

**PENNINGTON BOROUGH COUNCIL
REGULAR MEETING
AGENDA – May 4, 2020**

CALL TO ORDER – Mayor Lawver

ROLL CALL – Borough Clerk – Betty Sterling

Chandler	Gnatt	Griffiths	Marciante	Mills	Semple	Lawver	
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OPEN PUBLIC MEETINGS STATEMENT

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 website according to the regulations of the Open Public Meetings Act.

OPEN TO THE PUBLIC – AGENDA ITEMS ONLY

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

MAYOR’S BUSINESS

- **Proclamation – Bill Meytrott**
- **Proclamation – Front Line**
- **Proclamation – Older Americans**

MAYOR’S APPOINTMENTS

- Peter Betaneli – Appointed to the Environmental Commission as Alternate 1 for an unexpired term ending December 31, 2020
- Eileen Heinzl – will be moved from Mayor’s Designee on the Planning Board to Borough Official

APPROVAL OF MINUTES

- Regular Meeting – April 6, 2020

PRESENTATIONS

- Health Officer Stephanie Carey

COMMITTEE REPORTS

- **Planning & Zoning / Open Space/Personnel** – Mrs. Gnatt
- **Public Safety /Economic Development/Environmental** – Mrs. Chandler
- **Public Works** - Mr. Marciante
- **Finance/ Board of Health** – Mr. Griffiths
- **Historic Preservation /Library** – Mrs. Mills
- **Parks & Recreation / Shade Tree** – Ms. Semple
- **Senior Advisory** – Mr. Lawver

COUNCIL DISCUSSION

ORDINANCES FOR INTRODUCTION

**BOROUGH OF PENNINGTON
ORDINANCE 2020 - 7**

ORDINANCE EXTENDING FOR THREE MONTHS THE EXPIRATION OF FOOD ESTABLISHMENT LICENSES
AND AMENDING SECTION 112-1 OF THE BOROUGH CODE

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

PUBLIC HEARING – ORDINANCE 2020-2 (CARRIED FROM APRIL 6TH MEETING)

**BOROUGH OF PENNINGTON
ORDINANCE 2020 - 2**

AN ORDINANCE OF THE BOROUGH OF PENNINGTON RELATING TO THE USE OF SINGLE-USE PLASTIC
BAGS IN THE BOROUGH

**BOROUGH OF PENNINGTON
ORDINANCE # 2020 - 5**

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

**BOROUGH OF PENNINGTON
ORDINANCE #2020 – 6**

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS
AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW
JERSEY FOR THE YEAR 2020

2020 Budget Public Hearing

Budget Amendment

RESOLUTION 2020-5.16

RESOLUTION TO AMEND THE BUDGET FOR 2020

Budget Adoption

RESOLUTION 2020-5.17

RESOLUTION TO ADOPT BUDGET FOR 2020

NEW BUSINESS

RESOLUTION #2020 - 5.1

RESOLUTION AUTHORIZING REFUNDS

RESOLUTION #2020 – 5.2

RESOLUTION AUTHORIZING PAYMENT OF BILLS

RESOLUTION #2020 – 5.3

RESOLUTION AUTHORIZING RE-ADVERTISEMENT FOR BIDS
FOR RENOVATIONS TO BOROUGH HALL

RESOLUTION 2020 – 5.4

RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE COMPLETION OF THE
2019 RIGHT TO KNOW SURVEY

RESOLUTION 2020 – 5.5

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION CORP. FOR WORK
COMPLETED ON THE BURD STREET RECONSTRUCTION – STATION 16+62+ TO STATION 25+75+ PROJECT

RESOLUTION 2020 – 5.6

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION CORP. FOR WORK
COMPLETED ON THE ABEY DRIVE AND KINGS COURT RECONSTRUCTION PROJECT

RESOLUTION 2020 – 5.7

RESOLUTION AUTHORIZING CHANGE ORDER
NO. 1 (FINAL) TO INCLUDE ADDITIONS AND REDUCTIONS IN CONTRACT QUANTITIES AS NECESSARY
FOR COMPLETION OF THE PROJECT – EAST CURLIS AVENUE & WEIDEL DRIVE
RECONSTRUCTION PROJECT

RESOLUTION 2020 – 5.8

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 (FINAL) TO
EARLE ASPHALT COMPANY FOR WORK COMPLETED ON THE EAST CURLIS AVENUE AND WEIDEL DRIVE
ROAD RECONSTRUCTION PROJECT

RESOLUTION 2020 – 5.9

RESOLUTION AUTHORIZING SOFTWARE IMPLEMENTATION AND DATA CONVERSION AGREEMENT WITH
EDMUNDS GOVTECH FOR PERMITTING AND CODE ENFORCEMENT

RESOLUTION 2020 – 5.10

RESOLUTION APPOINTING DOUGLAS PINELLI
CHIEF OF POLICE OF THE PENNINGTON BOROUGH POLICE DEPARTMENT

RESOLUTION 2020 – 5.11

RESOLUTION APPOINTING EILEEN HEINZEL AS
JOINT INSURANCE FUND COMMISSIONER FOR THE REMAINDER OF THE YEAR, EFFECTIVE MAY 1, 2020

RESOLUTION 2020 – 5.12

RESOLUTION AUTHORIZING CONTRACT WITH
BRT TECHNOLOGIES FOR TAX-ASSESSMENT SOFTWARE

RESOLUTION 2020 – 5.13

**RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS
AND PERFORMANCE GUARANTY OF THE PENNINGTON SCHOOL**

RESOLUTION 2020 – 5.14

**RESOLUTION EXTENDING GRACE PERIOD
FOR SECOND QUARTER TAX PAYMENTS**

RESOLUTION 2020 – 5.15

**RESOLUTION AUTHORIZING ADOPTION OF REVISED AGREEMENT WITH CONCORD ENERGY
SERVICES/COMMERCIAL UTILITY CONSULTANTS PERTAINING TO ENERGY AGGREGATION PROGRAM**

**RESOLUTION 2020 – 5.18
(to be provided Monday)**

Purchase of Computer under Middelsex Coopertive

PROFESSIONALS REPORTS

PUBLIC COMMENT PERIOD

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.

ADJOURNMENT

**BOROUGH OF PENNINGTON
ORDINANCE 2020 - 7**

**ORDINANCE EXTENDING FOR THREE MONTHS THE
EXPIRATION OF FOOD ESTABLISHMENT LICENSES
AND AMENDING SECTION 112-1 OF THE BOROUGH CODE**

WHEREAS, the public health emergency caused by Covid-19 has forced radical changes in the day to day operations of retail food establishments, temporarily closing many;

WHEREAS, under Section 112-1 of the Borough Code, retail food establishments are required to be licensed annually, with licenses expiring on June 30;

WHEREAS, to relieve hardship in the present emergency it is the intent of Borough Council to amend the Code to extend the date of license expiration for retail food establishments by three month, to September 30, for this year only;

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

1. Section 112-1 of the Borough Code, entitled Retail food establishments, shall be amended at subsection 112-1.A (2) as follows:

“Licenses shall be issued annually and expire June 30, except in the year 2020, licenses may be issued up to and including September 30.”

2. All other provisions of the Code applicable to food establishments shall remain unchanged.
3. This Ordinance shall be effective upon passage and publication as required by law.

Introduced: _____

Advertised: _____

Public Hearing: _____

Adoption: _____

Final Publication: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Joseph Lawver, Mayor

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued to Wells Fargo Real Estate Tax Services, Attention: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for and overpayment of 2nd Quarter taxes in the amount of \$253.28 for 144 Woolsey Court, Block 102.05 Lot 2.

BE IT RESOLVED that a refund be issued to Wells Fargo Real Estate Tax Services, Attention: Refunds/Financial Support, P.O. Box 14506, Des Moines, IA 50306-9395 for and overpayment of 1st Quarter taxes in the amount of \$333.50 for 29 Baldwin Street, Block 1001 Lot 7.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on May 4, 2020.

Elizabeth Sterling, Borough Clerk

**Borough of Pennington
Resolution #2020 – 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 \$ 1,027,459.37 from the following accounts:

Current	\$ 814,418.45
W/S Operating	\$ 157,012.03
Animal Control Fund	\$ 6.60
Open Space	\$ 877.50
General Capital	\$ 53,307.74
Developer’s Escrow	\$ 1,837.05
TOTAL	\$1,027,459.37

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.3**

**RESOLUTION AUTHORIZING RE-ADVERTISEMENT FOR BIDS
FOR RENOVATIONS TO BOROUGH HALL**

WHEREAS, the Borough seeks to make renovations to Pennington Borough Hall (VNHA Project No. 43829-200-71);

WHEREAS, by Resolution 2020-2.4, Borough Council authorized advertisement for bids for this project calling for bids to be received by April 15, 2020 and opened on that date;

WHEREAS, the opening of bids on April 15, 2020 was not possible and was cancelled as a result of the State of Emergency now in effect statewide as a result of the COVID-19 virus;

WHEREAS, as a result of the Emergency, the Borough Hall Buildin was closed to the public, making the pre-bid meeting and site visit for potential bidders prior to receipt of bids impossible;

WHEREAS, the Borough seeks to re-advertise for bids on the project establishing new dates for the pre-bid meeting and site visit as well as receipt of bids;

WHEREAS, the Borough intends to use the same Bid Documents for the re-advertised bidding process as used for the initially advertised process;

WHEREAS, potential bidders who have already picked up bid packages in response to the initial advertisement may use those same documents in response to the re-advertisement, and they have been so advised by an Addendum to the Bid Documents sent to them by mail;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that (1) cancellation of the receipt of bids for the aforesaid project scheduled for April 15, 2020 is hereby ratified and approved; and (2) the Borough Clerk is hereby authorized to take all actions necessary to re-advertise for and receive, in the manner provided by law, bids for the aforesaid Renovations to Pennington Borough Hall, pursuant to the same plans, specifications and bid documents prepared by the Borough Engineer in connection with the original advertisement, using dates for pre-bid meeting and opening of bids determined by the Clerk to be practicable.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.4**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE
COMPLETION OF THE 2019 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 2019 Right To Know Survey;

WHEREAS, a copy of the PARS proposal, dated April 16, 2020, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2019 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 \$1,800.00;

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 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 \$1,800. 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					Marciante				
Gnatt					Mills				
Griffiths					Semple				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.5**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE
CONSTRUCTION CORP. FOR WORK COMPLETED ON THE BURD STREET
RECONSTRUCTION – STATION 16+62+ TO STATION 25+75+ PROJECT**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the Burd Street Reconstruction – Station 16+62+ to 25+75+ Reconstruction Project (VNHA File #:43334-551-71); 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 \$158,460.20 less 2% retainage in the amount of \$3,169.20; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2019-5 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$155,291.00 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					Marciante				
Gnatt					Mills				
Griffiths					Semple				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.6**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE
CONSTRUCTION CORP. FOR WORK COMPLETED ON THE ABEY DRIVE
AND KINGS COURT RECONSTRUCTION PROJECT**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the Abey Drive and Kings Court Reconstruction Project (VNHA File #:43671-551-71); 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 \$210,869.02 less 2% retainage in the amount of \$4,217.38; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2019-5 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 \$206,651.64 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					Marciante				
Gnatt					Mills				
Griffiths					Semple				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 5.7**

**RESOLUTION AUTHORIZING CHANGE ORDER
NO. 1 (FINAL) TO INCLUDE ADDITIONS AND REDUCTIONS IN CONTRACT
QUANTITIES AS NECESSARY FOR COMPLETION OF THE PROJECT –
EAST CURLIS AVENUE & WEIDEL DRIVE RECONSTRUCTION PROJECT**

WHEREAS, Van Note Harvey Associates has recommended a certain Change Order No. 1(Final) with regard to the Contract between the Borough of Pennington and Earle Asphalt Company, for the project known as East Curlis Avenue and Weidel Drive Reconstruction Project – FY2016 - (VNH #: 43328-554-71) ;

WHEREAS, Change Order No. 1 (Final) proposes additions and reductions in contract quantities as necessary for completion of the project; and

WHEREAS, the net proposed adjustment would decrease the Contract in the amount of \$117,643.52, producing an adjusted total contract price for the project in the amount of \$441,869.61; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid Change Order No. 1 (Final) adjusting the contract to include additions and reductions in contract quantities for a net decrease of \$117,643.52 under the contract with Earle Asphalt Company, is hereby approved, subject to approval by the New Jersey Department of Transportation.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 (FINAL) TO
EARLE ASPHALT COMPANY FOR WORK COMPLETED ON THE EAST
CURLIS AVENUE AND WEIDEL DRIVE ROAD RECONSTRUCTION
PROJECT**

WHEREAS, Earle Asphalt Company has completed work pursuant to the contract for the East Curlis Avenue and Weidel Drive Road Reconstruction Project (Van Note Harvey Associates Project No: 43328-554-71); and

WHEREAS, Van Note Harvey Associates has reviewed Earle Asphalt Company's attached application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No. 2 (Final) in the amount of \$50,836.45 including retainage; and

WHEREAS, this represents final payment under the contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available under a grant from the NJ DOT and Ordinance 2019-1;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Earle Asphalt Company in the net amount of \$50,836.45 pursuant to payment request No.2 (Final) is hereby authorized.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.9**

RESOLUTION AUTHORIZING SOFTWARE IMPLEMENTATION AND DATA CONVERSION AGREEMENT WITH EDMUNDS GOVTECH FOR PERMITTING AND CODE ENFORCEMENT

WHEREAS, the Borough currently uses PermitsNJ software provided by the State of New Jersey at no cost to the Borough; and

WHEREAS, by letter dated August 1, 2019 from the State of New Jersey, Division of Codes and Standards, the Borough was notified that effective June 30, 2020, the PermitsNJ software will no longer be available for use; and

WHEREAS, the Borough request three (3) proposals for these services and received two (2) responses; and

WHEREAS, the most cost effective solution to provide these services was provided by Edmunds GovTech; and

WHEREAS, the proposal dated December 12, 2019 includes Software License Fees, Implementation Services, Data Conversion Fees and Annual Maintenance Fees for a total of \$8,000.00 for the remainder of this year; and

WHEREAS, the proposal includes data conversion of all open and closed permits currently housed on the PermitsNJ system; and

WHEREAS, the Borough now seeks to retain for this purpose, for the remainder of the year 2020, the firm of Edmunds GovTech (“EGT”) of Northfield, New Jersey;

WHEREAS, it is understood that the total cost of services shall not exceed \$8,000.00 without the express prior written agreement of Borough Council;

WHEREAS, the Chief Financial Officer of the Borough certifies that sufficient funds are available for these services in the Construction Budget under account #: 0-01-22-195-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the proposal dated December 12, 2019 is hereby accepted and the Borough Clerk and Borough Administrator are hereby authorized to take the necessary steps to issue a purchase order to Edmunds GovTech for these services.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.10**

**RESOLUTION APPOINTING DOUGLAS PINELLI
CHIEF OF POLICE OF THE PENNINGTON BOROUGH POLICE
DEPARTMENT**

WHEREAS, William Meytrott, Director of Public Safety of the Borough of Pennington, has resigned effective May 1, 2020 after more than two decades of distinguished service;

WHEREAS, Borough Council intends to appoint in his stead a Chief of Police. as authorized by Section 46-8 of the Borough Code;

WHEREAS, a Chief of Police, when appointed, shall be the head of the Police Department and shall be directly responsible to Borough Council for the efficiency and routine day to day operations of the Department and shall discharge the duties and responsibilities of the chief of police as defined by N.J.S.A. 40A:14-118;

WHEREAS, an ad hoc Committee made up of Mayor Joseph Lawver, Council President and Chair of the Public Safety Committee Catherine Chandler, Councilperson Glen Griffiths, Chief William Straniero, former Chief of Mercer County Detectives and current Deputy Director of Campus Police at The College of New Jersey, and Eileen Heinzl, Business Administrator, reviewed the applications and conducted interviews of interested applicants and are recommending to Borough Council that First Sergeant Douglas Pinelli be appointed Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Douglas Pinelli be and hereby is appointed Chief of Police of the Pennington Police Department on an interim basis, subject to entering into a mutually satisfactory employment agreement, including agreement as to salary; and

BE IT FURTHER RESOLVED that during the interim period, pending approval of an employment agreement and amendment of the Borough salary ordinance, Chief Pinelli shall be compensated at his present salary.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.	A.B.
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Chandler					Marciante				
Gnatt					Mills				
Griffiths					Seiple				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.11**

**RESOLUTION APPOINTING EILEEN HEINZEL AS
JOINT INSURANCE FUND COMMISSIONER FOR THE REMAINDER OF THE
YEAR, EFFECTIVE MAY 1, 2020**

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, by Resolution 2020-1.11 Borough Council appointed William Meytrott as the Joint Fund Commissioner for Pennington Borough for a period of one year from January 1, 2020 through December 31, 2020; and

WHEREAS, William Meytrott has resigned from the Borough of Pennington effective May 1, 2020; and

WHEREAS, it is the desire of the Mayor and Council to appoint Eileen Heinzl to the position for the remainder of the year from May 1, 2020 through December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED, that Eileen Heinzl is hereby appointed as Joint Insurance Fund Commissioner for the remainder of 2020 effective May 1, 2020 through December 31, 2020; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington that Mrs. Heinzl shall serve in this capacity without additional compensation.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.12**

**RESOLUTION AUTHORIZING CONTRACT WITH
BRT TECHNOLOGIES FOR TAX-ASSESSMENT SOFTWARE**

WHEREAS, the Tax Assessor of the Borough of Pennington has recommended to Borough Council that it replace existing tax assessment software of the Borough to improve the efficiency and effectiveness of the tax assessment function;

WHEREAS, the Tax Assessor has further recommended that the Borough enter into a contract with BRT Technologies of Mantua, New Jersey, to provide the needed software and related services;

WHEREAS, BRT Technologies has provided the attached Proposal for software and related services calling for a 3-year contract at the rate of \$125 per month, subject to the availability of funds;

WHEREAS, the Proposal would provide among other things computer-aided mass appraisal software, patented sketching technology, certified New Jersey ModIV software and software to generate comparables, together with conversion, implementation and training;

WHEREAS, the proposed contract is not subject to public bidding under the Local Public Contracts Law, and the proposed three-year term is further authorized by the statute;

WHEREAS, the Chief Financial Officer of the Borough has certified the availability of funds for this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator and the Borough Clerk are hereby authorized to issue such purchase orders and to take such additional steps as needed (a) to effect a contract between the Borough and BRT Technologies in accord with the attached Proposal, and (b) coordinate introduction of the new software and services with expiration of existing software agreements.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.13**

**RESOLUTION AUTHORIZING RELEASE OF ESCROW FUNDS
AND PERFORMANCE GUARANTY OF THE PENNINGTON SCHOOL**

WHEREAS, by letter dated February 4, 2020, the Chief Financial Officer of The Pennington School (“School”) requested that the Borough (1) release the Escrow Funds in Planning Board File Nos. 13006 and 90056 and (2) terminate the Northfield Bank Line of Credit, Loan Number 611469, in the amount of \$1,746,404.39, in connection with the project currently known as VNHA #43329-110-71;

WHEREAS, in response to this request the Borough Engineer conducted a site inspection to review the completed work for acceptance and prepared a punch list to be completed for bond release;

WHEREAS, the School has completed all of the required work identified on the punch list to the satisfaction of the Borough Engineer and the Engineer recommends release of the escrow funds and performance guaranty for the project;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to (1) return to the School the remaining Escrow Funds in the above accounts, net of all charges to date, and (2) release to the School its performance guaranty in the form of Northfield Bank Line of Credit as set forth above, based on completion of the project currently known as VNHA #43329-110-71.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on May 4, 2020.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020-5.14**

**RESOLUTION EXTENDING GRACE PERIOD
FOR SECOND QUARTER TAX PAYMENTS**

WHEREAS, in accordance with N.J.S.A. 54:4-66(a), second-quarter property taxes are due May 1, 2020;

WHEREAS, Executive Order 130 promulgated by the Governor of the State of New Jersey, effective April 28, 2020, provides that the COVID-19 outbreak has caused substantial economic disruption for many taxpayers throughout the State, making it difficult for many residents to meet the May 1, 2020 due date for timely payment of real property taxes;

WHEREAS, the Governor is empowered by law to suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency, and the Governor has determined that the strict enforcement of certain statutory provisions relating to property tax grace periods is detrimental to the public welfare;

WHEREAS, Executive Order 130 further provides that any governing body of a municipality with a calendar year budget cycle may adopt a resolution instituting a grace period for the payment of second-quarter property taxes concluding on a date no later than June 1, 2020;

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

1. a grace period concluding on June 1, 2020 is hereby instituted for the payment of second-quarter real property taxes in the Borough of Pennington;
2. as further provided by the Governor's Executive Order, the Borough Clerk shall notify the Director of the Division of Local Government Services in the Department of Community Affairs regarding the adoption of this Resolution no later than the third business day after adoption;
3. no other provision of law is affected by this Resolution.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on May 4, 2020.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 5.15**

RESOLUTION AUTHORIZING ADOPTION OF REVISED AGREEMENT WITH CONCORD ENERGY SERVICES/COMMERCIAL UTILITY CONSULTANTS PERTAINING TO ENERGY AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. ("Act") and the New Jersey Board of Public Utilities' implementing rules at N.J.A.C. 14:4-6.1 et seq. ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance #2019-9 adopted by the Borough Council of the Borough of Pennington on October 7, 2019, the Borough publicly declared its intent to commence a GEA Program; and

WHEREAS, in accordance with the Ordinance, by Resolution 2019-11.6, Borough Council authorized the signing of certain agreements as part of the implementation of the Program including an Agreement to retain Concord Energy Services and Commercial Utility Consultants ("CES/CUC") as energy agents and consultants;

WHEREAS, the authorized Agreement with CES/CUC requires revision in two of its sections, Section 2 (concerning Reservation of Rights) and Section 5 (concerning Term);

WHEREAS, a copy of the amended Agreement is attached;

WHEREAS, the Agreement does not require the Borough to incur out-of-pocket costs except as may be reimbursed by CES/CUC;

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 and enter into on behalf of the Borough the aforesaid amended Agreement with CES/CUC.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on May 4, 2020.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.16**

RESOLUTION AMENDING THE 2020 BUDGET

WHEREAS, the local municipal budget for the year 2020 was approved on the 6th day of April 2020; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer that the following amendments to the approved budget for the calendar year of 2020 be made:

Current Fund

	<u>From</u>	<u>To</u>
1. Surplus Anticipated	\$ 366,000.00	\$ 366,915.00
Total Surplus Anticipated	\$ 366,000.00	\$ 366,915.00

Summary of Revenues

1. Surplus Anticipated (Sheet 4 #1)	\$ 366,000.00	\$ 366,915.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	\$ <u>1,094,749.16</u>	\$ <u>1,095,664.16</u>

TOTAL GENERAL REVENUES \$3,667,176.77 \$3,668,091.77

8. General Appropriations

(A) Operations – Excluded from “CAPS”
 SFSP – Due to Fire District \$ 0.00 \$ 915.00

Total Operations excluded from “CAPS” \$ 369,797.77 \$ 370,712.77

Detail: Other Expenses \$ 36,979.77 \$ 37,894.77

(H-2) Total General Appropriations for Municipal Purposes
Excluded from “CAPS” \$ 663,797.77 \$ 664,712.77

(O) Total General Appropriations Excluded from “CAPS” \$ 663,797.77 \$ 664,712.77

(L) Subtotal General Appropriations {Items (H-1) and (O)} \$3,417,176.77 \$3,418,091.77

9. TOTAL GENERAL APPROPRIATIONS \$ 3,667,176.77 \$ 3,668,091.77

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2020 local municipal budget so amended.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler					Marciate				
Gnatt					Mills				
Griffiths					Semple				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on May 4, 2020.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 5.17**

RESOLUTION TO ADOPT BUDGET FOR 2020

BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount:

- (a) \$2401,628.07 - (item 2 below) for municipal purposes, and
- (b) - (item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation, and
- (c) - (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenue and appropriations.
- (d) \$ 51,098.47 - (sheet 43) Open Space, Recreation, Farmland & Historic Preservation Trust Fund Levy.
- (e) \$ 170,799.54 - minimum Library Tax

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	\$ 366,915.00	
Miscellaneous Revenue Anticipated	\$ 535,985.34	
Receipts from Delinquent Taxes	\$ 192,763.82	
2. Amount to be Raised by Taxation for Municipal Purposes (item 6(a), Sheet 11)		\$2,401,628.07
3. Amount to be Raised by Taxation for Schools in Type I School Districts Only: Item 6, Sheet 42 Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
Total Amount to be Raised by Taxation for Schools In Type I School Districts Only		
4. To be added to the Certificate for Amount to Be Raised by Taxation in Type II School Districts Only: Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		
5. Minimum Library Tax		\$ 170,799.54
 Total Revenues		 \$ 3,667,176.77

SUMMARY OF APPROPRIATIONS

6. General Appropriations:		
Within "CAPS"		
(a&b) Operations Including Contingent	\$ 2,753,379.00	
(d) Deferred Charges and Statutory Charges – Municipal		
(e) 9f) Judgements		
Excluded from "CAPS"		
(a) Operations – Total Operations Excluded from "CAPS"	\$ 370,712.77	
(c) Capital Improvements	\$ 15,000.00	
(d) Municipal Debt Service	\$ 279,000.00	
(e) Deferred Charges – Municipal		
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)		
(g) Cash Deficit		
(k) For Local District School Purposes		
(m) Reserve for Uncollected Taxes (Include other Reserves)	\$ 250,000.00	
7. School Appropriations – Type I School Districts Only (N.J.S. 40A:4-13)		
 Total Appropriations		 \$ 3,667,176.77

BE IT FURTHER RESOLVED, that the Water/Sewer Utility Budget with revenues and appropriations totaling \$1,455,608.00 is also approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler					Marciante				
Gnatt					Mills				
Griffiths					Seiple				

Adopted at a Meeting of the Borough Council of the Borough of Pennington on May 4, 2020.

Elizabeth Sterling, Borough Clerk