

**Pennington Borough Council
Regular Meeting – July 6, 2021**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gross, Gnatt, Marciante and Mills in attendance. Council Member Semple was absent.

Also present were Borough Administrator Eileen Heinzel, Public Works Superintendent Rick Smith and Borough Attorney Walter Bliss. Chief Pinelli arrived later in the meeting.

Mayor Davy 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.

Mayor Davy announced the addition of three resolutions to the agenda for this evening, one authorizing an unpaid internship, one authorizing a contract with Government Management Advisors and one authorizing a grant agreement for tree planting.

Open to the Public – Agenda Items Only

Mayor Davy 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 raise your hand and when the Borough Administrator acknowledges your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public.

Mayor's Business

Mayor Davy announced the resignation of Tax Assessor, Marianne Busher effective July 19, 2021. Mr. Davy stated that the Borough has advertised for the position and will hopefully fill the vacancy quickly.

Mayor Davy stated that discussions are underway for re-opening Borough Hall. Mr. Davy stated that a cleaning service will be on board if approved later in the meeting and plans are underway for re-opening Borough Hall to the public. Mr. Davy stated that the building will open beginning next week between the hours of 11 and 2 each day or by appointment, the drop box will be maintained. Mr. Davy stated that Boards and Commissions with little to no public involvement have been advised that they may now begin meeting in person at Borough Hall. Mr. Davy stated that the August Borough Council Meeting will be held in person at Borough Hall and the Planning Board will be given that opportunity as well. Mr. Marciante asked if the sub-committees could still meet on Zoom. Mr. Davy stated that Zoom meetings are still available. Mr. Davy stated that Borough employees will be wearing masks at point of contact and we will be asking members of the public entering the building to wear masks.

Mr. Davy stated that the Borough has received the first installment of American Recovery Act Funds. Mr. Davy stated that a working committee met to discuss options for use of these funds. Mr. Davy stated that the projects identified include upgrades to Well 6, upgrade of software for remote meter reading, security monitoring for Police Department, Borough Hall and Well houses and if there are funds available purchase of additional remote read water meters. Mr. Davy stated that once more information is gathered on costs the finance committee will review and make recommendations.

Approval of Minutes

Council Member Marciante made a motion to approve the minutes of the June 7, 2021 Regular meeting, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the June 21, 2021 Special Meeting, second by Council Member Gross with all members present voting in favor with the exception of Mrs. Mills who abstained.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that the Personnel Committee met and unanimously agreed to recommend the hiring of Government Management Advisors and the resolution is on for later in the meeting.

Ms. Gnatt stated that she has been recused from discussions by the Open Space Committee but a deal has been struck with Mr. Schragger for purchase of the property on South Main Street and once easements

are finalized the closing will take place.

Public Safety/Economic Development/Environmental – Mrs. Chandler reported that the Environmental Commission met and they continue to work on the Environmental Resource Inventory. Mrs. Chandler stated that a group has been formed to work on the Carbon Neutral Initiative and later in the meeting there is a resolution appointing an intern to assist with that project.

Mrs. Chandler stated that Economic Development is looking forward to the lifting of restrictions and events that can be planned for the fall. Mrs. Chandler stated that they are looking into holding the Borough Yard Sale in the fall this year and then circling back to spring in 2022.

Mrs. Chandler stated that Public Safety met and discussed in length the traffic and speeding in town as well as parking in the Borough. Mrs. Chandler stated that there are issues all throughout town and the committee will be taking a bigger look at the entire town and they will be working with Mercer County and Hopewell Township partners to come up with the best way to deal with traffic and speeding in town. Mrs. Chandler stated that they will be coming back with recommendations and they will be reaching out to residents that may be affected by solutions.

Public Works – Mr. Marciante stated that he has asked Mr. Smith to come up with a map of roads that have been reconstructed or repaved and the years that the work was done. Mr. Marciante stated that the intern that will be working with the Environmental Commission will also be doing some work for Public Works related to identifying lead pipes in town. Mr. Marciante stated that there is a question in the “chat” box asking if trash collection will be discussed tonight. Mr. Marciante stated that the Public Works Committee discussed the Ordinance on for introduction and the ordinance will be introduced tonight and it can be tweaked as we go through the process. Mr. Marciante stated that he would be glad to respond to questions.

Finance / Board of Health – Mr. Gross stated that the Finance Committee met to discuss the capital budget and there is an Ordinance on for introduction tonight. Mr. Gross stated that the Board of Health did not meet. Mr. Gross stated that in the last month there were three cases of Covid reported and the Health Officer reports that Pennington is considered low risk where most of the area is at moderate risk.

Historic Preservation / Library – Mrs. Mills stated that Historic Preservation did not meet. Mrs. Mills stated that the Library is making progress with opening up but they are waiting for the cleaning service to begin. Mrs. Mills stated that programming is ongoing with good turnouts. Mrs. Mills stated that the Library received a Big Read grant, the book will be “The Best We Can Do” and there will be more information on that coming. Mrs. Mills stated that on Thursday, July 8th the Library will host a farewell luncheon for Tara Russell.

Parks and Recreation / Shade Tree – No report.

Senior Advisory Board – Mayor Davy stated that he did not have anything to report for Senior Advisory. Mr. Davy stated that a meeting will be held on July 8th about the new Senior Center.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2021-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2021 – 5**

**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 2021**

**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] \$86,053.52
Borough Clerk	[44,291.76] \$44,956.14
Assistant Chief Financial Officer	[75,674.18] \$76,809.29
Utility Collector	[30,600.00] \$31,059.00

Chief Financial Officer (part time)	[85.53]	\$86.81/hour
Tax Collector (part time)	[85.53]	\$86.81/hour
Technical Assistant to Construction (part time)	[25.50]	\$25.88/hour
Tax Assessor (part time)	[13,513.96]	\$13,716.67
Zoning Officer (part time)	[9,145.22]	\$9,282.40
Land Use Admin/Admin Asst. - (Full Time Eff. 4/13/21)	[53,301.77]	\$54,101.30
Deputy Registrar	[2,303.19]	\$2,337.74
Supt. of Public Works	[85,579.66]	\$86,863.35
Licensed Water Operator	[47,754.36]	\$48,470.68
Assistant to Superintendent of Public Works	[15.30]	\$15.53/hour
Foreman		\$76,750.00
Judge of Municipal Court	[12,848.53]	\$13,041.26
Court Administrator (part time)	[17,850.00]	\$18,117.75
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
Chief of Police (effective May 4, 2021)		\$115,000.00
Administrative Assistant	[15.00]	\$15.23/hour
Construction Official		\$28,373.53
Plumbing Sub-Code		\$41.98/ hour
Fire Sub-Code		\$42.61/ hour
Electric Sub-Code	[41.14]	\$41.76/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. **The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people.** 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.
- b. 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.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.00	[26.51] \$ 26.91
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	\$ 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, 2021 if appropriate.

Council Member Chandler made a motion to Introduce Ordinance 2021-5, second by Council Member Marciante. Mr. Davy stated that this Ordinance provides for a 1.5% increase for non-union employees of the Borough. Upon a roll call vote all members present voted in favor of introduction.

Mayor Davy read Ordinance 2021-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2021-7**

**AN ORDINANCE IMPLEMENTING AUTOMATED TRASH
COLLECTION AND AMENDING CHAPTER 172 OF THE CODE
OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council has determined that automated trash collection, using an automated garbage truck and standardized trash containers, is an efficient means for collecting residential solid waste that is likely to produce significant cost savings for the Borough over the present system;

WHEREAS, this method of trash collection will improve the safety of working conditions for the Borough employees responsible for performing this function;

WHEREAS, requiring affected property owners to use trash containers supplied by the Borough with standardized sizes and features, as required for automated trash collection, will give a uniform appearance and help keep our neighborhoods clean;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Article II of Chapter 172 of the Code of the Borough of Pennington is hereby amended with new language underlined and deleted language crossed out, as follows:

1. Section 172-8, setting forth findings concerning the system of waste collection as it existed before adoption of the 1998 ordinance, is hereby deleted.
2. In Section 172-9, definitions of the following terms are amended and one new defined term is added, all to be inserted in proper alphabetic order:

“ADJACENT PROPERTY OWNER – A person who holds legal title to real property partially within the Borough and partially within Hopewell Township and ~~which property has more than 440%~~ of the dwelling footprint on the property is located in Hopewell Township.”

“APPROVED TRASH CONTAINER -- ~~A watertight container and integral lid with a capacity of no more than 32 gallons and when full, it shall not weigh more than 40 pounds. The container shall be kept clean, covered and free from liquids and recyclable materials.~~ A trash container on wheels supplied and owned by the Borough to every property owner without charge or an identical additional container supplied by the Borough to the property owner for an annual fee as provided in Chapter 98 of this Code. Only one container per property shall be provided without charge to the property owner and no more than one additional container shall be provided to a property owner for a fee. No other container or rolling cart may be used for trash collected by the Borough. Each container shall have a capacity of 95 gallons unless before the deadline advertised by the Department of Public Works the property owner notified the Department that it prefers a 65-gallon container.”

“BULK TRASH – ~~Includes~~ Source-separated, non-putrescible and non-deleterious waste items, such as concrete, asphalt, brick, block, asphalt-based roofing scrap, wood waste, tires, appliances and all other solid waste not disposed of in an approved trash container identified as acceptable bulk trash on a list made available by the Department of Public Works. Examples of bulk trash include concrete, asphalt, brick, block, asphalt-based roofing scrap, wood waste, tires, sofas and other furniture, mattresses and appliances. Bulk trash shall not include bulk items that can fit into the approved trash container or non-bulk items that merely exceed the capacity of the approved trash container for a particular collection. Bulk trash collection shall be scheduled in accordance with the Trash Calendar published on the Borough website.”

“ELIGIBLE PROPERTY (new) – A property owned by a property owner as defined herein or, if owned by an adjacent property owner as defined, the adjacent property owner has requested trash collection service and paid the required fee as set forth in Section 172-13 and Chapter 98.”

“PROPERTY OWNER – A person who holds legal title to real property for which an individual or separate tax bill is issued by the Borough. This term shall not include owners of real property where less than 60% of the dwelling floor space footprint is located within the Borough.”

TRASH STICKER OR STICKER -- A sticker obtained from the Borough Clerk Public Works Department which sticker must be attached to the bulk trash or additional nonbulk trash item which is to be collected by the Borough. The number of stickers required by the Borough for the collection by the Borough of each bulk item shall be calculated in accordance with weights for bulk items as set forth in the American Movers Conference Joint Military/Industry Table of Weights and Depreciation Guide official Department of Defense customer moving portal (Move.mil/resources/weight-estimator).”

3. Section 172-10, concerning “Basic” trash service, is amended as follows:

1. The Borough will collect trash once a week from every eligible property; on the day for collection days to be designated for each property by the Public Works Department, non-recyclable trash which has been placed at the curb in one or more approved trash containers; provided the trash has been put in an approved trash container and placed at the curb at the time and in the manner required by this ordinance. The trash collected each week shall not exceed the contents of the approved container or containers with lid closed.
2. ~~The basic trash service shall include the curbside collection of one up to two approved trash containers on collection days from every property owner on the Borough’s tax records for which an individual or separate tax bill is issued by the Borough, as well as from every adjacent property owner who has requested the service and paid the required fee as set forth in Section 172-13 herein. Property owners and adjacent property owners may supplement this basic service by the purchase of an annual license from the Borough authorizing use of one or more additional approved trash containers. The license shall be effective for one year, beginning on July 1 and ending on June 30 of the following calendar year, regardless of the date of purchase. The fee for the license per container shall be determined by the Department of Public Works on an annual basis and approved by Borough Council as part of its budget process.~~

B. (formerly C). The A approved trash containers or containers shall be placed at the curb for collection no later than 7:00 a.m. on the collection day and removed from the curb no later than 9:00 p.m. on the day of collection.

3. (formerly D) If a designated collection day falls on a holiday recognized by the Borough as a holiday for trash collection purposes, then the collection will be done on the next scheduled collection day scheduled in accordance with the calendar published on the Borough website. If on a designated collection day trash collection has to be cancelled on account of weather or other emergency, updates also will be posted to the Borough website. Residents can subscribe on the website for E-Alerts to receive notifications.
4. (new) Trash should be bagged before being placed in an approved trash container. The container must be placed next to the curb on the street in front of the curb line with the lid completely closed. The handle and wheels of the container should face the house with the lid opening facing the street.
5. (new) Items not permitted to be placed in an approved trash container include:
 - a. Recyclable materials
 - b. Bulk trash too large to fit in the approved container
 - c. Yard waste, such as leaves, grass or brush
 - d. Hot ash from fireplaces or fire pits
 - e. Any other hazardous, flammable, combustible materials, such as oil-based paints, solvents, asbestos or commercial medical waste.
6. (new) Trash permitted to be placed in an approved trash container that cannot fit in the container or containers in any given week shall be retained for a future collection date.
7. (new) All approved trash containers, including the containers for which the property owner pays an additional fee, shall be issued and owned by the Borough and remain at the property address to which they are assigned.

4. Section 172-11, concerning Bulk trash service, is amended as follows:

1. The Public Works Department will prepare and make available a list of common acceptable bulk

trash, which ~~list~~ shall include the number of bulk stickers required for ~~cost of the~~ collection of the most common bulk trash items.

2. All items of bulk trash must have affixed to them ~~thereto~~ a sticker or stickers purchased from the Borough ~~Clerk Public Works Department to which will~~ indicate to the actual trash collector that the fee for ~~the said~~ item has been paid. A bulk trash item which does not have affixed thereto a sticker or stickers will not be collected by the Borough.
3. ~~Non bulk trash in excess of two approved trash containers on any one collection day shall be considered bulk trash for which a collection sticker will be required for each additional container.~~
 - C (formerly D). In computing the cost of collection of bulk trash ~~and additional non bulk trash~~ the cost shall be based upon the weight of the item, which ~~weight~~ shall be calculated in forty-pound increments. All fractional weights shall be calculated to the next weight increment. By way of example: a fifty-pound item of bulk trash shall be calculated as weighing 80 pounds, and the cost for disposal shall be calculated accordingly.
4. (formerly E) Persons disposing of bulk trash ~~or additional non bulk trash~~ must affix the proper number of stickers to the item to be collected at the time it is placed at the curb for collection. "The sticker should be visible to the collector."
5. (formerly F) The collection fee for bulk household trash ~~or additional non bulk trash~~ (i.e., sticker prices) shall be as set forth in Chapter 98 of this Code.
6. (new) Bulk trash shall be collected at the curb on the dates specified in the Trash and Recycling Calendar. Bulk trash shall be collected at the same time as non-bulk trash unless otherwise scheduled by the Department of Public Works. Bulk trash must be placed at the curb by 7:00 am on the collection day."
5. Section 172-13 shall be amended as follows:
 1. The Borough shall if requested by an adjacent property owner, provide the adjacent property owner with solid waste disposal under the applicable provisions of this ~~Section 172-13~~ Chapter.
 2. The adjacent property owner shall pay the Borough for the collection of their ~~his/her~~ solid waste. The fee for said collection is set forth in Chapter 98 of this Code.
 3. The Borough shall calculate the fee and shall bill the adjacent property owner at the same time as it bills customers for water and sewer charges. The payment shall be due from the adjacent property owner within 30 days of the billing. If the bill to the adjacent property owner is not paid within 90 days of the date billed, the Borough may suspend the solid waste collection until the fee is paid.
6. Provisions of this Chapter ~~172~~ not expressly amended by this ordinance shall remain unchanged and in full effect.
7. Chapter 98 of the Borough Code, concerning fees, shall be amended at Sec. 98-34, pertaining to trash pickup, as follows:

"Fees for additional approved trash containers as provided by Sec. 172-9 and 10 and for bulk household trash ~~and additional non bulk trash~~ as required by Sec. 172-11 of this Code shall be:

 - A. Annual fee for one additional approved trash container pursuant to Sec. 172-9 and 10: \$400.
 - B. (formerly A) Bulk trash stickers: one sticker per 40 pounds/\$4 each.
 - ~~C. (formerly B) Non bulk trash pickup in excess of two thirty-gallon trash containers on any one collection day: one sticker per container/\$4 each. No container may exceed 40 pounds.~~
 - C. Truck rental, if Borough truck is parked at the property overnight or for a weekend: \$200."
8. Chapter 98 of the Code is further amended at Sec. 98-35, concerning adjacent properties, as follows:

"Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to Sec. 172-9 and 13 of this Code shall be:

 - A. Per year for ~~two thirty-gallon~~ one 95-gallon approved containers once twice/week: \$400. ~~No container may exceed 40 pounds.~~

- B. ~~Per year for one additional approved container collected once/week: an additional \$400. Bulk trash stickers and stickers for pickup in excess of two thirty gallon containers on any one collection day: one sticker per 40 pounds of bulk items and one sticker per excess container/\$4 each. No container may exceed 40 pounds."~~

9. This Ordinance No. 2021-7 shall be adopted and become effective upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2021-7, second by Council Member Marciante. Mr. Davy stated that this Ordinance codifies the rules and procedures for automated trash collection going forward. Mr. Davy stated that he has suggested and he thinks that the Public Works Committee agrees that Mr. Gross will head up a standing committee to evaluate and gather data on this new system and adjustments will be made as we go through the process. Mr. Marciante stated that there might be some problems on Burd Street with the parking. Mr. Davy stated that the Borough will have to be flexible in some situations and work with residents as needed. Upon a roll call vote all members present voted in favor of introduction.

Mayor Davy read Ordinance 2021-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 -10**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT AND UPGRADES FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$107,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$53,200 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$107,000, including \$51,000 from the Deferred Charge to Future Taxation Fund (the "Fund") and further including the sum of \$2,800 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and the Fund, negotiable bonds are hereby authorized to be issued in the principal amount of \$53,200 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of equipment and upgrades for the Police Department, including, but not limited to, body cameras, portable and mobile radios, a fingerprinting machine, a digital camera/booking system, service rifles, an in car video system, body worn cameras, a server, a recording system, radars and mobile data terminals, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale

and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$53,200, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$2,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to introduce Ordinance 2021-10, second by Council Member

Marciante with all members present voting in favor.

Mayor Davy read Ordinance 2021-11 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 -11**

ORDINANCE APPROPRIATING \$582,000, \$580,000 OF WHICH IS FROM A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND \$2,000 OF WHICH IS FROM THE GENERAL CAPITAL FUND, FOR THE DOWNTOWN STREETScape IMPROVEMENTS PHASE II PROJECT IN AND BY BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY.

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

Section 1. \$582,000 is hereby appropriated by the Borough of Pennington, in the County of Mercer, New Jersey (the “Borough”), \$580,000 of which is from a grant from the State of New Jersey Department of Transportation and \$2,000 of which is from the General Capital Fund, for the Downtown Streetscape Improvements Phase II Project, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto, including all related soft costs pursuant to N.J.S.A. 40A:2-20.

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

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

Council Member Marciante made a motion to introduce Ordinance 2021-11, second by Council Member Chandler. Mrs. Chandler asked if this work will begin soon. Mrs. Heinzl stated that we are close to finalizing the agreement for preliminary design but the entire process could take a year or more. Mrs. Heinzl gave a brief overview of the scope of the project. Upon a roll call vote all members present voted in favor of introduction.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.2**

RESOLUTION 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 \$ 2,840,588.36 from the following accounts:

Current	\$ 2,303,547.48
W/S Operating	\$ 105,008.06
General Capital	\$ 420,635.25
W/S Capital	\$ 175.00
Open Space Fund	\$ 448.50
Animal Control	\$ 25.20
Grant Fund	\$ 664.05
Developer’s Escrow	\$ 10,084.82

TOTAL \$ 2,840,588.36

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			
Gross	S				Semple				absent

Council Member Chandler made a motion to approve Resolution 2021-7.2, second by Council Member Gross. Mr. Marciante had questions had specific bills on the bill list. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.3**

**RESOLUTION IN SUPPORT OF THE IMPLEMENTATION OF THE 2020 MERCER COUNTY
BICYCLE MASTER PLAN.**

WHEREAS, On April 26, 2012 the Mercer County Board of Chosen Freeholders adopted the Complete Streets Resolution (Resolution No. 2012- 249) to better serve all who drive, walk or cycle on our streets; and

WHEREAS, the 2020 Mercer County Bicycle Master Plan <https://www.mercercounty.org/departments/planning/2019-bicycle-master-plan> was created by County planners and engineers to accomplish the goals in the Complete Streets resolution; and

WHEREAS, the recent fatality of a cyclist while traveling eastbound on route 518 has highlighted the danger to non-motorized users of this and other county roads; and

WHEREAS, since adoption of the Complete Streets resolution, there have been two serious pedestrian accidents, one fatal, and most recently, a cyclist fatality; and

WHEREAS, Pennington Borough, Hopewell Township and Hopewell Borough have become increasingly popular cycling destinations; and

WHEREAS, Pennington Borough has implemented some traffic calming measures, much more can be done to make the roads safer for all users; and

NOW, THEREFORE, BE IT RESOLVED, that Pennington Borough supports the implementation of the 2020 Mercer County Bicycle Master Plan; and

BE IT FURTHER RESOLVED, that Pennington Borough calls upon the County engineers and traffic planners to consider any and all traffic calming measures appropriate to further slow traffic in the Borough to create a safer town center; and

BE IT FURTHER RESOLVED, that Pennington Borough calls upon the County of Mercer to implement the 2020 Mercer County Bicycle Master Plan and specifically, to implement bicycle safety measures on Main Street and Delaware Avenue through Pennington Borough; and

BE IT FURTHER RESOLVED, that Pennington Borough will analyze the safety of pedestrians and cyclists on all roads that are under its jurisdiction; and

BE IT FURTHER RESOLVED, that Pennington Borough will distribute a copy of this resolution to the county commissioners, county executive, county engineer and county planner, as well as the Hopewell Township Committee and Borough of Hopewell Mayor and Council.

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			
Gross	X				Semple				absent

Council Member Chandler made a motion to approve Resolution 2021-7.3, second by Council Member Mills. Mrs. Chandler stated that the Bike Master Plan has been around for a while and this resolution is encouraging the County to move on that plan. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 8 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.8 in the amount of \$15,742.43 less 2% retainage in the amount of \$314.85; and

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

WHEREAS, funds are available 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 \$15,427.58 pursuant to payment request No. 8 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	S				Marciante	M			
Gnatt	X				Mills	X			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-7.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.5**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO TOP LINE CONSTRUCTION
CORP. FOR WORK COMPLETED ON THE BURD STREET ROAD REHABILITATION
PROJECT – STATION 0+00± TO STATION 15+50± & STATION 25+00± TO STATION 30+00±**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the Burd Street Road Rehabilitation Project - Station 0+00± to Station 15+50± and Station 25+00± to Station 30+00± (VNHA File #:43827-210-71); and

WHEREAS, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.3 in the amount of \$158,216.35 less 2% retainage in the amount of \$3,164.33; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2020-3 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$155,052.02 pursuant to payment request No.3 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	S				Marciante	M			
Gnatt	X				Mills	X			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-7.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.6**

RESOLUTION AUTHORIZING GRANT APPLICATION FOR RESURFACING OF ROCKWELL GREEN DRIVE, INCLUDING CHADWELL COURT AND SCUDDER COURT IN THE BOROUGH, AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER THE 2022 MUNICIPAL AID PROGRAM (THE FIRST OF TWO APPLICATIONS)

WHEREAS, Borough Council has determined that part of various roads in Pennington require resurfacing;

WHEREAS, the deadline for submission of Municipal Aid grants was July 1, 2021; and

WHEREAS, in order to resolve the Borough’s need to improve the condition of several roads throughout the Borough, the Borough Engineer has submitted two (2) Municipal Aid Applications for 2022; and

WHEREAS, this Resolution 2021-7.6 concerns application MA-2022 – Resurfacing of Rockwell Green Drive, No. 00391 including Chadwell Court and Scudder Court, which is the first of the two applications submitted and is considered Borough Priority One; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves and ratifies as Borough Priority One submission of the aforesaid electronic grant application to the New Jersey Department of Transportation, under the 2022 Municipal Aid Program, for Resurfacing of Rockwell Green Drive, No. 00391, including Chadwell Court and Scudder Court in the Borough;

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk, is hereby authorized to sign the grant agreement on behalf of the Borough of Pennington with the understanding that the Mayor’s signature and attestation confirm the Mayor’s authority to execute and enter into such agreement and constitute approval of the grant agreement and acceptance of its terms and conditions 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	M			
Gnatt	S				Mills	X			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-7.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.7**

RESOLUTION AUTHORIZING GRANT APPLICATION FOR RESURFACING OF FITZCHARLES DRIVE, INCLUDING NORTH RIDING DRIVE AND WALKING PURCHASE DRIVE IN THE BOROUGH, AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER THE 2022 MUNICIPAL AID PROGRAM (THE SECOND OF TWO APPLICATIONS)

WHEREAS, Borough Council has determined that parts of various roads in Pennington require resurfacing;

WHEREAS, the deadline for submission of Municipal Aid grants was July 1, 2021; and

WHEREAS, in order to resolve the Borough’s need to improve the condition of several roads throughout the Borough, the Borough Engineer has submitted two (2) Municipal Aid Applications for 2022; and

WHEREAS, this Resolution 2021- 7.7 concerns application MA-2022 – Resurfacing of Fitzcharles Drive, No. 00665, including North Riding Drive and Walking Purchase Drive in the Borough, which is the second of the two applications submitted and is considered Borough Priority Two; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves and ratifies as Borough Priority Two submission of the aforesaid electronic grant application to the New Jersey Department of Transportation, under the 2022 Municipal Aid Program, for Resurfacing of Fitzcharles Drive, No. 00665, including

Chadwell Court and Scudder Court in the Borough;

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk, is hereby authorized to sign the grant agreement on behalf of the Borough of Pennington with the understanding that the Mayor’s signature and attestation confirm the Mayor’s authority to execute and enter into such agreement and constitute approval of the grant agreement and acceptance of its terms and conditions 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	M			
Gnatt	X				Mills	S			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-7.7, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021- 7.8**

**RESOLUTION AUTHORIZING BOROUGH TO PAY FOR TITLE INSURANCE FROM FUNDS
PREVIOUSLY AUTHORIZED FOR LEGAL EXPENSES IN CONNECTION WITH BOROUGH
ACQUISITION OF LAND TO CREATE ARBORETUM**

WHEREAS, Ordinance 2019-10 authorizes the Borough of Pennington to enter into an agreement with the Hopewell Valley Regional School District for the purchase of approximately 2.8 (+/-) acres of land for the development of Howe’s Arboretum;

WHEREAS, acquisition of the land in question has required the subdivision of School property not in use for school purposes to create the parcel to be purchased;

WHEREAS, the ordinance authorized a purchase price not to exceed \$34,000 from the Open Space Fund as well as an additional \$16,000 from the Fund toward legal, engineering and other costs related to the acquisition, including the needed subdivision and related approvals by the State Department of Education and others;

WHEREAS, the anticipated expenses for the project included reimbursement of legal expenses incurred by the School District in connection with the subdivision as well as the purchase of title insurance for the Borough’s protection;

WHEREAS, the work and related costs required to effect the subdivision and acquisition have exceeded the \$16,000. originally allocated, and over the course of the project Borough Council has from time to time authorized additional disbursements from the Open Space Fund to meet the additional expenses;

WHEREAS, by Resolution 2019-11.8, for example, Borough Council authorized an additional disbursement of up to \$4,000. from the Open Space Fund to reimburse the Hopewell Valley Regional School District for the fees of its legal counsel, Parker McKay;

WHEREAS, the fees of Parker McKay submitted for reimbursement have been less than the authorized amount, leaving a balance of \$859.03 in relation to the amount authorized;

WHEREAS, this undisbursed amount under Resolution 11.8 is needed to pay for title insurance to protect the Borough’s interest in the land, the same being provided by First American Title Insurance Company at the total cost of \$718.00, in accordance with the attached invoice;

WHEREAS, no additional expenses are anticipated;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to reallocate \$718. of the total amount previously authorized by Resolution 2019-11.8 for School District legal fees, and to use that amount to pay for the aforesaid title insurance.

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			
Gross	X				Semple				absent

Council Member Chandler made a motion to approve Resolution 2021-7.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.9**

**A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE
REMEDATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY
ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

WHEREAS, the New Jersey Economic Development Authority has awarded the Borough of Pennington a grant in the amount of up to \$312,041.58 for Remedial Investigation and report preparation at the Pennington Borough Sanitary Landfill property (“Grant”);

WHEREAS, the source of the funds is the Hazardous Discharge Site Remediation Fund Municipal Grant Program in the New Jersey Department of Environmental Protection;

WHEREAS, the Authority has approved the Grant upon the terms and conditions (“Terms and Conditions”) set forth in the notice of approval letter attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED by Borough Council, the governing body of the Borough of Pennington, that the above referenced Grant and related Terms and Conditions are hereby accepted and the Mayor is hereby authorized to execute all grant documents as the authorized representative of the Borough of Pennington.

BE IT FURTHER RESOLVED that a realistic opportunity exists that the Project Site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-7.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.10**

**RESOLUTION AUTHORIZING PURCHASE OF WATER
METERS AND RELATED APPLIANCES FROM
RIO SUPPLY INC.**

WHEREAS, the Borough of Pennington is in the process of transitioning its residential water meters to remote-read meters;

WHEREAS, there is need to purchase new remote-read water meters to replace the old meters as they fail and to maintain an inventory of the remote-read meters to ensure availability;

WHEREAS, the remote-read water-meter technology and software used by the Borough is provided by Neptune Technology Group whose headquarters and manufacturing facility are located in Tallassee, Alabama;

WHEREAS, the Neptune meters are the only meters that will work with Neptune software;

WHEREAS, RIO Supply, Inc. of Sicklerville, New Jersey is the exclusive distributor of Neptune Water Meters, RF Meter Interface Units and Neptune Software and Support in New Jersey;

WHEREAS, the Borough now seeks to purchase from RIO Supply Inc. 54 water meters and appliances described and priced by the quotation of RIO Supply, Inc. dated June 29, 2021 as follows:

“Item: ED2B11RPDG11, 5/8” x ¾” T-10 C/I 302 PRO-CODER)
r900I, GAL, INSIDE”-- @\$265.00 (hereafter referred to as
“Neptune Meters”)

Item ED2B11RPWG11 5/8 x ¾ T-10 PEO CODER)R9001, PIT
GAL – 6 @\$285.00 (“Accessories”)

Item .13749-200 6’ External Antenna – 6 @ \$30 (Accessories”)

TOTAL: \$16,200.00

WHEREAS, the Superintendent of Public Works has been unable to obtain competitive quotes for the Neptune Meters because RIO Supply, Inc. is the sole source;

WHEREAS, at a total price of \$16,200.00 the cost of these acquisitions is below the bid threshold and as an Extraordinary Unspecifiable Service is not otherwise subject to the bidding requirements of the Local Public Contracts Law;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this purchase in the Water/Sewer Operating Budget – Account #: 1-05-55-501-000-292;

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 enter into a contract with RIO Supply, Inc. for the purchase of the 54 Neptune Meters and the related Accessories described above at the quoted total price of \$16,200.00, subject to such further terms as approved by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Mills made a motion to approve Resolution 2021-7.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.11**

**RESOLUTION AWARDING CONTRACT FOR JANITORIAL SERVICES TO EAGLE
JANITORIAL SERVICES FOR THE REMAINDER OF THE YEAR 2021**

WHEREAS, following return to regular operations in the renovated Borough Hall, the Borough of Pennington seeks to contract with a qualified janitorial service for cleaning services for the building, including the library and the police department, for the remainder of 2021; and

WHEREAS, Eagle Janitorial Services of Pennington (“Eagle”) has submitted a proposal dated June 16, 2021 which would have Eagle provide these services 5 days per week, except as otherwise specified, at the rate of \$1,425 per month;

WHEREAS, the Eagle proposal contains a specific description of tasks and related frequency of service and is comprehensive in its coverage;

WHEREAS, the work shall include all labor, supervision, material and equipment necessary to perform the services, except as indicated;

WHEREAS, special services including carpet cleaning, stripping and re-waxing of hard surface floors and cleaning of exterior windows are not included in the service but are available subject to separate quotation;;

WHEREAS, the Eagle proposal contemplates a one-year term but Eagle agrees to contract for services only for the remaining six (6) months of the year;

WHEREAS, Eagle has previously provided cleaning services to the Borough and has performed satisfactorily;

WHEREAS, the Borough solicited alternative quotes from two other vendors without success and the services are not otherwise available under State contract;

WHEREAS, the Borough wishes to begin these services effective July 8, 2021 through December 31, 2021 and Eagle agrees to modify its proposal accordingly;

WHEREAS, before the agreement may be effective, Eagle Janitorial Services shall supply proof of general, contract and property damage liability insurance as well as employer’s liability/workers compensation with minimum limits of \$1,000,000 or as otherwise required by law, respectively, naming the Borough of Pennington as an additional insured;

WHEREAS, approval of this contract complies with the Code of the Borough of Pennington as well as N.J.S.A. 19:44A-20.5 effective January 1, 2006, which prohibit the award of certain contracts to any person or business entity which makes reportable contributions to local political or candidate

committees representing member of the governing body; and

WHEREAS, Eagle Janitorial Services will be required to complete and submit a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play; and

WHEREAS, Eagle Janitorial Services shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds for these services are available in account #: 1-01-26-310-000-227 with a portion of the contract to be charged to the Library budget;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by Eagle Janitorial Services dated June 16, 2021, modified only as to term, for a contract price not to exceed \$8,550.00 for the remainder of calendar year 2021 beginning July 8, 2021;

BE IT FURTHER RESOLVED, that notice of award of the contract shall be published in the official newspaper as required 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			
Gross	X				Semple				absent

Council Member made a motion to approve Resolution 2021-11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.12**

RESOLUTION CREATING AN UNPAID INTERNSHIP FOR LYLA MALLOY

WHEREAS, Lyla Malloy, a resident of Pennington Borough and a distinguished scholar at Notre Dame High School where she will be beginning her Junior year, has applied for an internship with the Borough of Pennington;

WHEREAS, Ms. Malloy contacted the Borough to inquire about opportunities to assist the Borough with virtual research projects; and

WHEREAS, the Environmental Commission is working on a base line Carbon Footprint to begin the Carbon Free initiative for the Borough; and

WHEREAS, the Public Works Superintendent has indicated the need for a lead service line replacement inventory for compliance with State requirements; and

WHEREAS, the Mayor has recommended the appointment of Lyla Malloy as an unpaid intern for the summer to assist the Environmental Commission with the Carbon Free Initiative and the Public Works Superintendent with the Lead Service Line Replacement inventory; and

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

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

BE IT FURTHER RESOLVED, that Lyla is commended for her interest in government and is welcomed heartily to the Borough family.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-7.12, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.13**

**RESOLUTION AUTHORIZING CONTRACT WITH GOVERNMENT MANAGEMENT
ADVISORS, LLC FOR AN ADMINISTRATIVE
ORGANIZATIONAL REVIEW, ANALYSIS AND REPORT**

WHEREAS, Pennington Borough seeks to retain specialized consulting services to analyze Borough operations with a view toward identifying the most effective alignment of functions and distribution of workloads among Borough personnel;

WHEREAS, Government Management Advisors, LLC (GMA) of Bradley Beach, New Jersey, in its principal Gregory Fehrenbach and associates Jewel Thompson Chin and Christopher Rath, has collectively well over 100 years of professional local government experience in a variety of local governments, including the borough form of government, and has a recognized history of successful consulting services to New Jersey municipalities and the New Jersey League of Municipalities, as further set forth in the attached background documents;

WHEREAS, GMA is equipped to provide:

- Analysis of staff positions in the administrative areas of finance, tax and utility billing and collections, land use administration, corporation secretary functions and related day to day responsibilities.
- Systemic and/or organizational actions that can be taken to support strengths and address weaknesses found in the analysis.

WHEREAS, the scope of work proposed by GMA with respect to the identified administrative areas, including interviews, observations, documentary analysis and report preparation, is delineated in the attached proposal;

WHEREAS, GMA proposes to perform these services for an hourly fee of \$135 with estimated maximum work time of seventy (70) hours for a total amount, including the costs of travel for interviews, office observations and meetings, not to exceed \$9,500:

WHEREAS, Borough Council determines that the services required for this project are specialized and qualitative in nature and that GMA is uniquely qualified by expertise and training to perform these services;

WHEREAS, the proposed contract, not to exceed a term of one year, is exempt from advertising and public bidding under the Local Public Contracts Law because it relates to extraordinary unspecifiable services and is for an amount below the threshold for public bidding;

WHEREAS, the funds required to pay for these services, in the total amount not to exceed \$9,500, are available in 1-01-20-100-000-250 – (Administration – Consultants) and the Water/Sewer Utility – 1-05-55-501-000-250- (Consultants);

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Business Administrator is hereby authorized to issue a purchase order for retention of Government Management Advisors, LLC in accordance with the attached proposal, subject to approval as to form by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-7.13, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 7.14**

**RESOLUTION AUTHORIZING GRANT AGREEMENT BETWEEN
THE BOROUGH OF PENNINGTON AND THE STATE OF NEW JERSEY BY AND FOR THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR
A NJ URBAN & COMMUNITY FORESTRY PROGRAM (NJUCF)**

WHEREAS, the governing body of the Borough of Pennington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$10,000.00 to fund the project known as

Reforestation Tree Planting – Phase 2;

WHEREAS, this grant requires a fifty percent (50%) cash or in-kind match of the total grant amount; and

WHEREAS, matching funding sources may be federal, state, the local government itself, private foundations or non-profits or volunteers; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Shade Tree budget under 1-01-26-313-000-250;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Borough Administrator with the attestation of the Borough Clerk are hereby authorized as follows:

1. To make application for such a grant.
2. If awarded, to execute a grant agreement with the State for a grant in an amount not more than \$10,000.00, subject to approval as to form by the Borough Attorney.
3. To execute any amendments thereto which do not increase the Grantee’s obligations.

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			
Gross	S				Semple				absent

Council Member Chandler made a motion to approve Resolution 2021-7.14, second by Council Member Gross with all members present voting in favor.

Professional Reports

Mrs. Heinzel stated that the Board of Health will hold a vaccination clinic at St. James Church on July 28th. Mrs. Heinzel stated that she forwarded an e-mail to everyone related to deer management and she would like to remind Council that deer hunting season is approaching. Mrs. Heinzel stated that the County has reached out regarding contributing to a plan that they are working on but she is waiting for more information on that. Mr. Marciante and Mrs. Chandler stated that they would be very cautious on that because the Borough worked very hard on the plan that is in place for the Borough.

Mr. Bliss had nothing further.

Chief Pinelli stated that Officer Thomas completed training for Crisis Intervention Training.

Rick Smith had nothing further.

Ms. Sterling reminded Council of the Closed Session.

Public Comment

Mayor Davy asked anyone wishing to address Council to please raise your hand so the Borough Administrator can acknowledge you. Please state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

Mrs. Heinzel stated that Meredith Moore asked if the trash ordinance would be discussed further. Mayor Davy stated that the trash ordinance was introduced and will be further considered for public hearing and adoption at the August 2nd meeting.

Meredith Moore asked when Council would be asking for public input. Mayor Davy stated that any time is fine. Ms. Moore stated that she would like Council to consider doing a twice a week run during summer because the heat makes things very unpleasant. Mr. Davy stated that Council will review everything very carefully for six months and gather comments and information for review. Mr. Davy stated that Council wants to make this work for everyone and so all comments are welcome.

Ms. Moore asked about the lead service lines. Mr. Davy stated that the new legislation requires municipalities to create an inventory of lead lines. Mr. Davy stated that the legislation is not out yet, but we are trying to get ahead of this. Ms. Moore stated that she works in the water industry and there might be funds available and she would be happy to help with the process. Ms. Moore stated that the first in line will be the first for funding and she would be happy to look into it for the Borough. Mrs. Heinzel asked Ms. Moore to send her contact information.

Closed Session

AT, 8:04 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Personnel – Borough Administrator
- Teamsters Contract

Mayor Davy stated that Borough Council would be returning to open session and possibly taking action on a Resolution.

AT, 8:25 PM, Mayor and Council returned to open session.

Approval of Closed Session Minutes (for Content but not for Release)

Council Member Chandler made a motion to approve the Closed Session Minutes from May 3, 2021, second by Council Member Marciante with all members present voting in favor with the exception of Mrs. Gnatt and Mrs. Mills who abstained.

Council Member Marciante made a motion to approve the Closed Session Minutes from June 7, 2021, second by Council Member Chandler with all members present voting in favor with the exception of Mrs. Gnatt and Mrs. Mills who abstained.

Mayor Davy read Resolution 2021-7.15 by title.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-7.15

RESOLUTION AUTHORIZING REDUCED HOURS
FOR BOROUGH ADMINISTRATOR**

WHEREAS, the Borough Administrator has requested reduction in her hours from a minimum of 35 hours to 20 to 25 hours per week, for the reasons set forth in the attached memorandum dated July 2, 2021;

WHEREAS, proposed terms and conditions regulating the reduced hours are also set forth in the attached memorandum;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Administrator’s proposal for reduced hours is hereby accepted, effective immediately.

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			
Gross	X				Semple				absent

Council Member Chandler made a motion to approve Resolution 2021-7.15, second by Council Member Gnatt with all members present voting in favor.

At 8:26 P.M. with no further business to address, Council Member Chandler made a motion to adjourn, second by Council Member Mills.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk