

**Pennington Borough Council
Regular Meeting – July 1, 2024**

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

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Superintendent of Public Works Rick Smith, Police Chief Doug Pinelli and Borough Auditors Robert Provost and Rachel Kleinman.

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

Mayor Davy read the following statement.

The meeting is now open to the public for comments. 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 you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

MAYOR'S BUSINESS

Mayor Davy announced the resignation of David Stevens from Historic Preservation and asked if anyone has a suggestion for a replacement that they let him know.

PRESENTATIONS

Mayor Davy introduced Borough Auditors Rob Provost and Rachel Kleinman who reported that the Audit for 2023 has been completed with no comments or recommendations. Mr. Provost and Ms. Kleinman reviewed the process for performing the audit and thanked the Borough staff for their cooperation. There were no comments or questions from Council Members.

MAYOR'S APPOINTMENTS

Mayor Davy announced the appointment of Casey Upson of 16 East Welling Avenue to fill the Alternate 2 position on the Planning Board for an unexpired term ending December 31, 2025.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the May 13, 2024, Special Meeting, second by Council Member Marciante with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the May 28, 2024 Work Session Meeting, second by Council Member Marciante with all members present voting in favor.

Council Member Gnatt made a motion to approve the minutes of the June 3, 2024, Regular Meeting, second by Council Member Angarone with all members present voting in favor with the exception of Mrs. Chandler who abstained.

APPROVAL OF CLOSED SESSION MINUTES (FOR CONTENT BUT NOT FOR RELEASE)

Council Member Chandler made a motion to approve the minutes of the May 28, 2024, Closed Session for content but not for release, second by Council Member Gnatt with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2024-11 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-11**

**ORDINANCE AMENDING CHAPTER 98 OF THE CODE OF THE BOROUGH OF PENNINGTON
(FEES) TO CLARIFY WHEN A REFUNDABLE SECURITY DEPOSIT IS REQUIRED FOR USE
OF BOROUGH PARKS**

WHEREAS, Chapter 143 of the Borough Code governing Parks and Recreation Areas provides at Section 143-3.E that no organization (whether formal or informal) or group of people of 25 or more shall utilize the park facilities without first obtaining a permit as provide in Section 143-4; and

WHEREAS, Section 143-4.B of the Code provides that permits shall be issued upon the payment of the fee required by Chapter 98 of the Code; and

WHEREAS, Section 98-33 of Chapter 98 provides that use of the parks by a documented non-profit or Pennington resident shall pay a permit fee of \$75 and all others shall pay \$200; and

WHEREAS, in practice, the permit fee for governmental organizations has been waived;

WHEREAS, Ordinance No. 2024-1 amended Section 98-33 to provide that users of the parks who are not charged a fee must post a refundable security deposit of \$500 chargeable for the cost of clean-up or damage to facilities; and

WHEREAS, Borough Council now seeks to clarify Section 98-33 to make explicit that (a) governmental organizations shall not be charged a fee and (b) governmental organizations otherwise required to post a \$500 security deposit shall not be so required if the Borough of Pennington is a member of or otherwise directly affiliated with that governmental organization;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Pennington that Section 98-33 of the Borough Code, concerning use of Borough parks, shall be amended to read as follows: (with new language underlined and deleted language crossed out):

§ 98-33 Use of parks.

Fees for use of Borough parks as provided in § ~~143-4~~ of this Code shall be:

A. No permit fee shall be required for a governmental organization with which the Borough of Pennington is directly affiliated.

~~B.~~ A. Permit for use of park by documented nonprofit or Pennington resident: ~~\$~~75.

~~C.~~ B. ~~Permit fee for~~ aAll others: \$200.

D. All users ~~not~~ charged a fee for use as set forth in C above shall post a refundable security deposit of \$500 chargeable for cost of clean-up or damage to facilities.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon passage and publication as provide by law.

Mr. Bliss explained the intent of the Ordinance which is to provide for a security deposit from anyone who is not a resident or any group not affiliated with the Borough to cover any damages that may occur including damages to park equipment. Council Member Chandler made a motion to introduce Ordinance 2024-11, second by Council Member Stern with all members present voting in favor.

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone reported that the Personnel Committee did not meet and Economic Development also did not meet in June so she had no report.

Public Works / Planning Board / Historic Preservation – Ms. Stern reported that Public Works did not meet. Ms. Stern stated that Mr. Caminiti sent a report on items in progress. Ms. Stern stated that NJDOT application for Sked Street, West Welling and Vannoy has been submitted. There was some discussion regarding conversion of certain Borough property to a meadow. Ms. Stern stated that the lead/galvanized line inventory has been completed and the next steps would be to seek quotes for replacement. Ms. Stern stated that 27 lines have been identified for replacement in round one. Ms. Stern reported that Mr. Camiiti and Mr. Smith will be meeting with a representative on replacing mulch with rubber surfaces at Kunkel Park.

Ms. Stern reported that the Planning Board met and heard a presentation on the Preliminary Investigation Report for the Blackwell Property and the process for declaring the property as an Area in Need of Redevelopment is moving along. Ms. Stern stated that there was a long discussion regarding signage on Route 31 in particular the Jersey Meds location. Ms. Stern stated that the Zoning Officer denied an application from Jersey Meds for a sign and Jersey Meds appealed that decision. Ms. Stern stated that the Planning Board decided to approve the sign.

Ms. Stern stated that a Public Hearing was held for the Open Space Element of the Master Plan and the draft element was approved. Ms. Stern stated that the Conservation of Natural Resources element draft was also approved.

Ms. Stern reported that Historic Preservation discussed the Bethel AME Church as there is interest in the building and the interested party wants to ensure that the historic element of the building is preserved. Ms. Stern stated the building has not been purchased yet, the prospective owners were just seeking input on what would be allowed. Ms. Stern reported that the new owner of 15-17 N. Main Street was advised that vinyl siding is not allowed in the historic district and they reviewed other options with him such as Hardy siding or removal of the existing siding and restoration of the original siding.

Finance & Public Safety / Open Space / Arboretum / Landfill – Mrs. Chandler reported that the Finance Committee did not meet in June. Mrs. Chandler reported that the Landfill Committee did not meet but she asked Mayor Davy to follow up with Excel Environmental on a meeting that was to be held with the DEP.

Mrs. Chandler stated that Public Safety met and discussed the transition for when Chief Pinelli retires.

Mrs. Chandler reported that the Arboretum group held several clean up Saturdays in June to prepare for the installation of the second deer enclosure. Mrs. Chandler thanked Public Works for their assistance with getting the property ready.

Library / Shade Tree – Ms. Gnatt gave an update on the Shade Tree meeting held in June and reviewed locations for various tree planting.

Parks & Recreation – Mr. Marciante reported that Sked Street Park is in need of bike racks. Some discussion followed regarding the type of bike racks needed.

Board of Health / Environmental Commission – Mr. Valenza reported the resignation of our current Health Officer, Dawn Marling and stated that Kristen Reed would be serving in the interim. Mr. Valenza reminded Council Members of the Survey of Community Health Improvement that is on the Borough Website. Mr. Valenza asked that all Council Members and Borough Staff complete the survey.

Mr. Valenza stated that the Environmental Resource Inventory (ERI) is available in two places on the Borough Website. Mr. Valenza stated that the Environmental Commission will be working on a plan for signage utilizing the ANJEC funds that were received.

Senior Advisory Board – Mayor Davy had no report.

NEW BUSINESS

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Water/Sewer Operating Fund to Black Bird Title, 238 West Delaware Avenue, Pennington, NJ 08534 for an overpayment of water/sewer bill for account #376-0, 20 Scudder Court in the amount of \$141.13.

BE IT RESOLVED that a refund be issued from the Current Fund to Trenton Cyrus Lodge, P.O. Box 55, Pennington, NJ 08534 for an overpayment of raffle application fee in the amount of \$80.00.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.1, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 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 \$ 1,376,367.44 from the following accounts:

Current	\$ 1,197,284.44
W/S Operating	\$ 171,300.96
Grant Fund	\$ 897.28
Developer's Escrow	\$ 767.46
Other Trust Fund	\$ 3,230.00
Open Space Fund	\$ 600.00
Animal Control Trust	\$ 23.80
COAH Trust	\$ 2,263.50
TOTAL	\$ 1,376,367.44

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2024 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
ANJEC GRANT**

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 \$1,500.00 from the State of New Jersey for a Recycling Tonnage Grant; and

WHEREAS, the Borough wishes to amend its 2024 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 2024 in the sum of \$1,500.00, which is now available as revenue from:

ANJEC Grant

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 be and the same is hereby appropriated under the caption of:

ANJEC 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	S				Marciante	X			
Chandler	M				Stern	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-7.3, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-7.4**

**RESOLUTION CONFIRMING ASSIGNMENT OF UTILITY COLLECTION RESPONSIBILITIES
 TO ELIZABETH STERLING AS ASSISTANT CFO/BOROUGH CLERK**

WHEREAS, upon the resignation of Pennington’s Utility Collector effective November 2018, his responsibilities were picked up by Elizabeth Sterling in her capacity as Assistant Chief Financial Officer/Borough Clerk;

WHEREAS, by Resolution 2019-6.15, Borough Council formally assigned these responsibilities to Ms. Sterling on a permanent basis and gave her the title Utility Collector in addition to her other titles;

WHEREAS, the responsibilities of utility collections are fully consistent with Ms. Sterling’s responsibilities as Assistant CFO, for which she is certificated;

WHEREAS, in the adoption of the 2024 Salary Ordinance (Ordinance 2024-4), the title of Utility Collector was eliminated and the salary previously allocated to that position for budgeting purposes was added to the salary for Assistant CFO;

WHEREAS, Borough Council seeks to confirm that Ms. Sterling will continue to perform the duties of utility collections as part of her duties as Assistant CFO and nothing will change except the elimination of the extra title;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that elimination of the title Utility Collector conferred by Resolution 2019-6.15 is hereby confirmed, with the understanding that Assistant CFO/Borough Clerk Elizabeth Sterling shall continue to have responsibility for utility collections in her capacity as Assistant CFO, and nothing will change in that respect except elimination of the extra title.

Record of Council Vote on Passage

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

Council Member Stern made a motion to approve Resolution 2024-7.4, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.5**

**RESOLUTION AUTHORIZING REPAIR OF TRASH VEHICLE
 UNDER STATE CONTRACT T-2108-A89300**

WHEREAS, Borough Council by Resolution 2024-6.5 has authorized preventative maintenance for Public Works vehicles and garbage trucks by Hainesport Enterprises, Inc. (“Hainesport”) under State Contract T-2108-A89300 (“State Contract”); and

WHEREAS, a DOT inspection as part of preventative maintenance has now identified the need for substantial repairs to the 2005 Peterbilt garbage truck with VIN #2NP3LNOX5AM108495; and

WHEREAS, the attached June 18, 2024 quote for these repairs by Hainesport in the net amount of \$14,994.80 is covered under the State Contract; and

WHEREAS, the quote by Hainesport as indicated does not include costs related to repairs of air conditioning (\$4,602.59) and same are not authorized by this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this expenditure under line # 4-01-26-305-000-277 (Trash);

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Pennington hereby authorizes repair of the 2005 Peterbilt garbage truck by Hainesport Enterprises, Inc., d/b/a Hainesport Auto & Truck at the cost not to exceed \$14,994.80.

Record of Council Vote on Passage

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

Council Member Stern made a motion to approve Resolution 2024-7.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-7.6**

**RESOLUTION OF SUPPORT ENDORSING MERCER COUNTY'S
"GREAT WESTERN BIKEWAY" AND BICYCLE FACILITIES ALONG COUNTY
ROUTES 546, 624, 631, 632 AND 640**

WHEREAS, the Borough of Pennington is committed to creating a pedestrian and bicycle system to the extent feasible, by creating corridors that safely accommodate users of all ages, abilities and disabilities; and,

WHEREAS, the Borough of Pennington has passed Resolution No. 2014-6.10 on June 2, 2014 which supported a "Complete Streets" policy for all public street project, that are undertaken by the Borough of Pennington, the County of Mercer and the municipalities within the County of Mercer in order to ultimately achieve a network of roadways that may safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to bicyclists and pedestrian safety; and,

WHEREAS, Borough Council in their resolution urged complete streets continuation throughout Mercer County in an attempt to create a comprehensive, integrated, connected street network that safely accommodates all road users, and;

WHEREAS, the Mercer County Board of Commissioners, formerly known as the Board of Chosen Freeholders, endorsed a Complete Streets policy in 2012 to support safety and mobility for all modes of travel on County Highways, as per Resolution No. 2012-249, adopted April 26, 2012; and,

WHEREAS, the Mercer County Planning Board adopted a Master Plan Mobility Element in 2010 and a Bicycle Plan in 2020 stating elements of the same policy; and,

WHEREAS, Mercer County in 2009 developed a concept for a designated bicycle route, now known as the Great Western Bikeway, on County Route 546, variously known as Washington Crossing-Pennington Road, Pennington-Lawrenceville Road, and Franklin Corner Road, with a diversion around the Pennington Circle and into Pennington on County Routes 631 and 632; and,

WHEREAS, a bicycle route along County Route 546 will provide connections among a large number of neighborhoods and recreational and multimodal transportation facilities in the western and central portion of the County, including Pennington Borough, Lawrenceville village, the Brandon Farms housing tract, the Delaware and Raritan Canal State Park, Washington Crossing State Park, Mercer Meadows County Park, the Twin Pines multi-municipal soccer complex, and the Johnson Trolley Line Trail, which provides connections to the Lawrence-Hopewell Trail and Lawrence Township's Village Park; and,

WHEREAS, a bicycle route along Scotch Road (County Route 611) will provide for a direct connection to Ewing Township and will connect various residential, commercial and institutional destinations and will ultimately connect to the existing bicycle lane facilities on Scotch Road and Silvia Street; and,

WHEREAS, a bicycle route along County Route 631 and CR 632 will provide for a direct connection to Pennington Borough and will connect various residential and commercial areas and bypass the Pennington Circle which is an impediment for pedestrians and cyclists; and,

WHEREAS, in 2018, Mercer County applied for and successfully obtained a Regional Transportation Alternatives Program grant from NJDOT for the design and construction of the Great Western Bikeway and for which Mercer County has just completed Preliminary Engineering on the proposed alignment and has requested Final Design authorization from NJDOT; and,

WHEREAS, the County will now be finalizing the design portion of the project which will be followed by the construction phase; and,

BE IT RESOLVED, that the Borough of Pennington hereby endorses bicycle facilities for the project known as the Great Western Bikeway and will provide general technical assistance, guidance and coordination if necessary for the duration of the project.

Record of Council Vote on Passage

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

Council Member Angarone made a motion to approve Resolution 2024-7.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.7**

RESOLUTION AUTHORIZING PURCHASE OF GALVANIZED DEER FENCE FROM MINER, LTD. D/B/A NEW JERSEY DOOR WORKS UNDER HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION AGREEMENT (CONTRACT HCESC-CAT/SER-21-12 CONTRACT) FOR AN ENCLOSURE WITHIN THE ARBORETUM AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE

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

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

WHEREAS, the Arboretum Committee has determined the need to install deer fencing to create an enclosure at the arboretum; and

WHEREAS, the Superintendent of Public Works has determined that the desired fencing and installation services are available through Miner LTD, d/b/a New Jersey Door Works through Hunterdon County Educational Services Commission, Contract HCESC-CAT/SER-21-12 contract; and

WHEREAS, Resolution 2021-9.8, authorized the Borough of Pennington to enter into a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission; and

WHEREAS, the Hunterdon County Educational Services Commission accepted the Borough of Pennington’s request to join effective September 21, 2021; and

WHEREAS, the Superintendent of Public Works has received from Miner LTD, d/b/a New Jersey Door Works (“Miner LTD”) quote #463842 dated 6/20/2024 in the amount of \$20,082.00 for supplying and installing 420’ x 8’ of Vlass 3 galvanized deer fence with posts, gate and other related hardware as more particularly described in the quote; and

WHEREAS, a copy of quote #463842 from Miner LTD in the amount of \$20,082.00, is attached to this Resolution; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of fencing and related equipment including installation as described above within the Arboretum located behind Toll Gate School pursuant to the attached quote #463842 from Miner LTD in the amount not to exceed \$20,082.00 is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the work.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.8**

**RESOLUTION ADOPTING NEW REGULATIONS REGARDING CLAIMANT
 CERTIFICATIONS AND PAYMENTS IN ADVANCE**

WHEREAS, N.J.A.C. 5:30-9A6(a) permits a local unit to accept vendor certifications in the form of signature stamp, facsimile signature, electronic signature and “wet” signatures; and

WHEREAS, N.J.A.C. 5:30-9A6(c) and Local Finance Notice 2018-13 provide that a local unit may enact a policy by resolution to not require claimant certification where the vendor or claimant does not provide such certification as part of its normal course of business. In instituting such a policy, the local unit shall have the discretion to require claimant certificate as it deems necessary and appropriate; and

WHEREAS, the Borough would not require claimant certification for the following types of payments and expenditures: government entities; insurance coverages; lessors with contractual obligations; motor fuels, refunds; public utilities; other miscellaneous payments under \$2,500.00 and any other situation deemed necessary and appropriate by the CFO; and

WHEREAS, claimant certification is not permitted to be waived for reimbursement of employee expenses or for services provided exclusively and entirely by an individual (sole proprietor); and

WHEREAS, N.J.A.C. 5:30-9A6(c)(1) and Local Finance Notice 2018-13 permit a local unit to submit payment in advance of delivery of materials or services for certain purposes including, but not limited to, conference registrations, educational courses, annual memberships and permitting fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that in accordance with N.J.A.C. 5:30-9A6 and Local Finance Notice 2018-13 the Borough shall:

1. Accept claimant signature in the form of a signature stamp, facsimile signature, electronic signature and “wet” signatures.
2. Waive the requirement to acquire a claimant certification in situations deemed necessary and appropriate by the CFO.
3. Permit payment in advance for services as deemed appropriate and necessary.

BE IT FURTHER RESOLVED, that the following policies shall remain in effect: a copy of the purchase order shall be provided to the vendor; invoices are required for payment; Borough staff shall review and approve transactions prior to submitting to the Finance Office for payment; and the bills list approval process shall remain in place; and this policy shall be reviewed from time to time.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.8, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.9**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO EARLE
 ASPHALT COMPANY, FOR WORK COMPLETED ON THE
 RECONSTRUCTION OF ROCKWELL GREEN DRIVE, SCUDDER COURT AND
 CHADWELL COURT ROAD PROJECT (PEN-BOOFP24201)**

WHEREAS, Earle Asphalt Company has completed work pursuant to the contract for the Reconstruction of Rockwell Green Drive, Scudder Court and Chadwell Court Road Rehabilitation Project (VNHA File #:44836-210-71); and

WHEREAS, Van Note Harvey Associates has reviewed Earle Asphalt Company’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.1 in the amount of \$328,964.01 less 2% retainage in the amount of \$6,579.28; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2023-2 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 \$322,384.73 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.9, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.10**

RESOLUTION AUTHORIZING GRANT APPLICATION FOR IMPROVING THE CONDITION OF ROADWAY INFRASTRUCTURE ON SKED STREET, WEST WELLING AVENUE AND VANNOY AVENUE IN THE BOROUGH OF PENNINGTON AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER THE 2025 MUNICIPAL AID PROGRAM

WHEREAS, Borough Council has determined that road improvements are necessary on Sked Street, West Welling Avenue and Vannoy Avenue in Pennington; and

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

WHEREAS, the deadline for submission of Municipal Aid applications is July 1, 2024; and

WHEREAS, in order to resolve the Borough’s need to improve the condition of Sked Street, West Welling Avenue and Vannoy Avenue, the Borough Engineer has submitted a Municipal Aid Application for 2025 to meet the required deadline of July 1, 2024;

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 2025 Municipal Aid Program, for improvements to Sked Street, West Welling Avenue and Vannoy Avenue; and

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 the Clerk’s 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				Marciante	X			
Chandler	M				Stern				abstain
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-7.10, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Stern who abstained.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.11**

RESOLUTION AUTHORIZING GRANT APPLICATION FOR ADDITIONAL FUNDING FOR IMPROVING THE CONDITION OF ROADWAY INFRASTRUCTURE ON ABEY DRIVE, MALLARD DRIVE AND QUEENS LANE IN THE BOROUGH AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER THE LOCAL AID INFRASTRUCTURE FUND

Mrs. Sterling stated that the Borough Engineer was unable to get this application submitted for this round, but he explained that the he will revisit it for the next round in 2025.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.12**

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MONTROSE ENVIRONMENTAL FOR THE COMPLETION OF THE 2023 RIGHT TO KNOW SURVEY

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of Montrose Environmental, licensed engineers, to assist the Borough in completion of the 2023 Right To Know Survey;

WHEREAS, a copy of the Montrose proposal, dated June 26, 2024, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2023 Right to Know Survey for each area, together with update of the Written Hazard Communications Plan (Tasks 1 and 2 in attached proposal);

WHEREAS, the areas inventoried for hazardous chemicals will include:

1. Borough Hall/Library/Police Dept.
2. Senior Citizen Center
3. Public Works Garage
4. Well House 4 & 5
5. Well House 6
6. Well House 7
7. Well House 8 & 9

WHEREAS, Montrose Environmental will prepare the appropriate number of surveys and distribute them to all required state and local agencies as well as provide a copy for the Borough files; and

WHEREAS, Montrose Environmental has agreed to perform Tasks 1 and 2 for the lump sum amount of \$3,015.00;

WHEREAS, the attached Montrose proposal includes additional tasks (“Additional Tasks”) which may be optional, namely tasks 3 and 3a, as described on page 2 and priced on page 3 of the proposal;

WHEREAS, Borough Council wishes to authorize the Mayor and the Borough Clerk, as appropriate, to obtain the performance of either or both of the Additional Tasks as may be legally required;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to issue one or more purchase orders or enter into one or more agreements with Montrose Environmental to ensure performance of Tasks 1 and 2 at the cost of \$3,015.00 and to issue or enter into such additional purchase orders or agreements as needed to obtain performance of such of the Additional Tasks as may be legally required, at the price or prices indicated in the proposal, not to exceed \$1,850.00 for said Additional Tasks.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.13**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
 BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2023 ANNUAL
 AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

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

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

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

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

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

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

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

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

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

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

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.13, second by Council Member Gnatt with all members present voting in favor. Mrs. Sterling reminded Mayor and Council to stop in the office to sign the affidavit.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 7.14**

**RESOLUTION AUTHORIZING REPAIRS TO FRONT ENTRANCE DOORS AT BOROUGH
 HALL THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE
 HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

WHEREAS, the Superintendent of Public Works has identified the need for repairs to the front doors of Borough Hall to ensure that the security locks are working effectively; and

WHEREAS, the Superintendent has determined that the necessary repairs are available through Hogan Security Group, located at 1589 Reed Road, Unit 10, Pennington, NJ 08534 through the Hunterdon County Educational Services Commission (Contract HCESC 203); and

WHEREAS, Pennington Borough joined the Hunterdon Council Educational Services Commission by Resolution 2021-9.8 and approval was granted September 21, 2022; and

WHEREAS, Hogan Security Group is an authorized dealer for the desired equipment and has provided the Borough with quote #H-2320640-1 dated March 26, 2024 and updated May 16, 2024; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in line #: 4-01-26-310-000-227 (Borough Property);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid repairs to the front entrance of Borough Hall through the Hunterdon County Educational Services Commission, is hereby authorized in an amount not to exceed \$7,932.00 as per quote #H-2320640-1 dated May 16, 2024 from Hogan Security Group.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-7.14, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-7.15**

**RESOLUTION AUTHORIZING FACILITIES USE AGREEMENT WITH
THE PENNINGTON SCHOOL**

BE IT RESOLVED, that Borough Council hereby approves for the Mayor’s Signature the attached “The Pennington School Use of Facilities Agreement Incorporating a Release, Waiver of Liability, and Indemnity Agreement”, pertaining to the July 4th Races at The Pennington School.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2024-7.15, second by Council Member Gnatt with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti stated that he provided a Q2 report to Council on administrative accomplishments and goals going into Q3.

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

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

Chief Financial Officer – Sandy Webb – Mrs. Webb had nothing further to report.

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

Superintendent of Public Works – Rick Smith – Mr. Smith had nothing further to report

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.

There were no comments from the public.

At 8:05 PM with no further business to address, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Angarone.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk