Resolution 2020 – 11. 9, second by Council Member Griffiths with all members present voting in favor with the exception of Ms. Semple whose connection was lost.

Mayor Lawver asked for a consent agenda for Resolutions 2020-11.10, 2020-11.11, 2020-11.12 and 2020-11.13.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.10**

**RESOLUTION EXTENDING OUTDOOR DINING FOR ÉCLAIR CAFÉ
D/B/A/ THE PIG AND THE PIT**

WHEREAS, by Resolution 2020-8.7, Borough Council granted Éclair Café d/b/a The Pig and The Pit an Outdoor Seating Temporary Waiver, subject to conditions, set to expire on November 1, 2020;

WHEREAS, Borough Council determines that extension of this Outdoor Seating Temporary Waiver is in the public interest;

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

1. The Outdoor Seating Temporary Waiver granted to Éclair Café d/b/a The Pig and The Pit by Resolution 2020-8.7 is hereby extended, nunc pro tunc, to November 30, 2020.
2. All other conditions set forth in Resolution 2020-8.7 are hereby also extended and remain unchanged.

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				absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.10, Resolution 2020-11.11, Resolution 2020-11.12 and Resolution 2020-11.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.11**

RESOLUTION EXTENDING OUTDOOR DINING FOR EMILY’S CAFÉ

WHEREAS, by Resolution 2020-7.7, Borough Council granted Emily’s Café an Outdoor Seating Temporary Waiver, subject to conditions, set to expire on November 1, 2020;

WHEREAS, Borough Council determines that extension of this Outdoor Seating Temporary Waiver is in the public interest;

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

1. The Outdoor Seating Temporary Waiver granted to Emily’s Café by Resolution 2020-7.7 is hereby extended, nunc pro tunc, to November 30, 2020.
2. All other conditions set forth in Resolution 2020-7.7 are hereby also extended and remain unchanged.

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				absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.10, Resolution 2020-11.11, Resolution 2020-11.12 and Resolution 2020-11.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.12**

RESOLUTION EXTENDING OUTDOOR DINING FOR VITO’S PIZZA

WHEREAS, by Resolution 2020-7.10, Borough Council granted Vito’s Pizza an Outdoor Seating Temporary Waiver, subject to conditions, set to expire on November 1, 2020;

WHEREAS, Borough Council determines that extension of this Outdoor Seating Temporary Waiver is in the public interest;

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

1. The Outdoor Seating Temporary Waiver granted to Vito’s Pizza by Resolution 2020-7.10 is hereby extended, nunc pro tunc, to November 30, 2020.
2. All other conditions set forth in Resolution 2020-7.10 are hereby also extended and remain unchanged.

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				absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.10, Resolution 2020-11.11, Resolution 2020-11.12 and Resolution 2020-11.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.13**

RESOLUTION EXTENDING OUTDOOR DINING FOR SOURLAND COFFEE

WHEREAS, by Resolution 2020-7.8, Borough Council granted Sourland Coffee an Outdoor Seating Temporary Waiver, subject to conditions, set to expire on November 1, 2020;

WHEREAS, Borough Council determines that extension of this Outdoor Seating Temporary Waiver is in the public interest;

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

1. The Outdoor Seating Temporary Waiver granted to Sourland Coffee by Resolution 2020-7.8 is hereby extended, nunc pro tunc, to November 30, 2020.
2. All other conditions set forth in Resolution 2020-7.8 are hereby also extended and remain unchanged.

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				absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.10, Resolution 2020-11.11, Resolution 2020-11.12 and Resolution 2020-11.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-11.14**

**RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION UNDER THE
LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT**

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington in the County of Mercer, that the Borough of Pennington will apply for a LGEF Grant in an amount not to exceed \$ 42,120.

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				absent
Griffiths	X				Semple			X	

Council Member Marciante made a motion to approve Resolution 2020-11.14, second by Council Member Chandler. Some discussion took place with regard to the deadline and specific expenditures. Upon a roll call vote with all members present voted in favor.

Professional Reports

Chief Pinelli reported that Halloween went well with no incidents to report. Chief Pinelli reported that Officer Thomas completed Chaplain training and he will be attending Internal Affairs training.

Mr. Smith had nothing further.

Mrs. Sterling thanked Chief Pinelli for his help with setting up the firehouse for election day.

Mrs. Heinzl stated that Mike Miereny has left Excel Engineering and will now be working with Matt Mauro on the landfill project. Mrs. Heinzl stated that the deer management plan is underway. Mrs. Heinzl stated that we are working on an agreement with Heritage at Pennington on a Municipal Services Act Agreement.

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 stated that the new format for zoom does not allow him to see other attendees. Mrs. Heinzl stated that she will work on that for the next meeting. Mrs. Heinzl stated that this webinar format goes along with the new Remote Meeting Policy and she will look into some solutions. Mr. Pace was thankful for the update on deer management.

There were no further comments from the public.

At 8:32pm, 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