

**Pennington Borough Council
Regular Meeting – August 1, 2022**

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

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

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

Open to the Public – Agenda Items Only

Mayor Davy read the following statement.

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

Mayor Davy announced that that agenda has been amended to include a resolution opposing the proposed increases to the State Health Benefits Program.

Mr. Steve Rabbe of 153 East Delaware stated that he could not find the agenda for the meeting on the website. Mrs. Sterling explained where on the website the agenda could be found and stated that she is working on making it more prominent on the website.

Ms. Reba Holley stated that she was also having difficulty finding the agenda for the meeting.

Mayor's Business

Mayor Davy stated the Borough has received the second round of ARP funding and he would like to reconvene the ARP Work group to review the plan for spending ARP Funds, to look at where we are with expenditures for year 1 and to talk about the plan for year 2.

Mayor Davy stated that at the last meeting Ryan Fraser attended and asked that the Borough look into the agreement with Hopewell Fire Safety to provide services for Fire Safety inspections for the sale of a home among other services that they provide. Mayor Davy stated that Mr. Fraser was particularly concerned with the fee and services associated with the sale of a home. Mayor Davy stated that pre-Covid, an inspector would go out to the residence and perform the inspection but during Covid the homeowner was required to sign an affidavit and in some circumstances hire a licensed electrician to do an inspection. Mayor Davy stated that he spoke to the Fire District and they indicated that it has saved them so much time and money that they are going to continue with the self-inspection / affidavit process for the time being. Mayor Davy stated that he told the district that if it was saving the time and money than they should pass that savings on to the consumer. Mayor Davy stated that he was told that the fee is set by the State. Mayor Davy stated that he did not have time to look into that but that is the next step. Mr. Marciante stated that he does not understand why an affidavit is acceptable for battery operated smoke detectors but a hard wired electric smoke detector system requires a licensed electrician. Mayor Davy stated that he is not quite sure how to proceed with this. Mayor Davy stated that he will be checking with the State to see if the \$45.00 fee is set by Statute and they should take into account a Fire District that puts a procedure in place to allow self-inspection. Mayor Davy stated that the Borough has an interlocal services agreement that will be expiring at the end of this year or next year and this is a concern that can be raised when the agreement comes up for renewal.

Mayor Davy invited Ryan Fraser to speak. Mr. Fraser thanked Mayor Davy for looking in to this. Mr. Fraser stated that the costs are being passed on to the homeowner and essentially the fees that are being paid are profit to the Fire District for services that they are no longer providing. Mr. Fraser stated that he did not think that the costs were set by the State and though the Fire District is requiring that electric systems be certified by a licensed electrician, the Fire Inspectors who were doing the inspections pre-Covid are not licensed electricians.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held July 5, 2022, second by Council Member Marciante with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2022-11 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2022-11**

**ORDINANCE CONCERNING ECONOMIC DEVELOPMENT COMMISSION MEMBERSHIP AND
AMENDING CHAPTER 13 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council seeks to amend Article IV, Chapter 13 of the Code of the Borough of Pennington, concerning membership for the Economic Development Commission to add two (2) alternate members;

NOW, THEREFORFE, BE IT ORDAINED, by Borough Council of the Borough of Pennington, that Article IV of Chapter 13 of the Code of the Borough of Pennington, is hereby amended (with new language underlined and deleted language crossed out) as follows:

1. Section 13-23. Membership.

The Commission shall consist of an eight-member board, five of which members shall be appointed by the Mayor for a term of five years with one of the five members being appointed each year. Three of the members shall be appointed for one year each. A majority shall be Borough residents or owners of property in the Borough. Two members shall be owners of businesses located in the Borough. The Mayor shall be an ex-officio member of the board.

The Mayor may in consultation with the Commission appoint two alternate members who shall have the right to vote in the place of any member not able to do so. The alternate members shall be appointed for one year.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be adopted and become effective upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2022-11, second by Council Member Marciante. Mrs. Chandler asked for a small language change to change shall to may in the second paragraph. Upon a roll call vote all members present voting in favor of the Ordinance as amended.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2022-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2022 – 9**

**AN ORDINANCE AMENDING ORDINANCE 2022-3 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 2022**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

Deletions are noted in brackets [] corrections are underlined.

Borough Administrator	\$88,204.86-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$46,080.04
Assistant CFO	\$78,729.52
Utility Collector	\$31,835.48
Chief Financial Officer (part time)	\$88.98/hour
Tax Collector (part time)	\$88.98/hour
Technical Assistant to Construction (part time)	\$26.53/hour
Tax Assessor (part time)	\$14,059.59
Zoning Officer (part time)	\$9,514.46
Land Use Admin/Admin Asst.	\$55,000.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$89,034.93
Licensed Water Operator	\$49,682.45
Assistant to Superintendent of Public Works	\$41,000.00
Foreman	\$[78,668.75] <u>78,412.50</u>
Judge of Municipal Court	\$13,367.29
Court Administrator (part time)	\$18,570.69
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police [yearly clothing allowance \$1,500] <u>includes \$3,500 EMT Certification</u>	\$[120,912.50] <u>121,375.00</u>
Administrative Assistant – Police Department	\$[15.61] <u>46.13</u> /hour
Construction Official	\$29,082.87
Plumbing Sub-Code	\$51.25/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$42.80/ hour

- a.

One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$51.25 per hour whether the work in question is in one or both capacities.
- b.

The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c.

The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.00	\$ 26.53
Special Police	\$ 17.00 per hour	

[Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00]

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2022 if appropriate.

Council Member Gross made a motion to open the Public Hearing on Ordinance 2022-9, second by Council Member Chandler. 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. Council Member Chandler made a motion to adopt Ordinance 2022-9, second by Council Member Stern with all members present voting in favor.

Mayor Davy read Ordinance 2022-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022 - 10**

**AN ORDINANCE CHANGING THE SPEED LIMIT ON WEST DELAWARE AVENUE AND
AMENDING CHAPTER 200 OF THE BOROUGH CODE**

WHEREAS, upon the recommendation of the Borough Public Safety Committee, Borough Council seeks to amend Chapter 200 of the Borough Code to reduce the speed limit from 35 mph to 25 mph on West Delaware Avenue from Route 31 west to the Hopewell Township line;

NOW, THEREFORE, BE IT ORDAINED, by Borough Council of the Borough of Pennington, that Article V, Section 200-23 of Chapter 200 of the Code of the Borough of Pennington, concerning the establishment of speed limits in the Borough, is hereby amended, (with cross-outs indicating deletions and underlining indicating additions), as follows:

1. 200-23. Speed limits established.

Pursuant to statute, the following speed limits are hereby established on the following Borough streets:

Name of Street	Speed limit (mph)	Location
Broemel Place	25	Entire Length
Green Avenue	30	Entire Length
Knowles Street	25	Entire Length
West Delaware Avenue	35 <u>25</u>	From Route 31 west to Hopewell Township line

2. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-10, second by Council Member Marciante. There were no comments from the public. Council Member Gross made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-10, second by Council Member gross with all members present voting in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Ms. Gnatt reported that Planning and Zoning did not meet and she was unable to attend the Parks and Recreation meeting. Ms. Gnatt stated that the Personnel Committee will be interviewing candidates for the Borough Administrator position on August 11, 2022.

Public Safety /Economic Development / Environmental – Mrs. Chandler reported that the Environmental Commission met and discussed the Arboretum, the LOI for the landfill and the Environmental Resource Inventory. Mrs. Chandler stated that they are looking into hiring a company to provide Borough wide composting services. Mrs. Chandler stated that this is something that would be open to residents but would not involve the Borough directly.

Mrs. Chandler stated that Economic Development met and they discussed the website and how they can utilize the website more to get information out the public. Mrs. Chandler stated that they are putting together a list of businesses to be posted on the website. Mrs. Chandler stated that they are also looking into ways to better communicate with local businesses. Mrs. Chandler stated that the dentist office that is interested in 1 N. Main Street which is the site of the Sun Bank made a presentation on why they are interested in that site for their office. Mrs. Chandler stated that this would ultimately require a decision from the Planning Board.

Mrs. Chandler stated that Public Safety met and discussed the two hybrid SUV vehicles that were approved during the budget process. Mrs. Chandler stated that the lead time for a hybrid vehicle is quite long so they are now looking at other options, one of which would be to get a gas powered vehicle which is readily available, but the second would be to consider a fully electric F-150 pickup which is now available. Mrs. Chandler stated that the electric vehicle would require some research and the ordinance would have to be amended to allow the purchase of an electric vehicle.

Mrs. Chandler stated that she met with Rick Smith and Morris Fabian, and two members of the committee at the site of the Arboretum to mark trees for takedown of dead trees and trees that are in the way of the fence installation. Mrs. Chandler stated that Rick Smith will be getting quotes for the work.

Ms. Stern asked if there were any progress on the landfill. Mrs. Chandler stated that later in the meeting Council will vote on a resolution to move forward with the Letter of Interpretation. Mrs. Chandler stated once the Letter of Interpretation is finalized then the Borough can move ahead with figuring out a plan for the landfill.

Ms. Stern thanked Mrs. Chandler and stated that she meant to ask about the Arboretum. Mrs. Chandler stated that the next step on the Arboretum is to remove the trees that could potentially fall on the existing fence or a newly installed fence. Mrs. Chandler stated that inside the Arboretum dead trees will be chopped and dropped. Mrs. Chandler stated that after the tree work is complete the fence installation can be scheduled. Mrs. Chandler stated that the next meeting of the Arboretum Committee will be in the fall.

Mr. Gross asked when the paths will be worked on. Mrs. Chandler stated that the exclosures have to be identified, but there is a lot of housekeeping including the tree removal and removal of invasive species that still needs to happen.

Mrs. Stern asked if there is a volunteer group that is forming to help with the work that needs to be done. Mrs. Chandler stated that right now there is a group of neighbors, members of Public Works, Shade Tree and Open Space that are working on getting the project started but this is a lifetime project. Mrs. Chandler stated that one of the ideas that is being considered is to create a Friends of the Arboretum Society that would be responsible for maintaining the Arboretum but we are not there yet. Mr. Gross stated that Public Works will be involved in the maintenance of the Arboretum as well.

Public Works/Open Space/Shade Tree – Ms. Stern stated that she was recently appointed Chair of the Public Works Committee and she would like to thank Mr. Marciante for his many years as Chair and for helping her transition to this new role. Ms. Stern stated that Mr. Marciante will remain on the committee which is great and his wealth of knowledge is immeasurable. Ms. Stern stated that Ken Gross and Rick Smith have also been very helpful in the transition process.

Ms. Stern stated that she has a lot to report but she will try to be quick. Ms. Stern stated that the Asset Management Plan is a document that was developed in 2018 for maintaining, upgrading and investing in our infrastructure. Ms. Stern stated that while the plan was developed and submitted in 2018, the Borough never began implementation of the projects identified in the plan. Ms. Stern stated that the Public Works Committee is working on trying to combine the projects in the plan with upcoming road projects and leading service lines that need to be replaced so that everything can be addressed at one time. Ms. Stern stated that the Public Works Committee is working hand in hand with the Finance and Technology Committee to ensure that proper funding is in place for upcoming identified projects. Ms. Stern stated that the next two projects that have been identified are West Delaware/Burd/Academy and West Franklin Phase 2. Mrs. Chandler asked that Council Members get a copy of the Asset Management Plan so that everyone

can understand what is being discussed. Ms. Stern stated that the last page of the plan is very helpful in identifying projects and where they fall in terms of priority.

Ms. Stern stated there are three stages of road projects. Ms. Stern stated that the East Welling Road Project is in the final stages. Ms. Stern stated that the additional work that was needed has been completed. Ms. Stern stated that there is some tree and grass work that needs to be done but unfortunately we are in a drought situation now and that work cannot be completed.

Ms. Stern stated that the next project which is in the design phase is West Franklin and Knowles. Ms. Stern stated that a meeting was held with residents and input from that meeting is being incorporated into the design. Mayor Davy stated that another resident meeting will be held before the project is put out to bid.

Ms. Stern stated that the on July 1, 2022, the Borough submitted a grant application for Baldwin and Baldwin Court and we are waiting to hear if we will be awarded a grant for the project.

Ms. Stern stated that the Borough has an obligation to remove lead lines and Rick Smith and the Public Works Department are working on identifying where lead or galvanized pipes exist. Ms. Stern stated that the goal is to combine projects in the Asset Management Plan, road projects and lead line replacements so that all of the work can be done at the same time. Ms. Stern stated that the committee is trying to mesh these three things together to have a plan going forward.

Ms. Stern stated that they heard a presentation regarding waste water distribution. Ms. Stern stated that the Mayor indicated that there was a possibility for funding through the State. Ms. Stern stated that a vendor made a presentation on equipment to track Inflow and Infrastructure and to identify water that is going through the sewer system. Ms. Stern stated that the vendor will be setting up a pilot presentation so that they can come up with a cost estimate that can then be presented to the Mayor to see if any funding can be obtained.

Ms. Stern stated that Public Works is working on Kunkel Park improvements and they are close to completion of the work for late summer or early fall. Ms. Stern stated that improvements for Sked Street Park is in the early stages. Ms. Stern stated that Parks and Recreation is working on a plan for improvements to the park which they will submit to Public Works for the next steps.

Ms. Stern stated that there are a number of residents who are not observing regulations in the trash can ordinance. Ms. Stern asked Rick Smith to comment on some of the issues they are encountering and then Council needs to decide how they should be addressed. Mr. Smith stated that over the past few weeks they have been monitoring violations and leaving notices. Mr. Smith stated that they are keeping a spreadsheet of violators and there are not too many repeat offenders. Mayor Davy stated that since the number of repeat offenders is so small perhaps just talking to them is the answer. Mrs. Chandler suggested that rather than put that burden on Public Works, maybe the Borough could send a letter and invite them to talk to us about the violations. Mr. Smith stated that he is happy to reach out to the handful of residents.

Ms. Stern stated that Open Space did not meet as a whole, but following a request by Mr. Marciante regarding a piece of property, Alan Hershey and Dan Pace have done some research and they will be reporting later in Closed Session.

Ms. Stern stated that Shade Tree typically does not meet in the summer, but they will be meeting in August to review all of the tree takedown and pruning requests that have been submitted. Ms. Stern stated that they are going to try to come up with a better process for processing these requests and making sure that they are addressed in an efficient and timely manner.

Ms. Stern stated that Mrs. Chandler asked at the last meeting if Shade Tree could look into a tree ordinance. Ms. Stern stated that there are not too many municipalities that have tree ordinances that affect whether residents can take down trees on their own property. Ms. Stern stated that she has learned that the Shade Tree Committee has discussed this in the past and there does not seem to be an appetite for this in the community. Ms. Stern stated that on the other hand, there does seem to be an interest in forming a committee to educate members of the community about trees on their property.

Ms. Stern stated that a question was raised about whether Shade Tree should be a commission or a committee and so she nudged the Mayor who got Betty Sterling and Walter Bliss involved and the outcome of the background work that was done is that essentially we have been assured by the Joint Insurance Fund that there is no need to worry about liability if they remain a committee. Mr. Bliss stated that the Shade Tree Committee has the same level of vulnerability as all volunteers and members of Council and they are all equally insured. Mr. Bliss spoke briefly on the difference between a committee and a commission and if the Shade Tree Committee were to become a Commission, Borough Council would essentially surrender its current role as controlling tree management in the Borough and that role would be transferred to the Commission rather than to a committee which serves in an advisory capacity. Ms. Stern stated that the reason that this was pursued was because a number of new members who attended a training and the outcome is that the committee is not interested in becoming a commission. Mr. Bliss stated that he has written a memorandum that can be referred to in the future.

Mr. Marciante commended Ms. Stern on her report.

Finance & Technology / Board of Health – Mr. Gross stated that the Finance Committee met and discussed basically the items that Ms. Stern talked about in terms of funding. Mr. Gross stated that the three key items are road repairs, projects in the Asset Management Plan, and Lead Lines. Mr. Gross stated that funding for road projects come through grants from the State. Mr. Gross stated that when projects are identified in the Asset Management Plan they can be funded through the I-Bank and we will be working on setting up a meeting with them to discuss options. Mr. Gross stated that there seems to be funding through the Water Bank for lead line projects which will be explored once the full inventory is identified.

Mr. Gross stated that the committee discussed the need for a plan that identifies all three project areas in one place and will help to identify when and how to seek funding and how to budget going forward.

Mr. Gross reported that Ms. Sterling reported that the new agenda software is a huge timesaver and is working out well.

Mr. Gross reported that the Board of Health is reviewing the current Shared Service Agreements with Montgomery Township for Health Services and Animal Control Services which are expiring at the end of this year. Mr. Gross stated that he will have more information on this after the Board of Health meeting. Ms. Chandler stated that she is very happy with the services provided by Montgomery Township, but wanted to know if there are other options for the Borough to consider.

Historic Preservation / Library – No report as Ms. Angarone was absent.

Senior Advisory Board – Mr. Davy had no report.

COUNCIL DISCUSSION

Communication Objective/Principles – Ms. Stern stated that she and Ms. Angarone stated that the goal of this is to develop a communication plan to be presented to Council Members and this is the first step in the process. Ms. Stern stated that once the principles are established then they will develop more specific goals regarding various topics. Ms. Stern stated that they will be discussing this in more detail over the next couple of weeks. Ms. Stern stated that the purpose of this discussion is to make sure they are on the right track and should continue the process to develop more specific goals.

Mr. Marciante stated that last meeting he brought up the amount of signs that are posted to indicate speed humps. Mr. Marciante stated that he has done some checking and found out that the State Law does not require the number of signs that are posted on King George Road and he would like to recommend that at least two of the signs be removed. Mr. Marciante stated that on Curlis there are less signs and he is hearing complaints about the number of signs posted in town. Mayor Davy asked if Chief Pinelli could look into this and report back. Chief Pinelli stated that he is not aware of the State Law, but he knows that at least one is required.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Heritage Abstract, 350 Mt. Kemble Avenue, A1003, Morristown, NJ 07960 for an overpayment of 3rd Quarter taxes for Block 602, Lot 5, 24 Abey Drive in the amount of \$1,273.86.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-8.1, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.2**

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 \$ 765,186.28 from the following accounts:

Current	\$ 395,121.50
W/S Operating	\$ 165,778.32
General Capital	\$ 184,105.94
Grant Fund	\$ 1,580.63
Open Space Fund	\$ 13,439.24
COAH Trust Fund	\$ 302.25
Animal Control Fund	\$ 2.40
Other Trust Fund	\$ 2,750.00
Developer’s Escrow	\$ 2,106.00
TOTAL	\$ 765,186.28

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-8.2, second by Council Member Marciante. Ms. Sterling stated that two purchase orders for Galls need to be pulled and the purchase order for the legal consultant is off by \$500.00. Mrs. Sterling provided the new total for Council. Upon a roll call vote all all members present voted in favor of the Resolution as amended.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-8.3**

RESOLUTION AUTHORIZING AWARD OF COMP TIME TO SUPERINTENDENT OF PUBLIC WORKS RICHARD SMITH IN RECOGNITION OF EXTRAORDINARY CIRCUMSTANCES

WHEREAS, during the period of May 27, 2022 to June 13, 2022, the Borough experienced two water main breaks which can have serious consequences related the health and public safety of Borough residents;

WHEREAS, because the Public Works Department is currently short-handed, Mr. Smith assisted the Public Works Employees in repairing the water main breaks; and

WHEREAS, during a regular pay period, Mr. Smith attends meetings, performs administrative tasks and communicates with professionals after hours and Mr. Smith is not seeking to be compensated for those hours; and

WHEREAS, Mr. Smith worked a total of 136 hours for the pay period referenced above, 40 hours over the regular 96 hours in the pay period; and

WHEREAS, Mr. Smith submitted a letter dated June 20, 2022 to the Personnel Committee requesting to be awarded Extraordinary Comp Time in the amount of 24 hours; and

WHEREAS, under Policy #4.4 of the Personnel Manual of the Borough, a management employee hired after May 1, 2008 is not eligible for comp time except in extraordinary circumstances upon the approval of both Mayor and Council;

WHEREAS, Mayor Davy consulted with the Personnel Committee and Mr. Smith was permitted to use the 24 hours (3 days) during the month of July;

WHEREAS, Mayor and Council believe that extraordinary circumstances exist in the present case because Mr. Smith worked hours in excess of his regular schedule to meet emergent needs of the Borough created by these unique weather events;

WHEREAS, in the judgment of Mayor and Council authorization of comp time for Mr. Smith in the present case serves the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the award of 24 hours of comp time to Richard Smith is hereby authorized subject to the provisions of the Borough Personnel Manual governing use of comp time and provided that the 24 hours of comp time were used by July 31, 2022.

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

Council Member Gnatt made a motion to approve Resolution 2022-8.3, second by Council Member Marciante. Mrs. Chandler asked for an explanation of the resolution. Mayor Davy stated that Mr. Smith requested this due to hours he worked related to the recent water main breaks and this will allow Mr. Smith to take this time off. Mrs. Chandler asked if this sets a precedent for other employees. Mayor Davy stated that this request was reviewed by the Personnel Committee and he will be using the time immediately. Mayor Davy stated that these requests are reviewed on a case by case basis. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.4**

**RESOLUTION AUTHORIZING EXTENTION OF CARRY-OVER OF UNUSED
VACATION TIME FOR CHIEF OF POLICE**

WHEREAS, Resolution 2021-12.22 authorized vacation carryover in excess of the allowed carryover for the Chief of Police among others; and

WHEREAS, the basis for the request was that vacation time could not be used due to extraordinary workload demands in a very difficult year;

WHEREAS, the Employment Agreement Between The Borough of Pennington and Douglas M. Pinelli Covering His Services as Chief of Police, at Article IX, sec. 4, provides that up to one-half of one year’s vacation allotment in a given year may be carried over into the next year and no more;

WHEREAS, pursuant to Resolution 2021-12.22, the Chief of Police was authorized to carryover into 2022 a total of 304.5 hours of unused vacation time form 2021on the condition that it be used by June 30, 2022; and

WHEREAS, work demands prevented the Chief from using these hours in their entirety, leaving him with 59.5 hours still unused as of June 30, 2022; and

WHEREAS, Chief Pinelli has asked that the deadline for use of these hours be extended to July 31, 2022; and

WHEREAS, this request was reviewed and approved by the Mayor and determined to be in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Chief of Police is hereby granted an extension to July 31, 2022 to use the excess carryover of 59.5 hours with the understanding that if the time is not used by July 31, 2022 it will be forfeited.

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

Council Member Chandler made a motion to approve Resolution 2022-8.4, second by Council Member Marciante. Mr. Marciante asked for an explanation of the Resolution. Mrs. Sterling stated that at the end of 2021, several employees were granted additional carryover in excess of the allowed carryover with the condition that it be used by the end of June 30, 2022. Mrs. Sterling stated that Chief Pinelli requested that he be allowed to use the time in July for a scheduled vacation. Mrs. Sterling stated that this would just extend the time to use the days to July 31, 2022. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-8.5**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH EXCEL ENVIRONMENTAL RESOURCES, INC. FOR SERVICES IN CONNECTION WITH TECHNICAL AND STRATEGIC ENVIRONMENTAL SERVICES RELATED TO THE PENNINGTON SANITARY LANDFILL, BLOCK 206 LOTS 4, 5 AND 13 ON THE BOROUGH TAX MAP

WHEREAS, the Pennington Borough Sanitary Landfill on the property known as Block 206, Lots 4, 5 and 13 on the Tax Map of the Borough of Pennington, requires further assessment regarding land use requirements at the site and any potential redevelopment limitations associated with the Lewis Brook Tributary and associated suspected wetland areas; and

WHEREAS, Excel Environmental Resources, Inc. has been conducting Site and Remedial Investigation services as previously authorized under Resolutions 2018-9.3 AND 2021-8.8; and

WHEREAS, Borough Council is committed to completely closing the Sanitary Landfill and the next step in the process is to prepare and submit to the New Jersey Department of Environmental Protection (NJDEP) Freshwater Wetlands (FWW) Letter of Interpretation (LOI) Verification application and a Flood Hazard Area (FHA) Verification Approximation application; and

WHEREAS, Excel Environmental Resources, Inc. has submitted Proposal #P22065 dated July 11, 2022 in the amount of not to exceed \$8,995.00 for preparation and submittal of the aforesaid applications and related tasks; and

WHEREAS, the Chief Financial Officer of the Borough has certified that fund for this contract are available in the Capital Account under Ordinance #2017-4 and Ordinance #2018-9;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to issue such purchase orders and contract documents as necessary to retain and pay for these services by Excel Environmental Resources Inc, consistent with the attached proposal, subject to the following conditions:

1. that Excel Environmental Resources, Inc. will conduct these services on a time and materials basis in accordance with the Standard Terms and Conditions included in the Proposal; and
2. should less time and/or effort be required to complete the scope of work, Excel will only bill for the actual hours expended and costs incurred; and
3. Excel will not exceed the cost estimate of \$8,995.00 without prior approval by Borough Council.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-8.5, second by Council Member Marciante. Mrs. Chandler stated that as she reported earlier, the Borough has received the Environmental Study and this is the next step in the landfill process which will identify any natural constraints on the site such as streams and such. Mrs. Chandler stated that this is required by the DEP. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.6**

**RESOLUTION AUTHORIZING CONTRACT WITH
BRIAN KUBIN, D/B/A SCORPION OUTDOORS DEER MANAGEMENT
FOR CONTINUATION OF DEER MANAGEMENT PROGRAM IN 2022-23**

WHEREAS, Borough Council seeks to continue its program of deer management designed to control the population of deer in Pennington Borough by entering into a contract with professional deer hunter Brian Kubin, doing business in Ewing Township as Scorpion Outdoors Deer Management (hereafter “Scorpion Outdoors”);

WHEREAS, attached to this Resolution are copies of the Proposal by Scorpion Outdoors presented to Pennington in June 2020 describing their methodology and terms of engagement (16 pages);

WHEREAS, services will include a pre-season site survey to designate hunting locations, the establishment of bait stations, camera monitoring, hunting sessions, deer harvest, deer removal and deer donation, among a range of additional activities as described in the attached Proposal;

WHEREAS, the Proposal includes background information on Mr. Kubin which is supplemented in additional information also attached to this Resolution;

WHEREAS, Scorpion Outdoors will charge \$170 for each deer harvested, such that unless deer are harvested, there will be no charge for Scorpion's activities;

WHEREAS, the \$170 fee per harvested deer shall be an all-inclusive fee and the only compensation paid to Scorpion Outdoors, meaning there shall be no reimbursement for the cost of bait, for the processing of harvested deer, or for any other cost or expense, provided the deer can be donated at no cost;

WHEREAS, Scorpion Outdoors promises to exert best efforts to donate harvested deer without incurring expense, but if it does not succeed in doing so, the contract will be suspended and there shall be no further hunting until an outlet for processing the deer ("Separate Outlet") can be identified and the Borough enters into a separate contract with it at the Borough's sole cost and expense;

WHEREAS, if the Borough succeeds in entering into a contract with a Separate Outlet, which shall be at the sole discretion of the Borough, Scorpion Outdoors shall have no obligation in connection with the Separate Outlet except to deliver to it at no expense to the Borough all deer thereafter harvested;

WHEREAS, deer hunting pursuant to Scorpion's agreement with the Borough shall be conducted only on properties approved in advance by the Borough in writing and for which permission has been granted by the owner in writing;

WHEREAS, Scorpion Outdoors will be responsible for all record keeping of harvested deer in compliance with State law and will submit monthly invoices to the Borough;

WHEREAS, Mr. Kubin represents that he and Scorpion Outdoors possess all necessary licenses for the activity they propose, he will provide copies of these licenses to the Borough so that they may be kept on file, and he will keep all such licenses in effect for the duration of the contract with the Borough;

WHEREAS, Mr. Kubin and Scorpion Outdoors will supply the Borough with proof of liability insurance with coverage limits of \$1,000,000 per occurrence, \$2,000,000 aggregate, naming the Borough of Pennington as an additional insured;

WHEREAS, Scorpion Outdoors will indemnify and hold harmless the Borough of Pennington for damage to person or property in connection with its contracted activities;

WHEREAS, the total cost of the contracted activities shall not exceed \$17,000 in the 2022-2023 hunting season, representing 100 deer harvested @ \$17,000;

WHEREAS, Scorpion Outdoors has demonstrated over the past two years that it is uniquely qualified to fulfill the Borough's needs in connection with its deer management program based on Scorpion's familiarity with Borough lands and deer population as well as its proven safety record and success rate, and qualifies for an award of contract for extraordinary services in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.1, et seq.;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. authorizes the award of this contract without public bidding because the total contract price is below the bid threshold and the contract otherwise qualifies as a contract for the performance of extraordinary, unspecifiable services;

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract from the Borough Open Space Fund;

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

1. The Mayor, with the prior approval of the Borough Attorney, is hereby authorized to enter into a contract with Brian Kubin, doing business as Scorpion Outdoors, for performance of services in 2022-23, provided the contract shall be substantially in the form attached to this Resolution and incorporate the terms described in this Resolution and the attached Proposal, updated in accordance with the terms for 2022-23;

2. The duration of the contract shall not exceed one (1) year, with hunting activity limited to the 2022-23 hunting season.

3. The total cost of the contract shall not exceed \$17,000, which shall be all-inclusive, to be drawn from the Borough Open Space Fund.
4. Between meetings of Borough Council, should it be necessary to enter into a contract with a Separate Outlet for the processing of harvested deer, the Mayor is hereby authorized to do so in his discretion provided the contract shall be subject to available funds, shall be approved by the Borough Attorney as to form, and shall not exceed \$1,500. in total contract cost without formal prior approval by Borough Council.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-8.6, second by Council Member Marciante. Mr. Gross stated that he is concerned that neighboring areas are not controlling their deer population and knowing that deer do not know municipal boundaries how do we know that the deer we are paying to get rid of are not coming in from other areas. Mr. Gross asked if there are any partnerships being formed to ensure that everyone is doing their part. Mrs. Chandler stated that she agrees and she does feel that Pennington is seeing some benefit, but everyone does need to do their part. Mrs. Chandler stated that at the end of the season there was discussion about doing another drone study in the spring. Mr. Marciante stated that there are a couple of deer that he observed right in the parking area of Borough Hall. Mr. Marciante stated that he knows that there are residents in town that are feeding the deer and we have an ordinance that is not being enforced. Mrs. Chandler stated that she would suggest a letter to start indicating that if it continues there will be a fine. Mr. Bliss stated that this agreement provides that no hunting can take place unless written consent from all property owners and the Borough is on file. Upon a roll call vote all members present voted in favor with the exception of Ms. Gnatt who voted no.

BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.7

RESOLUTION AUTHORIZING RETENTION OF CGP&H FOR AFFORDABLE HOUSING
ADMINISTRATIVE SERVICES

WHEREAS, Borough oversight of the purchase and sale and other matters affecting the titles to Affordable Homes in Pennington require the Borough to retain professional administrative assistance; and

WHEREAS, the Borough has solicited proposals from three recognized firms performing this work and the proposal by the firm of Community Grants, Planning and Housing (CGP&H) of Cranbury, New Jersey 08512, was the least expensive and most advantageous to the Borough; and

WHEREAS, a copy of the CGP&H proposal is attached to this Resolution, reflecting the firm’s credentials, the scope of services and compensation proposal; and

WHEREAS, the Borough inventory of affordable housing includes 16 affordable units in Heritage at Pennington and 8 affordable units at Pennington Point and various independent units; and

WHEREAS, CGP&H shall perform services when requested by the Borough and shall bill for its work at the hourly rate of \$145 per hour for senior staff and \$100 per hour for all other staff; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract from the COAH Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Mayor and the Borough Clerk are hereby authorized to execute such purchase orders as necessary to accept and implement the attached proposal for 2022, with the stipulation that total expenditures for this purpose may not exceed \$4,000 without the prior written approval of Borough Council.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-8.7, second by Council Member Marciante. Mayor Davy gave a brief explanation of this agreement. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.8**

**RESOLUTION AMENDING RESOLUTION 2022-1.11 - ESTABLISHING COMMITTEES OF
COUNCIL FOR 2022**

WHEREAS, Pennington Borough Council seeks to amend that part of Resolution 2022-1.11 approving Council Assignments for 2022;

WHEREAS, the revised schedule of Council Assignments is attached to this amendatory Resolution;

WHEREAS, all other provisions of Resolution 2022-1.11 remain in full force and effect;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Resolution 2022-1.11 is hereby amended to the extent of adopting the attached revised schedule of Council Assignments effective this date, leaving all other provisions of Resolution 2022-1.11 in full force and effect; and .

BE IT FURTHER RESOLVED that all appointments on the attached revised schedule are hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Gross	X			
Chandler	M				Marciante	X			
Gnatt	S				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-8.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022– 8.9**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH OCCUPATIONAL HEALTH, A
PROGRAM OF PENN MEDICINE PRINCETON MEDICAL CENTER FOR ALCOHOL AND
DRUG TESTING SERVICES AND OTHER SERVICES FOR THE BOROUGH OF PENNINGTON
FOR THE REMAINDER OF THE YEAR 2022**

WHEREAS, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial driver’s license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

WHEREAS, Occupational Health Services, a program of Penn Medicine Princeton Medical Center (“Occupational Health”) is experienced in and capable of providing such services and has provided the attached Price Quotation;

WHEREAS, the Borough seeks to enter into a contract with Occupational Health for the provision of specific services through Occupational Health Services in accordance with the Price Quotation;

WHEREAS, the Borough agrees to the annual flat fee of \$1,500.00 for Substance Abuse Testing Randomization Program and agrees to the fees per service (ranging from \$68.00 to \$150.00) for DOT Drug Screen, Breath Alcohol Test and Breath Alcohol Test Confirmation (if required); and

WHEREAS, the Borough also seeks to contract with Occupational Health to provide Return to Work and Fitness for Duty Evaluations and agrees to the Return to Work Evaluation fee of \$115.00 and Fitness for Duty Evaluation Fee of \$175.00 as per the attached proposal; and

WHEREAS, the services authorized by the proposed contract are professional services and the amount of expense expected to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

WHEREAS, Occupational Health shall complete and submit a sworn Business Entity Disclosure Certification which certifies that neither the group nor any of its members has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

WHEREAS, Occupational Health shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, total fees of Occupational Health pursuant to the attached Price Quotation, including expenses, shall not exceed \$5,000.00 without the prior written approval of Borough Council; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this contract in Account #: 2-01-26-305-000-250;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Mayor of the Borough is hereby authorized to accept the attached Price Quotation and, in accordance with its terms, enter into a contract with Occupational Health on behalf of the Borough for the provision of Alcohol and Drug Testing Services for the remainder of the year 2022.

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

Council Member Chandler made a motion to approve Resolution 2022-8.9, second by Council Member Marciante. Mrs. Sterling stated that the Borough previously contracted with Capital Health for random drug testing for Public Works employees. Mrs. Sterling stated that several companies were consulted and this is the best option for the Borough. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.10**

RESOLUTION AUTHORIZING PURCHASE OF HANDGUNS FROM EAGLE POINT GUN / T.J. MORRIS & SON UNDER STATE CONTRACT 17-FLEET-00721

WHEREAS, the Chief of Police has identified the need to purchase handguns for the Pennington Borough Police Department; and

WHEREAS, the Chief of Police has determined that the required handguns are available under New Jersey State Contract State (17-FLEET-00721); and

WHEREAS, the Chief of Police has obtained a quote for handguns from Eagle Point Gun / T. J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086; and

WHEREAS, Eagle Point Gun / T. J. Morris & Son is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase of handguns from Eagle Point Gun / T.J. Morris & Son is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the proposal from Eagle Point Gun / T. J. Morris & Son in the amount of \$6,330.06, is attached to this Resolution; and

WHEREAS, purchase of the handguns under State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the police budget, line item 2-01-25-240-000-242;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the acquisition of handguns for the Pennington Borough Police Department pursuant to the attached proposal from Eagle Point Gun / T.J Morris & Son is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

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

Council Member Chandler made a motion to approve Resolution 2022-8.10, second by Council Member Gnatt. Chief Pinelli stated that the handguns that the department currently has are at the end of their life and the 40 caliber rounds that the current handguns use are becoming impossible to find. Chief Pinelli stated that the 9 mm rounds are available and will also be a cost savings to the Borough. Chief Pinelli

stated that he is getting trade in value for the handguns which will help with the cost. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 8.11**

**RESOLUTION APPOINTING JOHN HOLLIDAY AS CONFLICT PUBLIC DEFENDER
FOR THE YEAR 2022**

WHEREAS, the Court Administrator has indicated that there is a need to hire a Conflict Public Defender and she had recommended the appointment of John Holliday; and

WHEREAS, Borough Council seeks to designate and appoint John Holliday as Conflict Public Defender;

WHEREAS, Mr. Holliday shall comply with Pay to Play regulations and will complete and submit a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

WHEREAS, Mr. Holliday shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, Mr. Holliday shall be compensated as Public Defender at a rate of \$200.00 for each court session in which he serves;

WHEREAS, the Chief Financial Officer has certified that funds are available in the Trust Fund under Public Defender or in budget account #: 2-01-43-495-000-255;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that John Holliday is hereby designated and appointed Public Defender for Pennington Borough for the year 2022.

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

Council Member Chandler made a motion to approve Resolution 2022-8.11, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-8.12**

RESOLUTION OPPOSING THE PROPOSED INCREASES TO THE STATE HEALTH BENEFITS PROGRAM

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHPB, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting “rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year”; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington in the county of Mercer call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the Mayor and Council of the Borough of Pennington in the county of Mercer urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, Senator Shirley Turner, Assemblywoman Verlina Reynolds-Jackson, Assemblyman Anthony S. Verrelli and the New Jersey State League of Municipalities.

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

Council Member Chandler made a motion to approve Resolution 2022-8.12, second by Council Member Gross with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Attorney – Mr. Bliss stated that there are a couple of items for discussion in Closed Session.

Chief Doug Pinelli – Chief Pinelli reported that Officer D’Ascoli graduated from a course on proper installation of car seats. Chief Pinelli reported that National Night Out is tomorrow night and he and Sergeant Thomas will be attending. Chief Pinelli reported that the watchguard cameras have been delivered and will be up and running soon. Chief Pinelli reported that installation of new locks on the Borough buildings has begun. Mayor commended Officer D’Ascoli who was in attendance.

Superintendent of Public Works – Mr. Smith stated that the police department does a great job ensuring the safety of his team. Mr. Smith stated that early this morning Officer D’Ascoli reported a tree down, public works was able to roll out and get it taken care of before most people were even awake.

Borough Clerk – Mrs. Sterling stated that the digital agenda software is up and running. Mrs. Sterling stated that the requisition software is also up and running, public works has been busy entering requisitions and Will Mullen and Chief Pinelli are getting up to speed on the process. Mrs. Sterling stated that this week she will be training on the new payroll system and earlier this week she and Regina Taylor met with Edmunds to work on providing access to permits for residents and contractors through the website. Mrs. Sterling stated that she is also looking into a repository for documents that can be found on a location on the website for Council Members to access. Mrs. Sterling reminded Council Members to stop in and sign purchase orders since the packages are no longer being delivered.

Chief Financial Officer – Mrs. Webb reported that we received a draft of the 2021 audit report and Andy Hodulik will be attending the September meeting to make a report. Mrs. Webb stated that she and Betty are happy to report that once again there are no comments or recommendations.

Public Comment

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

There were no comments from the public.

Closed Session

AT, 8:39 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Land Acquisition – Open Space
- Attorney/Client Privilege – Conflict of Interest Question
- Pending Litigation – Status of PILOT Litigation
- Attorney/Client Privilege - Cannabis

Council Member Gnatt made a motion to convene in Closed Session, second by Council Member Gross with all members present voting in favor.

AT, 9:41 PM, Mayor and Council returned to open session, with no further business to come before Council, Council Member Chandler a motion to adjourn the meeting, second by Council Member Stern.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk