

**Pennington Borough Council**  
**Regular Meeting – December 7, 2020**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:04 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 announced the retirement of Christine Liedtka effective December 31, 2020. Mayor Lawver stated that Ms. Liedtka has been a crossing guard for the Borough for quite a long time.

**Committee Reports**

**Planning & Zoning / Open Space / Personnel** – Mrs. Gnatt stated that both Planning Board and Open Space did not meet in November. Mrs. Gnatt stated that the Personnel Committee did meet and recommended the appointment of George Conley as Plumbing Sub-code Official which will be formalized by Resolution later in the meeting. Mrs. Gnatt stated that they also discussed the employment agreements for Rick Smith and Morris Fabian which are also on for discussion later in the meeting.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler stated that in addition to the report submitted by Chief Pinelli, the two new officers are getting up to speed and the Public Safety Committee continues to work on the five year capital plan for the department.

Mrs. Chandler stated that the downtown lights are up and she hopes that everyone gets a chance to take a look. Mrs. Chandler stated that the Pennington School is participating by lighting some of the trees on their property.

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

Mrs. Chandler stated that the landfill would be discussed later.

**Public Works** – Mr. Marciante stated that the Public Works Committee approved the agreements for Rick Smith and Morris Fabian. Mr. Marciante stated that the department was down a man, but Ricky and his crew were able to continue to collect the mounds of leaves throughout town. Mr. Marciante stated that they discussed a time table for rolling out the new automated garbage truck which will hopefully happen in August of 2021. Mr. Marciante stated that a public notice will be going out once the details are finalized. Mr. Marciante stated that there was discussion that down the road, the Borough might be interested in collecting recycling in house. Mayor Lawver stated that in comparison to other towns our leaf collection program is way more than what other towns provide.

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

**Historic Preservation / Library** – Mrs. Mills had no report for Historic Preservation. Mrs. Mills stated that the library will be seeking another grant which will in the vicinity of \$5,000 to \$8,000.

**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 hoping for additional funds in the 2021 budget for tree planting.

Mayor Lawver stated that there is a group of residents that are organizing a holiday light contest and he encouraged everyone to get out and decorate your house and possibly win a prize.

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

**COUNCIL DISCUSSION**

**Block Party – St. Matthew Church** – Mayor Lawver stated that St. Matthews Church is seeking to hold a block party for outdoor Christmas Caroling. Mrs. Chandler asked how many people are expected to attend and where this would be taking place. Mayor Lawver stated that the group will not be moving they will be staying in one place. Mayor Lawver stated that he thought that the details of the event are unfolding and as COVID cases rise, they may be taking another look at this idea. Mrs. Heinzl stated that she and Chief Pinelli have reached out to Mark Dolan who made the initial request to see if things have changed since the original request was made. Mrs. Heinzl stated Mr. Dolan was going to reach out to the Diocese to find out what the restrictions are for churches. Mayor Lawver stated that this request if granted would be subject to restrictions and guidelines put out by the State. Mrs. Heinzl stated that Chief Pinelli has been in contact with Mark Dolan at Saint Matthews and expressed concerns about this event. Mrs. Chandler and Ms. Semple were concerned about approving this request. Council Member Marcianti made a motion, second by Council Member Gnatt to approve the request subject to restrictions and guidelines put out by the Governor’s office. Upon a roll call vote all members present voted in favor with the exception of Mrs. Chandler who voted no.

**NJ DOT Municipal Aid 2021** - Mayor Lawver reported that the Borough has received notification of a 2021 Municipal Aid grant award in the amount of \$515,000. for West Franklin Avenue and Knowles Street.

**ORDINANCES FOR INTRODUCTION**

Mayor Lawver announced that Ordinance 2020-16 which is on the agenda for Introduction was amended after Council received their packages to remove the Foreman position, this Ordinance now only amends the position of Plumbing Sub-code Official. Mr. Marcianti explained that the Mr. Conley who is being hired to fill the Plumbing Sub-code Official position will also be able to serve as the Fire Sub-code Official at a rate of \$50.00/hour. Mrs. Chandler stated that at the end of the year we should take a look at this to make sure that this ends up being a savings to the Borough. Mr. Bliss stated that the Resolution to appoint Mr. Conley later in the meeting contemplates a minimum of two hours per day for two days per week if needed. Council Member Semple made a motion, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
ORDINANCE #2020 – 16**

**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. **A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$50.00 per hour whether the work in question is in one or both capacities.**
- c.

The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- d.

The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Finance</b>		
<b>Municipal CFO(p/t)</b>	\$ 25.00	\$ 85.53
<b>Police Department:</b>		
Crossing Guards	\$ 15.00	\$ 26.51
Special Police	\$ 16.92 per hour	
<b>Part Time Employees – All Departments:</b>		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

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.

**ORDINANCE FOR PUBLIC HEARING AND ADOPTION**

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**

- e. 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
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<b>Chief of Police</b>	\$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

- f. One person may serve in more than one office or position of employment as listed in Section a hereof.
- g. 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.
- h. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Finance</b>		
<b>Municipal CFO(p/t)</b>	\$ 25.00	\$ 85.53

<b>Police Department:</b>		
Crossing Guards	\$ 15.00	\$ 26.51
Special Police	\$ 16.92 per hour	
<b>Part Time Employees – All Departments:</b>		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	<b><u>\$ 100.00</u></b>

**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 2020-15, second by Council Member Mills. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2020-15, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Griffiths who asked prior to the meeting that he be marked as not voting if his vote was not heard due to internet connection issues.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 12.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 1003, Lot 5, 25 East Welling Avenue in the amount of \$4,896.17.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 902, Lot 6, 406 Reading Street in the amount of \$2,664.17.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 706, Lot 12, 122 Voorhees Avenue in the amount of \$4,568.81.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 706, Lot 6, 317 Hale Street in the amount of \$3,215.66.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 601, Lot 48, 5 Mallard Drive in the amount of \$4,425.60.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 502, Lot 2, 142 W. Delaware Avenue in the amount of \$3,481.35.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 403, Lot 27, 22 Scudder Court in the amount of \$5,132.51.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 301, Lot 12, 45 North Main Street in the amount of \$2,889.72.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic, Attn: Refunds, P.O. Box 9202, Coppell, Texas 75019, for an overpayment of 4<sup>th</sup> Quarter taxes for Block 103.03, Lot 7, 7 Railroad Place in the amount of \$2,380.36.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Ellen Venezia, 396 Reading Street for an overpayment of 4<sup>th</sup> Quarter taxes for Block 902, Lot 11, 396 Reading Street in the amount of \$2,677.53.

**BE IT RESOLVED** that a refund be issued from the Developer’s Escrow Account to Monica George for a refund of Planning Board Application P15-011, Block 505, Lot 17, 126 S. Main Street in the amount of \$139.16.

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 2020-12.1, second by Council Member Gnatt. Mr. Marciante asked for an explanation on Corelogic. Ms. Sterling explained briefly and stated that this amount of refunds is very unusual. Upon a roll call vote all members present voted in favor.

At 7:30 pm, Mrs. Gnatt signed off the meeting as she was not feeling well.

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 12.2**

**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 \$769,456.94 from the following accounts:

Current	\$ 587,153.13
W/S Operating	\$ 130,939.80
Animal Control Fund	\$ 494.00
Open Space Fund	\$ 1,689.95
Grant Fund	\$ 945.45
General Capital	\$ 39,922.14
Developer’s Escrow	\$ 7,883.47
Water Capital	\$ 429.00
TOTAL	\$ 769,456.94

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 2020-12.2, second by Council Member Chandler. Mayor Lawver had a couple of questions on bills on the bill list. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION # 2020 – 12.3  
  
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>
Construction – Salaries	\$ 5,000.00	
Streets – Salaries	\$15,000.00	
Group Insurance		\$20,000.00
<b>Total Current Fund</b>	<b>\$20,000.00</b>	<b>\$20,000.00</b>

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 Resolution 2020-12.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 12.4  
  
RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO LEVY CONSTRUCTION  
COMPANY, INC. FOR WORK COMPLETED ON THE PENNINGTON BOROUGH HALL  
RENOVATION PROJECT  
(VNHA #43829-210-71)**

**WHEREAS**, Levy Construction Company, Inc. has completed work pursuant to the contract for the Pennington Borough Hall Renovation Project (VNHA #: 43829-210-71); and

**WHEREAS**, Van Note Harvey Associates has reviewed Levy Construction Company, Inc’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.1 in the amount of \$103,310.00 less 2% retainage in the amount of \$2,066.20; and

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

**WHEREAS**, funds are available through a FEMA grant through the NJ State Police and under Ordinances 2017-14 in the General Capital Fund;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Levy Construction Company, Inc. in the net amount of \$101,243.80 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2020-12.4, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 - 12.5**

**RESOLUTION AUTHORIZING REVISED AGREEMENT  
BETWEEN RICHARD SMITH AND THE BOROUGH OF  
PENNINGTON REGARDING TERMS OF EMPLOYMENT**

**WHEREAS**, Richard Smith was appointed Superintendent of Public Works effective August 1, 2014, and he has been annually reappointed and has served in that capacity without interruption to date;

**WHEREAS**, Mr. Smith was appointed Licensed Operator of the Pennington Water and Sewer Utility (“Licensed Operator”), in addition to his responsibilities as Superintendent of Public Works, effective March 15, 2017;

**WHEREAS**, Mr. Smith was tenured in the position of Superintendent of Public Works effective August 1, 2019;

**WHEREAS**, Borough Council now seeks to amend, supplement and clarify the terms of Mr. Smith’s employment, superseding and replacing the terms of his hiring as set forth in a letter from former Borough Administrator Timothy L. Matheny to Mr. Smith dated January 8, 2014, as well as the “Agreement Between Richard Smith and the Borough of Pennington Regarding Terms of Employment” effective as of February 6, 2016;

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

- (1) the attached “Revised Agreement Between Richard Smith and the Borough of Pennington Regarding Terms of Employment” (“Revised Agreement”) is hereby approved; and
- (2) the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the Revised Agreement on behalf of the Borough.

**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			X		Mills	M			
Griffiths	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2020-12.5, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver announced the Resolution 2020-12.6 is being pulled off the agenda.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 12.6**

**RESOLUTION AUTHORIZING AGREEMENT  
BETWEEN MORRIS FABIAN AND THE BOROUGH OF  
PENNINGTON REGARDING TERMS OF EMPLOYMENT**



**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 12.7**

**RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE  
OF A BACKUP WASTEWATER PUMP**

**WHEREAS**, the Superintendent of Public Works for the Borough of Pennington has identified an emergency circumstance as defined by N.J.S.A. 40A:11-6 involving the need to immediately acquire a backup wastewater pump because the Department is presently without one;

**WHEREAS**, the above referenced provision of the New Jersey Local Public Contracts Law permits the award of a contract without competitive bidding (or competitive contracting) provided that an emergency affecting the public health, safety or welfare exists; and

**WHEREAS**, in accordance with the New Jersey Local Public Contracts Law, the Superintendent has prepared and filed with the Borough Administrator written notification of the emergency, indicating that the Department of Public Works is without a spare pump if any of the pumps at the Borough’s wastewater lift stations goes down and that delays in acquisition and delivery of equipment during the Covid pandemic makes acquisition of a spare pump imperative for the public health and safety and protection of the environment at this time;

**WHEREAS**, the Superintendent has advised that Pumping Services, Inc. has submitted Quote #:031795 to provide a spare Flygt sub trash pump installable at either of the Borough’s pump stations, together with all the components necessary to install it, excluding labor, for the amount of \$11,309.00;

**WHEREAS**, the Superintendent has further advised that the Borough’s wastewater lift stations are adapted, piped and fitted for Flygt pumps and Pumping Services, Inc. is the only vendor in the area that is an authorized certified distributor and repair center for Flygt pumps;

**WHEREAS**, attempts to solicit prices from two other vendors have been unsuccessful because they are not recognized as authorized distributors or certified repair centers of Flygt pumps;

**WHEREAS**, the Borough Administrator finds that the absence of a spare wastewater pump constitutes an emergency affecting the public safety and welfare and necessitates the immediate acquisition of such pump from Pumping Services, Inc. on an emergency basis in accordance with the New Jersey Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Water/Sewer budget (0-05-55-502-000-225) for this acquisition;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington, that a purchase order be issued to Pumping Services, Inc. in an amount not to exceed \$11,309.00 for acquisition of the described backup pump.

**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 2020-12.7, second by Council Member Griffiths. Mr. Smith gave a brief history of the need for this purchase. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2020 - 12.8**

**RESOLUTION AUTHORIZING APPLICATION FOR ADDITIONAL FUNDING FROM THE  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF) FOR SUPPLEMENTAL  
REMEDIAL INVESTIGATION OF THE PROPERTY SURROUNDING BOROUGH LANDFILL**

**WHEREAS**, the Borough of Pennington seeks to devise redevelopment strategies for the Borough property known as Block 206, Lots 4, 5 and 12, bounded by West Delaware Avenue, Broemel Place, the railroad right of way and commercial properties on Route 31, including the closed municipal landfill on West Delaware Avenue (“the Property”);

**WHEREAS**, as a first step, in 2017, the Borough retained the firm of Excel Environmental Resources, Inc. (“Excel”) to perform an environmental assessment of the Property and with the assistance of

Excel obtained funding from the Hazardous Discharge Site Remediation Fund (HDSRF) for this purpose;

**WHEREAS**, the funding obtained from the HDSRF covers a Preliminary Assessment, to determine whether there are potential or actual environmental conditions on the Property, known as Areas of Concern (“AOC”), that warrant further investigation, as well as the cost of any subsequent Site Investigation (“SI”) or Remedial Investigation (“RI”) which may be indicated;

**WHEREAS**, based on the investigation to date, the New Jersey Department of Environmental Protection is requiring additional testing that may require an application to the HDSRF for supplemental funding;

**WHEREAS**, additional funding may also be required to repair or replace one of the testing wells on the Property, which has been damaged;

**WHEREAS**, the application for supplemental funding will be prepared by Excel without charge to the Borough except for a \$500 NJEDA Application fee;

**WHEREAS**, Excel has recommended applying for the additional funding to ensure that the Borough will have the funds to cover the additional work if it cannot be covered or covered fully under the existing grant;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that Borough funds are available to pay the needed \$500 application fee;

**WHEREAS**, a copy of the proposed application for funding, in the aggregate amount of \$312,041.58 (hereafter referred to as “Application for Supplemental RI Funding”) is attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the described Application for Supplemental RI Funding in the amount of \$312,041.58 is hereby authorized, together with payment of the \$500 EDA application fee.

**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 2020-12.8, second by Council Member Griffiths. Mrs. Chandler stated that we were at the finish line with the landfill investigation and the DEP came out with more testing for PFAS that is now required. Mrs. Chandler stated that there is funding available for this additional requirement and that is what this Resolution is authorizing. Mrs. Chandler stated that this will add another ten months on to the investigation phase of the project. Mayor Lawver stated that as long as the funding is available we should move forward. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 - 12.9**

**RESOLUTION AUTHORIZING AGREEMENT WITH VAN NOTE-HARVEY ASSOCIATES FOR FURTHER ENGINEERING SERVICES IN CONNECTION WITH PHASE 1 RENOVATIONS TO PENNINGTON BOROUGH HALL**

**WHEREAS**, certain additional professional engineering services are required in connections with renovations to Pennington Borough Hall;

**WHEREAS**, the required services include pre-construction meeting, shop drawing review and responses to contractor requests for information, oversight of construction and review and recommendation of applications for payment;

**WHEREAS**, these services will be coordinated with architectural services for the project and ongoing collaboration between the engineer and the architect will be required;

**WHEREAS**, Van Note-Harvey Associates has submitted a proposal for these services as set forth in the attached letter from Brandon M. Fetzer, P.E., Vice President, to Eileen M. Heinzl, Borough Administrator, dated December 3, 2020; (“Engineering Proposal”);

**WHEREAS**, the attached Engineering Proposal includes a breakdown of estimated fees, as set forth on the final page of the Proposal, totaling \$20,500;

**WHEREAS**, these fees are estimates, and the work will be performed on a time and material basis and will be completed in accordance with the contract between the Borough and Van Note-Harvey Associates, but fees shall not exceed the estimated maximum without approval by Borough Council;

**WHEREAS**, this contract for professional services is not subject to public bidding under the Local Public Contracts Law;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the awarding of this contract in the General Capital Fund under Ordinance 2017-14;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to contract with Van Note-Harvey Associates on the terms described in the attached Engineering Proposal and in a form approved by the Borough Attorney, for a total contract amount not to exceed \$20,500 for all of the described services.

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 Resolution 2020-12.9, second by Council Member Griffiths. Mayor Lawver stated that this authorizes the Construction Phase Engineering for the Borough Hall Renovation Project. Mayor Lawver stated that additional charges from Van Note Harvey for the Bid Phase are still under discussion. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 12.10**

**RESOLUTION APPOINTING GEORGE CONLEY AS  
PLUMBING SUBCODE OFFICIAL AND FIRE-PREVENTION SUBCODE OFFICIAL  
FOR THE BOROUGH OF PENNINGTON**

**WHEREAS**, by Resolution 2020-11.7, Borough Council appointed George Conley as temporary Plumbing Subcode Official for the Borough of Pennington;

**WHEREAS**, the Personnel Committee of Borough Council recommends that Mr. Conley be appointed permanent part-time Plumbing Subcode official for the Borough;

**WHEREAS**, the Personnel Committee further recommends that Mr. Conley be appointed the permanent part-time Fire Prevention Subcode Official for the Borough as well;

**WHEREAS**, Mr. Conley holds all licenses necessary or desirable for holding the position of Plumbing Subcode Official including State of New Jersey Plumbing Subcode License #004510 as required by law;

**WHEREAS**, Mr. Conley holds NJ Fire Subcode license #4510 and has the required minimum of three years of experience in the capacity of fire prevention subcode official as required by law;

**WHEREAS**, Mr. Conley will serve in this dual capacity for \$50 per hour for no more and no less than 2 hours per day up to but not exceeding two days per week as needed;

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

1. George Conley is hereby appointed, respectively, Plumbing Subcode Official and Fire Prevention Subcode Official for the Borough of Pennington on a permanent part-time basis, effective immediately;
2. Mr. Conley will serve in this dual capacity for \$50 per hour for no more and no less than 2 hours per day up to but not exceeding two days per week as needed.
3. These appointments as subcode official are each for a term of four years subject to reappointment as provided in N.J.S.A. 52:27D-126.b.

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 2020-12.10, second by Council Member Chandler. Ms. Sterling asked if everyone received the revised version of the Resolution. Mr. Bliss reviewed the changes that were made to the resolution. Upon a roll call vote all members present voted in favor

**Professional Reports**

Mayor Lawver asked if Mr. Bliss, Mr. Smith, Ms. Sterling, Mrs. Heinzl and Mrs. Webb had anything to report, there were no further reports from professionals.

**Public Comment**

Mayor Lawver asked that anyone wishing to speak to Council please raise a hand to be recognized and state their name and address for the record and please limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Max Green of 16 East Delaware inquired about curb cuts on Mallard Place. Mr. Green stated that there was some construction work done over the summer and he thought that the curb cuts would be addressed then. Mayor Lawver stated that he knows this is a problem and the Borough plans to go back and work on another phase of that project, but that is about three years out. Mayor Lawver stated that in the meantime the Borough will look at it and see if there is something that can be done in the meantime.

Mr. Green also inquired about the Downtown Streetscape project and whether the project will extend down to his property. Mr. Green stated that he is asking because he needs to do some repair work but he does not want to put out the money if it is in the plan for the project. Mrs. Heinzl gave a brief overview of the project. Mrs. Heinzl asked Mr. Green to send her an e-mail and she would keep him in the loop on the plans for the project.

There were no further comments from the public.

Mrs. Heinzl reminded Council Members of the year end meeting scheduled for December 29, 2020 at 3:00 pm.

At 7:50pm, 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