

**Pennington Borough Council
Regular Meeting – May 3, 2021**

Mayor Lawver 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, Gnatt, Gross, Marciante, Mills and Semple in attendance.

Also present were Police Chief Doug Pinelli, Public Works Superintendent Rick Smith, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

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

Open to the Public – Agenda Items Only

Mayor Lawver read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please 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 Lawver read the following Proclamation regarding National Gun Violence Awareness Day.

**PROCLAMATION
DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL
GUN VIOLENCE AWARENESS DAY**

WHEREAS, this proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Pennington, to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and

WHEREAS, every day, 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, New Jersey has on average 445 gun deaths every year, with a rate of 5.0 deaths per 100,000 people. New Jersey has the 47th highest rate of gun deaths in the United States; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in Pennington Borough are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is the Mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, Mayors and Law Enforcement Officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to: (1) Hadiya Pendleton and other victims of gun violence and (2) the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange, choosing this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and;

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 4th, the first Friday in June 2021, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 4th, 2021, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, I Joseph Lawver, Mayor of the Borough of Pennington, County of Mercer do hereby proclaim the first Friday in June, June 4th, 2021, to be National Gun Violence Awareness Day in Pennington Borough and I encourage all citizens to support their local community efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the April 5, 2021 Regular meeting, second by Council Member Gnatt with all members present voting in favor.

Committee Reports

Planning & Zoning / Open Space / Personnel – Ms. Gnatt stated that Open Space met, but she recused herself from the meeting due to a conflict.

Ms. Gnatt stated that the Planning Board met and heard an appeal of a decision of the Zoning Officer regarding a property on Brookside Avenue. Ms. Gnatt reported that the board decided in favor of the applicant that the property be considered two separate lots and no sub-division of the property is required.

Public Works – Mr. Marciante reported that the Public Works Committee met and discussed garbage collection on Burd Street as well as tree replacement on Burd Street. Mr. Marciante stated that the committee discussed ADA sidewalks on Abey Drive. Mr. Marciante stated that the ordinance related to sump pumps needs to be amended as there are some discrepancies.

Mrs. Chandler asked how many trees locations have been marked on Burd Street. Mr. Smith stated that they have identified 25 planting locations. Mr. Smith stated that the west side of Burd Street is not optimum for trees due to wires and gas lines. Mr. Smith stated that the trees being considered are small ornamental trees as opposed to large pin oaks.

Mrs. Chandler asked if there is money left in the contract to cover the trees and Mr. Marciante replied that there is not and that the purchase will need to come from the Shade Tree budget.

Ms. Semple stated that the residents like the ornamental trees.

Mrs. Chandler asked what the response has been to the new garbage collection plan. Mr. Smith stated that it has been mostly positive and he has been taking the new trash carts around to demonstrate how it will work.

Finance / Board of Health – Mr. Gross stated that the Finance Committee and the Board of Health did not hold meetings.

Historic Preservation / Library – Mrs. Mills stated that Historic Preservation did not meet. Mrs. Mills stated that the Library is continuing virtual programming and it is going well. Mrs. Mills stated that they are planning some summer programming to be held outside. Mrs. Mills stated that Kim Ha is working on a phased re-opening for the Library.

Parks and Recreation / Shade Tree – Ms. Semple stated that Shade Tree representatives walked Burd Street with Rick Smith to help identify the 25 tree planting locations. Ms. Semple stated that she did not attend, but she heard that it went very well. Ms. Semple stated that a tree was planted for Arbor Day and another tree was planted at the end of Green Week.

Ms. Semple stated that Parks and Recreation are working on a plan to upgrade the equipment at Kunkel Park. Ms. Semple stated that discussion of the Memorial Day Parade is on the agenda later in the meeting.

Mr. Gross asked if there are any plans to upgrade the equipment at Sked Street Park. Ms. Semple stated

not right now.

Senior Advisory Board – Mayor Lawver reported that the Senior Advisory Board did not meet.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that the Environmental Commission met and a small sub group has been formed to work on the Carbon Neutral initiative. Mrs. Chandler stated that they are looking into creating a logo to promote the idea. Mrs. Chandler stated that they discussed the State Plastic Bag Ban and how to get Pennington Business Owners educated on this. Mrs. Chandler stated that a question came up about what will happen to old garbage cans once the new ones are distributed and they are looking into some ideas on this.

Mrs. Chandler stated that Chief Pinelli provided the following report on activities of the Police Department.

April 27, 2021

Memo To: Catherine (Kit) Chandler, Councilperson

Subject: Monthly Police Report (April 2021)

Please find attached the monthly report of statistical information for the month of April 2021.

Operations Report:

1. Planning for the Memorial Day Parade is ongoing. As of this report it appears that the parade is going to be held but in a different layout. It is anticipated to be a drive by style parade stretching out over a longer route therefore allowing for social distancing. I will be working closely with the parade committee to complete the final details.
2. The CJIS audit paperwork was turned in and all went well. The audit was passed and we will revisit it in two (2) years. A special thanks to Will Mullen for his assistance in preparing all the paperwork.
3. I have been in contact with Catherine Fulmer-Hogan in reference to a 5K walk that will take place on May 8, 2021 between 1pm – 3pm. The walk is considered the “Mother’s Day March” which is to raise awareness for the “Black Mama’s Bailout Fund”. This March is sponsored by Hope Rises Up and is anticipated to have 50 – 75 participants (Flyer Attached). I is expected to have little to no impact on traffic flow in the Borough.

COVID Report:

1. We have encountered no reported COVID exposures this month

Vehicle Report:

1. One (1) vehicle was involved in a minor accident involving a deer. No injuries to the officer and minor damage to the vehicle.
2. Both of the Police sedans are in need of major front-end work. Vehicle 404 (2015) had the repairs completed. The repairs for vehicle 403 (2014) have been put on hold for the time being.

Computer Report:

1. The Computer in the Chief’s office went bad. It was determined that it was the mother board. All parts to repair the computer were covered under warranty.

Training Report:

1. All officers have been enrolled in NIBIRS training April 27, 2021. NIBIRS is a reporting system that is going to be taking the place of the Uniform Crime Reporting (UCR) Database. I am currently assigned as The TAC officer but will be delegating this assignment to another person as they are properly trained.
2. Officer Burroughs and Hudspeth have been enrolled in the Drug Identification, Paraphernalia and Motor Vehicle Stop seminar. This is a One (1) day class taught by Sgt. Kivet of the Robbinsville Police Department.
3. Officer Pauciullo has been enrolled in the Fundamentals of Report Writing. This is a One (1) day class which is geared towards sharpening Officers skills in detailing their report writing.
4. Officer Burroughs has been enrolled in the Crisis Intervention Training class. This class is 40 Hours and trains you how to de-escalate situations and deal with special needs cases. While I

have taken this class and am currently a certified CIT Officer it is very informative and gives a large insight as to different situation that you may come across while on duty. Officer Thomas is currently on a waiting list to attend the same training.

5. All Officers are on the Range from Monday 26th 2021 – Friday 30th 2021. This is their first Qualification of two (2) for the 2021 Year.
6. We have also been assigned the Yearly Mandatory CLEAR training from the AG. This training was approved by the Prosecutors Office and has been down loaded to Power DMS for the officers to complete. The Training this year is “Law Enforcement and the LBGTQ+ Community”

Body Worn Camera (BWC):

1. There has been no update as to the body worn grant.

Overtime Report:

The report is being worked on and data is being gathered for a OT comparison.

Update on Marijuana Legalization:

As the Legalization of Marijuana is still being rolled out. Pennington Borough Police have not had any negative interaction with citizens involving the new laws.

Mrs. Chandler stated that later in the agenda will be a resolution recognizing Chief Pinelli’s one year anniversary as Chief.

Mrs. Chandler stated that Economic Development had a guest speaker, Amy McDougal who presented a program to educate on moving forward or not with Cannabis Legislation. Mrs. Chandler stated that the Borough has a deadline in August so we need to pass an ordinance. Mrs. Chandler stated that they continue to work on the Environmental Resource Inventory. There was some discussion about posting information on the Borough website regarding business spaces that are available for rental.

Mayor Lawver stated that he also met with Dave Knowlton and Killian Strong. Mayor Lawver stated that Hopewell Township and Hopewell Borough are both planning to opt out not and possibly opt in later when the regulations come out. Mayor Lawver stated that everyone is still feeling things out, but he feels that Pennington Borough should not opt out, but we should craft our ordinance to specifically reject or accept the 6 criteria that needs to be addressed. Mayor Lawver stated that Pennington residents voted in favor of the question on the ballot at the General Election.

COUNCIL DISCUSSION

Pickle Ball Court – Reading Avenue – Mayor Lawver stated that the Borough has received a request from a resident on Reading Street to put up a Pickle Ball Court in the parking lot of the Senior Center. Mrs. Chandler stated that there is a Pickle Ball Court at the end of Silo Road. Mr. Marciante suggested putting a Pickle Ball Court at Kunkel Park where the basketball court used to be. Mrs. Chandler stated that was a great idea. After a brief discussion Council was in favor of the request. Mr. Bliss stated that this decision should be voted on by Council. Mayor Lawver asked for a motion to put a Pickle Ball Court in the Senior Center Parking Lot. Council Member Gross made a motion, second by Council Member Chandler with all members present voting in favor.

Memorial Day – Mayor Lawver stated that Parks and Recreation is working on a safe way to hold the parade this year. Mayor Lawver stated that the Governor has lifted a lot of the restrictions that have been in place. Mayor Lawver stated that the parade would be scaled down with no walkers/marchers allowed and the route will be longer. Mayor Lawver stated that Health Officer Stephanie Carey has provided guidelines and they will be followed. Mayor Lawver stated that spectators will be required to be masked and they will have people walking ahead to remind people to put their masks on.

Black Mama’s Bail Out - 5k Walk – May 8th, 2021 – Mayor Lawver stated that this was held last year on Mother’s Day and they would like to do it again this year. Mayor Lawver stated that they are planning for 50 to 60 walkers who will remain on the sidewalks. Chief Pinelli stated that the Police Department is aware and they are prepared to assist with the walk.

Pennington Studio – May 15th 2021 – Mayor Lawver stated that it looks like this request in is order and that they will comply with the Governor’s new orders. Chief Pinelli stated that he reviewed the request and he has no concerns.

Block Party – West Franklin – Sunday May 30, 2021 – There were no concerns raised regarding this request. Council Member Marciante made a motion to approve the Block Party, second by Council Member Gross. By voice vote, all members present voted in favor.

Mayor Lawver stated that plans to move back to Borough Hall are under way. Mayor Lawver stated that Public Works will be painting prior to the move back. Mayor Lawver stated that he is meeting with Betty Sterling, Rick Smith, Chief Pinelli and Ian Highcock to figure out the details for moving back and to identify any items that still need to be addressed in the building such as peeling laminate and other small projects.

Mrs. Chandler asked if there has been any discussion about returning to in person Council Meetings. Mayor Lawver stated that we are still waiting for guidance from the Governor's office. Mayor Lawver stated that it would be difficult for Council Members to maintain the six feet social distance requirement. Mrs. Chandler stated that the benefit of holding Zoom meetings is that more people are inclined to attend and participate in the meetings without having to leave their homes. Mr. Bliss stated that there is a regulation regarding public meetings and making participation available to anyone who wants to participate.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2021-3 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2021-3

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$96,368.27 said amount being \$68,834.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2021 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2021-3, second by Council Member Mills. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2021-3, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2021-3, second by Council Member Gross with all members present voting in favor.

Mayor Lawver read Ordinance 2021-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 – 4**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO EAST WELLING AVENUE IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$710,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 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 \$710,000, including a grant in the amount of \$610,000 from the State of New Jersey Department of Transportation (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 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 improvements to East Welling Avenue, including, but not limited to, the reconstruction of East Welling Avenue from South Main Street to the eastern border of the Borough, curb and sidewalk replacement, the installation of handicap ramps and related sewer structure upgrades and further including all work and materials necessary therefor and 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 10 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 \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$100,000 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, if other than the State Grant referred to in Section 1 hereof, 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 real 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 Marciante made a motion to open the Public Hearing on Ordinance 2021-4, second by Council Member Gnatt. There were no comments from the public. Council Member Mills made a motion to close the Public Hearing on Ordinance 2021-4, second by Council Member Gnatt with all members present voting in favor. Mayor Lawver stated that the bulk of this project is funded by a NJDOT grant so the Borough will not be borrowing the entire amount. Council Member Chandler made a motion to adopt Ordinance 2021-4, second by Council Member Mills with all members present voting in favor.

BUDGET – PUBLIC HEARING AND ADOPTION

Council Member Chandler made a motion to open the Public Hearing on the 2021 Budget, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on the 2021 Budget, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt the 2021 Budget, second by Council Member Gross. Mr. Marciante stated that he does not agree that the Borough should be raising taxes this year. Mr. Marciante stated that older residents are being driven out of town by the taxes in Pennington. Mr. Marciante stated that he is not going to vote in favor of the budget. Chief Financial Officer Sandra Webb asked for a small amendment. Mrs. Webb stated that we were notified right before the meeting by the Tax Assessor of a small decrease in Assessed Value which results in an amendment decreasing Local Tax by \$1,369.06 and increasing surplus anticipated by

\$1,369.06. Mrs. Webb stated that this will not require advertising and it will keep the tax increase at two cents. Council Member Chandler made a motion to approve the amendment, second by Council Member Gnatt. Mayor Lawver asked for a vote on the two motions on the floor, one to approve the adopted budget and one for the amendment. Upon a roll call vote all members present voted in favor of the budget as amended with the exception of Mr. Marciante who voted no.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for overpayment of 2nd Quarter Taxes for Block 503.03, Lot 9, 23 Academy Court in the amount of \$276.96.

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for overpayment of 2nd Quarter Taxes for Block 102.05, Lot 2, 144 Woolsey Court in the amount of \$556.55.

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for overpayment of 2nd Quarter Taxes for Block 103.02, Lot 2, 17 Railroad Place in the amount of \$770.59.

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for overpayment of 2nd Quarter Taxes for Block 303, Lot 8, 120 King George Road in the amount of \$65.96.

BE IT RESOLVED that a refund be issued from the Current Fund to Wells Fargo Real Estate Tax Services, Attn: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for overpayment of 2nd Quarter Taxes for Block 401, Lot 2, 4 Fitzcharles Drive in the amount of \$55.59.

BE IT RESOLVED that a refund be issued from the Current Fund to LERETA, Attn: Central Refunds, 901 Corporate Center Drive, Pomona, CA 91768 for overpayment of 2nd Quarter Taxes for Block 602, Lot 5, 24 Abey Drive in the amount of \$667.00.

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 2021-5.1, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 5.2**

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 \$ 1,140,771.52 from the following accounts:

Current	\$ 857,661.06
W/S Operating	\$ 86,588.33
General Capital	\$ 194,332.38
Open Space Fund	\$ 195.00
Animal Control	\$ 25.80
Grant Fund	\$ 1,188.95
Developer’s Escrow	\$ 780.00

TOTAL \$ 1,140,771.52

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 2021-5.2, second by Council Member Mills. Mr. Marciante had question on several bills on the bill list. Ms. Gnatt and Mrs. Mills also questioned bills. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-5.3**

RESOLUTION CERTIFYING GOVERNING BODY COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISION UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e et seq., (April. 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs that Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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 2021-5.3, second by Council Member Mills. Mayor Lawver asked Mr. Bliss to comment. Mr. Bliss stated that this resolution requires Council Members to sign off that the Borough complies with these regulations. Ms. Sterling stated that this has been done as part of the budget process for the last couple of years. Mrs. Webb stated that the Department of Community Affairs put this requirement in place a couple of years ago and we are not quite sure why this is required. Mrs. Webb stated that it requires that Council sign off that the internal hiring practices of the Borough are in compliance. Mrs. Chandler asked Mrs. Webb is we are in compliance. Mrs. Webb stated that she has reviewed it and nothing has changed from last year. Mrs. Webb stated that this is part of the budget process. Mrs. Chandler stated that Council can approve the Resolution and then sign the affidavit once they have reviewed the hiring policies. Mrs. Sterling was asked to send the personnel policy and other information out to Council for review before signing the affidavit. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 5.4**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 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.1 in the amount of \$42,398.73 less 2% retainage in the amount of \$847.97; 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 \$41,550.76 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2021-5.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 5.5**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 6 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.6 in the amount of \$15,868.44 less 2% retainage in the amount of \$317.37; 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 \$15,551.07 pursuant to payment request No. 6 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	X				Marciante	M			
Gnatt	X				Mills	S			
Gross	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-5.5, second by Council Member Mill with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 5.6**

**RESOLUTION CONFIRMING THE TERMS OF APPOINTMENT
OF DOUGLAS PINELLI AS CHIEF OF POLICE INCLUDING COMPLETION OF
PROBATIONARY PERIOD**

WHEREAS, by Resolution 2020-5.10, adopted May 4, 2020, Borough Council appointed Douglas Pinelli as Chief of Police;

WHEREAS, in accordance with that Resolution, Chief Pinelli was appointed on an interim basis subject to entering into a mutually satisfactory employment agreement, including agreement as to salary;

WHEREAS, in accordance with Ordinance 2020-14, with date of final adoption on September 11, 2020, Chief Pinelli and the Borough of Pennington entered into an employment agreement (“Agreement”) effecting his regular appointment as Chief of Police retroactive to May 4, 2020 (Art I, par 3 and 4; Art XXII), with full salary and other emoluments from that date (Art XVII);

WHEREAS, the term of the Agreement is for five years, from May 4, 2020 to and including May 3, 2025, with the proviso that upon expiration of the Agreement, all benefits, terms and conditions shall remain in force until a successor agreement is agreed upon (Art XXII);

WHEREAS, the Agreement also provides that during the first year of the Chief’s appointment, beginning May 4, 2020, he would serve on a probationary basis, making the Agreement prospectively terminable at will by Borough Council during that period (Art 1, par 4);

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

1. that the above recitals describing the terms of Chief Pinelli’s appointment as Chief of Police are hereby acknowledged;
2. that on this date, May 3, 2021, Chief Pinelli has successfully completed his probationary period; and
3. that the Borough Clerk is hereby directed to transmit a certified copy of this Resolution to the New Jersey Division of Pensions.

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 2021-5.6, second by Council Member Gnatt. Mayor Lawver stated that Chief Pinelli has made great strides with moving the Police Department forward. Mrs. Chandler stated that it has been a pleasure working with Dough this past year and other Council Members also thanked Chief Pinelli. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 5.7**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE
COMPLETION OF THE 2020 RIGHT TO KNOW SURVEY**

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2020 Right To Know Survey;

WHEREAS, a copy of the PARS proposal, dated April 28, 2021, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2020 Right to Know Survey for each area, together with update of the Written Hazard Communications Plan (Tasks 1 and 2 in attached proposal);

WHEREAS, the areas inventoried for hazardous chemicals will include:

1. Borough Hall/Library/Police Dept.
2. Senior Citizen Center
3. Public Works Garage
4. Well House 4 & 5
5. Well House 6
6. Well House 7
7. Well House 8 & 9

WHEREAS, PARS Environmental, Inc. will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

WHEREAS, PARS Environmental, Inc. has agreed to perform Tasks 1 and 2 for the lump sum amount of \$1,850.00;

WHEREAS, the attached PARS proposal includes additional tasks (“Additional Tasks”) which may be optional, namely tasks 3, 3a, and 4, as described on pages 2,3 and 4 and priced on page 5 of the proposal;

WHEREAS, Borough Council wishes to authorize the Borough Administrator and the Borough Clerk, as appropriate, to obtain the performance of such of the Additional Tasks as may be legally required;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator and Borough Clerk of the Borough are hereby authorized to issue one or more purchase orders or enter into one or more agreements with PARS to ensure performance of Tasks 1 and 2 at the cost of \$1,850. and to issue or enter into such additional purchase orders or agreements as needed to obtain performance of such of the Additional Tasks as may be legally required, at the price or prices indicated in the proposal.

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 2021-5.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 5.8**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2021 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
2021 – HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF)**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received approval of a grant in the amount of \$312,041.58 from the NJDEP/NJ Economic Development Authority- Hazardous Discharge Site Remediation Fund (HDSRF) for the Pennington Borough Sanitary Landfill; and

WHEREAS, the Borough wishes to amend its 2021 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2021 in the sum of \$312,041.58, which is now available as revenue from:

2021 - Hazardous Discharge Site Remediation Fund (HDSRF)

BE IT FURTHER RESOLVED that a like sum of \$312,041.58 be and the same is hereby appropriated under the caption of:

2021 - Hazardous Discharge Site Remediation Fund (HDSRF)

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-5.8, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Semple who abstained.

Professional Reports

Mr. Bliss reminded Council of the Closed Session following the meeting.

Public Comment

Cara Laitusis of East Welling Avenue stated that she lives with her three teenagers, two cats and one dog and she pays taxes on a five bedroom house. Mrs. Laitusis stated that larger families produce more garbage than smaller families and give that she pays higher taxes that a smaller home in Pennington, there should be some consideration for that without it costing more for a second can. Mrs. Laitusis stated that perhaps there could be an extra pickup for larger families as one pick up per week will not work. Mr. Marciante stated that the Public Works Committee has discussed this and they have talked about providing an extra can at a cost to households that need and extra can. Mrs. Laitusis stated that she has talked to nine families and most of them have no idea of this change. Mrs. Laitusis stated that she donates and recycles as much as she can and there is still no way that her family of five will survive with one can per week. Mr. Smith spoke about the volume of the new cans which is actually more than what is allowed in the two 32 gallon cans that are allowed now. Mr. Smith stated that he has not heard from any large families but reach out to him. Mr. Smith stated that the Public Works Committee is still working out the details on the change to automated trash. Mrs. Laitusis stated that larger families will have a problem with the once a week collection.

Suzanne Trautwein of 42 E. Welling Ave. stated that she sent a letter in April about concerns for safety on East Welling Avenue. Mrs. Trautwein stated that they have an unsafe feeling when they are out walking with their children due to a large amount of buses, delivery trucks and the like not obeying the speed limits. Mrs. Trautwein stated that East Welling is also a cut through and there are times when there is a lot of traffic. Mrs. Trautwein stated that they appreciate the police presence and the speed trailer but it is not helping. Mrs. Trautwein suggested sidewalks, a three way stop at East Welling and Baldwin Street and a flashing light and crosswalks at Baldwin Street and Curlis Avenue. Mrs. Trautwein stated that they have talked to 21 neighbors and she could have asked more but she would like to have this discussed and addressed at the next meeting.

Mayor Lawver stated that he has spoken to Mrs. Trautwein and he is in discussion with Mayor Blake of Hopewell Township regarding a joint Safe Routes to Schools Application. Mayor Lawver stated that he will have the Public Safety Committee work on this, but he cautioned that things to not move quickly and a solution might be a year or more out.

Mr. Hugh Giordano of Blackwood, NJ and part of UFCW-Local 152 spoke in favor of the Borough's consideration of a Cannabis Ordinance and stated that he would be happy to answer any questions or assist the Borough.

Mr. Edward Grimes of East Hanover, NJ stated that he is representing disabled citizens and he asked that the Borough consider people in wheelchairs who are most vulnerable and need help obtaining Cannabis.

Mr. Jeffrey King of Eatontown stated that he appreciates the attitude and method that Council is taking regarding Cannabis legislation. Mr. King appreciated that Council is transparent and hearing everyone. Mr. King urged Council to be compassionate to those who are sick and suffering.

Ms. Jessica Nichols of Manville gave a brief history of her medical journey and urged the Council do their due diligence as there are many benefits of Cannabis for people who need it. Ms. Nichols stated that most towns are opting out even when their residents voted in favor.

Ms. Jamie Van Sciver of Paulsboro spoke in support of Cannabis and briefly explained how she has benefitted from Cannabis and stated that it is a miracle for a lot of people.

Mayor Lawver thanked everyone for their comments and the Borough will take them all into account during the consideration of the ordinance.

Closed Session

AT, 8:42 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, 8:56 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 of February 1st, 2021 and April 5, 2021 Closed Session meetings, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver announced that he would be submitting his resignation as Mayor to the Borough Clerk tomorrow and he will be resigning effective June 6, 2021.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk