

**Pennington Borough Council
Regular Meeting – February 1, 2021**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:03 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Gross, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzl, Police Chief Pinelli, Chief Financial Officer Sandra Webb, Health Officer Stephanie Carey 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 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.**

Mrs. Joanne Held of 103 Laning Avenue spoke in support of the council discussion item on working towards the Borough being carbon neutral by 2035. Mrs. Held stated that it is very important for State and Local Governments to take the lead on this issue. Mrs. Held offered the services of the Hopewell Valley Green Team.

Mrs. Held also announced that the Green Team will be sponsoring a collection of Styrofoam, CD's/DVD's and wine corks event on February 6, 2021.

Mayor's Business

Mayor Lawver announced the retirement of Mary Mistretta who served as Land Use Administrator for many years. Mayor Lawver thanked Mrs. Mistretta for her years of service to the Borough.

Mayor's Appointments

Mayor Lawver announced the following appointments:

Michelle Needham – reappointed to Economic Development for a 5 year term ending December 31, 2025
Andy Hamlin – appointed to Economic Development for a 1 year term ending December 31, 2021

Presentation

Mayor Lawver introduced and thanked Health Officer Stephanie Carey for all of the time she has given him with regard to getting vaccinations. Mrs. Carey stated that this is a good time for an update as cases in New Jersey are decreasing and are presently the lowest since Thanksgiving. Mrs. Carey reported that about 70 percent of New Jersey residents have received the first vaccine and more and more nursing homes should begin reporting decreases in cases. Mrs. Carey stated that the demand for vaccines far outreaches the supply of vaccines and scheduling has become challenging. Mrs. Carey encouraged everyone to be patient. Mrs. Carey announced that the first clinic in the Hopewell Valley is already full but they are working with local health departments to bring vaccine clinics to every municipality. Mrs. Carey stated that presently the clinics are focused on seniors over 75 particularly those with transportation issues. Mrs. Carey stated that the upcoming clinic will be open to residents of Hopewell Township, Pennington Borough and Hopewell Borough. Mrs. Carey encouraged everyone to register on the State Registration site and once you are registered you should receive an alert. Mrs. Carey stated that hospitals have separate registrations. Mrs. Carey stated that the vaccination process will be ongoing for several months but hopefully we will be back to a somewhat normal situation by the fall. Mrs. Carey stated that large sites at Community Colleges and the Cure Arena will also be starting up. Mrs. Carey stated that this news gives us hope but we have to remain vigilant in wearing masks and practicing social distance. Mrs. Carey stated that the Health Department is grateful for all of the help they have received from all of the municipalities. Mrs. Carey stated that it is unknown at this point whether people who have received the vaccine can still transmit the virus.

Mr. Marciante thanked Mrs. Carey for her work in getting the Fire and First Aid Departments vaccinated. Mr. Marciante express concern about older residents with no access to computers or internet and how they can get registered. Mrs. Carey stated that some residents have reached out to local governments and they are taking names and numbers of residents who have called with these types of concerns. Mr. Marciante stated that was able to register his neighbors who do not have computer access, but he is concerned that there are others with no access and no one to help them.

Mrs. Carey stated that unfortunately the list they have going is longer than the number of vaccines that they have to distribute.

Mr. Gross asked what is happening with teachers. Mrs. Carey stated that a management decision was made that changed the order of people eligible for vaccinations. Mrs. Carey stated that they are reaching out to school districts to compile a wait list for older and at risk teachers.

Mayor Lawver stated that there is a big push by the Mayors to change the classifications particularly with regard to Public Works employees. Mayor Lawver stated that the County is distributing a certain amount to each municipality and there is a lot being done to try and get everyone vaccinated.

Mrs. Heinzl asked if the second vaccine will be done at the same location and Mrs. Carey responded yes and depending on the type of vaccine it is either 21 days or 28 days later.

Mayor Lawver thanked Stephanie Carey for her update.

At 7:24pm, Mrs. Heinzl stated that Brian Perry from Van Note Harvey had joined the meeting and she asked Mayor Lawver to recognize Mr. Parry to speak about the amendment to the Stormwater Ordinance. Mrs. Heinzl stated that the Stormwater Ordinance is on for Introduction but she would like to have it moved to Council Discussion as it still needs some work.

Mr. Parry stated that the current Stormwater Ordinance reflects updates from 2004 which have subsequently been updated with the most recent changes in 2018-2019. Mr. Parry stated that Van Note Harvey offered comments to the NJDEP and the timeline for implementation of the new rules is March 2, 2021.

Mr. Parry stated that Van Note Harvey took the current ordinance and updated it weaving in requirements related to Pennington. Mr. Parry outlined some of the major changes including rebranding of non-structural requirements, new green infrastructure requirements, groundwater recharge and runoff and vegetative swalls. Mr. Parry stated that the goal is to treat stormwater at the source. Mr. Parry stated that the new ordinance will reflect the new rules and requirements. Mr. Parry stated that with regard to the timeline of March 2, the final paragraph of the ordinance will include language to allow time for updates to future ordinances. Mr. Parry stated that the rules are centered around major developments of more than one acre. Mr. Parry stated that some municipalities have gone farther with regard to minor development. Mr. Parry stated that Pennington is similar to Princeton and should be mindful of making the minor development standards too stringent. Mr. Parry stated that the first step is to get the rules updated.

Mrs. Chandler stated that the Environmental Commission considered minor developments and there was a consensus that any minor developments in Pennington were small and it would be onerous on the homeowner and also difficult to monitor by the Borough. Mrs. Chandler stated that the Environmental Commission was in favor of a more educational approach..

Mayor Lawver thanked Mr. Parry for his report.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that the Personnel Committee met and agreed to extension of sick leave under the FFCRA which expired at the end of December and there will be a Resolution later in the meeting regarding this. Mrs. Gnatt stated that Open Space met but she was unable to attend. Mrs. Gnatt stated that there will be a closed session after the meeting related to Open Space.

Mrs. Gnatt stated that the Planning Board met, Mayor Lawver was sworn in, James Reilly was elected Chairman and all other appointments stayed the same. Mrs. Gnatt stated that they will continue to meet on the 2nd Wednesday of the month. Mrs. Gnatt stated that they held a nice send off for Mary Mistretta. Mrs. Gnatt stated that they approved the Annual Report which is on for Council Discussion later.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Public Safety did not meet. Mrs. Chandler reported that Economic Development met but they are waiting on Corona Virus updates to plan events. Mrs. Chandler stated that the “Get Lit” initiative was a success and the committee agreed that the lights should remain up year round. Mrs. Chandler stated that they also agreed that the snowflakes should remain with the Business Association. Mrs. Chandler stated that they are working on a brochure/inventory of local businesses. Mrs. Chandler stated that the Environmental Commission is in favor of the Carbon Neutral plan and they are in the homestretch of the Environmental Resource Inventory.

Public Works – Mr. Marcianti stated that Public Works did not meet. Mr. Marcianti stated that due to the snowstorm, garbage will be collected on Thursday and Recycling was rescheduled to Friday.

Finance – Mr. Gross stated that the Finance Committee did not meet but he anticipates meetings in the next three weeks to work on the budget. Mr. Gross stated that the Board of Health did not meet.

Historic Preservation / Library – Mrs. Mills stated that Historic Preservation did not meet. Mrs. Mills stated that the library is continuing with programming, the Board welcomed new member Meredith Moore and they have applied for another Big Read Grant.

Parks and Recreation / Shade Tree – Ms. Semple stated that the Parks and Recreation met and discussed activities for 2021. Mrs. Semple stated that she cautioned the group to be aware of COVID requirements when planning any events. Mrs. Semple stated that the park renovation plans that were placed on the back burner are being revisited.

Mrs. Semple stated that Shade Tree discussed the need for a plan for replanting trees.

Senior Advisory Board – Mayor Lawver stated that the Senior Advisory Board had their first meeting which was Zoom bombed. Mayor Lawver stated that they met again but he was unable to attend.

COUNCIL DISCUSSION

Carbon Neutral by 2035 Resolution – Mayor Lawver stated that Council received a document in their packets and he would like Council to consider a resolution at the next meeting to pledge to become Carbon Neutral by 2035. Mayor Lawver stated that this would be a commitment to buy and use renewable electricity and then move towards a carbon free community. Mayor Lawver stated that the best we can do is shoot for carbon neutral energy for the Borough which will require including energy source discussions in planning for future purchases. Mayor Lawver stated that the Borough has taken the first step with the purchase of the first hybrid vehicle for the Police Department and with the purchase of battery powered tools in Public Works. Mayor Lawver stated that one of the big challenges will be powering the Water/Sewer utilities. Mayor Lawver stated that a draft resolution is with the Environmental Commission for review.

Mr. Marciante stated that conversions from electric to gas are less efficient and more costly. Mr. Marciante also mentioned that PSE&G was in town recently changing bulbs to halogen. Mrs. Heinzel stated that she reached out to Frank Luccesi at PSE&G and he stated that there is nothing to be done at this time and though he is open to discussion it did not sound very promising.

Cannibis Legislation – Mayor Lawver stated that the Legislature and Governor have not yet agreed on legislation but when it arrives there will be guidance for municipalities. Mayor Lawver stated that once the bill is signed municipalities will have 180 days to implement. Mrs. Chandler stated that she has read several iterations of the bill.

Planning Board Annual Report – The report was included in the packages.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Lawver read Ordinance 2021-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 - 1**

**ORDINANCE AMENDING DATES FOR PAYMENT OF CHARGES BY CUSTOMERS
OF THE PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE
CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council recognizes a need to adjust the schedule for payment of charges by customers of the Pennington Borough Water and Sewer Utility;

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

- Chapter 206, Section 206-10 of the Borough Code, relating to payment of charges for use of sewers and water, is hereby amended (with deleted language crossed out and new language underscored) as follows:

“Such charges for use of sewers and water shall be due and payable quarterly on January 31, ~~March 1~~ April 30, ~~June 1~~ July 31, ~~September 1~~ and ~~December 1~~ October 31 at the same places that taxes on real estate shall be payable. Charges unpaid after 30 days shall be charged interest at the same rate of interest charged upon real estate taxes. Unpaid sewer and water charges shall be a lien upon the premises connected until paid, and in the event any such charge shall remain unpaid, such charge, with interest and costs, shall be collected by means of the same remedies as are provided by law for collection of taxes on real estate.”
- Chapter 98, Section 98-41 of the Borough Code, Subsection E, relating to due dates for payment of base and usage charges, is hereby amended (with deleted language crossed out and new language underscored) as follows:

“Base and usage charges shall be due on January 31 ~~March 1~~, April 30 ~~June 1~~, July 31, ~~September 1~~ and October 31 ~~December 1~~, except in 2017 the billing date for the first quarter water/sewer bills is extended to April 3, 2017 and the due date for the first quarter water/sewer bills is extended to May 1, 2017.”

AND BE IT FURTHER ORDAINED that this Ordinance shall be effective upon its passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2021-1, second by Council Member Gross. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2021-1, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2021-1, second by Council Member Marciante with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Si Mao Hai, LLC, 24 Oakridge Court, Princeton, NJ 08540 for a refund of Planning Board Application P17-001, Block 703, Lot 14, 212 S. Main Street in the amount of \$86.51.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Laura Huntsman, 40 N. Main Street, Pennington, NJ 08534 for a refund of Planning Board Application P10-002, Block 205, Lot 14, in the amount of \$178.50.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Bruce Fredericks, 131 S. Main Street, Pennington, NJ 08534 for a refund of Planning Board Application P05-009, Block 601, Lot 8, in the amount of \$105.00.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to David W. Neiberg, 171921 Burd St. LLC, 1101 East 19th Street, Brooklyn, NY 11230 for a refund of Planning Board Application P17-004, Block 503, Lots 3.01 & 3.02, in the amount of \$33.84.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Umberto Nini, 203 Pennington Rocky Hill Road, Pennington, NJ 08534 for a refund of Planning Board Application P18-004, Block 503, Lot 8, in the amount of \$541.30.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Flager Investments Holdings LLC, 2 S. Biscayne Blvd., Suite 2000, Miami, FL 33131 for a refund of Planning Board Application P19-002, Block 201, Lot 5, in the amount of \$781.72.

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	X			

Council Member Marciante made a motion to approve Resolution 2021-2.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 2.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,896,361.89 from the following accounts:

Current	\$ 1,694,925.14
W/S Operating	\$ 182,453.15
Grant Fund	\$ 5,370.70
Open Space	\$ 1,432.90
General Capital	\$ 12,050.00
Developer’s Escrow	\$ 130.00
TOTAL	\$ 1,896,361.89

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			
Gross	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2021-2.2, second by Council Member Mills with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2021–2.3
RESOLUTION AUTHORIZING AMENDMENTS TO THE
2021 TEMPORARY BUDGET

WHEREAS, the 2021 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2021 Temporary Budget for the Current Account.

Finance	Other Expense	\$10,000.00
Construction	Salaries	\$15,000.00
Worker’s Comp – First Aid	Other Expense	\$10,385.00
Police	Salaries	\$100,000.00
Police	Other Expense	\$20,000.00
Streets	Salaries	\$25,000.00
Streets	Other Expense	\$15,000.00
Trash	Salaries	\$15,000.00
Trash	Other Expense	\$20,000.00
\$Library	Salaries	\$15,000.00
Library	Other Expense	\$20,000.00
Social Security	Other Expense	\$15,000.00
PERS	Other Expense	\$31,858.00
PFRS	Other Expense	\$101,400.00
Payment of Bonds	Other Expense	\$135,000.00
Payment of Bond Anticipation Notes	Other Expense	(\$50,000.00)
Interest on Bonds	Other Expense	(\$56,408.43)
Total		\$442,234.57

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2021 Temporary Budget for the Water and Sewer Fund:

Water	Other Expense	\$50,000.00
Sewer	Other Expense	\$20,000.00
Group Insurance	Other Expense	\$10,000.00

SBRSA	Other Expense	\$100,000.00
Social Security	Other Expense	\$10,000.00
Payment of Bond Principal	Other Expense	\$10,000.00
Water Bond – Interest	Other Expense	\$16,621.25
TOTAL		\$216,621.25

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	X			

Council Member Chandler made a motion to approve Resolution 2021-2.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 2.4**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 4, 2020, a lien was sold on Block 906, Lot 20, also known as 432 South Main Street, Pennington, NJ, for 2019 delinquent water/sewer payments; and

WHEREAS, this lien, known as Tax Sale Certificate #19-00002, was sold to US Bank Cust/Pro Cap 8/Pro Cap for 18%; and

WHEREAS, Barry Fielder Havens, 432 South Main Street, Pennington, NJ 08534, has effected redemption of Certificate #19-00002 in the amount of \$361.67;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$361.67, payable to US Cust Pro Cap 8 / ProCap, 50 S. 16th Street, Suite 2050, Philadelphia, PA 18102 for the redemption of Tax Sale Certificate #19-00002.

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	X			

Council Member Chandler made a motion to approve Resolution 2021-2.4, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-2.5**

**RESOLUTION AUTHORIZING PURCHASE OF POLICE SERVER
FROM GOVCONNECTION INC DBA CONNECTION UNDER
CONTRACT WITH OMNIA PARTNERS GOVERNMENT
PURCHASING ALLIANCE NATIONAL COOP VENDORS**

WHEREAS, Borough of Pennington, pursuant to P.L.2011.c.139; N.J.S.A. 18A: 18A-et.seq. and N.J.A.C. 5:34-7.29(c) and per Local Finance Notice No. LFN 2011-35, may by resolution and without advertising for bids, purchase goods under the OMNIA Partners Government Purchasing Alliance National Coop from any national and/or regional cooperative entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Pennington has the need on a timely basis to purchase goods and services utilizing the OMNIA Partners Government Purchasing Alliance National Coop; and

WHEREAS, by Borough Council Resolution 2020-2.12, the Borough of Pennington is authorized for the years 2020 and 2021 to enter into contracts with vendors of OMNIA Partners Government Purchasing Alliance National Coop, which shall be subject to all the conditions applicable to the current OMNIA Partners Government Purchasing Alliance National Coop;

WHEREAS, on the recommendation of the Chief of Police, the Borough requires the acquisition of a Police Server and has received from GovConnection, Inc. dba Connection the attached Sales Quote #25049754.04 in the total amount of \$3,371.61 for this acquisition, as set forth in detail in the copy of the Quote attached;

WHEREAS, GovConnection, Inc. dba Connection is an authorized vendor under the OMNIA Partners Government Purchasing Alliance National Coop,

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available to make this purchase in the Borough Property Budget 1-01-25-240-000-225;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough Administrator is hereby authorized to issue such purchase orders and to take such further action as necessary to purchase from GovConnection, Inc. dba Connection the Police Server equipment described in the attached Sales Quote #25049754.04 at a price not to exceed \$3,500.00 and subject to all the conditions applicable to the current OMNIA Partners Government Purchasing Alliance National Coop.

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

Council Member Gnatt made a motion to approve Resolution 2021-2.5, second by Council Member Chandler with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION #2021 -2.6

RESOLUTION AUTHORIZING THE AUCTION OF CERTAIN SURPLUS PROPERTY NO LONGER NEEDED FOR THE PUBLIC USE BY PENNINGTON BOROUGH UTILIZING THE SERVICES OF GOVDEALS, INC.

WHEREAS, Pennington Borough is the owner of certain surplus personal property that is no longer needed for public use as specifically identified and described on the attached Exhibit A (“Surplus Property”); and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-36 and Local Finance Notice 2019-15, Pennington Borough is authorized to sell said Surplus Property through an approved online auction; and

WHEREAS, the required on line services are available from www.GovDeals.com through Sourcwell (formerly the National Joint Powers Alliance); and

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

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

WHEREAS, the Borough of Pennington intends to utilize the online auction services of GovDeals, Inc. located at www.govdeals.com ; and

WHEREAS, in consideration of auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to Govdeals, Inc.; and

WHEREAS, all other terms and conditions of the auction of the Surplus Property and agreement with GovDeals, Inc. are available on the GovDeals, Inc’s website, www.govdeals.com and in the office of the Borough Clerk;

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

1. Pennington Borough, is authorized to sell the surplus personal property that is identified and described on the attached Exhibit A (“Surplus Property”).
2. The Surplus Property shall be sold by public auction without cost to the Borough, through the online auction site of www.govdeals.com, as more fully described in the “Whereas Clauses,” which are incorporated herein as if fully restated.
3. In consideration for auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to GovDeals, Inc.

4. Pennington Borough shall publish in its official newspaper notice of this approved online auction together with a description of the Surplus Property to be sold. The auction shall be held not less than 7 or more than 14 days after the latest publication of the notice.
5. A certified copy of this Resolution shall be sent to the Division of Local Government Services in the Department of Community Affairs in accordance with Local Finance Notice 2019-15.

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	X			

Council Member Chandler made a motion to approve Resolution 2021-2.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-2.7**

**RESOLUTION APPOINTING PAMELA SWITLIK
AS REPRESENTATIVE TO THE STONYBROOK REGIONAL SEWERAGE AUTHORITY**

WHEREAS, Pamela Switlik has served since March 2019 as the Pennington Borough representative to the Stonybrook Regional Sewerage Authority, completing the unexpired five-year term of Harry Compton which expires on January 31, 2021;

WHEREAS, the terms of representatives to the Stonybrook Regional Sewerage Authority are governed by the Sewerage Authorities Law, N.J.S.A. 40:14A-4;

WHEREAS, Borough Council now seeks to appoint Ms. Switlik to a new five-year term in accordance with law, and she has graciously agreed to serve;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Pamela Switlik is hereby appointed Pennington Borough Representative to the Stonybrook Regional Sewerage Authority for a term of five years commencing February 1, 2021 and extending through January 31, 2026, as provided by law.

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

Council Member Chandler made a motion to approve Resolution 2021-2.7, second by Council Member Gross. Mayor Lawver stated that Mrs. Switlik agreed to this reappointment for two years, but she will be looking to leave after that so if anyone knows of someone who would be interested in filling this position please let him know. Upon a roll call all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 2.8**

**RESOLUTION AUTHORIZING CONTRACT WITH WATER RESOURCE MANAGEMENT AS
WATER AND SEWER COMPLIANCE OFFICER**

WHEREAS, the Borough seeks to enter into a contract with Water Resource Management to provide professional services as Water and Sewer Compliance Officer for the Borough in 2021;

WHEREAS, Water Resource Management has supplied a letter dated November 12, 2020 (“Compliance Officer Proposal”) describing the scope of services it will provide as Water and Sewer Compliance Officer, as set forth in the numbered paragraphs 1, 2, 3, 4 and 5 of the Compliance Officer Proposal;

WHEREAS, as further described in the Compliance Officer Proposal, Water Resource Management will provide the Compliance Officer services for a flat fee of \$395 per month;

WHEREAS, at the Borough’s request, Water Resource Management also provides for the performance of emergency call out and additional professional services for work beyond the scope of services described in the Compliance Officer Proposal on an hourly basis at the rate of \$120 per hour plus additional costs as needed on a case by case basis;

WHEREAS, Water Resource Management and its personnel hold all required New Jersey DEP licenses required to perform the services described in the Compliance Officer Proposal and the Additional Services Proposal;

WHEREAS, the Chief Financial Officer has certified that funds necessary to pay for these services are available in account #: 1-05-55-501-000-260;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Compliance Officer Proposal is hereby accepted and Water Resource Management is hereby appointed Water and Sewer Compliance Officer for Pennington Borough for 2021, subject to the following conditions:

1. that the Compliance Officer Proposal be amended to ensure compliance by Water Resource Management with Anti-Discrimination and Affirmative Action requirements of the State of New Jersey as set forth in the annexed Exhibit A;
2. that the Compliance Officer Proposal be further amended to provide that the contract between Water Resource Management and the Borough shall be terminable on 30 days prior written notice by either party;
3. that the Additional Services Proposal be supplemented by a provision that expenditures for additional services and costs under that Proposal not exceed on an annual basis \$1,000.00 unless approved in advance, in writing, by Borough Council;
4. that Water Resource Management demonstrate coverage by sufficient professional liability insurance, to be approved by the Borough Attorney; and
5. that the Mayor and/or Borough Administrator are authorized to issue such purchase orders and contract documents as further necessary to retain and pay for the services of Water Resource Management as Water and Sewer Compliance Officer consistent with the Compliance Officer Proposal, the additional services and costs covered by the Additional Services Proposal, and the terms and conditions of this Resolution.

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	X			

Council Member Marciante made a motion to approve Resolution 2021-2.8, second by Council Member Gnatt with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2021–2.9
RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT FOR USE, MAINTENANCE
AND CLEANING OF THE SENIOR CENTER

WHEREAS, use of the Senior Center on Reading Street in the Borough of Pennington is shared by Hopewell Borough, Hopewell Township and Pennington Borough;

WHEREAS, responsibilities for maintenance of the Senior Center are also shared among the three municipalities;

WHEREAS, the three municipalities intend to enter into a shared services agreement for 2021, superseding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$5,068.00; Hopewell Borough will pay Pennington \$1,266.00 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building and the HVAC and plumbing, painting and replacement of light bulbs, and snow and ice removal from sidewalks and parking lots;

WHEREAS, the proposed form of agreement is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the annexed agreement on behalf of Pennington Borough.

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	X			

Council Member Chandler made a motion to approve Resolution 2021-2.9, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 2.10**

**RESOLUTION EXTENDING LEAVE UNDER FAMILY
FIRST CORONAVIRUS RESPONSE ACT**

WHEREAS, in response to the coronavirus disease 2019 (COVID-19) pandemic, the Federal Government enacted the Families First Coronavirus Response Act (FFCRA) establishing mandatory requirements for employers to provide paid leave to employees with a need for leave due to COVID-19;

WHEREAS, the U.S Department of Labor has confirmed that employers are not required to provide leave under the FFCRA after December 31, 2020, leaving employers to grant any extension of such leave voluntarily;

WHEREAS, the Personnel Committee of Borough Council has recommended continuing the availability of FFCRA leave for a period of six (6) months with the option to renew at that time;

WHEREAS, Borough Council has determined that voluntary extension of FFCRA leave is in the best interests of the Borough because it is not only fair to Borough employees but also reduces the likelihood that Covid-19 infection will be brought to work;

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

- For as long as this policy is in effect, Borough employees will be provided leave of up to ten (10) of their regular work days (accounting for part-time and full-time employees) when the employee establishes a need for leave as provided in this policy for any of the COVID-19-related reasons specified in this policy;
- To be eligible, the employee must submit a diagnosis or letter from their physician verifying that one or more of the following COVID-19 qualifying reasons prevents the employee from working their normal hours under normal circumstances at their normal worksite or by means of telework:
 - the employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
 - the employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
 - the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 - the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19;
 - the employee is caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19; or
 - the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
- The paid leave provided for these purposes shall not reduce the sick leave entitlement otherwise due the employee but shall be in addition to it.
- This policy shall be effective for six (6) months retroactive to January 1, 2021 and extending through June 30, 2021. The policy shall expire at that time unless extended by formal action of Borough Council.

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			
Gross	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2021-2.10, second by Council Member Chandler. Mr. Marciante asked how this would apply to employees who are offered a vaccine, but don't take it. Mr. Bliss explained that this is a voluntary extension for six months, Council can impose conditional restrictions but he would have to research further. Chief Pinelli stated that employees are not required to disclose if they have gotten the vaccine. Chief Pinelli asked what the ruling is on employees who are exposed after they receive the vaccine. Mayor Lawver asked Council to approve the Resolution and asked Mr. Bliss to do some further research. Upon a roll call vote all members present voted in favor.

Mayor Lawver asked for a consent agenda on Resolutions 2021-2.11 and 2021-2.12. Council Member Chandler made a motion to approve Resolution 2021-2.11 and 2021-2.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 2.11**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 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.3 in the amount of \$84,639.07 less 2% retainage in the amount of \$1,692.78; 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 \$82,946.29 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	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 2.12**

RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 FOR CHANGE IN SITE WORK QUANTITIES WITHOUT CHANGE IN CONTRACT AMOUNT IN CONNECTION WITH BOROUGH HALL RENOVATIONS

WHEREAS, Borough Council has entered into a contract with Levy Construction Company ("Levy") for Renovations to Pennington Borough Hall (VNHA #43829-200-71) at the initial contract price of \$765,999.42, reduced to a net of \$758,971.18 as the result of earlier change orders (VNHA #43829-210-71);

WHEREAS, Levy has requested that the Borough authorize the attached Change Order No. 4 to permit adjustment of actual site work costs, amounting to offsetting additions and reductions in quantities needed for the completed site work, resulting in a net zero change in contract price, as set forth in the attached documentation;

WHEREAS, approval of this change order is recommended by the project Engineer Van Note-Harvey Associates;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 4 authorizing offsetting adjustments of actual site work costs and amending the contract of Levy Construction Company but with zero increase in contract price is hereby approved.

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	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 2.13**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
CHANGE ORDERS AFFECTING CONSTRUCTION OF BOROUGH
HALL RENOVATIONS IN AMOUNTS NOT TO EXCEED \$5,000.**

WHEREAS, Pennington Borough is in the process of constructing renovations to Borough Hall by contractors selected pursuant to the Local Public Contracts Law and overseen in part by an ad hoc Building Committee made up of the Mayor and two members of Council, the Borough Administrator, the Superintendent of Public Works, and the project Architect and the project Engineer;

WHEREAS, time is of the essence in completing the project because, among other things, construction has halted the operation of Borough government at this location and required temporary relocation to other quarters;

WHEREAS, in the process of construction there have appeared instances in which the building contractor has requested minor change orders in the contract specifications to either reduce cost or improve quality or to accommodate a change in circumstances and these change orders were determined by the Building Committee and professionals to be beneficial to the goals of the project, including its timely completion;

WHEREAS, it has also been discovered that convening a special meeting of Mayor and Council to approve minor change orders, when the Building Committee recommends they be approved, is needlessly time consuming and disruptive of the progress of the project;

WHEREAS, Borough Council has determined that it is in the best interests of the Borough that on the recommendation of the Building Committee and the concurrence of the Architect and/or Engineer as appropriate, the Mayor, in the exercise of his discretion, be authorized to execute and make effective on behalf of the Borough change orders to contracts for this project effecting either no change in contract price or an addition or subtraction to contract price up to but not exceeding \$5,000;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to execute and make effective on behalf of the Borough change orders to contracts for this project effecting either no change in contract price or an addition or subtraction to contract price up to but not exceeding \$5,000, subject to the following additional conditions;

1. This action may be taken by the Mayor in the Mayor’s sole discretion upon the affirmative recommendation of the Building Committee and the concurrence of the project Architect and/or project Engineer as appropriate.
2. Execution of the change order in question shall have the same force and effect as if formally authorized by Borough Council.
3. This authorization shall extend to change orders affecting any contractor working on the project.
4. This authorization shall cease and be extinguished upon substantial completion of the project.
5. All change orders so approved shall be reported to Borough Council at its next regular meeting.
6. This authorization is revocable by Borough Council at any time provided any such revocation shall not affect change orders predating it.

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	X			

Council Member Marciante made a motion to approve Resolution 2021-2.13, second by Council Member Chandler. Mr. Bliss asked for a small correction on #1 of the Resolution. Upon a roll call vote all members present voted in favor.

Professional Reports

There were no comments from Professionals.

Public Comment

Mr. Dan Pace of Railroad Place expressed thanks for the banner related to trash and recycling on the Borough Website. Mr. Pace expressed concern about the vaccination and stated he was upset to find out that there may be a list but there was no notification for residents regarding a list. Mayor Lawver stated that the Borough has not taken any steps to keep a list. Mayor Lawver stated that it is an overwhelming challenge to get residents vaccinated. Mayor Lawver stated that there are many more qualified individuals but the problem is that there are not enough vaccines.

Closed Session

AT, 8:18 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:

- Land Purchase – Open Space

AT, 8:55 PM, Mayor and Council returned to open session.

With no further business to address, Council Member Mills made a motion to adjourn, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk