

**Pennington Borough Council
Regular Meeting – May 6, 2019**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:07 pm. Borough Clerk Betty Sterling called the roll with Mayor Lawver and Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance. Mrs. Semple arrived after the roll call.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott 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 bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mayor Lawver asked everyone to stand for the Flag Salute.

Open to the Public – Agenda Items Only

Mayor Lawver read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

Dan Pace of 9 Railroad Place asked if there will be a comment period on Resolution 2019-5.3, authorizing a list of engineering projects and if not would someone list the projects being approved.

Mayor's Business

Mayor Lawver stated that he has three proclamations for this evening. Mayor Lawver stated that there do not appear to be representatives in attendance for the first one. Mayor Lawver read the following proclamation:

***A PROCLAMATION
OLDER AMERICANS MONTH 2019***

Whereas, Pennington Borough includes a growing number of older Americans who enrich our community through their diverse life experiences; and

Whereas, Pennington Borough is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and

Whereas, Pennington Borough recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and

Whereas, Pennington Borough can enhance the lives of older Americans in our community by:

- promoting home- and community-based services that support independent living;
- involving older adults in community events and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

Now, therefore, I, Joseph Lawver, Mayor of the Borough of Pennington do hereby proclaim May 2019 to be Older Americans Month. I urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

Mayor Lawver invited the folks from the National Gun Violence-Wear Orange group in attendance to come forward for the next Proclamation. Mayor Lawver stated that the Pennington Police Department offers free gun locks to all residents and on June 6th the town will be outfitted with orange ribbons in recognition of Gun Violence Awareness from June 7th to June 9th. Mayor Lawver summarized the proclamation and took pictures with the group in attendance.

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

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.

WHEREAS, every day, 100 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

WHEREAS, protecting public safety in the communities they serve is 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, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 22nd birthday; and

WHEREAS, to help honor Hadiya – and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 7, 2019, the first Friday in June, as the 5th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose 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 7th, the first Friday in June in 2019, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 7, 2019 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 BE IT RESOLVED, that I, Joseph Lawver, Mayor of the Borough of Pennington, New Jersey declare June 7, 2019, the first Friday in June, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Mayor Lawver invited Robin Koeppl Hepburn to come forward for the final proclamation.

**Proclamation by the Mayor and Borough Council
of Pennington, New Jersey**

WHEREAS; the Mayor and Council of the Borough of Pennington would like to recognize Robin Koeppl Hepburn and Orion Jewelry Studio; and

WHEREAS; Robin Koeppl Hepburn grew up in Pennington Borough and fondly recalls going to the Pennington Pharmacy to buy candy, Dykes Luncheonette for a special sandwich and Flynn's Hardware with her Dad to purchase tools and remembers well all of the wonderful shop owners who warmly welcomed her into their shop; and

WHEREAS; Robin Koeppl Hepburn established her own small business when she opened Orion Jewelry Studio in 1986 in St. Thomas, the same year her first child, Orion was born; and

WHEREAS; in 1989, Robin Koeppl Hepburn returned to her home town of Pennington Borough and re-opened Orion Jewelry in the Queenstown Gallery shop on Main Street, moving to a larger space on Main Street across from the Pennington Presbyterian Church in 1993, the year her second child Christopher was born; and

WHEREAS; in 1997, Robin Koeppl Hepburn moved her jewelry studio to Route 31 in the Pennington Square Shopping Center where the business flourished for 20 years before Robin moved to her current location, a modern design studio at 21 Route 31 North, Pennington, NJ; and

WHEREAS; having returned to Pennington Borough after Hurricane Hugo hit in St. Thomas, Robin Koeppl Hepburn found her hometown still to be a welcoming community for her small business and family and is grateful for the warm embrace of her artistry by the community she loves; and

WHEREAS; Robin Koeppl Hepburn's mission is to use her God given talents as an artist and metalsmith to create beautiful, functional and lasting pieces of jewelry using ethically sourced materials and to offer her clients customized jewelry designs and honest and affordable service; and

WHEREAS; developing relationships with clients and serving generations of customers in her hometown of Pennington Borough is an invaluable community service and vital to the business fabric of the Borough; and

WHEREAS; Pennington Borough would like to recognize Robin Koeppel Hepburn on the 30th Anniversary of operating a successful jewelry studio in its downtown and business districts;

NOW, THEREFORE, BE IT PROCLAIMED THAT, the Mayor and Council of the Borough of Pennington hereby congratulates Robin Koeppel Hepburn for 30 years of successfully operating the Orion Jewelry Studio in Pennington and thanks her for her economic and civic contributions to our community.

Mayor Lawver announced the resignations of Terri Epstein from the Library Board of Trustees and John McCausland as the Borough Fire Inspector.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the March 4, 2019 Regular Meeting, second by Council Meeting Griffiths with all members present voting in favor.

Council Member Griffiths made a motion to approve the minutes of the March 11, 2019 Special Meeting, second by Council Member Chandler with all members present voting in favor.

Council Member Griffiths made a motion to approve the minutes of the April 1, 2019 Regular Meeting, second by Council Member Chandler with all member present voting in favor with the exception of Mr. Marciante who abstained.

Presentations

Mayor Lawver invited Harry Compton and Joann Held to come forward to report on the Environmental Commission and the Green Team. Mr. Harry Compton of 29 E. Curlis Avenue and Mrs. Joann Held of 103 Laning Avenue introduced themselves to Council. Mr. Compton reported that the Environmental Commission is a stellar group that he is happy to represent as chairman. Mr. Compton stated that the group consists of engineers, attorneys, scientists and he couldn't ask for a better group of people to work with. Mr. Compton stated that the committee is working on an environmental resource inventory with all members involved. Mr. Compton stated that they continue to work on anti-idling initiatives. Mr. Compton stated there are more signs to be posted but they are working with the schools to get everyone on board. Mayor Lawver asked if the Pennington School and the Cambridge School have been approached. Mrs. Held stated that she knows that there is interest from both of these schools and it is just a matter of working out the logistics. Mr. Marciante stated that the children in the schools as well as the parents need to be educated on this. Mrs. Held stated that they have been working with the schools to educate children because the biggest problem seems to be when children are being picked up from school. Mr. Compton stated that the Environmental Commission is also working on the Landfill Space Opportunity Project and several members of Environmental are on the landfill committee. Mr. Compton stated that they are also working on Stormwater/Green Infrastructure and Brian Friedlich who is an engineer is tracking the proposed role of the State Legislature and new requirements and standards that are being discussed. Mr. Compton stated that these changes would require some changes to the Borough Ordinance. Mr. Compton stated that they are currently gathering information and figuring out how the changes would pertain to Pennington. Mr. Compton stated that lastly, he was going to talk about a single use plastic bag ordinance but he will hold off until later in the meeting.

Mrs. Held stated that in addition to being a member of the Pennington Environmental Commission she is also the Chair of the Hopewell Valley Green Team which has members from Pennington Borough, Hopewell Borough and Hopewell Township. Mrs. Held stated that she would like to talk about two things today, one is Sustainable Jersey Certification and the other is recycling education and compliance efforts which are related to Sustainable Jersey. Mrs. Held stated that Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, save money and take steps to sustain their quality of life over the long term. Mrs. Held stated that certification is a very important part of the program. Mrs. Held stated that the process is that municipalities report on the various things that they have done and provide documentation and for each of the various actions, points are awarded. Mrs. Held stated that if a municipality earns certain amounts of points they are then awarded certification on several levels. Mrs. Held stated that the Borough achieved Bronze status at the end of 2016 and recertification is required every three years so now we are in the process of beginning the steps for recertification. Mrs. Held stated that this year she is working on trying to get Silver Certification if not this year then definitely in three years for the next recertification. Mrs. Held stated that getting this certification involves a lot of people and she has been working with the Environmental Commission, the Green Team, Rick Smith, the Shade Tree Commission and the Planning/Zoning Board. Mrs. Held stated that over the course of the next few weeks she will be working with Eileen Heinzl to sort things out and proceed with the first submittal. Mrs. Held stated that the first submittal does not have to be complete it just has to report on things that have been done and things that are planned to be done. Mrs. Held stated that they will receive feedback on the submittal and then a second submittal will be done in early September. Mrs. Held stated that more feedback will come after the second submittal with the final submittal due in November. Mrs. Held stated that she knows that Mrs. Chandler has brought up some possible ordinances for consideration by Council. Mrs. Held stated that in addition to the easy stuff that gets us some points, they did some dreaming and

that is where the ordinances, especially the energy section come from. Mrs. Held stated that she has gotten feedback from a number of people and the solar friendly effort might not be worth pursuing because Pennington is already pretty solar friendly and the same goes for making the town wind friendly. Mrs. Held stated that the one that should be considered is the electric friendly ordinance, but the question is where to place charging stations. Mr. Marciante stated that he would agree that we should look into charging stations. Mrs. Held stated that she just installed a charging station and the Borough was very helpful with her questions. Mrs. Held stated that the public charging stations are the ones that the Borough should be thinking about. Mrs. Held stated that there is funding available for installing public charging stations and so once the Borough has some ideas on where to install a charging station we can move ahead quickly. Mrs. Held stated that she will continue to update the Environmental Commission on the progress for Sustainable Jersey certification.

Mr. Marciante stated that he has heard that recycling might go back to multi stream. Mrs. Held stated that her second topic is recycling and this is something that everyone is talking about and it is in the news constantly. Mrs. Held stated that the Pennington Environmental Commission has been talking about it and they have reached out to citizens not to put plastic bags in the recycling bins. Mrs. Held stated that additionally, the Green Team has been talking about recycling and they host different recycling activities. Mrs. Held stated that Hopewell Township Environmental Commission recently reached out to her and suggested that we should all work together on the recycling issues. Mrs. Held stated that the Mercer County Sustainability Coalition that we are part of is also talking about recycling. Mrs. Held stated that this is on everyone's mind because China has said that they will no longer take contaminated waste any more. Mrs. Held stated that the contamination is mostly because we are mixing our bottles and cans with newspapers and also people are not following the rules. Mrs. Held stated that education and compliance go hand in hand. Mrs. Held stated that multiple stream recycling is one of the solutions that is being discussed but she does not think it is being discussed for this contract cycle. Mrs. Held stated that the Green Team is supporting direct recycling for instance people can bring their egg cartons and they take them where they are recycled as new egg cartons. Mrs. Held stated it is kind of like the old days where there were different bins for green glass and a bin for brown glass etc. Mrs. Held stated that she does not think we will get back to that, but glass recycling is becoming very difficult and a lot of the glass recycling collected right now is being ground up and used at landfills for daily cover, but at least it is being used. Mrs. Held stated that there are a lot of different groups addressing this topic and the topic is very broad. Mrs. Held stated that on Pennington Day this year the Environmental Commission from Pennington and Hopewell and the Hopewell Valley Green Team will have two booths. Mrs. Held stated that recycling and reducing and reusing will be their topic and they are hoping to reach out to a lot of people about the importance of proper recycling and also giving access to information particularly the use of Recycle Coach which provides information on what can be recycled at the curb. Mrs. Held stated that they will also be focusing on reducing and reusing even more so that less stuff even has to be recycled. Mayor Lawver stated that he is noticing that the market stocks items in ones and twos which can be recycled but also in fives which cannot be recycled. Mayor Lawver asked how residents can recycle number fives and would it make sense to contact local businesses to encourage them to move towards products that are supported through our recycling program. Mrs. Held stated that she does think that it would be worthwhile. Mr. Griffiths stated that the City of Baltimore is moving towards clean incineration of all waste. Mr. Griffiths asked Mrs. Held if she had heard of this. Mrs. Held stated that Baltimore has been burning waste for decades although they also have a recycling program. Mrs. Held stated that incinerators if they are well run are better than landfills but it would be better not to even generate the waste. Mrs. Held stated that source reduction is the next area to talk to people about. Mrs. Held stated that she would like to establish a speaker's bureau and talk to people one on one about recycling and answer people's questions right when they have them. Mrs. Held stated that this is one of the most effective ways to provide education to people. Mrs. Held stated that she speaks to a lot of groups during the year. Mr. Griffiths asked if there is a budget for this because getting the word out is the most effective way to reach people. Mrs. Chandler stated that they have been putting notices on recycling cans and the use of plastic bags in recycling has reduced significantly with only a few remaining offenders. Mrs. Chandler stated that one of the big problems is that Mercer County says certain items are not accepted, but then they turn around and accept them anyway. Mrs. Chandler stated that there becomes no reason for people to recycle properly. Mrs. Held stated that the Mercer County Coalition has been thinking about a budget for advertising and a committee has been formed to discuss what types of materials should be produced and once that is decided they will apply for a grant from Sustainable Jersey for printing and advertising. Mr. Griffiths stated that television advertising is much more effective at reaching people. Mr. Griffiths suggested some other campaigns that could be studied for ideas. Mrs. Held stated that the Green Team is at the Farmers Market each week collecting recyclables and answering questions. Some discussion took place with regard to how to get rid of recyclables other than ones and twos which are collected and with regard to incinerating waste.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that with regard to Open Space, Alan Hershey met with a property owner regarding a parcel of property, but the owner was not interested in selling.

Mrs. Gnatt stated that the Planning Board met and held their reorganization meeting. Mrs. Gnatt stated that Zoning Officer, John Flemming met with the Exxon Station manager and the blinking lights have been turned off. Mrs. Gnatt stated that there is interest in converting the Mercer Mutual Insurance Building into a Doctor's Office for consultations only, no procedures. Mrs. Gnatt stated that Jim Kyle will be here later for closed session to discuss the Fair Share Proposal. Mrs. Gnatt stated that the Planning Board

unanimously approved the proposal.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that the Public Safety Committee did not meet due to vacation schedules. Mrs. Chandler stated she had nothing further for Environmental and the Economic Development group is looking to come up with activities to get the downtown area more active. Mrs. Chandler stated that the town wide yard sale was a great success.

Public Works – Mr. Marciante stated that the Public Works committee met with Borough Engineer, Brandon Fetzer and Norm Nelson to review the Asset Management Plan. Mr. Griffiths stated that the financial component of the report is not complete yet. Mayor Lawver stated that he would like to meet with Ms. Semple to see how to go about getting a meeting with DEP representatives who are representing the municipalities interests at the DEP regarding this plan and what the expectations are because we have this plan, but there is no way the Borough can support it. Mr. Marciante stated that the committee discussed the idea of mill and overlay of roads as opposed to total reconstruction. Mr. Griffiths stated that an inventory of roads, prioritizing roads that are in the worst shape is needed so that we have an idea of what would be required for each road in town. Mr. Griffiths stated that he is trying to avoid incurring a big engineering bill to get such an inventory. Mr. Marciante stated that the Borough has been fortunate to have a relationship with Mercer County for mill and overlay of roads for just the cost of the asphalt which saves the Borough a ton of money.

Finance / Board of Health – Mr. Griffiths stated that the Board of Health did not meet. Mr. Griffiths stated that the 2019 budget will be adopted later this evening, nothing has changed since introduction.

Historic Preservation / Library – Mrs. Mills reported that the Library did not meet in March due to “The Big Read” activities. Mrs. Mills reported that all the activities related to the book True Grit were well received. Mrs. Mills stated that the largest attendance was a lecture that took place on March 10th about the life in the Hopewell Valley in the 1870’s. Mrs. Mills stated that the Library is working on the final report to submit to the NEA. Mrs. Mills reported on upcoming activities and initiatives. Mrs. Mills reported that the Library received a Pennington Day grant to expand the graphic novel collection for kids. Mrs. Mills stated that summer programming is in the planning stage with programs related to science and STEM. Mrs. Mills stated that Terri Epstein has resigned from the Board.

Mrs. Mills reported that Historic Preservation met on April 17th with Bert Nini who is the contractor for the houses going up on the corner of West Delaware and Burd Street. Mrs. Mills reported that the design for the houses was discussed and even though the Planning Board has approved the subdivision, Historic Preservation requested to review the site plan and elevation view. Mrs. Mills stated that Mr. Nini will be coming back to the next meeting with some other views of the house on Burd Street and some additional materials that will be used. Mrs. Mills reported that the dead tree on the property will be removed.

Parks and Recreation / Shade Tree – Ms. Semple reported that the Shade Tree meeting last month focused on the need to revise the ordinance so that the Borough can move forward with planting trees. Ms. Semple stated that a special meeting of Council was held to introduce modifications to the ordinance. Ms. Semple stated that Arbor Day was held even though it rained.

Ms. Semple stated that she has been unable to get to a Parks and Recreation meeting, but it is her goal for next month.

Senior Advisory Board – Mayor Lawver had no report for the Senior Advisory Board.

Council Discussion

Tree Planting and Maintenance Plan – Mrs. Heinzl stated that a tree maintenance plan was required as part of the grant that was received. Mrs. Heinzl stated that she submitted a memo summarizing the process. Mrs. Heinzl thanked the Shade Tree Committee which has done a great job securing these grants. Mrs. Heinzl stated that last year the Borough was able to take down many hazardous trees in the Borough through a grant received in 2017. Mrs. Heinzl stated that last year the Borough was awarded another grant to plant new trees in various locations throughout the Borough. Mrs. Heinzl stated that Morris Fabian and Gabe Rosko have worked together to identify trees that would work well in town at various locations. Mrs. Heinzl stated that Rick Smith will manage the tree planting project and he has done a lot of work on it already. Mrs. Heinzl stated that even though the Borough received approval for an extension of time for this project, they really want to get the trees planted as soon as possible. Mrs. Heinzl stated that the summary indicates what trees have been selected and the various locations, including a list of alternate locations if one or more locations need to be changed. Mrs. Heinzl stated that the plan has been approved by the State and the funds received will be used for the purchase of trees and not for the labor related to planting the trees. Mrs. Heinzl stated that Gabrielle in Public Works has done a great job putting this plan together. Mrs. Chandler asked that the plan be scanned and posted on the Borough website. Mrs. Chandler stated that she recognizes that this was a tremendous amount of work and it is very much appreciated. Mayor Lawver stated that after years of seeing more and more trees come down, it is nice to see this many trees go up and hopefully going forward we will get on a cycle of five to ten new trees each year.

Plastic Bag Ban – Mr. Harry Compton and Ms. Kim Haren of 319 Burd Street were invited to come forward for this discussion. Mr. Compton stated that Kim Haren has done most of the work on this so he would let her do the talking. Mrs. Chandler stated that the Environmental Commission is looking into the possibility of doing a plastic Bag Ban throughout town. Mrs. Candler stated she did bring this to Economic Development

and they were also in support. Mrs. Chandler stated that Kim Haren has done a tremendous amount of work in terms of talking to other municipalities to find out their successes, talking to ANJEC and talking to the State about whether the State plans to implement a ban on plastic bags. Mrs. Chandler stated that at this point they are seeking direction on what Council would feel comfortable doing.

Ms. Haren stated that this is a very interesting topic and as Joann Held mentioned a lot of people are paying attention to plastic bags and straws. Ms. Haren stated that the high level options are to do nothing and hope that it goes through at the State level. Ms. Haren stated that the second option is pass a resolution in support of a State ban and that is recommended if there is no interest in an ordinance. Ms. Haren stated that she was told today from the folks at ANJEC that a resolution is not necessarily effective and that State Legislators on both sides are very supportive of a State ban but they are telling people that what is needed is for municipalities to pass ordinances first to give this momentum. Ms. Haren stated that California had around 100 towns pass ordinances before the State took action. Ms. Haren stated that she is aware of one town that chose the resolution route and there are about twenty-four towns with some form of plastic bag ban in place. Ms. Haren stated that in January there were about six towns that have a fee only ordinance, which is where a fee is charged for single use plastic or paper bag. Ms. Haren stated that the rest had a plastic bag ban and a few had a ban plus a fee for use of paper bags. Mr. Marciante asked what about baggies which are also plastic. Ms. Haren stated that the scope of the single use plastic bag ordinances is fairly narrow and they just pertain to the carry out bag that customers are given at check out. Ms. Haren stated that the ban does not include the bags for vegetables or meat and it does not include plastic used around a product for safety or convenience purposes. Ms. Haren stated that the ban is really to encourage the use of reusable bags. Ms. Haren stated that the thought is that if people start to think about it they will bring their own reusable bags to stores other than just grocery stores. Ms. Haren stated that baggies or anything in a package in the store are not included in the ban. Ms. Haren stated that banning plastic carryout bags is a start. Ms. Semple asked if there have been any discussions with Hopewell Township. Ms. Haren stated that Hopewell Townships Environmental Commission at this point is focusing on education. Ms. Haren stated that she will be sharing what she has learned from ANJEC and the State position of needing ordinances for municipalities. Ms. Haren stated that Hopewell Borough has an ordinance in place and theirs is interesting, with an education period before there is any enforcement and Council has to approve the education report before the enforcement goes into effect.

Mayor Lawver asked if there have been any conversations with business owners. Mrs. Chandler stated that they have not reached out directly to any business owners, though they have identified businesses that are using plastic bags. Mr. Griffiths stated that he is concerned about the effect on retailers and that is why he feels that a State-wide ban is the best way to go. Mr. Griffiths stated that the State should be taking the lead on this. Ms. Haren stated that there are 565 municipalities in New Jersey and the State's goal is to get one-hundred to pass an ordinance. Ms. Haren stated that the State is considering a much broader ban which would include plastic bags, plastic straws, styrofoam containers etc. Ms. Haren stated that a resolution is certainly an option. Mr. Griffiths stated that it seems like the fastest and easiest solution which is not to say we couldn't do an ordinance. Mr. Griffiths stated that businesses should be informed first and if the Borough decides to go the route of an ordinance they would have plenty of time to get adjusted to the change. Ms. Haren stated that would also provide time to use up existing inventory. Ms. Haren stated that she has also heard that the education component is huge, because if we can get people to start using reusable bags and even if the retailer offers them for sale for a small amount of money, the cost impact on small businesses is much less. Mayor Lawver stated that he is hearing support for a resolution and a general support for an ordinance if we can have a conversation with business owners before hand and get them on board. Mayor Lawver stated that he would like to hear back from the Environmental Commission in four to six weeks and hopefully the local business owners will be on board and Council can proceed with a discussion of an ordinance.

Ordinances for Public Hearing and Adoption

Mayor Lawver read Ordinance 2019-3 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2019-3

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 2.5% 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 2019 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 2019 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 \$96,342.19, said amount being \$27,526.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2019 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 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 Marciante made a motion to open the Public Hearing on Ordinance 2019-3, second by Council Member Griffiths. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2019-3, second by Council Member Griffiths with all members present voting in favor.

Mayor Lawver read Ordinance 2019-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019 - 4**

**BOND ORDINANCE PROVIDING FOR THE PAVING OF EGLANTINE AVENUE IN AND BY
THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$63,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$59,850
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 \$63,000, including the sum of \$3,150 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$59,850 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the paving of Eglantine Avenue, 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 \$59,850, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$3,000 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 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 2019-4, second by Council Member Griffiths. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Some discussion took place with regard to financing for the paving. Mr. Griffiths asked the Borough Administrator to ask if funding is available through the I-Bank. Council Member Chandler made a motion to

adopt Ordinance 2019-4, second by Council Member Griffiths with all members present voting in favor.
Mayor Lawver read Ordinance 2019-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2019 - 5**

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,813,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,813,000
BONDS OR NOTES OF THE BOROUGH TO FINANCE 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,813,000, including a grant expected to be received in the amount of \$345,000 from the State of New Jersey Department of Transportation for the purpose described in Section 3(a) and a grant expected to be received in the amount of \$693,900 from the State of New Jersey Department of Transportation for the purpose described in Section 3(b) (collectively, the "State Grants"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvements since the projects described in Section 3 hereof are being funded by the New Jersey Infrastructure Bank and the State Grants referred to above.

Section 2. In order to finance the cost of the several improvements or purposes and in anticipation of receipt of the State Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,813,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Burd Street reconstruction, including all work and materials necessary therefor and incidental thereto.	\$793,500 (includes a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$345,000)	\$793,500	10 years
b) Abey Drive/Kings Court reconstruction, including all work and materials necessary therefor and incidental thereto.	<u>\$1,019,500</u> (includes a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$693,900)	<u>\$1,019,500</u>	10 years
Total:	<u>\$1,813,000</u>	<u>\$1,813,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, 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 \$1,813,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$89,000 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 purposes or improvements.

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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable 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 Griffiths made a motion to open the Public Hearing on Ordinance 2019-5, second by Council Member Mills. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Mayor Lawver briefly reviewed the scope of each project and explained that the Borough has received grants for each of these projects. Mayor Lawver stated that the ordinance is for the full amount including any grant amounts but the Borough will only borrow what is needed to complete the projects. Council Member Chandler made a motion to adopt Ordinance 2019-5, second by Council Member Griffiths with all members present voting in favor.

2019 BUDGET – PUBLIC HEARING AND ADOPTION

Council Member Griffiths made a motion to open the Public Hearing on the 2019 Budget, second by Council Member Chandler. There were no comments from the public. Council Member Griffiths made a motion to close the Public Hearing on the 2019 Budget, second by Council Member Gnatt with all members present voting in favor. Council Member Griffiths made a motion to adopt the 2019 Budget, second by Council Member Gnatt with all members present voting in favor.

New Business

There were no refunds for the month of May.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 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 \$ 1,805,718.75 from the following accounts:

Current	\$ 1,570,119.47
W/S Operating	\$ 153,231.85
Grant Fund	\$ 720.00
Developer’s Escrow	\$ 3,654.80
General Capital	\$ 76,355.23
Water/Sewer Capital	\$ 1,526.40
Animal Control Fund	\$ 36.00
Trust Fund	\$ 75.00
TOTAL	\$ 1,805,718.75

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2019-5.2, second by Council Member Marciante. Council Member had questions on some of the bills on the bill list. Mr. Griffiths stated that he is looking at an invoice for architectural services and he is wondering what is going on with the renovation project. Mayor Lawver stated that he is expecting to have a work session in June to hear some options and make a decision about how to move forward. Mrs. Heinzel stated that the architect will present three concept plans. Mr. Griffiths stated that this project should not be taking this long; it has been over a year. Mrs. Heinzel stated that an HVAC contractor has evaluated that system and they have come forward with four options. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 5.3**

RESOLUTION APPROVING REVISED LIST OF CERTAIN ENGINEERING PROJECTS WITH

BOROUGH ENGINEER FOR THE YEAR 2019

WHEREAS, Borough Council approved Resolution 2019-2.10 on February 4, 2019 approving certain engineering projects for 2019 prior to adoption of the budget; and

WHEREAS, Borough Council seeks to approve a final list for certain engineering projects; and

WHEREAS, attached to this resolution is a Final Project List identifying projects that the Borough Engineer recommends, subject to approval by Borough Council; and

WHEREAS, in addition to the projects listed in the Final Project List it appears that the Borough may be required to begin engineering services related to Building Renovations and the Generator Project, although the estimated costs of required services has not yet been determined; and

WHEREAS, although the Final Project List identifies projects totaling \$27,500.00 payable from the Current Fund, \$41,300.00 payable from Water and Sewer and \$256,000.00 from Capital Ordinances, and additional amounts may be required for the Building Renovation and Generator projects, it is understood that there is no guarantee that all of these projects will be undertaken this year; and

WHEREAS, it is further understood and agreed that the Engineer shall not begin work on any of these projects without explicit written direction from the Borough Administrator;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for these projects in the respective engineering budgets and/or Capital Ordinances;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the attached Final Project List is approved subject to specific authorization to proceed by the Borough Administrator as stated above; and

BE IT FURTHER RESOLVED that the Borough Administrator is authorized to add to the Final Project List the engineering services required for the Building Renovation and Generator Projects.

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

FINAL PROJECT LIST - 2019

	<u>Current Fund</u>	<u>W/ S Fund</u>	<u>Capital</u>
General Engineering – Current Fund	\$10,000.00		
Attendance at Meetings	\$ 4,000.00		
NJDOT Grant Application	\$ 6,000.00		
Stormwater Pollution Plan	\$ 5,000.00		
Tax Map Maintenance	\$ 2,500.00		
NJDOT – Curlis/Weidel			\$84,000.00
NJDOT – Burd Street			\$94,500.00
NJDOT – Abey Drive			\$77,500.00
General Engineering – Water/Sewer		\$10,000.00	
Water/Sewer Connection Fees		\$ 5,500.00	
Grease Interceptors		\$ 4,500.00	
Water Utilization & DRBC Audit Report		\$ 2,400.00	
Water & Sewer – O&M Manual		\$ 4,500.00	
CCR Report		\$ 4,500.00	
Coliform Sampling		\$ 5,000.00	
Update Borough Water System			
Standard Drawings		\$ 1,250.00	
Construction Rules & Regulations		\$ 1,200.00	
Update Borough Sanitary Sewer			
Standard Drawings		\$ 1,250.00	
Construction Rules & Regulations		\$ 1,200.00	
TOTAL	\$27,500.00	\$41,300.00	\$256,000.00

Council Member Chandler made a motion to approve Resolution 2019-5.3, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 5.4**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR RECONSTRUCTION OF BURD STREET – FY2017 - MUNICIPAL AID**

WHEREAS, the Borough of Pennington seeks to construct curbs, sidewalks, drainage and other roadway improvements to a portion of Burd Street in the Borough;

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

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

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

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

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2019-5.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 5.5**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER INTO
A SHARED SERVICES AGREEMENT WITH HOPEWELL TOWNSHIP FOR
EMERGENCY AND POLICE DISPATCH SERVICES
FOR THE YEARS 2019 AND 2020**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Township for the provision of emergency and police dispatch services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of the proposed contract, entitled “Shared Services Agreement Police Dispatching And Emergency Communication Services Between The Township Of Hopewell And Borough Of Pennington”, shall be for two years beginning January 1, 2019 and continue through December 31, 2020; and

WHEREAS, the cost to the Borough for police dispatch services as outlined in the Shared Services agreement would be \$73,262.52 for 2019 and \$74,727.77 for 2020;

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 aforesaid Shared Services Agreement with Hopewell Township for the provision of emergency and police dispatch services during the period January 1, 2019 through December 31, 2020; and

BE IT FURTHER RESOLVED, that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval by the Borough Attorney.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2019-5.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 5.6**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR ÉCLAIR CAFÉ TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2019**

WHEREAS, Marie-Mathilde Laplanche is the owner of Éclair Café, a restaurant located at 20 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Laplanche has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 2 tables and 4 chairs on the Main Street side of the restaurant and 4 tables and 8 chairs on the driveway side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Éclair Café, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Café Éclair is hereby granted permission to locate up to 8 tables and 12 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 2 tables and 4 chairs on the Main Street side of the restaurant and no more than 4 tables and 8 chairs on the driveway side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Ms. Laplanche and Éclair Café shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

G. The outdoor dining area approved by this resolution shall not operate until Ms. Laplanche and Éclair Café has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer's liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days' written notice of any cancellation of this insurance.

H. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates outdoor dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Ms. Laplanche or Éclair Café. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2019.

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

Council Member Marciante made a motion to approve Resolution 2019-5.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 5.7**

**RESOLUTION APPOINTING MICHAEL A. KRUPSKY AS PLUMBING SUB-CODE OFFICIAL
FOR THE BOROUGH OF PENNINGTON**

WHEREAS, John Grove, Plumbing Sub-Code Official for the Borough retired effective May 31, 2018; and

WHEREAS, Michael A. Krupsky who previously worked for the Borough as Plumbing Sub-Code, submitted an application to replace Mr. Grove on May 15, 2018; and

WHEREAS, Mr. Krupsky has been serving in the position of Plumbing Sub-Code Official since June 4, 2018; and

WHEREAS, Mr. Krupsky holds all licenses necessary or desirable for holding the position of Plumbing Sub-Code Official including State of New Jersey Master Plumbing License #8486, State of New Jersey Plumbing Inspector HHS License #007694, State of New Jersey Plumbing Sub-code Licenses #7964, State of New Jersey Construction Official License #007694 and State of New Jersey HHS Building Sub-code #007694, and he is presently the Plumbing Inspector for Montgomery Township and is otherwise qualified as a Plumbing Inspector as required by law;

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

1. Michael A. Krupsky is hereby appointed Plumbing Sub-Code Official for of the Borough of Pennington, on a part-time basis, retroactively effective June 4, 2018;
2. the weekly hours of the Plumbing Official are hereby set at 4 hours per week;
3. the rate of compensation of the Plumbing Inspector shall be set forth in the annual salary ordinance of the Borough;
4. this appointment is for a term of four years from effective date, 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	X				Marciante	M			
Gnatt	S				Mills	X			
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2019-5.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 – 5.8**

**RESOLUTION AUTHORIZING FRIENDS OF PENNINGTON LIBRARY TO ERECT A
REMOVABLE SHED ON THE PROPERTY OF THE SENIOR CENTER**

WHEREAS, the Friends of the Pennington Library (FOPL) is a non-profit 501(c)(3) corporation whose principal mission is to support the Pennington Library;

WHEREAS, FOPL intends to purchase a heavy-duty plastic storage shed (“the Shed”) for storage of equipment it owns, including in particular its well-known “book bike”;

WHEREAS, the Shed will protect the book bike and enable board members independent access to it;

WHEREAS, locating the Shed outside the Library is not feasible because there is a lack of space at Borough Hall and renovation plans for the fall further limit the options at that location;

WHEREAS, the Shed is approximately 6’ by 8’ on the ground and will be a non-permanent, removable structure;

WHEREAS, investigation of possible sites for the Shed has determined that a space adjacent to the Senior Center parking lot on Reading Street (Block 701, Lots 5 & 6), will be a suitable space, subject to agreement on the specific location by FOPL, the Borough Administrator and the Borough Superintendent of Public Works;

WHEREAS, the Shed will be added to the Library insurance policy and the Library and FOPL shall agree to indemnify and hold harmless the Borough from any and all claims, damages, liabilities and expenses (including reasonable attorneys’ fees) relating to the presence of the Shed on the property of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that FOPL is authorized to erect the Shed on the property of the Borough adjacent to the Senior Center parking lot at the above location as described above, subject to the following conditions:

1. the specific location of the Shed must be approved by the Borough Administrator and the Borough Superintendent of Public Works;
2. the Borough may adjust the specific location of the Shed from time to time to accommodate activities at the Senior Center;
3. the Shed must be covered by applicable insurance policies of FOPL and the Library, subject to approval by the Borough Attorney;
4. FOPL and the Library must supply a writing to the Borough, subject to approval by the Borough Attorney, promising to indemnify and hold harmless the Borough from all claims, damages, liabilities and expenses (including reasonable attorneys’ fees) relating to the presence of the Shed on Borough property; and
5. this authorization is subject to withdrawal at any time if in the view of Borough Council the needs of the Borough so require, with the understanding that the Borough will work with FOPL to attempt to find an alternative location.

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

Council Member Chandler made a motion to approve Resolution 2019-5.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2019 - 5.9**

RESOLUTION APPOINTING BOROUGH COURT ADMINISTRATOR

WHEREAS, Nancy Griffin, Administrator of the Pennington Municipal Court, has announced her resignation effective June 1, 2019, after almost 20 years of meritorious service;

WHEREAS, the Borough seeks to appoint Margaret E. Umbro as the replacement for the resigning Administrator, effective June 1, 2019;

WHEREAS, Ms. Umbro is a Certified Municipal Court Administrator with 20 years of experience in court administration who over the years has substituted for Nancy Griffin in performance of the Administrator’s responsibilities as needed;

WHEREAS, Municipal Court Judge Eric Perkins approves of the appointment of Ms. Umbro;

WHEREAS, the Administrator is a part-time employee of the Borough with salary established by the Borough salary ordinance;

WHEREAS, the position of Court Administrator is subject to tenure after five years, as provided in N.J.S.A. 2A:8-13.1;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Margaret E. Umbro is hereby appointed Administrator of the Municipal Court of the

Borough of Pennington, effective June 1, 2019, and shall be paid a salary in accordance with the Borough Salary Ordinance.

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

Council Member Marciante made a motion to approve Resolution 2019-5.9, second by Council Member Chandler. Mayor Lawver stated that he would like to make sure that the Borough will not have any issues because we did not advertise for this position. Mayor Persichilli stated that this appointment is being made at the recommendation of the Judge, but there were no applications received and no interviews given. Mr. Bliss stated that this person has served in this role as a substitute. Mr. Meytrott stated that the municipal court liaison to the State of NJ has approved this person and she is already a registered court administrator and they have signed off. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2019 – 5.10**

**RESOLUTION APPOINTING ROBERT MAHAN AS
FIRE INSPECTOR FOR THE BOROUGH OF PENNINGTON**

WHEREAS, Mayor and Council seek to appoint Robert Mahan to the position of Fire Inspector on a part-time basis; and

WHEREAS, Mr. Mahan is certified by the State Department of Community Affairs and is otherwise qualified as a Construction Official, Building Inspector ICS, Electrical Sub-Code Official, Electrical Inspector HHS, Fire Protection Inspector ICS and Mechanical Inspector 1 & 2 Family as required by law; and

WHEREAS, Mr. Mahan previously worked for the Borough as Electric Sub-Code Official until his retirement in March of 2016;

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

1. that Robert Mahan is hereby appointed Fire Inspector for the Borough of Pennington, on a part-time basis, effective March 14, 2019;
2. that the weekly hours of the Fire Inspector are on an as needed basis;
3. that the rate of compensation of the Fire Inspector is hereby established at \$25.00 per hour, subject to the annual salary ordinance of the Borough.

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

Council Member Marciante made a motion to approve Resolution 2019-5.10, second by Council Member Chandler. Mayor Lawver asked if the Borough will be contributing towards pension for this person who is currently retired from the pension system. Mrs. Sterling stated that he had enough lapse in service so he can return to employment and there will be no contributions made towards pension. Upon a roll call vote, all members present voted In favor.

Professional Reports

Mrs. Heinzl reminded Council Members that Financial Disclosure Forms are due, any questions can be directed to Betty Sterling

Mr. Bliss reminded Council of the Closed Session and asked that a second Tax Appeal, American Properties, be added to the discussion in Closed Session.

Public Comment

Mayor Lawver asked that anyone wishing to speak to Council please come forward and state your name and address for the record and please limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Jim Edmunds of 7 Henley in Brandon Farms came forward regarding a complaint that he submitted to the Public Safety Committee about a Pennington Police officer who badly handled a stop that involved his son. Mr. Edmunds explained the circumstances of the stop and explained that he feels that the stop was

handled terribly. Mr. Edmunds stated that he submitted a complaint sixty days ago and he has not heard anything back and he would like the public safety committee to review the complaint, review the video and decide if the Officer's conduct was inappropriate and whether this Officer needs management to improve his job performance. Mr. Edmunds stated that he submitted a complaint to the Director and the Sergeant and after a delay of two or three months he finally received a response to his complaint which was that they would speak to the officer. Mr. Edmunds stated that he would like the Public Safety Committee to review his written complaint, review the video and respond back to his e-mails.

Mrs. Chandler stated that the Public Safety Committee did get Mr. Edmunds' e-mail but because this is an internal office affair and because there were minors in the car, they did feel that they should get permission from Mercer County before viewing the video which they received two weeks ago. Mrs. Chandler stated that unfortunately, the committee has not been able to meet because of vacation schedules, but they will be getting together to view the video and they will be getting back to him.

Closed Session

AT, 8:33 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:

- Jim Kyle, Borough Planner – Fair Share Housing Plan Element
- Tax Appeals – Mercer Mutual Insurance and American Properties.

AT, 9:35 PM, Mayor and Council returned to open session.

BOROUGH OF PENNINGTON RESOLUTION 2019 – 5.11

RESOLUTION AUTHORIZING BOROUGH PLANNER TO PREPARE HOUSING PLAN ELEMENT

WHEREAS, Borough Council seeks to authorize Borough Planner James T. Kyle, PP/AIC, to prepare a revised Housing Element and Fair Share Plan;

WHEREAS, the proposed scope of work is also to include determining the Borough's current affordable housing obligation, preparing a vacant land analysis and representing the Borough at meetings and hearings as required to implement the Housing Element and Fair Share Plan;

WHEREAS, the proposed cost for the project is not to exceed \$21,300., payable from the Borough's Affordable Housing Fund to the extent permitted by law;

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

1. the Borough Planner is hereby authorized to perform the work as aforesaid, total fees and costs not to exceed \$21,300;
2. all amounts payable to the Planner for this work shall be drawn from the Borough's Affordable Housing Fund to the maximum extent permitted by law.

Mayor Lawver stated that Resolution 2019-5.11 will not be acted on tonight.

Mayor Lawver stated that a new resolution is being presented to authorize up to \$6,000.00 for appraisals, \$3,000 for Mercer Mutual Insurance and \$3,000 for American Properties with the stipulation that a conversation between the Borough Tax Assessor and American Properties will occur prior to incurring this expense. Mr. Bliss stated that with the understanding also that the hourly rate that will be applied will be up to \$3,000 for each. Council Member Griffiths made a motion to approve the resolution, second by Council Member Chandler with all members present voting in favor.

Approval of Closed Session Minutes (for content but not for release)

Council Member Chandler made a motion to approve the Closed Session Minutes for March 4, 2019 for content but not for release, second by Council Member Gnatt with all members present voting in favor.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk