

**Pennington Borough Council
Regular Meeting – September 6, 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 Angarone, Chandler, Gnatt, Gross, Marciante, and Stern in attendance.

Also present were Public Works Superintendent Rick Smith, Chief Doug Pinelli 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.**

There were no comments from the public on agenda items.

Mayor Davy announced that a presentation by the Borough Auditor on the 2021 Audit Report was omitted from the agenda, the presentation will be later in the meeting.

Mayor's Business

Mayor Davy announced that Standard and Poors released a report indicating that the S & P rating for the Borough which was AA+ two years ago with a negative outlook has now been upgraded to stable. Mayor Davy stated that this is due in large part to the restoration of fund balance and this is good news for the Borough. Mayor Davy recognized the hard work of Betty Sterling, Sandy Webb as well as our Financial Advisors, Phoenix Advisor for their input in getting the rating upgraded. Mayor Davy also recognized the efforts of Borough Council with regard to adopting a budget that has in mind replenishment of surplus, which was accomplished through tough decisions that had to be made.

Mayor Davy introduced Borough Auditor, Andy Hodulik to present a report on the 2021 Audit. Mr. Hodulik stated that the findings in the financial statements for the year ending 2021 were very positive. Mr. Hodulik stated that the Borough has been able to replenish surplus year over year and he hopes that the trend continues. Mr. Hodulik stated that the Water/Sewer Utility fund balance did decrease which is not uncommon given the current economic conditions. Mayor Davy stated that as part of this year's budget process Council approved a rather large rate increase that was a difficult decision but it was necessary. Mr. Hodulik stated that the auditor's opinion is clean and the report reflects the highest rating the Borough could get. Mr. Hodulik stated that there are no comments or recommendations in the audit report. Mr. Hodulik briefly discussed accumulated absences and suggested that the policy should be reviewed to ensure it is in compliance with State Statute. Mayor Davy stated that was done when the union contracts were negotiated. Mr. Hodulik reminded Council to stay on top of grant reimbursements to ensure that all funds are collected in a timely manner. Mr. Hodulik stated that there are no findings. Mayor Davy stated that later on the agenda, Council will vote on a resolution to accept the audit.

Mayor Davy stated that a very rough draft for Council By-Laws was provided in the packets. Mayor Davy stated that earlier this year when the Borough engaged Greg Fehrenbech to provide an administrative review it was recommended that the Borough consider by-laws to guide how governing body members interact with committees and departments and that is one of the things that is addressed in this very rough document. Mayor Davy asked that Council Members review the document and provide any comments or recommendations to Betty Sterling. Mayor Davy stated that he, Kit Chandler, Mona Habiby and Betty worked to put this document together and Walter Bliss has reviewed the document. Mayor Davy stated that this is a brand new document for Pennington. Mr. Marciante stated that the document will be helpful for new Council Members coming on but will it be ongoing as Council changes? Mr. Bliss stated that a lot of the language comes from State Statute and it should remain in place until amended. Mr. Bliss stated that 90 percent of the document comes from State Statute and it will serve as a guide for Council. Council Members briefly discussed the document and all felt that this would be a good guide for new Council and current Council Members. Mayor Davy asked that all comments be provided to Betty as soon as possible so that this can be approved at the next meeting.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held August 1, 2022, second by Council Member Gnatt. Ms. Stern asked for a minor change to the minutes. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone who abstained.

APPROVAL OF CLOSED SESSION MINUTES (for content but not for release)

Council Member Marciante made a motion to approve the Closed Session Minutes for March 7, 2022, April 4, 2022, May 2, 2022 and May 10, 2022, second by Council Member Chandler with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2022-12 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022-12**

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY APPROPRIATION.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance numbered 2022-6 of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), finally adopted May 2, 2022 ("Bond Ordinance #2022-6), is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(a) Acquisition of a vehicle for the Police Department, including all related costs and expenditures necessary therefor and incidental thereto."

Section Two. Section 3(b) of Bond Ordinance #2022-6 of the Borough is hereby amended to remove the reference to a sport utility vehicle and to read as follows:

"(b) Acquisition of a vehicle for the Department of Public Works, including all related costs and expenditures necessary therefor and incidental thereto."

Section Three. Bond Ordinance #2022-6 of the Borough referenced in Sections One and Two hereof as amended provides for the funding of a \$64,677.09 emergency appropriation for the acquisition of a vehicle for the Department of Public Works authorized by a resolution of the Borough adopted on September 6, 2022 and entitled, "Resolution of the Borough of Pennington, in the County of Mercer, New Jersey Authorizing An Emergency Appropriation Pursuant to N.J.S.A. 40A:4-48 to Fund the Acquisition of a Vehicle for the Department of Public Works and Further Authorizing the Issuance of Emergency Notes to Fund Such Emergency Appropriation."

Section Four. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Five. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to introduce Ordinance 2022-12, second by Council Member Stern. Mrs. Sterling gave a brief explanation of the reason for this Ordinance. Upon a roll call vote all members present voted in favor.

Mayor Davy read Ordinance 2022-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022-13**

AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF PENNINGTON CONCERNING STOP INTERSECTIONS

WHEREAS, upon the recommendation of the Chief of Police and the Public Safety Committee of Borough Council, the Borough seeks to amend Section 200-6 of the Borough Code, concerning Stop Intersections, to authorize stop signs at new intersections in the Borough as well as to amend the Code for existing stop intersections to ensure that signs are properly authorized in both directions;

WHEREAS, Borough Council determines that the installation of the proposed additional stop intersections will further public safety;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 200, Section 200-6, of the Code of the Borough of Pennington, concerning Stop Intersections, is hereby amended (with new language underlined and deleted language crossed out) as follows:

“Sec. 200-6. Stop Intersections.

The following intersections are designated as stop intersections, and stop signs shall be installed as follows:

Intersection	Stop Sign on\
Abey Drive and East Curlis Avenue	Abey Drive
Abey Drive and Kings Court	Kings Court
Abey Drive and Mallard Drive	Mallard Drive
Abey Drive and Queens Lane	Queens Lane
<u>Academy Avenue and Burd Street</u>	<u>Academy Avenue</u>
<u>Baldwin Court and Baldwin Street</u>	<u>Baldwin Court</u>
Baldwin Street and East Welling Avenue	Baldwin Street
Intersection	Stop Sign on
<u>Broemel Place and Green Street</u>	<u>Broemel Place</u>
Brookside Avenue and Green Avenue	Brookside Avenue
Burd Street and Laning Avenue	Laning Avenue <u>(eastbound)</u>
<u>Burd Street and Laning Avenue</u>	<u>Laning Avenue (westbound)</u>
Burd Street and West Welling Avenue	West Welling Avenue <u>(eastbound)</u>
<u>Burd Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
<u>Crawley Avenue and Academy Avenue</u>	<u>Crawley Avenue</u>
Curlis Avenue and Burd Street	Curlis Avenue
East Delaware Avenue and Eglantine Avenue	Eglantine Avenue
Eglantine Avenue and East Franklin Avenue	East Franklin Avenue (eastbound)
Eglantine Avenue and East Franklin Avenue	Eglantine Avenue (northbound)
Eglantine Avenue and East Franklin Avenue	Eglantine Avenue <u>Lewis Brook</u> (southbound)
Green Avenue and West Franklin Avenue	Green Avenue
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (northbound)</u>
<u>Hale Street and West Welling Avenue</u>	<u>Hale Street (southbound)</u>
Ingleside Avenue and Burd Street	Burd Street (southbound)
<u>King George Road and Eglantine Avenue</u>	<u>King George Road</u>

King George Road and Park Avenue	King George Road
<u>King George Road and Rockwell Green</u>	<u>Rockwell Green</u>
Intersection	Stop Sign on
Knowles Street and Broemel Place	Knowles Street
Knowles Street and West Franklin Avenue	All three corners
Maple Lane and Baldwin Street	Maple Lane
<u>O’Hanlon Avenue and Burd Street</u>	<u>O’Hanlon Avenue</u>
<u>Park Avenue and Eglantine Avenue</u>	<u>Park Avenue</u>
Railroad Place and West Franklin Avenue	Railroad Place
Railroad Place and North Main Street	Railroad Place
<u>Sked Street and Voorhees Avenue</u>	<u>Sked Street</u>
Sked Street and West Welling Avenue	West Welling Avenue (<u>eastbound</u>)
<u>Sked Street and West Welling Avenue</u>	<u>West Welling Avenue (westbound)</u>
Voorhees Avenue and Burd Street	Voorhees Avenue
<u>Weidel Drive and Park Avenue</u>	<u>Weidel Drive</u>
<u>West Welling Avenue and Reading Street</u>	<u>Reading Street</u>

AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2022-13, second by Council Member Gnatt. Mrs. Chandler stated that the Police Department undertook a survey of all stop signs because there was one known stop sign that was not part of the Borough Code and therefore could not be enforced. Mrs. Chandler stated that after doing an extensive survey of the stop signs it was found that there were a dozen or more stop signs that were unenforceable. Mrs. Chandler commended the Police Department for their work on this project. Upon a roll call vote all members present voted in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

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 open the Public Hearing on Ordinance 2022-11, second by Council Member Stern. There were no comments from the public. Council Member Chandler made a motion to close the public hearing on Ordinance 2022-11, second by Council Member Gnatt with all members present voting in favor. Mrs. Chandler explained that this will allow for the appointment of alternate members on the Economic Development Commission. Mrs. Chandler stated that alternate members attend the meetings but only have a vote when a regular member is absent. Mrs. Chandler encouraged all committees to consider the appointment of alternates though some may be bound by State Statute. Council Member Chandler made a motion to adopt Ordinance 2022-11, second by Council Member Marciante with all members present voting in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Ms. Gnatt stated that the Personnel Committee met and interviewed candidates for the Borough Administrator position and this will be discussed further in closed session.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Public Safety, Economic Development and Environmental all took the month of August off.

Mrs. Chandler stated that one of the options for the Landfill site is solar panels and members of the ad-hoc landfill committee did meet with a couple of solar companies to gain information on a very high level.

Mrs. Chandler stated that the Arboretum group did not meet however on the agenda is a resolution for removal of dead or dying trees that have been identified. Mrs. Chandler reported that deer management permissions have been obtained and hunt season will be starting soon. Mrs. Chandler stated that residents need to be reminded that feeding deer in the Borough is illegal and we are aware of a couple of residents who are feeding deer. Mrs. Chandler stated that the residents will be notified that feeding deer is illegal and the Borough will begin enforcing the ordinance. Mrs. Chandler stated that it defeats the purpose of having a deer management plan if people are bringing deer into the Borough by feeding them. Mr. Marciante stated that residents should be aware that feeding deer in the Borough is just bringing deer in to be killed.

Public Works/Open Space/Shade Tree – Ms. Stern ask Ms. Gnatt if she knew when the plan for Sked Street would be provided. Mr. Marciante stated that the deadline was September. Ms. Gnatt stated that she will follow up with the Chair of Parks and Recreation.

Ms. Stern stated that Public Works met and they learned that Mercer County will be repairing the bridge over Stony Brook and while this is a County location there could be traffic issues for the Borough. Mr. Smith stated that a meeting is scheduled for September 13th.

Ms. Stern stated that we have not heard back from the DOT on the application for road repairs on Baldwin Street and Baldwin Court, but that is not unusual. Ms. Stern stated that design plans are underway for West Franklin and Knowles and the Mayor has made it very clear that there will be at least one more resident meeting prior to putting the plans out for bid. Ms. Stern stated that the committee would like to convene a meeting with Ken Gross, Sandy Webb, Betty Sterling and herself with the I-Bank to discuss funding for future projects.

Mr. Gross stated that as more information comes in on the bridge repair it should be sent out through e-alerts. Mr. Smith stated that this meeting is very preliminary as plans for the project are just beginning and there is no start date at this time.

Finance & Technology / Board of Health – Mr. Gross stated that Finance and Technology did not meet. Mr. Gross stated that the Board of Health did meet to discuss the details of Shared Services agreements for Health and Animal Control as they are up for renewal at the end of this year.

Historic Preservation / Library – Ms. Angarone had not report.

Open Space / Shade Tree – Ms. Stern stated that Open Space did not meet this month, but they will be meeting in September. Ms. Stern stated that Shade Tree met virtually to discuss several forms that were received requesting attention to municipal trees. Ms. Stern stated that the Shade Tree Committee is developing a plan to address these requests going forward.

Senior Advisory Board – Mayor Davy had no report but the Senior Picnic has been rescheduled to September 15th at noon.

COUNCIL DISCUSSION

Noise/Lighting Ordinance – Survey Results – Mayor Davy stated that he received some resident concerns regarding noise emanating from landscaping equipment particularly gas powered leaf blowers and also lighting that shines into the windows of neighbors’ homes. Mayor Davy stated that in response to this, he formed a small group consisting of Mrs. Chandler and Ms. Angarone and they came up with a survey that was put out through the website. Mayor Davy stated that 243 responses were received and Ms. Angarone has summarized the data. Ms. Angarone stated that concern over noise was split between those who were concerned and those who were not. Ms. Angarone stated that no suggestions were provided but the Borough is aware that the noise ordinance needs to be updated. Ms. Angarone stated that a good neighbor ordinance would also be a good way to address concerns.

Ms. Angarone stated that with regard to noise, a good percentage said that they were affected and would be in favor of an ordinance. Ms. Angarone stated that the Borough does have an ordinance that pertains to commercial lights, but not residential. Ms. Angarone stated that again people were in favor of a good neighbor approach and so she did further research to see how other towns are dealing with this issue. Ms. Angarone stated that she has found a couple good neighbor ordinances and she would think that might be a good way to start.

Mrs. Chandler stated that the group discussed updating out current ordinance in terms of the hours when leaf blowers and equipment are allowed. Mrs. Chandler stated that she will work on an update for the current ordinance for the next meeting. Some discussion took place regarding what hours would work best and the fact that the ordinance cannot legally differentiate between residents and businesses.

Mayor Davy stated that Ms. Angarone will be working on a Good Neighbor Ordinance to give residents some guidance on how to communicate with their neighbors first before the Borough gets involved. Some discussion took place regarding replacing gas-powered equipment with electric equipment.

Update on Communications Plan – (Nadine Stern / Kati Angarone) – Ms. Stern stated that she and Ms. Angarone continue to work on a Communication Plan and the next step is going to be a survey to residents to ask residents what is and what isn’t working right in terms of communication and how residents can provide input to Council. Ms. Stern stated that next there will be two meetings one with residents and one with department heads, Betty, Rick and Doug, to ask them how to communicate information effectively. Mrs. Chandler asked how the survey would be distributed. Ms. Angarone stated that it would be promoted on the website and sent out as a news and announcement alerts. Mrs. Chandler stated that until everyone is registered on the e-alerts it will be the same 700 or so people who are responding. Ms. Stern stated that the newsletter and a notice in the water bills should cover everyone but also a notice in the newspaper. Ms. Stern stated that a couple of things that they would like input from Council are would anyone be interested in putting Council Member pictures on the website so that people know who we are. Ms. Stern stated that they would like to have a table at Pennington Day that would be manned by Council Members for an hour at a time or wearing a name tag out in the public and have a presence at Pennington Day.

Sign Removal Request – Ms. Chandler stated that Mr. Marciante brought up the question of the number of signs related to speed humps on King George Road. Ms. Chandler stated that only one sign is required but there are two on each side on King George Road. Chief Pinelli stated that he looked into this and one sign is required and to be consistent with other areas of town with speed humps, one of the signs could be removed on each side. Mayor Davy called for a voice vote to remove two of the signs, all members present were in favor.

Fire Department – Water Usage Report Form – Mayor Davy asked Rick Smith to comment on this. Mr. Smith stated that it is very important for the Borough to track water usage especially when it is not metered. Mr. Smith stated that sometimes the Fire Department uses a hydrant to access water and in addition to tracking water usage this would give Public Works a heads up so that they can go out and check to make sure the hydrant valves have been opened and closed properly. Mr. Smith stated that it doesn’t take much to cause a problem when opening and closing a valve. Some discussion took place regarding what the water is being used for and how much unpaid water is being used by the Fire Department for things other than fires. Mayor Davy stated that there was a rumor that the Fire Department was using the water outside the Borough for party events but that is not the case. Ms. Stern pointed out that the website for the Fire Department does advertise for pool fills. Some discussion took place about where the water comes from for pool fills and Mr. Marciante stated that the Fire Department gets that water from Trenton Water Company. Mr. Smith stated that this form is very specific to each hydrant and we should have a better handle on who much water is used.

Mrs. Sterling stated that late in the day on Friday a request came in from a resident who would like to use Kunkel Park after dusk. Mrs. Sterling stated that the Ordinance does not allow use of the park after dusk without a special permit but she is not aware any special permit form that has ever been used. Mrs. Sterling stated that Public Works has mentioned that there have been some issues after dark recently. Mr. Smith stated that lack of lighting and noise might be a concern. Mrs. Sterling stated that the form specifically has the limitation on use of the park after dusk. Council Members agreed not to grant an exception to the Ordinance.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Karen Hollywood, 14 Academy Court, Pennington, NJ 08534 for an overpayment of 3rd Quarter taxes for Block 503.01, Lot 2, 14 Academy Court in the amount of \$1,782.50.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-9.1, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.2**

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 \$ 2,675,231.20 from the following accounts:

Current	\$ 2,508,600.98
W/S Operating	\$ 76,022.97
General Capital	\$ 80,893.72
Grant Fund	\$ 534.93
COAH Trust Fund	\$ 102.50
Animal Control Fund	\$ 3.60
Other Trust Fund	\$ 8,000.00
Developer’s Escrow	\$ 1,072.50
TOTAL	\$ 2,675,231.20

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2022-9.2, second by Council Member Gross. Mr. Marciante had questions on specific purchase orders related to improvements to Kunkel Park. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-9.3**

RESOLUTION OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND THE ACQUISITION OF A VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, one or more emergencies have arisen requiring the appropriation of funds from the municipal budget of the Borough of Pennington, in the County of Mercer, New Jersey (the “Borough”), in the amount of \$64,677.09 to provide for the acquisition of a vehicle for the Department of Public Works; and

WHEREAS, the total amount of emergency appropriations created, including the appropriations to be created by this resolution, is 64,677.09 and 3% of the total current and utility operating appropriations in the budget for CY 2022 is \$114,790.00; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total current and utility operating appropriations in the budget for CY 2022.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$64,677.09 for the acquisition of a vehicle for the Department of Public Works. The \$64,677.09 appropriated herein is sufficient to fund the emergency described herein.
2. An emergency note not in excess of \$64,677.09 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
3. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
4. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by such Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2023.
5. Said emergency appropriation shall be provided in the amount of \$64,677.09 pursuant to a bond ordinance entitled, “BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2022-6 OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED MAY 2, 2022, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS AND TO PROVIDE FOR THE FUNDING OF AN EMERGENCY APPROPRIATION” to be introduced and finally adopted thereafter.
6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
7. This resolution shall take effect immediately.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-9.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.4**

**RESOLUTION AUTHORIZING PURCHASE OF 2023 FORD F-150 (W1E) XLT 4WD
SUPERCREW 6.5’ BOX 157 TRUCK FOR THE PUBLIC WORKS DEPARTMENT IN
ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP THROUGH
SOURCEWELL (CONTRACT 091521-NAF)**

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5’ Box WB and related equipment; and

WHEREAS, the Superintendent of Public Works has determined that the required equipment is available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

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

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

WHEREAS, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 20867 R5 dated August 21, 2022, by which it would sell to the Borough one (1) 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5' Box 157 WB and related equipment, in accordance with written specifications (“Truck”) for the price of \$64,677.09;

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) 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 for this purchase at the revised price under General Capital Ordinance 2022-6 as amended by Ordinance 2022-12;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) 2023 Ford F-150 (W1E) XLT 4WD Super Crew 6.5' Box 157 WB with related equipment for the Pennington Borough Public Works Department pursuant to the attached proposal from National Auto Fleet Group (Quote #20867 R5 and related specifications) is hereby authorized; and (b) the Borough Clerk and Chief Financial Officer are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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

Council Member Chandler made a motion to approve Resolution 2022-9.4, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 - 9.5**

RESOLUTION AUTHORIZING PURCHASE OF NEW 2023 FORD POLICE INTERCEPTOR UTILITY PATROL VEHICLE FOR THE POLICE DEPARTMENT IN ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP. THROUGH SOURCEWELL

WHEREAS, the Pennington Chief of Police has identified the need to purchase a new 2023 Ford Police Interceptor Utility patrol vehicle and related equipment; and

WHEREAS, the Chief has determined that the required vehicle and equipment are available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

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

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

WHEREAS, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 21140 R8 dated August 26, 2022, Re-Configured August 31, 2022, by which it would sell to the Borough One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, P28/Elite Solutions #C07623 + Handling \$1600.00 (Oxford White) delivered to the Borough’s specified location in accordance with related written specifications (“Patrol Vehicle”) for the price of \$67,693.93;

WHEREAS, the Patrol Vehicle is available to purchase through Sourcewell Contract 091521-NAF in compliance with the Local Public Contracts Law without further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in Budget Line 2-01-25-240-000-277;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, P28/Elite Solutions #C07623 + Handling \$1,600.00 (Oxford White) delivered to the Borough’s specified location in accordance with related written specifications (“Patrol Vehicle”) for the price of \$67,693.932020 for the Pennington Borough Police Department pursuant to the

attached proposal from National Auto Fleet Group (Quote #21140 R8 and related specifications) pursuant to Sourcewell Contract 091521-NAF is hereby authorized; and (b) the Mayor and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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

Council Member Marciante made a motion to approve Resolution 2022-9.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 -9.6**

RESOLUTION AUTHORIZING PURCHASE OF NEW 2023 FORD POLICE INTERCEPTOR UTILITY SUPERVISOR VEHICLE FOR THE POLICE DEPARTMENT IN ACCORDANCE WITH QUOTATION BY NATIONAL AUTO FLEET GROUP THROUGH SOURCEWELL

WHEREAS, the Pennington Chief of Police has identified the need to purchase a new 2023 Ford Police Interceptor Utility supervisor vehicle and related equipment; and

WHEREAS, the Chief has determined that the required vehicle and equipment are available from National Auto Fleet Group through Sourcewell (formerly the National Joint Powers Alliance); and

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

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

WHEREAS, National Auto Fleet Group (“Dealer”) located in Watsonville, California is an authorized dealer for the desired vehicle and has provided the Borough with Quote # 21284 R4 dated August 26, 2022, Re-Configured August 31, 2022, by which it would sell to the Borough One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, Elite Vehicle Solutions Est #C07622 + Handling \$1700.00 (Agate Black) delivered to the Borough’s specified location in accordance with related written specifications (“Supervisor Vehicle”) for the price of \$68,365.06;

WHEREAS, the Patrol Vehicle is available to purchase through Sourcewell Contract 091521-NAF in compliance with the Local Public Contracts Law without further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase under Capital Ordinance 2022-6;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of One (1) New/Unused 2023 Ford Police Interceptor Utility (K8A) AWD, Elite Vehicle Solutions Est #C07622 + Handling \$1700.00 (Agate Black) delivered to the Borough’s specified location in accordance with related written specifications (“Supervisor Vehicle”) for the price of \$68,365.06 for the Pennington Borough Police Department pursuant to the attached proposal from National Auto Fleet Group (Quote #21284 R4 and related specifications), under Sourcewell Contract 091521-NAF is hereby authorized; and (b) the Mayor and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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

Council Member Chandler made a motion to approve Resolution 2022-9.6, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.7**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Pennington is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said membership terminates as of January 1, 2023*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED, as follows:

1. The Borough of Pennington agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2023, and ending January 1, 2026*, and to be subject to the bylaws, rules and regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and the Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Borough’s intention to renew its membership.

*12.01 a.m.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-9.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2022-9.8**

**RESOLUTION AUTHORIZING EXTENSION OF UNPAID LEAVE OF ABSENCE FOR
CHRISTOPHER WEBB**

WHEREAS, Resolution 2022-6.3 authorized an unpaid leave of absence for Public Works Laborer Christopher Webb of three months effective May, 28, 2022; and

WHEREAS, the initial three month leave ended August 31, 2022; and

WHEREAS, Christopher Webb has requested an extension of the unpaid leave of absence for an additional three months in conformance with the Borough’s Leave of Absence Policy (4.10);

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Mr. Webb’s request for an extension of the unpaid leave be granted, effective September 1, 2022 and ending November 30, 2022.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-9.8, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.9**

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

BOROUGH OF PENNINGTON ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Pennington has previously obtained a grant of \$1,000,000.00 from the State to fund the following project(s):

Project #1108-02-001/Pennington Borough Greenbelt Planning Incentive

WHEREAS, the State and Borough of Pennington intend to increase Green Acres funding by \$375,000.00; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. The Mayor of the Borough of Pennington is hereby authorized to execute an agreement and any amendment thereto with the State known as Pennington Borough Greenbelt Acquisitions, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of **\$1,375,000.00**.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-9.9, second by Council Member Gross. Mayor Davy briefly explained that this resolution is required by Green Acres to obligate new funds that are available to the Borough for reimbursement of open space projects. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.10**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2021 ANNUAL
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the

governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Council Member Chandler made a motion to approve Resolution 2022-9.10, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.11**

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION AS PER N.J.S. 40A:4-48 (Under 3% Limitation)

WHEREAS, one or more emergencies have arisen requiring the appropriation of funds from the municipal budget of the Borough of Pennington, in the County of Mercer, New Jersey (“the Borough”), in the amount of \$20,000 to provide for the purchase of unleaded and diesel fuel due to the increased cost of such items, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$20,000.00 and three (3) percent of the total operating appropriations in the CY budget for 2022 is \$114,790.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed the three (3) percent of the total operating appropriations (including utility operation appropriations) in the CY budget for 2022,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all Governing Body members affirmatively concurring) of the Borough of Pennington, County of Mercer that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is hereby made for unleaded and diesel fuel purchases in the amount of \$20,000.00;
2. That said emergency appropriation shall be provided for in full in the 2022 budget, and is requested to be excluded from CAPS, pursuant to N.J.S. 40A:4-53.3c(1);

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

Council Member Chandler made a motion to approve Resolution 2022-9.11, second by Council Member Marciante. Mrs. Sterling explained that the fuel budget for 2022 has been exhausted due to the increased cost of fuel and since we cannot do transfers until November we are requesting an emergency appropriation that will need to be funding in the 2023 budget. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.12**

**RESOLUTION AUTHORIZING BLOCK PARTY ON SEPTEMBER 11, 2022 FROM 3 PM TO 5 PM
ON READING AVENUE**

WHEREAS, Amber Miller has applied to the Borough of Pennington for permission to close the street known as Reading Avenue in the Borough on September 11, 2022 beginning at 3 PM and ending at 5 PM for a block party in the cul-de-sac at the northerly end of Reading Avenue for an estimated 25 people;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Amber Miller is approved subject to the following conditions:

1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
3. There must be access for emergency vehicles at all times.
4. All local noise ordinances must be observed.
5. The hosts shall ensure compliance with all state and local regulations related to the Covid-19 Pandemic.

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

Council Member Marciante made a motion to approve Resolution 2022-9.12, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.13**

**RESOLUTION AUTHORIZING TAKE DOWN OF DEAD AND/OR LEANING TREES AND
LIMBS LOCATED WITHIN THE ARBORETUM AND
AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE**

WHEREAS, the Borough of Pennington acquired a parcel of land behind the Tollgate Elementary School as Open Space; and

WHEREAS, the Borough plan for this parcel is to develop an Arboretum; and

WHEREAS, an Arboretum Committee was formed and they have identified the need to take down dead/leaning trees and limbs within the property; and

WHEREAS, the Superintendent of Public Works solicited three (3) quotes for performance of services related to the takedown of dead trees and limbs; and

WHEREAS, the Superintendent of Public Works has recommended that the services be awarded to HTS Tree Care Professionals, LLC 1559 Reed Road, Pennington, NJ 08534 as per their quote #5286 dated August 16, 2022 in the amount of \$4,200.; and

WHEREAS, a copy of quote #5286 from HTS Tree Care Professionals, LLC in the amount of \$4,200.00, is attached to this Resolution; and

WHEREAS, Pennington citizens have authorized the creation of an Open Space Trust Fund in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for, among other things, development and maintenance of lands acquired for recreation and conservation purposes, as determined by the governing body of the municipality;

WHEREAS, the Chief Financial Officer has certified that funds are available in the Open Space Fund for this purchase;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid takedown of dead trees and limbs within the Arboretum located behind Toll Gate School pursuant to the attached quote #5286 from HTS Tree Care Professionals, LLC in the amount of \$4,200. 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 work.

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

Council Member Marciante made a motion to approve Resolution 2022-9.13, second by Council Member Chandler. Mr. Gross asked why the trees were not being removed. Mrs. Chandler stated that this is the environmentally friendly way as ash trees deteriorate very quickly. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-9.14**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.22 FOR
HOPEWELL VALLEY CHORUS INC**

WHEREAS, Hopewell Valley Chorus, Inc. submitted raffle application RA: 2.22 on August 25, 2022 for a raffle to take place on December 11, 2022 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on September 1, 2022; and

WHEREAS, Hopewell Valley Chorus, Inc. meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, Hopewell Valley Chorus, Inc. in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.22 for Hopewell Valley Chorus, Inc. be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.22 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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

Council Member Marciante made a motion to approve Resolution 2022-9.14, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 9.15**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 3 TO TOP LINE CONSTRUCTION
CORP. FOR WORK COMPLETED ON THE EAST WELLING AVENUE ROAD
REHABILITATION PROJECT
(VNHA #44348-210-71)**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the East Welling Avenue Road Rehabilitation Project (VNHA File #:44348-210-71); and

WHEREAS, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.3 in the amount of \$11,852.41 less 2% retainage in the amount of \$237.04; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2021-4 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 \$11,615.37 pursuant to payment request No.3 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-9.15, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2022 – 9.16**

**RESOLUTION TO ADD NEW POLICY CONCERNING FAMILY LEAVE TO BOROUGH
POLICY AND PROCEDURES MANUAL**

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (“JIF”) from time to time directs it member municipalities to amend their personnel manuals to incorporate policies recommended by the JIF’s Personnel Policy Committee based on recognized best practices, changes in applicable laws, and policies recommended by the members of the Fund;

WHEREAS, JIF has directed that the Borough include in its Policy and Procedures Manual a policy providing additional information concerning New Jersey Family Leave, available to Borough employees under State law;

WHEREAS, the proposed policy, to be added to the Manual as Policy 4.11A, supplements Policy 4.11 describing leave under the Federal Family and Medical Leave Act (“FMLA”), the New Jersey Family Leave Act (“NJFLA”) and Family Leave Insurance provided through the State (“FLI”);

WHEREAS, a copy of the new Policy 4.11A is attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough of Pennington Personnel Policies and Procedures Manual is hereby amended to incorporate the attached Policy 4.11A.

BE IT FURTHER RESOLVED, that this new Policy shall be effective immediately.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-9.16, second by Council Member Marciante with all members present voting in favor.

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.

Ms. Naomi McCarty, President of the Pennington First Aid Squad stated that she would like to let Borough Council know the status of Emergency Services not only in Pennington Borough but in Hopewell Borough, Titusville and Hopewell Township. Ms. McCarty stated that everyone is experiencing staffing issues and the Fire Commissioners of Hopewell Township have decided to look into farming out services in the valley to a private organization and that private organization would take first call. Ms. McCarty stated that would greatly affect Pennington First Aid Squad because the need for volunteers would go down and they would likely lose many of their volunteers because they would not be needed on a regular basis. Ms. McCarty stated that they have proposed to the Fire Commissioners that they could hire their own staff to fill in some of the gaps and to help free up some of their staff that has been used to supplement these services and that would also free up their staff to do fire inspections. Ms. McCarty stated that the Borough needs to be aware that this could lead to residents being billed for ambulance services. Ms. McCarty stated that this process could take one to two years, but she wanted to bring this to the attention of Council. Ms. McCarty stated that the COVID pandemic really did a number on volunteer squads and they are working very hard to solicit volunteers from local colleges and high schools. Ms. McCarty asked Council to spread the word that the First Aid Squad is seeking volunteers. Ms. McCarty stated that the community has been very supportive of the First Aid Squad and they know the Borough residents who need assistance and they would really like to remain a volunteer squad.

PROFESSIONAL REPORTS

Borough Attorney – Mr. Bliss had nothing further to report.

Chief Doug Pinelli – Chief Pinelli had nothing further to report.

Superintendent of Public Works – Mr. Smith stated that his monthly report will be available soon.

Borough Clerk – Mrs. Sterling had nothing further to report.

Mr. Marciante stated that he had two items that he would like to discuss. Mr. Marciante stated that the walkway at the Stonybrook Bridge is very overgrown and either we have to clean it up or the new owners of BMS need to be notified that they need to address it. Mr. Marciante asked if the Cannabis license has been issued because there are renovations underway in the proposed store. Mr. Bliss stated that a demolition permit was approved with the understanding that the approval does not constitute a site plan approval which they need in order to get a license.

Closed Session

AT, 9:04 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:

- Personnel – Borough Administrator search

AT, 9:30 PM, Mayor and Council 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