

**Pennington Borough Council
Regular Meeting – July 5, 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, Gross, Marciante, and Stern in attendance. Ms. Gnatt arrived after the roll call.

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's Business

Mayor Davy stated that we received a letter from the NJDOT regarding the West Franklin and Knowles Street project advising the Borough that this project has to be awarded by November 16, 2022. Mayor Davy stated that he believes we are on track to meet that date. Mayor Davy stated that resident meeting was held this past week and there are minutes that are in development which will be distributed to Council and mailed out to residents in the project area.

MAYOR'S APPOINTMENTS

Mayor Davy announced that Jeanne Van Orman will be moving from Alternate 2 to Alternate 1 on the Planning Board and Amy Kassler Taub is being appointed as Alternate 2 for an unexpired term ending December 31, 2022.

Mayor Davy stated that Planning Board Chair Jim Reilly and Deb Gnatt participated in the interviews for the Planning Board appointment.

Mayor Davy stated that there are three open spots on the Environmental Commission and he is recommending the following appointments.

Mayor Davy announced the appointment of John Valenza to the Environmental Commission for an unexpired term ending December 31, 2022.

Mayor Davy announced the appointment of Jim Fuger as Alternate 1 on the Environmental Commission for an unexpired term ending December 31, 2022.

Mayor Davy recognized Jim Fuger who was in attendance. Mr. Fuger thanked Mayor and Council for the opportunity to serve on the Environmental Commission.

Mayor Davy stated that a meeting was held with the Chico Marciante, Chair of Public Works, Brett Margulis, Chair of Parks and Recreation, Deb Gnatt, Council liaison to Parks and Recreation and Rick Smith to discuss the process for improvements to Sked Street Park. Mayor Davy stated that Brett Margulis as Chair of Parks and Recreation will be putting together a preliminary design for certain improvements to Sked Street Park. Mayor Davy stated that the charge was that Parks and Recreation will work along with Public Works to formulate a plan and from there a community/neighbor meeting will be held to present a preliminary plan and gather input from the residents and from there a final plan will be presented to Borough Council for final authorization. Mayor Davy stated that Mr. Marciante will report further on this, but he wanted it to be clear that Parks and Recreation will be coming up with the plan.

Mayor Davy stated that he has asked Ken Gross and Kati Angarone to look into whether the Borough should remain in the water utility business. Mayor Davy stated that there are a number of regulations coming that will impact the budget and increase costs for capital improvements and maintenance. Mayor Davy stated that they will be working on this with Borough professionals and coming up with a report for Council.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the Special Meeting held May 10, 2022, second by Council Member Gross with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held June 6, 2022, second by Council Member Marciante with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2022-10 by title.

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

**AN ORDINANCE AMENDING ORDINANCE 2022-3 TO PROVIDE FOR AND
DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF
THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY
FOR THE YEAR 2022**

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

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

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

Deletions are noted in brackets [] corrections are underlined.

Borough Administrator	\$88,204.86-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$46,080.04
Assistant CFO	\$78,729.52
Utility Collector	\$31,835.48
Chief Financial Officer (part time)	\$88.98/hour
Tax Collector (part time)	\$88.98/hour
Technical Assistant to Construction (part time)	\$26.53/hour
Tax Assessor (part time)	\$14,059.59
Zoning Officer (part time)	\$9,514.46
Land Use Admin/Admin Asst.	\$55,000.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$89,034.93
Licensed Water Operator	\$49,682.45
Assistant to Superintendent of Public Works	\$41,000.00
Foreman	\$[78,668.75] <u>78,412.50</u>
Judge of Municipal Court	\$13,367.29
Court Administrator (part time)	\$18,570.69
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00

Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police [yearly clothing allowance \$1,500] <u>includes \$3,500 EMT Certification</u>	[\$120,912.50] <u>121,375.00</u>
Administrative Assistant – Police Department	[\$15.61] <u>46.13</u> /hour
Construction Official	\$29,082.87
Plumbing Sub-Code	\$51.25/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$42.80/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$51.25 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.00	\$ 26.53
Special Police	\$ 17.00 per hour	
[Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00]

SECTION II: Employee/Personnel Manual.

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

SECTION III:

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

SECTION IV:

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

SECTION V:

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

Council Member Chandler made a motion to introduce Ordinance 2022-10, second by Council Member Gnatt. Mrs. Sterling stated that this ordinance corrects a couple of minor errors that were discovered while processing the retro checks. Upon a roll call vote all members present voted in favor.

Mayor Davy read Ordinance 2022-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022 - 10**

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

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

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

1. 200-23. Speed limits established.

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

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

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

Council Member Chandler made a motion to introduce Ordinance 2022-10, second by Council Member Angarone. Mrs. Chandler stated that the Police Department has done a survey of speed limits and compared that to the speed limits on County roads and in order to enforce the 25 mph speed limit the ordinance needs to be amended. Mrs. Chandler stated that the Police Department has done a great job with the speed limit survey and she is hoping that at the next meeting there will be a similar ordinance for stop signs. Mrs. Chandler explained that this is housekeeping to ensure that all posted speed limits are enforceable. Upon a roll call vote all members present voted in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Ms. Gnatt stated that the Planning Board did meet but there was nothing to report. Ms. Gnatt stated that she attended the meeting regarding Sked Street Park and though the park is well maintained the sidewalks, bridge and mulch need to be addressed. Ms. Gnatt stated that some of the equipment needs to be upgraded. Ms. Gnatt stated that Mr. Margulis will be putting a preliminary plan together.

Ms. Gnatt stated that Kunkel Park improvements are ongoing with a few more items that need to be done.

Ms. Gnatt stated that two applicants were interviewed for the vacancy on Planning Board, both applicants were great and it was decided to appoint Amy Kassler-Taub.

Mr. Gross asked if any thought was given to hiring a consultant to assist with the plan for upgrades at Sked Street Park. Mayor Davy stated that he talked to Brett Margulis about that and the improvements are small enough that he and the Parks and Recreation group can come up with a plan. Mr. Gross stated that he would wait and see what they come up with, but it might be worth consideration to hire a consultant. Mr. Marciante stated that basically the improvements consist of the sidewalks, the gazebo, the bridge and a merry go round like the one at Kunkel Park.

Mr. Smith stated that there is one important thing to remember about Sked Street Park and that is that it helps with drainage. Mr. Smith stated that every neighboring property drains toward the park and that is why the bridge is there. Mr. Smith stated that the park is typically dry but when it rains, water comes from every direction. Mr. Smith asked that everyone be mindful of the drainage easement as we move through this process.

Mr. Gross stated that if the goal is to spruce up the park and ensure safety that is one thing, but if the goal is to do those things and potentially upgrade and increase utilization of the park, then we should consider hiring a professional. Mr. Marciante stated that Ms. Angarone made a good point that the upgrades are geared towards the younger population and there is an older population that should also be considered. Mr. Marciante stated that equipment for parents to use while watching their children on the playground equipment is something that should be considered especially at Kunkel Park.

Mayor Davy asked if Council was okay with the process as it was laid out or should the Borough consider hiring a professional. Mr. Marcianite stated that as this progresses it might be needed, but not at this time. Council Members agreed to proceed as planned.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Public Safety did not meet but in addition to the speed limit ordinance on tonight’s agenda, the Police Department is working on a survey of stop signs and an ordinance will be on the August agenda if needed.

Mrs. Chandler stated that Economic Development met and discussed a possible lighting ordinance and how that would affect businesses in town and the “get lit” initiative. Mrs. Chandler stated that they have also begun talking about the Holiday Walk. Mrs. Chandler stated that 1 North Main Street is a topic of conversation and they would like the current zoning of retail business to remain in effect and not changed for other uses at this time. Mrs. Chandler stated that they welcomed a new member and got them up and running.

Mrs. Chandler stated that the Environmental Resource Inventory is in the final changes and she has reached out to a couple of people to see how much it would cost to finish up the report. Mrs. Chandler stated that the Environmental Commission has done all they can do on the report. Mrs. Chandler stated that they discussed the noise ordinance and they are looking at other noise ordinances to see how our ordinance can be updated. Mrs. Chandler stated that the Carbon Neutral group is gearing up.

Mrs. Chandler stated that the Arboretum group is moving along, a meeting was held with residents to let them know the plans for the Arboretum. Mrs. Chandler stated that in the next several weeks they are hoping to move ahead with fence installation and tree removal. Mrs. Chandler stated that they are working on getting access to a GPS reader to identify and mark trees that need to be removed.

Mrs. Chandler stated that Excel Environmental presented a preliminary report on the Landfill and she would like to say upfront that this is a very high level report and she is not able to answer any specific questions at this time. Mrs. Chandler stated that overall the findings were consistent with that of a municipal landfill and there were no big areas of concern. Mrs. Chandler stated that there are no surprises, everything can stay as is and nothing has to be removed. Mrs. Chandler stated that areas of concern that were identified were addressed, no issues were found and no further monitoring is required. Mrs. Chandler stated that the next step is that the report will be sent to the DEP for approval. Mrs. Chandler stated that Council needs to decide what the plan is for the landfill. Mrs. Chandler stated that the landfill needs to be closed which would require two feet of fill to cap it but how the landfill is capped depends on the plan for the landfill. Mrs. Chandler stated that we hope to have a public meeting in the fall depending on the DEP approval. Mrs. Chandler stated that Excel Environmental has been asked to do a Letter of Interpretation related to the ditch which will determine what can be built and where and also a flood plain analysis. Mrs. Chandler stated that there are still these couple things that need to be done but so far the results are what we were hoping for.

Mayor Davy asked if there were any questions. Ms. Angarone asked if the report could be shared. Mrs. Chandler stated that the report is still preliminary so Excel did not leave a copy. Mrs. Chandler stated that when the report is received it will be available to review.

Mrs. Chandler briefly explained the layout of the landfill. Mrs. Chandler stated that the development options are open space, solar panels and early on in the process there were some developer’s interested in development of the site. Mrs. Chandler stated that all development opportunities are available but development of the site as residential or retail could be very expensive. Mrs. Chandler stated that right now we can close the landfill with two feet of material and then pursue options for the site. Mrs. Chandler stated that due to the flooding issues in that area, that also needs to be considered.

Mrs. Chandler stated that another thing to consider is that the Fire Company is interested doing more on the parking area that they lease from the Borough. Mrs. Chandler stated that there are exceedances of certain things on the property that do not have removed, but without the two feet of cover nothing can be done.

Mayor Davy invited Mr. Ryan Fraser of 202 Burd Street into the meeting. Mr. Fraser stated that he is selling his house and moving within the Borough. Mr. Fraser stated that he reached out to Hopewell Fire District and found out that they have not resumed inspections of residential homes. Mr. Fraser stated that residents are required to “self-certify” and that requires the resident to hire a licensed electrician for hardwired systems. Mr. Fraser stated that the fire district still charges the same fee for this even though they are not doing the inspection. Mr. Fraser stated that the fire officials who were doing the inspections pre-covid were not licensed electricians and he would like to encourage the Mayor and Council to reach out to the Fire District and ask them to resume these inspections. Some discussion took place about why these services are contracted out and what services are covered under the agreement. Mayor Davy stated that the Borough needs to go back to them and ask that they resume the inspections.

Public Works – Mr. Marciante reported that after the water leak on Delaware Avenue he reached out to Mercer County to coordinate the resurfacing of Delaware Avenue and the County Engineer stated that he would reach out to Rick Smith to coordinate scheduling.

Mr. Marciante stated that on Monday the Public Works Committee will meet with a company and view a demonstration of “smart-level” which is a device that can measure the amount of water that flows through the sewer system in certain areas. Mr. Marciante stated that he would like to know if some of the signs in Pennington can be removed. Mr. Marciante asked if speed bumps signs can be eliminated as there are way too many signs identifying the speed bumps. Mrs. Chandler stated that these signs are required by the State of New Jersey. Mrs. Chandler stated that she does not think that the Borough has any signs that are not required.

Mrs. Chandler stated that on Saturday, three days before collection day, there were several cans out, they were overfilled and there was trash everywhere. Mrs. Chandler stated that it has been eight months since the new trash carts were put in place and she would like to see enforcement of the ordinance. Mr. Smith stated that he would have to review the ordinance first but it sounds like a number of regulations are not being followed in this scenario. Mayor Davy suggested gentle reminder to all residents. Mr. Smith stated that public works can leave a notice on the cans that are problems. Mayor Davy asked for a list of residences that were identified. Mr. Smith stated that Public Works will come up with a list.

Finance & Technology / Board of Health – Mr. Gross stated that Finance and Technology did not meet. Mr. Gross stated that there is a cross over between Finance and Public Works related to capital projects identified in the Asset Management Plan and road projects and how these projects will be funded. Mr. Gross stated that at the Public Works meeting, Borough Engineer Brandon Fetzter stated that the I-Bank is the best way for the Borough to fund projects and he would be working to set up a meeting with the I-Bank. Mr. Gross stated that he would recommend that representatives from both Finance and Public Works be there including Sandy Webb, Betty Sterling and Rick Smith.

Mr. Gross stated that the Board of Health did not meet. Mr. Gross stated that he was not on Council when the Borough agreed to contract with Montgomery Township for Health Services and he would like to review the agreement with regard to what services they provide. Mrs. Sterling stated that she would provide a copy.

Mayor Davy reminded Council Members that when joint meetings of committees are held and there is a majority of Council, that Borough Clerk Betty Sterling needs to be notified so that proper notice can be given as required by the Open Public Meetings Act.

Historic Preservation / Library – Ms. Angarone stated that she had nothing to report for Historic Preservation or the Library. Ms. Angarone stated that she would like to talk briefly about the Communication Plan that Mayor Davy asked her and Nadine to take a look at. Ms. Angarone stated that they hope to have a plan ready for the August Council meeting.

Senior Advisory Board – Mr. Davy had no report.

Open Space/ Shade Tree – Ms. Stern reported that Open Space did not meet. Ms. Stern stated that the Shade Tree Committee met on June 7th and they will be on hiatus for the rest of the summer. Ms. Stern stated that they discussed Pennington Day and the Annual Accomplishment Report which has been completed and submitted. Ms. Stern stated that the group received an update on the grant for planning 20 trees. Ms. Stern stated that due to an emergency in Public Works, Borough Council agreed to hire a contractor to plant the 20 trees. Ms. Stern stated that Mr. Fabian provided a detailed report on tree trimming and pruning. Ms. Stern stated that the Shade Tree group is reviewing all requests for attention to municipal trees and the committee is working towards being more involved in projects that involve tree removal and planting. Ms. Stern stated that the question came up about the difference between a committee and a commission and she is working on getting a definitive response so that if the question is raised again there is a response documented and on file.

Mr. Marciante stated that there is an eleven acre parcel of land that ties into Curlis Lake that could become available and he would like the Borough to consider this property as Open Space. Mr. Marciante stated that it would require coordination with other entities. Ms. Stern asked Mr. Marciante to provide her the information and she would take it to the Open Space Committee.

Mrs. Chandler asked if the Shade Tree Committee could look into a tree ordinance. Ms. Angarone stated that when she was on Shade Tree the idea was proposed and Borough Council was not interested. Mrs. Chandler stated that what a shade tree ordinance would do is protect trees on private property and require approval before removing a tree on private property.

COUNCIL DISCUSSION

Social Affairs Permit – Trenton Cyrus Lodge – Mrs. Sterling explained that this is a permit that the Borough Clerk and the Chief of Police are required to sign off on and they come before Council first to ensure that the Borough has no issues with the permit being issued. Mrs. Sterling stated that this permit is

similar to events that the lodge has held in the past. Mrs. Sterling stated that this permit allows a vendor to come in and sell liquor at the event. Borough Council had no concerns with the permit.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Water/Sewer Operating Fund to Trident Land, 17 Main Street, Suite 402, Robbinsville, NJ 08691for an overpayment of water/sewer payment for a final bill on Account #: 2053-0, 18 Tucker Way in the amount of \$136.97.

BE IT RESOLVED that a refund be issued from the Current Fund to Trident Land, 17 Main Street, Suite 402, Robbinsville, NJ 08691for an overpayment of 2nd Quarter taxes for Block 102, Lot 1, -C0603, 18 Tucker Way in the amount of \$3,466.50.

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	M				Marciante	X			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-7.1, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.2**

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 \$ 1,622,409.18 from the following accounts:

Current	\$ 1,050,520.36
W/S Operating	\$ 124,381.43
General Capital	\$ 236,592.13
Grant Fund	\$ 177,901.15
Open Space Fund	\$ 23,460.00
COAH Trust Fund	\$ 2,000.25
Animal Control Fund	\$ 12.60
Other Trust Fund	\$ 6,995.26
Developer’s Escrow	\$ 546.00
TOTAL	\$ 1,622,409.18

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 2022-7.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-7.3**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.22 FOR
THE TRENTON CYRUS FOUNDATION**

WHEREAS, the Trenton Cyrus Foundation submitted raffle application RA: 1.22 on June 15, 2022 for a raffle to take place on October 8, 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 June 22, 2022; and

WHEREAS, the Trenton Cyrus Foundation 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, the Trenton Cyrus Foundation, 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: 1.22 for the Trenton Cyrus Foundation be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.22 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	X				Gross	S			
Chandler	X				Marciante	M			
Gnatt	X				Stern	X			

Council member Marciante made a motion to approve Resolution 2022-7.3, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.4**

**RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF WOODEN FENCE
UNDER STATE CONTRACT AND FURTHER
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 install a fence around the perimeter of the property; and

WHEREAS, the desired fence is available under State Contract (T0640-A88679); and

WHEREAS, the Superintendent of Public Works has obtained a quote for the fence materials and installation of the fence from EB Fence, LLC, 23 Red Fox Trail, Sicklerville, NJ 08081; and

WHEREAS, EB Fence, LLC is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase and installation of fence by EB Fence, LLC is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the proposal from EB Fence, LLC in the amount of \$11,632.58, is attached to this Resolution; and

WHEREAS, purchase and installation of the fence under State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; 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 purchase and installation of a wooden fence for the Arboretum located behind Toll Gate School pursuant to the attached proposal from EB Fence, LLC is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

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

Council Member Chandler made a motion to approve Resolution 2022-7.4, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.5**

RESOLUTION AUTHORIZING PURCHASE OF 35 GALLON TRASH CARTS FROM SCHAEFER SUBCO, LLC THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH HGACBUY (ILC22-11905)

WHEREAS, the Borough of Pennington recently transitioned to automated trash collection; and

WHEREAS, the Superintendent of Public Works has requested the purchase of additional trash carts that are compatible with the automated trash truck; and

WHEREAS, the Superintendent of Public Works has determined that the required trash carts are available from Schaefer SubCo, LLC, 10301 Westlake Drive, Charlotte, NC 28273 through the purchasing cooperative H-GAC Buy; and

WHEREAS, Pennington Borough approved Resolution 2022-4.21 authorizing the Borough of Pennington to join H-GACBuy for cooperative purchasing; and

WHEREAS, H-GACBuy approved the Borough’s application to join on June 27, 2022; and

WHEREAS, Schaefer SubCo, LLC located in Charlotte, North Carolina is an authorized dealer for the desired equipment and has provided the Borough with quote #021121-1 dated 3/10/22 for USD35B- 35-Gallon Cart with 8” plastic wheels, navy body and lid with hotstamp; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in budget line item 2-01-26-305-000-291;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of 35 gallon trash carts for the Public Works Department is hereby authorized in an amount not to exceed \$6,529.40 as per quote 021121-1 dated March 20, 2022 from Shaefer SubCo, LLC.

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				Marciente	M			
Gnatt	S				Stern	X			

Council Member Marciente made a motion to approve Resolution 2022-7.5, second by Council Member Gnatt. Ms. Angarone asked for an explanation as to why we are purchasing so many more carts. Mr. Smith stated that these carts are going to be provided to residents at Pennington Point because they are

smaller and will be easier to wheel to the curb. Mr. Smith stated that the current 65 gallon carts that Pennington Point residents have will be used to replace damaged cans or to provide an additional can to residents. Mr. Smith stated that he has a waiting list of residents with 95 gallon cans that would like to have a smaller can. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.6**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2022 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
2022 – CLEAN COMMUNITIES**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a grant in the amount of \$5,698.06 from the State of New Jersey – for the 2022 Clean Communities Grant; and

WHEREAS, the Borough wishes to amend its 2022 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2022 in the sum of \$5,698.06, which is now available as revenue from:

2022 – Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$5,698.06 be and the same is hereby appropriated under the caption of:

2022 – Clean Communities Grant

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director 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	S			
Chandler	M				Marciante	X			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-7.6, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.7**

**RESOLUTION AUTHORIZING GRANT APPLICATION FOR IMPROVING THE CONDITION
OF ROADWAY INFRASTRUCTURE ON BALDWIN STREET FROM EAST WELLING TO
SOUTH MAIN STREET AND ON BALDWIN COURT IN THE BOROUGH, AND FURTHER
AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION UNDER THE 2023 MUNICIPAL AID PROGRAM**

WHEREAS, Borough Council has determined that road improvements are necessary on Baldwin Street from East Welling to South Main Street and on Baldwin Court in Pennington;

WHEREAS, the NJ Department of Transportation offers grants for road improvements including reconstruction and resurfacing

WHEREAS, the deadline for submission of Municipal Aid grants was July 1, 2022; and

WHEREAS, in order to resolve the Borough’s need to improve the condition of Baldwin Street and Baldwin Court, the Borough Engineer has submitted a Municipal Aid Application for 2023 to meet the required deadline of July 1, 2022; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves and ratifies submission of the aforesaid electronic grant application to the New Jersey Department of Transportation, under the 2023 Municipal Aid Program, for improvements to Baldwin Street and Baldwin Court;

BE IT FURTHER RESOLVED, that the Mayor with the attestation of the Borough Clerk, is hereby authorized to sign the grant agreement on behalf of the Borough of Pennington with the understanding that the Mayor’s signature and attestation confirm the Mayor’s authority to execute and enter into such agreement and constitute approval of the grant agreement and acceptance of its terms and conditions on behalf of the Borough.

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 2022-7.7, second by Council Member Chandler. Ms. Angarone asked for an explanation of this resolution. Mayor Davy stated that this is an application for the next road on the list for submission to DOT for grant funds. Mayor Davy stated that the project is for milling and resurfacing of the road. Some discussion took place with regard to engineering costs. Ms. Stern stated that the application provided by Mr. Fetzer includes the possibility of sidewalks. Mr. Smith stated that there is a small section of the road where there are no sidewalks. Mr. Gross stated that this resolution is to apply for the funds and if funds are granted then the project will be defined. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2022 –7.8**

RESOLUTION AUTHORIZING SERVICES BY VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH PREPARATION OF REVIEW OF TITLE REPORT AND ASSOCIATED PLAN REVISIONS FOR THE TITLE REPORT AND UPDATES TO SURVEY PLAN FOR SUBMISSION FOR GREEN ACRES FUNDING AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THE WORK

WHEREAS, Ordinance 2019-10 authorized the acquisition of a portion of Block 1003, Lot 15 on the Borough Tax Map in order to create an arboretum and appropriating the sum of \$50,000 from the Pennington Borough open space trust fund for said acquisition; and

WHEREAS, the Borough is now seeking reimbursement for the acquisition and related costs associated with the purchase from the New Jersey Department of Environmental Protection, Green Acres Fund; and

WHEREAS, as part of the reimbursement process, Green Acres requires updates to the prepared survey plan, description and surveyor’s certification form; and

WHEREAS, Van Note-Harvey Associates has submitted an e-mail proposal dated May 9, 2022 to perform the necessary updates; and

WHEREAS, the estimated cost of the work is \$2,500 as set forth in the proposal;

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; and

WHEREAS, the Chief Financial Officer of the Borough certifies that the needed funds are available in the Open Space Trust Fund; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Pennington that the Borough Clerk is hereby authorized to issue a purchase order to Van Note-Harvey Associates directing it to perform the work described in the attached e-mail dated May 9, 2022 at a total contract price not to exceed \$2,500.

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

Council Member Gross made a motion to approve Resolution 2022-7.8, second by Council Member Chandler. Mrs. Sterling stated that this work is required by Green Acres to update the survey to Green Acres compliance so that we can submit for funding for the purchase of the property. Upon a roll call vote all members present voted in favor with the exception or Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.9**

**RESOLUTION AUTHORIZING EXPENDITURES FROM OPEN SPACE FUND TO PURCHASE
EQUIPMENT TO ASSIST THE REDEVELOPMENT OF KUNKEL PARK
AS ACTIVE OPEN SPACE IN THE BOROUGH OF PENNINGTON**

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;

WHEREAS, the Committees recommended purchase of picnic tables, benches, concrete work, swings and other playground equipment which were previously authorized by Resolution;

WHEREAS, as a next step, the Committees are recommending the purchase of a basketball hoop which is available from JayPro Sports, LLC in Waterford, CT; and

WHEREAS, the Superintendent of Public Works has received an e-mail quote dated June 7, 2022 in the amount of \$1,785.00 including freight; and

WHEREAS, the attached quote is for the materials only and does not include installation; 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 Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$1,785.00 and to take such additional steps as necessary to acquire the equipment described and quoted in the attached proposal of JayPro Sports LLC.

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 2022-7.9, second by Council Member Marciante. Mr. Smith stated that there has been some discussion about moving the half court basketball court and he just wants to be sure that the location is worked out ahead of time. Ms. Gnatt was asked to bring this back to Parks and Recreation to determine the location. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.10**

**RESOLUTION AUTHORIZING CANCELLATION OF
OUTSTANDING CHECKS**

WHEREAS the Chief Financial Officer has requested permission to cancel certain outstanding checks from the Current Fund and the Water/Sewer Operating; and

WHEREAS, said outstanding checks should be cancelled and transferred to the proper statutory accounts – Current Fund - Miscellaneous Revenue Not Anticipated and Water/Sewer Operating – Miscellaneous Revenue Not Anticipated; and

WHEREAS, it is the desire of the Borough Council to cancel said outstanding checks in the Current Fund totaling \$979.00 and Water Sewer Operating Account totaling \$204.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington that the Chief Financial Officer is hereby authorized to cancel outstanding checks of the Borough as set forth on the attached listing.

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 2022-7.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.11**

RESOLUTION AUTHORIZING PURCHASE OF SERVER CAGE FOR THE ADMINISTRATION OFFICE FROM CDW-G THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION (65MCESCCPS)

WHEREAS, the Mid Jersey Municipal Joint Insurance Fund (JIF) has certain requirements related to Cyber Security that the Borough is required to comply with; and

WHEREAS, the Borough has achieved Tier One status with the JIF and seeks to achieve Tier Two status; and

WHEREAS, in order to achieve Tier Two status, the last requirement is to enclose the Borough computer server in a locked server enclosure; and

WHEREAS, the Borough Clerk has determined that the required equipment is available from CDW-G through the Middlesex Regional Educational Services Commission (65MCESCCPS); and

WHEREAS, Pennington Borough joined the Middlesex Regional Educational Services Commission by Resolution 2013-7.4 in July of 2013; and

WHEREAS, CDW-G located in Cherry Hill, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #MVNT047 for a APC NetShelter SX 24U Deep Server Rack Enclosure – 3006; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the Administration budget line item 2-01-20-100-000-225;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of one (1) APC NetShelter XS-24U Deep Server Rack Enclosure-3006 for the Administration Office is hereby authorized in an amount not to exceed \$1,847.89 as per quote MVNT047 dated June 23, 2022 from CDW-G.

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 2022-7.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-7.12**

RESOLUTION RESCINDING RESOLUTION 2022-5.20 AND SUBSTITUTING THIS RESOLUTION 2022-7.12 AMENDING AUTHORIZING OF GRANT APPLICATION TO GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF MERCER

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage

residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

WHEREAS, The Pennington Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Pennington Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Pennington Borough Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Mercer;

WHEREAS, by Resolution 2022-5.20, approved by Borough Council on May 2, 2022 authorized submission of a grant application to DMHAS for the amount of \$4,330.00, when the correct amount was \$4,430.00; and

WHEREAS, the purpose of this Resolution 2022-7.12 is to correct this typographical error;

WHEREAS, the Chief Financial Officer certifies that this approval is contingent upon funding in the 2023 Municipal Budget;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Pennington, County of Mercer, State of New Jersey as follows:

1. The Pennington Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Hopewell Valley Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:

DMHAS Grant Funding **\$4,430.00**

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. Resolution 2022-5.20 previously approved by Borough Council on May 2, 2022 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	X			
Gnatt	X				Stern	S			

Council Member Chandler made a motion to approve Resolution 2022-7.12, second by Council Member Stern with all members present voting in favor

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.13**

RESOLUTION AUTHORIZING BLOCK PARTY ON AUGUST 6, 2022 (RAIN DATE AUGUST 7, 2022) FROM 11 AM TO 10 PM ON SKED STREET

WHEREAS, Patrick Marchetti has applied to the Borough of Pennington for permission to close the street known as Sked Street in the Borough on August 6, 2022 (Rain Date August 7, 2022) beginning at 11 AM and ending at 10 PM for a block party on Sked Street (400 Block) for an estimated 50 people;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Patrick Marchetti 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	S			
Chandler	X				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-7.13, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-7.14**

**RESOLUTION APPROVING APPLICATION FOR TEMPORARY
USE OF OUTDOOR SPACE BY THE STRAUBE CENTER**

WHEREAS, the Straube Center has submitted to the Borough an Application for Temporary Use of Outdoor Space, to hold an event in the parking lot of the Straube Center to include vendor tables for arts, crafts, food vendors and local businesses; and

WHEREAS, the event will take place in the parking lot of the Straube Center only; and

WHEREAS, during the ongoing Covid emergency the Borough has permitted use of outdoor space on a temporary basis without site plan approval subject to approval by the Fire Official and any other conditions that may be required for public safety and access;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the application of The Straube Center for Temporary Use of Outdoor Space as described above is hereby approved, subject to such conditions pertaining to public safety as may be imposed by the Fire Official and others with jurisdiction.

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 2022-7.14, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.15**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR
EAST WELLING AVENUE ROAD REHABILITATION PROJECT – NJDOT FY 2020 MUNICIPAL
AID PROJECT (VNHA #44348-551-71)**

WHEREAS, Borough Council approved Resolution 2021-11.15 authorized entering into a contract with Top Line Construction Corp. for East Welling Avenue Road Rehabilitation Project (VNHA #44348-551-71) at the total contract price of \$465,704.35, representing the total of the lowest base bid and lowest bid for Add Alternate #4, installation of speed table; and

WHEREAS, on February 7, 2022, Borough Council approved Resolution 2022-2.5 authorizing Change Order 1 in the amount of \$27,518.20, for Add Alternate 2, which increased the total Contract Price to \$493,222.55; and

WHEREAS, Resolution 2022-2.5 also approved the elimination of Add Alternate 4 in the amount of \$3,097.10, which was approved in the initial award, reducing the contract price to \$490,125.45; and

WHEREAS, upon completion of the resurfacing of East Welling Avenue, it was discovered that a water service line under the repaved surface had been damaged, requiring the excavation of a trench for installation of a new water service line; and

WHEREAS, Top Line Construction Corp. has provided an estimate in the amount of \$9,045.00 to perform the work which includes removal of existing paved surface to approximately 2 feet past the water service trench, new subbase material, base pavement and surface course pavement and sealing of the trench line with emulsified asphalt; and

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 2 is hereby approved to authorize the amendment of the contract to include the road repair work as described above, thereby increasing the net contract price by \$9,045.00 producing an amended net contract price of \$499,170.45, is hereby approved.

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 2022-7.15, second by Council Member Stern with all members present voting in favor

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 7.16**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 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.2 in the amount of \$155,373.28 less 2% retainage in the amount of \$3,107.47; 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 \$152,265.81 pursuant to payment request No.2 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 2022-7.16, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 - 7.17**

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

Mr. Bliss stated that this resolution was written on Friday after receiving the quote and it needs to be held until further research can be done.

PROFESSIONAL REPORTS

Borough Attorney – Mr. Bliss stated that there is a pending motion in the PILOT litigation that is returnable July 22th relative to the scope of discovery.

Chief Doug Pinelli – Chief Pinelli had nothing further.

Superintendent of Public Works – Mr. Smith stated that the lead service line identification is ongoing, they have done over 300 and have another 200 to go. Mr. Smith stated that another round of letters will be sent. Mr. Smith stated that they have not discovered any lead lines, but they have found some galvanized.

Mr. Gross asked about graffiti that was found at Sked Park. Mr. Smith stated that he has a little more to do but it is mostly cleaned up.

Ms. Stern asked about the funding for replacement of lead lines. Mr. Smith stated that it is really important to identify where the problems are and then work from there. Mr. Smith stated that in connection with the West Franklin and Knowles Street project it is important to check those connections at the same time so that any replacements can be done while the road is open.

Borough Clerk – Mrs. Sterling had nothing further.

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.

Marjorie Kaplan of Baldwin Street stated that she also serves on the Board of Health and she would like to thank Mayor and Council for their service. Ms. Kaplan stated that she is disheartened to hear a discussion of taking down trees on her street when there has been no public outreach. Ms. Kaplan stated that she understands that an exhaustive discussion with residents on Welling and no discussion has taken place with residents on her street. Ms. Kaplan stated that she is disheartened that prior to the trees coming down on Welling she sent each and every member of Council an e-mail about a discrepancy regarding the meeting minutes and no one responded.

Mr. Ross Gale of 14 Baldwin Street stated that he would like to hear a response as to what is planned for Baldwin Street. Mayor Davy stated that all the Borough Council did tonight was to pass a resolution to authorize a grant application to the NJ Department of Transportation. Mayor Davy stated that there is no project designed as yet, the project will be designed once we know if we have the funding. Mayor Davy stated that if the grant is awarded there will be a meeting with residents of the street prior to design of the project to get input and ideas with respect to the project. Mayor Davy stated that once the project is designed it will be reviewed again with the residents prior to going out to bid for the project. Mayor Davy stated that the project will then go out to bid and come back to Council for award of the project. Mayor Davy stated that at this time there is no project design for Baldwin Street. Mrs. Chandler stated that the timeline is quite long. Mayor Davy stated that the design of the project will likely come in 2024 and there will be a lot of discussion with residents prior to award of the project.

Mayor Davy stated that with regard to East Welling, the Borough Engineer did say the trees would be saved, but in response to notice of litigation from that property owner, an agreement was reached to take down the trees. Mayor Davy stated that the Borough Engineer did not speak out of turn, but an agreement was subsequently reached to remove the trees.

Mr. Gale asked where the agenda is posted as he could not find it on the website. Mrs. Sterling explained that we are using a new software and where to find the agendas on the website. Mrs. Sterling stated that she would work on making it easier to access. Ms. Stern stated that this is a good time to tout the benefits of the new software program and the time that it will save Betty in putting the agendas together and the time it will save the Police Department not having to deliver the packages, not to mention the paper cost savings. Ms. Stern stated that she would like to thank Betty for her hard work in getting the new system up and running and it is definitely an improvement. Ms. Stern stated that she is sorry it did not appear easy to find this time, but we will work on improving that.

Mr. Frank Sweeney of Baldwin Street stated that there is a sign on their street that is covered with a garbage bag and he would like to know what is under the bag. Mayor Davy stated that is a detour sign that was left from the Welling project until the work that was authorized tonight could be done.

Mr. Sweeney stated that the stretch of Welling where the trees were taken down looks very different now. Mayor Davy stated that new trees are being planted. Mayor Davy stated that every member of Council has driven on Welling before, during and after the project.

Mr. Sweeney stated that with regard to lead lines it is important to get information out so that residents can understand who is responsible for the funding and so forth, because property values could be impacted. Mayor Davy stated that we are currently in the process of identification and then we will be able to provide more information. Mayor Davy stated that the letters that went out were to gain access to residences because we don't know where the lead or galvanized lines are and we need to conduct these inspections.

AT, 9:04 PM, with no further business to come before Council Member Marciante made a motion to adjourn the meeting, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk