

**Pennington Borough Council
Regular Meeting – October 3, 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, Sergeant Thomas, Sergeant Burroughs 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.**

Mr. Dan Pace of 9 Railroad Place spoke about the proposed Council By-Laws that will be considered later in the meeting. Mr. Pace stated that he would like the first public hearing to not be restricted to agenda items only so that residents do not have to wait until the end of the meeting to speak. Mr. Pace stated that he did a survey of neighboring municipalities and most municipalities seem to allow public comment at the beginning without restriction.

Pam Switlik of 33 East Welling Avenue stated her main concern is that she would like Council to let Halloween be what Halloween was in the past where everyone is able to participate and trick or treating is not restricted to one area. Mrs. Switlik also asked if someone could provide an update on when the trees and grass will be replaced on East Welling Avenue.

Mayor Davy stated that the week of October 14th is when the work should begin to replace trees and grass. Mayor Davy stated that Halloween is on the agenda for discussion later in the meeting.

There were no further comments from the public.

Mayor's Business

Mayor Davy announced the resignation of Todd MacDonald from the Shade Tree Committee and the resignation of Jeanne Van Orman from the Planning Board.

Mayor Davy stated that Amy Kassler-Taub who currently serves as Alternate 2 on the Planning Board will be moving to the Alternate 1 position.

Mayor Davy announced the following Mayor's appointments:

Michael Briehler appointed as Alternate 1 on the Economic Development Commission for a term ending December 31, 2022.

John Valenza will move from the Environmental Commission for Planning Board Alternate 2 for an unexpired term ending December 31, 2022.

Mayor Davy stated that he had another appointment to make to the Environmental Commission. Mr. Bliss recommended holding that appointment so that it could be listed on the November Agenda. Mrs. Chandler stated that the Environmental Commission has someone for the Open Space Committee and that will also be for the November meeting.

Mayor Davy announced that the grant application that the Borough submitted to the DEP for EV Charger Equipment has been denied. Mayor Davy stated that the Borough also submitted an application to the BPU to cover installation costs for the chargers and that application was awarded in the amount of \$150,000. Mayor Davy stated that the equipment is estimated at a cost of \$100,000 and he asked how Council would like to proceed with regard to EV chargers. Mrs. Chandler asked if we can reapply for the grant? Mayor Davy asked how long we have to accept the BPU grant? After further discussion it was suggested that we look into these questions. Mrs. Chandler stated that there might be other grants that we can look into.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the September 7, 2022 Regular Council Meeting, second by Council Member Marciante with all members present voting in favor.

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

Council Member Chandler made a motion to approve the Closed Session Minutes of August 1, 2022, second by Council Member Stern with all members present voting in favor with the exception of Ms. Angarone who abstained.

ORDINANCES FOR INTRODUCTION

There were no Ordinances for introduction.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

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 open the Public Hearing on Ordinance 2022-12, second by Council Member Gnatt. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2022-12, second by Council Member Gross with all members present voting 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 Stern made a motion to open the Public Hearing on Ordinance 2022-13, second by Council Member Gnatt. There were no comments from the public. Mrs. Chandler stated that this Ordinance is to identify stop signs that are in town but not in the Ordinance and so therefore are not enforceable. Council Member Marciante made a motion to close the Public Hearing on Ordinance 2022-13, second by Council Member Gross with all members present voting in favor. Council Member Gross made a motion to adopt Ordinance 2022-13, second by Council Member Chandler with all members present voting in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Ms. Gnatt reported that Parks and Recreation met on September 28th. Ms. Gnatt stated that Tom Flood has moved out of town, so there is a vacancy on Parks and Recreation. Ms. Gnatt stated that they discussed the new shed at Kunkel Park and the need for a master list of inventory in the shed. Ms. Gnatt reported that movie night will be held on October 18th at Kunkel Park. Ms. Gnatt reported that Parks and Recreation is considering moving the Memorial Day Concert to the Sunday night before Memorial Day. Ms. Gnatt stated that the improvements to Kunkel Park are ongoing and the last item is the basketball court. Ms. Gnatt stated that a meeting will be coming up to review plans for upgrades to Sked Street Park.

Ms. Gnatt stated that she was not able to attend the Planning Board meeting but she can report that a new house was approved for 161 East Delaware Avenue and the Pennington School athletic field improvements was approved after being scaled back.

Public Safety /Economic Development / Environmental – Mrs. Chandler reported that Economic Development is working on their website presence and a list of businesses to be posted. Mrs. Chandler stated that members of the EDC attended the PBPA Social that was recently held and members of the EDC are working with the PBPA on the Holiday Walk.

Mrs. Chandler reported that the Environmental Commission reviewed the Planning Board Application for 161 East Delaware Avenue and the Pennington School and they had no environmental concerns. Mrs. Chandler stated that Nancy Fishman will be the Environmental Member on the Open Space Committee. Mrs. Chandler stated that Borough Planner Jim Kyle is putting the final touches on the Environmental Resource Inventory. Mrs. Chandler stated that in 2021, Borough Council passed a Resolution to be Carbon Neutral by the year 2035. Mrs. Chandler stated that the first step in that process was to create a baseline of greenhouse gas emissions and that has been completed. Mrs. Chandler stated that this will be on the agenda for discussion at the November Council meeting.

Mrs. Chandler stated that the tree work at the Arboretum will begin shortly. Mrs. Chandler stated that there was nothing to report regarding the landfill at this time.

Mrs. Chandler stated that Public Safety met and did a preliminary review of equipment and the budget for 2023. Mrs. Chandler stated that she also did a review of Standard Rules and Regulations that have been updated and are with Walter Bliss for review and possibly that will also be on the November agenda.

Mrs. Chandler stated that she is working on the updated Noise Ordinance which should be ready for the November meeting.

Mrs. Chandler stated that she will be attending the Hopewell Valley Board of Fire Commissioners meeting to discuss Emergency Medical Services, that meeting will be held later this week.

Mrs. Chandler stated that with the upcoming construction at BMS, there will be a number of trucks coming through town to deliver lab equipment. Mrs. Chandler stated that Hopewell Township limited the number of trucks to 3 per day. Mrs. Chandler stated that the Police Department is working with the company regarding this as the trucks will be oversize loads. Mr. Marciante stated that he had heard something different from the Fire Company. Mrs. Chandler stated that this is an ongoing discussion and more information will become available as it evolves.

Public Works/Open Space/Shade Tree – Ms. Stern stated that Public Works met on September 14th. Ms. Stern stated that leaf collection has started. Ms. Stern stated that the leaf line inventory is ongoing and Rick Smith will be reporting once it is complete. Ms. Stern stated that Public Works will hear a presentation from a company that deals with identifying funding for projects on October 17th.

Finance & Technology / Board of Health – Mr. Gross reported that Finance and Technology did not meet. Mr. Gross stated that the Board of Health met on September 21st and they are working on the Shared Services Contracts. Mr. Gross reported that Mr. Bliss will be reviewing the proposed agreements. Mr. Gross stated that Mayor Davy has asked another municipality to provide a quote as the proposed amounts from Montgomery Township are high. Mr. Gross reported that the Board of Health discussed the possibility of funding from the State to help with increased costs.

Mr. Gross stated that the Board discussed dog and cat incidents with regard to how they are reported. Mr. Gross stated that the Health Officer will be reaching out to Chief Pinelli to make sure that all incidents are reported timely. Mr. Gross stated that it is becoming difficult to track COVID cases. Mr. Gross reported that Covid Boosters and Flu Shots are available and information will be available on the Borough website.

Historic Preservation / Library – Ms. Angarone reported that the Historic Preservation met September 20th and they are considering an annual notice to residents reminding them of requirements related to Historic Preservation. Ms. Angarone stated the members of Historic Preservation met with the Pennington School regarding improvements to Old Main. Ms. Angarone reported that they are working on amendments to the Historic Preservation Ordinance. Ms. Angarone stated that they are also working on an Unauthorized Work Order Notice.

Ms. Angarone stated that the Library Board has a YouTube presence and library events can be viewed there. Ms. Angarone stated that they are working with the Health Department on three upcoming events. Ms. Angarone stated that there are some upcoming events in the month of October. Ms. Angarone stated that the Library is pretty far along with their strategic plan update.

Open Space / Shade Tree – Ms. Stern reported that Open Space did meet but she was unable to attend. Ms. Stern stated that Shade Tree met on September 13th and the major item of discussion was to approve a new procedure for processing Attention to Municipal Tree requests. Ms. Stern stated that Shade Tree members will be actively participating in the process. Ms. Stern stated that there were eight requests that were processed and two more have come in. Ms. Stern stated that they are looking for a new member to replace Todd MacDonald. Ms. Stern stated that Shade Tree will be meeting tomorrow night.

Senior Advisory Board – Mayor Davy had no report for Senior Advisory Board.

COUNCIL DISCUSSION

Halloween 2022 – Mrs. Chandler stated that Public Safety talked about Halloween a little bit particularly with regard to keeping the children safe. Mrs. Chandler stated that the decision for Council is whether to continue with closing down Burd Street or whether to not shut down Burd and do some other mechanisms for Halloween. Mrs. Chandler stated that her concern is the safety of the participants. Mrs. Chandler stated that when the decision was made a couple years ago it was because of the volume of participants in that area of town, but no one considered that by closing the road it would draw even more participants to the area. Mrs. Chandler stated that the goal was to increase safety for the participants not to increase the number of participants. Mrs. Chandler stated that Council needs to decide how to move forward to maintain Halloween while at the same time keeping participants safe. Mayor Davy stated that Chief Pinelli has stated to him that if the roads are shut down it is not just Pennington Police that are called in, there are Sheriff’s officers that will need to be called in too and the costs are about \$4,000 to \$5,000.

Mr. Gross stated that he is not in favor of closing the streets. Mr. Gross lives in that area and had a hard time trying to leave his home last year. Mr. Gross stated that closing the roads gives participants a false sense of security. Mr. Marciante stated that residents are upset because in other areas of town there are no participants. Mr. Marciante asked for consideration of moving the closing of streets each year to alternate areas of towns. Mayor Davy asked Sergeant Thomas if there were any reported incidents prior to closing Burd Street for the first year. Mayor Davy stated that in speaking with Chief Pinelli, the Police Department will do whatever Council decides and if Council opts to not close the roads, he would still provide police coverage to ensure the safety of participants. Mrs. Chandler asked about the lights that were purchased. Mr. Smith stated that the lights are very bright, they run on gasoline and they would need someone to stay with them while they are on. Mayor Davy suggested that Council decide whether to close the street or not and then leave the logistics up to Chief Pinelli. Mrs. Chandler stated that if Council votes to not close the roads then there needs to be a significant communication out to residents. Ms. Angarone stated that it sounds like the Borough did an experiment and it produced unforeseen results. Mayor Davy asked for a motion to continue the plan that has been in place for the past couple years and to close the streets in the Burd Street area. Mayor Davy stated that voting yes would mean closing the streets and voting no would mean not closing the streets, but the Police Department would continue to provide safety measures. Ms. Angarone asked if there was a pattern of injury or incidents or did this come about because of one or two requests. Sergeant Thomas stated that over time there have been no reported incidents or injuries. Council Member Gross made a motion, second by Council Member Stern with all members present voting No with the exception of Mr. Marciante who abstained because he would like the location moved each year.

Mrs. Chandler stated that now we need a communication plan. Mayor Davy stated that we can post it on the website and send as an e-mail blast. Mrs. Chandler stated that Public Safety will work on this and make it a safe night for all participants.

Ms. Stern stated that she would like to have listed on the next couple of meetings under Council Discussion, updates on communication plan. Mayor Davy stated that anyone who has an item for the agenda should let Betty know by the Wednesday before the meeting so that it can get on the agenda. Mayor Davy stated that having items listed on the agenda gives the public the opportunity to speak on agenda items at the beginning of the meeting. Ms. Stern stated that she and Kati are working on scheduling of meetings with Department Heads and Committee Chairs and they will be working on a survey to go out. Ms. Stern stated that she has someone lined up to take pictures of Council members for the website and she will be reaching out with some dates and times for pictures.

Mr. Marciante stated that he would like to discuss the traffic light on Route 31 at Ingleside where there have been more accidents. Mr. Marciante asked what was going on with this. Mayor Davy stated that intersection is in Hopewell Township and Borough Council did a resolution to request a traffic study only. Mayor Davy stated that we did not disagree with anything, we simply asked for a traffic study to see if there would be an impact on Borough residents.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to The Pennington School, 112 West Delaware Avenue, Pennington, NJ 08534 for the remaining balance in escrow account 90-056 in the amount of \$21.91.

BE IT RESOLVED that a refund be issued from the Current Fund to Weathervane Abstract & Settlement Services, LLC, 110 Main Street, Flemington, NJ 08822 for an overpayment of 3rd Quarter Taxes for Block 702, Lot 16, 202 Burd Street, in the amount of \$2,869.83.

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	X			
Gnatt	M				Stern	X			

Council Member Gnatt made a motion to approve Resolution 2022-10.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,950,925.92 from the following accounts:

Current	\$ 1,780,302.15
W/S Operating	\$ 74,770.25
General Capital	\$ 11,615.37
Grant Fund	\$ 56,838.20
Animal Control Fund	\$ 3.60
Other Trust Fund	\$ 8,450.00
W/S Capital	\$ 18,946.35
TOTAL	\$ 1,950,925.92

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 2022-10.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.3**

RESOLUTION AUTHORIZING REPAIRS TO 2005 GARBAGE TRUCK RESULTING FROM PREVENTATIVE MAINTENANCE INSPECTION UNDER STATE CONTRACT T-2108-A89268

WHEREAS, the Superintendent of Public Works has determined that repairs discovered during a preventative maintenance inspection of the 2025 Peterbilt 379 garbage truck are necessary; and

WHEREAS, the Superintendent has determined that the repairs can be made under T-2108-A89268 through BCI Truck, Inc. located at 356 Highway 31, Flemington, NJ 08822; and

WHEREAS, BCI Truck, Inc. has provided Invoice 88528 dated August 19, 2022 in the amount of \$7,741.79 for the repairs; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the trash budget line #: 2-01-26-305-000-277; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid repairs through BCI Truck, Inc. under State Contract T-2108-A89268 are hereby authorized in an amount not to exceed \$7,741.79 as per invoice 88528 dated August 19, 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 2022-10.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.4**

RESOLUTION AUTHORIZING PURCHASE OF ENCLOSED TRAILER FROM FDR HITCHES UNDER STATE CONTRACT 19-FLEET-00879, PURCHASE OF LANDSCAPE PACKAGE FROM FDR HITCHES, AND RESCISSION OF RESOLUTION 5.24

WHEREAS, the Superintendent of Public Works has submitted a request to purchase a 20’ Journey SE Cargo Trailer C/S Door, rear ramp door side vent enclosed trailer; and

WHEREAS, the Finance Committee of the Borough of Pennington approved this purchase as part of the Capital Plan for 2022; and

WHEREAS, the Superintendent has determined that the trailer is available under State Contract 19-Fleet-00879 from FDR Hitches, located at 120 W. Westfield Ave., Roselle Park, NJ 07204; and

WHEREAS, FDR Hitches has provided the Borough with price quotation #15384 dated September 20, 2022 in the amount of \$10,912.60; and

WHEREAS, FDR Hitches also provided price quotation #15385 dated September 20, 2022 in the amount of \$1,595.00 for a landscape package not included under State Contract including 2 adjustable shelves, equipment hooks, e-track and 16” plywood kick plates for sides and front; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these purchases in the General Capital Fund under Ordinance 2022-6 and streets budget line #: 2-01-26-290-000-225; and

WHEREAS, Resolution 2022-5.24 approved by Borough Council on May 10, 2022, authorizing the purchase of an enclosed trailer from Stephan L. Green Trailers is no long needed and should therefore be rescinded;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of a 20’ Journey SE Cargo Trailer C/S Door, rear ramp door side vent enclosed trailer under State Contract 19-Fleet-00879 is hereby authorized in an amount not to exceed \$10,912.60 as per quote dated September 20, 2022 from FDR Hitches.

BE IT FURTHER RESOLVED, that purchase of the landscape package for \$1,595.00 not included under State contract, in accordance with FDR Hitches quote #15385 dated September 20, 2022, is hereby approved; and

BE IT FURTHER RESOLVED, that Resolution 2022-5.24 is hereby rescinded.

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 2022-10.4, second by Council Member Marciante. Mayor Davy asked Mr. Smith to provide a brief explanation for the Resolution. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.5**

RESOLUTION AUTHORIZING PURCHASE OF TREATED ROCK SALT FROM MORTON SALT, INC. UNDER MERCER COUNTY COOPERATIVE PURCHASING SYSTEM

WHEREAS, the Superintendent of Public Works has identified the need to purchase **approximately 100 tons of** treated rock salt for the upcoming winter season; and

WHEREAS, the Superintendent has determined that treated rock salt is available through Morton Salt, Inc. under the Mercer County Cooperative Contract Purchasing System, contract #CK09MERCER2021-19 at the price of \$73 per ton; and

WHEREAS, Pennington Borough became a member of the Mercer County Cooperative Purchasing System effective May 25, 2007; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the streets budget line #: 2-01-26-290-000-271; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of treated rock salt from Morton Salt, Inc. under the Mercer County Cooperative Purchasing System, contract #: CK09MERCER2021-19 is hereby authorized in an amount not to exceed \$7,500.00.

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	X				Marciante	M			
Gnatt	S				Stern	X			

Council Member Marcianti made a motion to approve Resolution 2022-10.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 10.6**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR IMPROVEMENTS TO WEST FRANKLIN AVENUE AND KNOWLES STREET – FY2021**

WHEREAS, the Borough of Pennington seeks to make improvements to West Franklin Avenue and Knowles Street under a NJDOT - FY 2021 Municipal Aid Grant; and

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

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

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for improvements to West Franklin Avenue and Knowles Street in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

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

Council Member Marcianti made a motion to approve Resolution 2022-10.6, second by Council Member Gross. Ms. Angarone asked if there is a design for this project. Mayor Davy stated that it is not quite ready yet but this will allow us to advertise when the times comes. Mayor Davy stated that a resident meeting will also be scheduled prior to award of the project. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-10.7**

**RESOLUTION AUTHORIZING EXPENDITURES FROM
OPEN SPACE FUND TO INSTALL A 30’ X 30’ BASKETBALL PAD AND
BASKETBALL HOOP AT KUNKEL PARK**

WHEREAS, on the recommendation of the Parks and Recreation Committee in collaboration with Borough Council’s Public Works Committee, Borough Council seeks to make improvements to Kunkel Park to enhance its enjoyment by Borough residents as active open space; and

WHEREAS, as part of the improvements the Committees recommended that the basketball pad and basketball hoop be replaced; and

WHEREAS, three quotes were requested for installation of the basketball pad and hoop from Wagner’s Land Expansion, Inc., GreenLeaf Lawn and Landscape and Lou Beck and two quotes were received; and

WHEREAS, the Superintendent of Public Works has reviewed the quotes and recommends that the Borough issue a Purchase Order to Wagner’s Land Expansion, Inc. in the amount of \$15,660.00 to install at Kunkel Park a 30’ x 30’ basketball pad (6” thick) and a basketball hoop, with hoop to be provided by the Borough; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation 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 Trust Fund for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to issue a purchase order in an amount not to exceed \$15,660.00 to Wagner’s Land Expansion, for installation of the aforesaid basketball pad and hoop, with hoop to be provided by the Borough; and

BE IT FURTHER RESOLVED that once the Purchase Order is issued the Superintendent of Public Works is authorized to take additional steps as necessary to facilitate the installation of the basketball pad and hoop at Kunkel Park.

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

Council Member Marciante made a motion to approve Resolution 2022-10.7, second by Council member Gnatt. A brief discussion took place as to whether the community wants a basketball court at the park. Mayor Davy stated that a letter went out to all residents in the area explaining the proposed improvements. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2022-10.8

**RESOLUTION AUTHORIZING EXTENSION OF PAID INTERNSHIP
FOR MONA HABIBY IN THE BOROUGH BUSINESS OFFICE**

WHEREAS, by Resolution 2022-2.12, Borough Council appointed Mona Habiby to serve in a project-based internship paying \$30 per hour for 15 hours per week with an expected duration through May 2022;

WHEREAS, by Resolution 2022-5.9, Borough Council extended Ms. Habiby’s internship through September 2022; and

WHEREAS, Ms. Habiby continues to make the expected contribution to the workings of the Business Office and there is need to further extend this paid internship through December 2022; and

WHEREAS, the hours for this internship are between 15 and 20 hours per week as needed;

WHEREAS, the Personnel Committee has approved this extension of Ms. Habiby’s internship;

WHEREAS, the Chief Financial Officer has certified that funds are available in 2-01-20-100-000-101;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the paid internship of Mona Habiby is hereby extended through December 2022 at the hours and compensation described above.

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 2022-10.8, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-10.9**

**RESOLUTION ADOPTING “PENNINGTON BOROUGH
COUNCIL HANDBOOK AND BYLAWS”**

WHEREAS, the “Pennington Borough Council Handbook and Bylaws” is intended to serve as a guide and resource for Borough Council Members and other members of the Borough governing body and administration, defining the powers and duties of local officials and explaining key features of statutes having particular importance in the conduct of Borough affairs;

WHEREAS, the text of the Handbook and Bylaws draws variously from the language of State statutes and Borough personnel policies, with citations, to facilitate use of the document as a reference to address questions as they arise;

WHEREAS, the Handbook and Bylaws also includes Bylaws reflecting local rules for conduct of Council business, within the powers of the Council to prescribe;

WHEREAS, the proposed “Council Bylaws,” which reflect current practice, are contained in Part IV of the document and are intended to be effective immediately, subject to such amendments from time to time as Council may deem appropriate;

WHEREAS, a copy of the proposed Handbook and Bylaws is attached to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached “Pennington Borough Council Handbook and Bylaws” is hereby adopted as a guide and reference as aforesaid; and

BE IT FURTHER RESOLVED, that Part IV of the document, “Council Bylaws,” is hereby specifically approved and made operative, 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	S			
Gnatt	X				Stern		X		

Council Member Chandler made a motion to approve Resolution 2022-10.9, second by Council Member Marciante. Mayor Davy stated that this is a document that will guide current and new Council Members as to actions and behaviors of the Governing Body. Ms. Stern asked about the concern that was raised earlier regarding the Public Comment period. Mayor Davy stated that he would recommend that Council move forward with the document as it is and then look further into the concern raised related to public comment period. Ms. Angarone stated that she struggled to see it on the Borough Website. Ms. Stern stated that the handbook was not part of the public packet but it was posted today. Ms. Stern asked if it would be better to hold off on this until the next meeting. Mr. Marciante stated that there is nothing new in the document from what Council has always done. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone and Ms. Stern who voted no.

PROFESSIONAL REPORTS

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

Chief Doug Pinelli – In the absence of the Chief, Sergeant Thomas had nothing further to report.

Superintendent of Public Works – Mr. Smith stated that hydrant flushing was paused due to the drought conditions, but they will be resuming hydrant flushing very soon. Mr. Smith stated that residents should call Borough Hall or Public Works with concerns related to discolored water etc. Mr. Smith stated that he would like to thank Betty Sterling for the hard work that she put in to get the new meter reading software up and running. Mr. Smith stated that we were all trained, but a lot of the work fell in Betty’s lap and though the outcome is good, there was a lot of work that took place to get there. Mr. Smith stated that they are working

on trash calendars and the budget for next year. Mr. Smith commented that the speaker at the next Public Works Meeting is not just able to help with funding options, they can also help with other things. Mr. Smith stated that his Department will work closely with the Police Department to ensure a safe Halloween for all participants.

Borough Clerk – Mrs. Sterling reminded Council Members that she sent a new link for the Closed Session just before the meeting.

Mr. Marciante asked about a couple of bills that were on the bill list that was approved earlier.

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 and limit comments to the Governing Body to a maximum of 3 minutes.

Kathleen Mahle of East Delaware Avenue thanked Council for all they do. Ms. Mahle stated that she agrees with the request to move the general public comment to the beginning of the meeting. Ms. Mahle stated that the main reason she is here is to request additional police presence on East Delaware because speeding is getting out of hand. Ms. Mahle asked if the speed radar or a police car could be posted to try to slow the cars down.

Emily Etchberger of 112 Laning Avenue spoke about Halloween and asked how the community will change their behavior from prior years. Mayor Davy stated that Council will provide communication to residents, post notices on the website and will work very hard to get the word out to all residents. Mayor Davy stated that even though the streets will not be closed there will still be a police presence providing traffic control and safety measures. Mayor Davy stated that this was a challenging decision for Council and there will be extensive communication out to residents. Ms. Etchberger stated that she would recommend that communication go out to the entire community and not just the residents in that area.

There were no further comments from the public.

Closed Session

AT, 8:31 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 Matter – Police
- Property Acquisition – Open Space
- Personnel - Borough Administrator
- Litigation – Hopewell Township – PILOT
- Shade Tree Investigation

AT, 9:44 PM, Mayor and Council returned to Open Session and 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