

**Pennington Borough Council
Regular Meeting – August 7, 2023**

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, Marciante, Stern and Valenza in attendance. Council Member Gnatt was absent.

Also present were Borough Administrator Donato Nieman, Administrative Coordinator Mona Habiby, 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.

Mayor Davy announced that meeting agendas and materials are available on the Borough Website and anyone interested in getting news alerts and announcements can subscribe by clicking on the “Subscribe to News and Announcements” button on the home page of the website.

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.**

Dan Pace of 9 Railroad Place stated that he would like to thank Chief Pinelli for posting the Police Blotter as he has been asking for that for quite a while. Mr. Pace asked if Chief Pinelli could also provide statistics for police calls.

MAYOR’S BUSINESS

Streetscape Lighting – Mayor Davy asked that Eric Holtermann be admitted to the meeting. Mayor Davy stated that he understands that a group met to view options for the Streetscape lights. Ms. Angarone stated that additional information has come in since then and we are now able to replace the lights with 3,000 lumens/12 watts. Ms. Angarone thanked Eric Holtermann for his work on this project. Ms. Angarone stated that previously we thought that PSE&G would only provide 4,000 cool lights. Ms. Angarone stated that a group met at night to see some options but since then we have found out that PSE&G does offer 3,000k /12 Watt/1,400 lumen option. Ms. Angarone stated that this will offer similar lighting to what we already have. Mayor Davy stated that we are not there yet because NV5 has to apply to NJDOT to make sure that this change will be approved under the Streetscape project. Mr. Holtermann stated that lights should provide the pedestrian safety that was the focus of the Streetscape project. Mayor Davy stated that PSE&G will be changing over the lighting that exists from the original Streetscape project and the approval from NJDOT is needed for the Streetscape 2 project.

Mayor Davy announced the resignation of Doug Schotland from the Planning Board.

Mayor asked that Council consider Resolution 2023-8.12 out of order so that Mr. Friedman did not have to wait until New Business on the agenda.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 –8. 12**

**RESOLUTION AUTHORIZING THE HIRING OF LEO JAY FRIEDMAN AS POLICE OFFICER
IN THE PENNINGTON POLICE DEPARTMENT**

WHEREAS, based on the most recent round of recruitment and interviews, the Chief of Police has recommended the hiring of candidate Leo Jay Friedman as a Pennington Borough Police Officer;

WHEREAS, the Public Safety Committee has approved this recommendation; and

WHEREAS, the appointment of Mr. Friedman requires him to take both medical and psychological exams and his continued employment will be subject to him successfully passing both of these exams;

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

1. The hiring of Leo Jay Friedman (Class 7) as Pennington Borough Police Officer is hereby approved, contingent upon his successfully passing both the medical and the psychological exam;
2. Mr. Friedman’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Friedman’s start date shall be August 8, 2023.

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				absent	Valenza	X			

Mr. Bliss stated that the Resolution has been revised to remove the language regarding a seventh officer as that discussion will be discussed during the 2024 budget meetings. Mr. Bliss read the amended title and recitals into the record. Council Member Chandler made a motion to approve Resolution 2023-8.12 as amended, second by Council Member Angarone. Mr. Valenza asked for clarification on whether the Police Department will have six or seven officers. Mr. Bliss stated that as a result of this Resolution there will be six working officers in the department. Mayor Davy read a brief summary of Mr. Friedman’s background and qualifications. Upon a roll call vote all members present voted in favor.

Mayor Davy invited Mr. Friedman into the meeting so that Mr. Bliss could administer the Oath of Office.

PRESENTATIONS

Mayor Davy introduced Borough Auditor Rob Provost to present the 2022 Audit to Council. Mr. Provost reported that they are putting forth a clean audit with no comments or recommendations. Mr. Provost stated that is a big accomplishment because they do a deep dive into the records of the Borough and it says a lot that they did not find anything to report. Mr. Provost stated that the Borough internal controls are working and the staff is doing a fantastic job. Mr. Provost stated that it was a pleasure to work with the Borough staff. Mr. Provost shared a couple pages from the audit showing the operating statements for Current and Water/Sewer. Mr. Provost commended the Borough on their conservative spending practices. Mr. Valenza asked how the Borough debt service compares to other municipalities. Mr. Provost stated that they do not look at that but the Borough’s borrowing power is great and we are well below what could be authorized. Mr. Provost stated that Water/Sewer Utility is in great shape. Mr. Provost thanked Betty Sterling and Sandy Webb for their time and assistance with the audit. Mr. Provost asked if Council had any questions regarding the audit.

Ms. Stern stated that she would like to thank Betty and Sandy for their work that resulted in a great audit report.

Mayor Davy stated that each meeting we will be hearing a report from each of the Committees beginning tonight with Planning Board and Historic Preservation.

Mayor Davy invited Jim Reilly and Andy Jackson to report on the Planning Board. Mr. Reilly began with a brief explanation of what the Planning/Zoning Board does. Mr. Reilly stated that in addition to hearing applications from residents, they are also working very hard on the Master Plan Update. Mr. Reilly asked Mr. Jackson to report on the status of the Master Plan. Mr. Jackson reviewed the process that began in 2022. Mr. Jackson stated that they have been lucky to have volunteers that have been working on the re-examination and the update was recently completed. Mr. Jackson stated that the next steps will be work on the recommendations so that we can have a new Master Plan by 2025. Mr. Jackson stated that there a lot of new elements that have been added. Mr. Jackson stated that six of the twelve elements are mostly done and we have the resources to complete them without engaging too much time from the Borough Planner. Mr. Jackson stated that they have been working with the Environmental Commission, the Historic Preservation Commission, Open Space and so on to continue the process. Mr. Jackson stated that Jim Kyle, Borough Planner will be working with them to finalize the elements. Mr. Jackson stated that they will be reviewing and developing vision statements with the help of Jim Kyle. Mr. Jackson stated that the Master Plan will be structured as a living document on the website that can be easily updated as opposed to what we currently have which is several documents that are in different places and it is very hard to find things. Mr. Jackson stated that the living document will always be up to date and in one place. Mr. Jackson stated that they will also be presenting revisions to some ordinances. Mr. Jackson stated that they are on track to have this completed by the deadline. Mrs. Chandler stated that she would like to know what the budget impact will be over the next couple of years and she will be asking the same of other committees that are making budget requests. Mr. Jackson stated that the total budget of \$40,000 has been cut back to \$28,000. Mr. Jackson stated that in 2024 they will be asking for \$12,000 and in 2025 they will be asking for \$15,000. Mr. Jackson stated that Yasmine Zein, the intern that was appointed is working with Jim Kyle on environmental items and she has been a big help. Ms. Stern stated that she would like the Borough to explore any opportunities that might be available to fund these types of things. Mr. Reilly

stated that they will try to work within the budget over the next couple of years. Mayor Davy thanked Mr. Reilly and Mr. Jackson for their report.

Mayor Davy introduced Eric Holtermann to make a presentation for Historic Preservation. Mr. Holtermann gave a brief history on the Historic Preservation Ordinance and how it came about. Mr. Holtermann stated that Borough Ordinance is written to have a light had however there is a requirement for a certificate of appropriateness particularly regarding demolitions. Mr. Holtermann stated that there are about 160 buildings in the Historic District. Mr. Holtermann stated that they have been working on getting more information on the website. Mr. Holtermann stated that they are also working on updates to ordinances to tighten up some areas. Mr. Holtermann stated that they will be working on the Historic Preservation Element of the Master Plan. Mr. Holtermann stated that last year three applications were heard and this year two applications have been heard so far, one was the bakery and the other is the Pennington School which will be going before the Planning Board. Mr. Holtermann stated that they do not have any major funding requests for next year. Mr. Holtermann commended the Historic Preservation and stated that they are a great group of professionals. Ms. Angarone stated that the Historic group is a well-oiled machine and she commended them for their work.

Ms. Stern stated that the idea of having committees present to Council came out of the Communication group and we will be having presentations at each meeting. Ms. Sterling stated that she has all of the committees scheduled for 2023 and they may be doubled up since we are near the end of the year and she is working on the schedule for 2024.

MAYOR'S APPOINTMENTS

Mayor Davy announced the following appointments:

Amy Kassler-Taub will be moving from Planning Board Alternate 1 to Regular Member
Jen Tracy will be moving from Planning Board Alternate 2 to Alternate 1
Nazli Rex is being appointed as Planning Board Alternate 2 for an unexpired term ending December 31, 2025.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the July 10, 2023 Regular Council Meeting, second by Council Member Stern with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the July 24, 2023 Special Meeting, second by Council Member Chandler with all members present voting in favor.

APPROVAL OF CLOSED SESSION MINUTES (For Content but not for Release)

Council Member Chandler made a motion to approve the June 5, 2023 Closed Session Minutes for content but not for release, second by Council Member Marciante with all members present voting in favor.

Council Member Marciante made a motion to approve the July 10, 2023 Closed Session Minutes for content but not for release, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the July 24, 2023 Closed Session Minutes for content but not for release, second by Council Member Marciante with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2023-12 by title.

BOROUGH OF PENNINGTON ORDINANCE NO. 2023 - 12

ORDINANCE AMENDING CHAPTERS 83 AND 98 OF THE CODE OF THE BOROUGH OF PENNINGTON RELATING TO MECHANICAL INSPECTION FEES

WHEREAS, the Construction Code Official of the Borough of Pennington, with the approval of the Finance Committee of Borough Council, has recommended that Mechanical Sub-Code Fees be added to the Borough Code;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Pennington that in accordance with these recommendations, Chapters 83 and 98 of the Code of the Borough of Pennington are amended as set forth below (with new language underlined and deleted language crossed out):

1. Section 83.8 of the Borough Code, concerning Mechanical Subcode Fees, is

amended as follows:

~~There shall be no fees for mechanical inspections because the Borough does not issue mechanical permits. Mechanical subcode fees for permitting shall be determined pursuant to Chapter 98.~~

2. Section 98-61 of Chapter 98 of the Borough Code, concerning "Additional Fees" shall be re-numbered Section 98-61A.

3. Section 98-61 shall then be amended to read as follows:

98-61. Mechanical Subcode Fees.

"For the mechanical fixtures and equipment, the fees shall be as follows:

- A. The fee shall be \$75 for each Mechanical Subcode inspection of each of the following: fuel oil piping connection, gas piping connection, steam boiler, hot water boiler, hot air furnace, oil tank, LPG tank, generator, or other special device.
- B. The fee shall be \$20 for each Mechanical Subcode inspection of a water heater or other fixture.
- C. The fee shall be \$24 for each Mechanical Subcode inspection of a fireplace.
- D. The minimum fee for a Mechanical Subcode inspection shall be \$75.

BE IT FURTHER RESOLVED that this ordinance shall be effective upon passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2023-12, second by Council Member Angarone. Mrs. Chandler asked for an explanation of this ordinance. Mrs. Sterling stated that this ordinance adds a section for mechanical permits and puts the fees in place. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON ORDINANCE 2023-13

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$403,000 FOR PRELIMINARY PLANNING, ENVIRONMENTAL AND INVESTIGATIVE ANALYSIS AND ANY NECESSARY WORK OR IMPROVEMENTS IN CONNECTION WITH THE BOROUGH-OWNED LANDFILL AND ANY OTHER RELATED PROPERTIES FOR POTENTIAL REDEVELOPMENT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$403,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$403,000, such sum being in addition to the \$125,000 appropriated therefor by Bond Ordinance #2017-4 ("Bond Ordinance #2017-4), as supplemented by Bond Ordinance #2018-9 ("Bond Ordinance #2018-9) of the Borough appropriating another \$225,000, finally adopted March 6, 2017, as supplemented July 2, 2018, including a grant expected to be received from the State of New Jersey Department of Environmental Protection in the amount of \$398,002 (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the additional cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$403,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is preliminary planning, environmental and investigative analysis and any necessary work or improvements in connection with the Borough-owned landfill and any other related properties for potential redevelopment purposes, including all work and materials necessary therefor and incidental thereto, as described in Bond Ordinance #2017-4, as supplemented by Bond Ordinance #2018-9.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$753,000, including the \$125,000 authorized by Bond Ordinance #2017-4, the \$225,000 authorized by Bond Ordinance #2018-9 and the \$403,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$753,000, including the \$125,000 appropriated by Bond Ordinance #2017-4, the \$225,000 authorized by Bond Ordinance #2018-9 and the \$403,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$403,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$354,998 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$125,000 was estimated for these items of expense in Bond Ordinance #2017-4, \$225,000 was estimated for these items of expenses in Bond Ordinance #2018-9 and an additional \$4,998 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The

chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to introduce Ordinance 2023-13, second by Council Member Valenza. Mr. Marcianti asked if this will be reimbursed by the State and the Mayor responded that it would be. Mr. Valenza asked if the scope of the work changed and Mayor Davy stated that it covers what is required by DEP and after review of the plan the cost was reduced from what was originally approved earlier this year. Upon a roll call vote all members present voted in favor of introduction with the exception of Ms. Angarone who abstained.

Committee Reports

Planning & Zoning / Personnel / Economic Development – No report due to Ms. Gnatt’s absence.

Public Works/Open Space/Shade Tree – Ms. Stern stated that Public Works met on July 26th and she is happy to report that the work at Sked Street is progressing and it looks great. Ms. Stern stated that the gazebo will be placed sometime soon. Ms. Stern stated that they discussed and finalized the proposed Ordinance for storm water which is on the agenda later in the meeting. Ms. Stern stated that they are finalizing a list of road projects and asset management plan projects and that will be brought to Council at a future meeting. Ms. Stern stated that the list will provide a view of road improvements for the next five years and will include mill and overlay projects that will impact the budget. Ms. Stern stated that they discussed a proposal from Van Note Harvey regarding the water system and PFAS, forever chemicals. Ms. Stern stated that the committee believes that this is a very good proposal, but premature for this year because the federal regulations are not yet set. Ms. Stern stated that associated with that they have received a proposal from Van Note Harvey for a review, analysis and recommendation on how to handle the water system overall to cover whether we have enough water to cover the needs of the Borough and what will be necessary in terms of remediation for chemicals and the possibility that we could provide water outside the Borough as a possible revenue stream.

Ms. Stern stated that they would like to ask that the Mayor form a committee to look at the future of the water system and develop a business model which would be very time consuming and they do not have the time within the committee to address this. Mayor Davy stated that he would work on forming the committee.

Ms. Stern stated that Open Space and Shade Tree did not meet over the summer, but they will be resuming meetings in September.

Public Safety /Finance & Technology / Arboretum / Landfill – Mrs. Chandler stated that the Landfill has already been covered this evening.

Mrs. Chandler stated that Finance and Technology met and reviewed a little bit what Ms. Stern just reported related to PFAS. Mrs. Chandler stated that the committee reviewed the Water/Sewer debt schedule that was submitted by Phoenix Advisors and she was going to have a presentation tonight but that will happen at a future meeting. Mrs. Chandler stated that they reviewed the capital request for a mower, originally the request was for two mowers and after talking to Rick Smith it was agreed that we would purchase one this year which is on for approval later in the meeting. Mrs. Chandler stated that the committee discussed the “Welcome to Pennington” signs and she and Betty are going to meet with Economic Development in September to talk about a way to fund the signs without impacting the budget. Mrs. Chandler stated that they discussed the audit report that was on earlier in the meeting. Mrs. Chandler stated that we are hoping to start the budget process earlier this year and she will be meeting with Betty to come up with some dates for a public session in October.

Mrs. Chandler stated that the tree that was discussed last meeting at the Arboretum was able to be pruned and not taken down which is very good news. Mrs. Chandler stated that later in the meeting there is a resolution for approval of the first deer enclosure and once that is installed they are hoping to plant some native plants in September or October.

Mrs. Chandler stated that Public Safety met and approved the appointment of Leo Friedman. Mrs. Chandler stated that the traffic monitor is up and running and data is being gathered on the streets coming in and going out of town. Mrs. Chandler stated that August is not a great month for this, but they are starting the data collection. Mrs. Chandler stated that they are taking a look at the internal and external review of the department and there was some discussion about hiring an outside company to do the review, but they decided that this was something that we can do in house. Mrs. Chandler stated that they are beginning with a review of similar size departments within New Jersey and though Pennington is unique, they are trying to compare budget, population, equipment and other items to get some ideas as to how we compare to municipalities similar in size to Pennington.

Historic Preservation / Library / Construction – Ms. Angarone reported that the Library Board did not meet in August but they will resume in September. Ms. Angarone reported on upcoming events in August.

Ms. Angarone thanked Historic Preservation for their report earlier in the meeting and also for their assistance with the lighting in the downtown streetscape.

Parks & Recreation – Mr. Marciante stated that Ms. Stern gave his report on Sked Street Park.

Board of Health / Environmental Commission – Mr. Valenza stated that he was unable to attend the Environmental Commission meeting due to a conflict. Mr. Valenza stated that Hopewell Township has hired a Registered Environmental Health Specialist to assist with health inspections and food licenses due to our shared services agreement with the Township. Mr. Valenza reported the information will be circulated regarding upcoming fall flu clinics. Mr. Valenza stated that the Health Department will be partnering with Wegman's this year as the Walgreens next to Pennington Market wanted to charge a large fee for each clinic.

Senior Advisory Board – Mayor Davy had no report.

COUNCIL DISCUSSION

Draft Ordinance - Stormwater Amendment – Ms. Stern reported that in reviewing the current ordinance it was discovered that there were some items that needed to be updated. Ms. Stern stated that some definitions needed to be made more clear for example illicit connections and the public right-of-way to make clear that the right-of-way is not just the Borough, but also includes the County. Ms. Stern stated that the important update is the language in 3b which states that “no person can make a physical connection of their storm water into our system without prior approval”. Mrs. Stern stated that this does not prevent normal storm water from roof leaders and sump pump discharge, but it firms up that no person can make a connection to divert storm water into the public right of way. Ms. Angarone asked if we anticipate ever approving a connection and if not why would we include that language. Mr. Valenza stated that the idea is to not have haphazard connections by residents. Mr. Smith stated that it is difficult to produce a blanket policy because there might be some exceptions that would need to be addressed. Some discussion took place regarding some existing conditions. Ms. Angarone stated that storm water systems are not designed to take on the discharge of storm water, storm water should be discharged back to the land. Mayor Davy stated that this ordinance amendment will be on for introduction at the September meeting.

Personnel Manual – Policy on Minors - Mr. Bliss stated that on the agenda later in the meeting is a Resolution that will adopt a long list of amendments to the Personnel Manual as required by the Joint Insurance Fund, some of which are modest but one of the policies is a new policy. Mr. Bliss stated that one of the new policies is extraordinary and relates to protection and safe treatment of minors and it goes to a level of regulation that the Borough is not accustomed to. Mr. Bliss encouraged Council to become familiar with this mandatory policy. Mr. Bliss stated that the policy was reviewed by the Personnel Committee and recommended in its entirety. Mr. Bliss stated that the policy must be given to each Council Member and they must sign for it and any revisions must be signed for. Mr. Bliss stated that there are training requirements that apply to all employees whether or not they interact with minors. Mr. Bliss stated that the thrust of the policy is to protect minors and children from abuse and situations where there is a significant risk of abuse. Mr. Bliss stated that the policy applies to all Borough programs operated by, sponsored by or affiliated with the Borough. Mr. Bliss stated that mandatory provisions include background checks at different levels depending on the position, a code of conduct for employees and volunteers and with specific reference to the Police Department the policy requires promulgation of procedures according to attorney general guidance. Mr. Bliss stated that a written policy, approved by Borough Council must be in place. Mr. Bliss stated that this policy must be looked at and applied to each department to ensure that proper protections are in place for the protection and safe treatment of minors. Mr. Bliss stated that this is a 15 page policy that requires close examination and the real work of applying the policy is ahead of us in terms of putting policies and procedures in place. Mrs. Chandler asked if the Library is affected by this or if they are a separate entity. Mr. Bliss stated that the Library is a separate entity, but they are clearly covered under this policy. Mrs. Chandler asked if the Personnel Committee has done a review of this to determine which departments are affected by this. Mr. Bliss stated that integration and coordination of this policy in terms of Borough programs and affiliates needs to be addressed. Ms.

Stern asked if we could adopt the other policies and hold this one. Mr. Nieman stated that he would strongly recommend that Council adopt this policy because all we need is one incident. Some discussion took place with regard to which departments and committees would fall under this policy. Mr. Bliss stated that when we first received this policy, a meeting was held with departments and committees to alert them that the policy was coming and at 10,000 feet it could be said that it doesn't apply, however he is urging that we take this policy at ground level and explore it related to everything we do. Mr. Bliss suggested that with regard to Art in the Park which is put on by Hopewell Township, we have to make sure that they have complied with this policy and get whatever indemnifications that we need because the main focus is to ensure the protection and safe treatment of minors. Mr. Valenza asked if implementation of this policy will reduce out insurance premium due to reduced mitigation. Mr. Bliss stated that the Joint Insurance Fund requires us to adopt policies in order to save our low deductible, if we don't adopt the policies, we are on the hook for greater sums if there ever are claims. Ms. Stern stated that the policy has a dress code stating that employees will appear neat, clean and appropriately attired so could we be sued if someone perceives that an employee is inappropriately attired. Mr. Nieman stated that is why you have an administrator to address these concerns, the policy establishes a baseline to address concerns.

Social Affairs Permit – Mrs. Sterling stated that the Trenton Cyrus Lodge submitted a request for a Social Affairs permit to Alcoholic Beverage Control and since she and Chief Pinelli have to sign on behalf of the Borough these requests come to Council for discussion to ensure that there are no concerns. There were no objections to the request.

Pennington First Aid Squad Building – Status Update – Mrs. Chandler reported that the committee met on a Sunday to tour the Pennington Police Department and along with several of the Police Officers they then went and toured the First Aid Building. Mrs. Chandler stated that no decisions have been made yet.

PSE&G Electric Substation – Mr. Marciante stated that before he gets into the PSE&G discussion he would like to ask Mr. Bliss, what is the current form of Government that the Borough is working under? Mr. Bliss stated that we are a Borough form of Government. Mr. Marciante cited a statute and asked Mr. Bliss the question again. Mr. Bliss stated that we operate under the Borough form of Government as promulgated in the Statutes, but he does not have that in front of him. Mr. Marciante stated that it states that the Statute says that it is a weak Mayor form of Government and Council makes all the decisions with the guidance of the Mayor. Mr. Marciante stated that recently decisions were made by individuals that should have come to the full Council with the Borough's best interest at heart. Mr. Marciante stated that hopefully knowing what form of Government we are operating under will put this to rest. Mrs. Chandler stated that weak is in quotation marks and it just means that the Mayor follows that opinion of the Council and can do things on behalf of the Borough as long as it is in the same direction that Council is heading. Mr. Bliss stated that there are a variety of functions listed in the Statute and if Mr. Marciante really wanted an answer to his question he could have asked it before we come to a meeting like this so that he could be prepared to answer. Mr. Marciante stated that he asked for a Special Closed Meeting to discuss this and the Mayor responded that the request was not allowed because the items did not qualify as closed session items. Mr. Marciante stated that if the Borough operates under a weak Mayor form of government then Council should be making all the decisions, like going to the County Commissioners meeting. Mrs. Chandler stated that she and the Mayor went to the meeting following the direction of Council from the May 1st meeting. Mrs. Chandler stated that the minutes from May 1st reflect Council's decision that they did not want the Beigene trucks coming through town and she and the Mayor went to the Commissioners and said that Pennington did not want the trucks coming through town. Mr. Marciante stated that Council Members should have been notified by phone that Mrs. Chandler and the Mayor were going to attend that meeting. Mr. Marciante stated that another decision regarding Fire Department equipment being stored at the First Aid Building was also made without Council and that made a lot of people upset. Mrs. Chandler stated that she consulted the First Aid Squad Building Committee. Mr. Valenza stated that he was also consulted because there was a liability issue for the Borough if the weight equipment belonging to the Fire Company was housed in the First Aid Building. Mr. Marciante stated that they were not using the equipment, they were simply storing it in the building. Mr. Marciante stated that the equipment is now outside in the weather. Mrs. Chandler stated that when the Borough took possession of the First Aid Building, she was told that the Fire Department had gotten permission from the First Aid Squad to store a truck and equipment in the building. Mrs. Chandler stated that when the Borough took over the building and it was added to the Borough insurance she checked with the Administrator about the equipment and the consensus was to ask that the equipment be removed. Mr. Nieman stated that the Fire Department should have asked permission from the Borough and they did not do that. Mrs. Chandler stated that we are trying to look at the building with an open mind and having the fire equipment stored in the building did not look good. Ms. Stern stated that Mr. Marciante raised the question of weak Mayor/Strong Council is because information is not being shared with the full Council because small groups of people end up knowing bits and pieces that other don't and the feeling is that decisions are being made without broad consensus. Ms. Stern stated that we need to find the best way to have conversations that include the full Council so that these situations do not continue. Mr. Marciante agreed. Mayor Davy asked what is not being shared because all of these topics have been discussed over the past few months. Mr. Valenza stated that the Open Public Meetings Act seems to be hindering the process. Mr. Valenza stated that anytime the full Council gets together it has to be at a meeting and that involves time from the professionals. Mr. Nieman stated that the absence of a full time administrator to serve as quarterback and share information with Council is the root of the problem. Mr. Valenza did not like that solution because he does not want to get information from someone who might be biased. Ms. Angarone stated that the

role of the administrator is as Mr. Nieman stated. Ms. Angarone stated that the Open Public Meetings Act is in place so that things do not happen outside of a meeting setting. Mayor Davy stated that years ago, there was a work session meeting the week prior to the regular meeting and only things discussed at the work session were on the agenda for the regular meeting. Mayor Davy stated that maybe that might be a solution. Ms. Stern stated that she liked this solution because she does not feel that getting the agenda on the Friday before the meeting is enough time to review agenda items. Mrs. Chandler stated that there might be an issue with timing because the current deadline is the Wednesday before the meeting and now we will need agenda items a full week ahead of that. Ms. Angarone asked if something comes up after the work session could they still be added to the agenda and the Mayor responded no, that the item would have to wait for the next meeting. Mr. Valenza stated that he hopes that this cuts the time of the meeting down from 3 hours to 2 shorter meetings.

Mr. Bliss stated that if for any reason there is a need to have a legal question addressed at a meeting for instance the start of the conversation regarding the form of government, which by the way is addressed in the Council By-Laws with Statutes cited, he would ask that he be given advance notice for a legal opinion. Mr. Bliss stated that professionals, in this case the Borough Attorney deserve that professional courtesy. Mr. Bliss stated that just like the Friday before the meeting is not enough time for Council Members, during the meeting is not enough time for him to respond to legal questions. Mr. Marciante stated that he does not care what the Council By-Laws say because he goes by what is in the State Statute. Mr. Bliss stated that the Statute is quoted verbatim in the By-Laws that Council adopted early this year and he would urge that Council Members read the document that was prepared and approved. Mrs. Chandler asked if any Council Member can e-mail the professionals directly. Mr. Bliss stated that there should be a policy on that because it could get out of hand and he would be answering to seven clients instead of one. Mrs. Chandler asked if that is a Mayor function or an Administrator function. Mr. Nieman stated that it could be either of them. Mr. Nieman stated that many times the Administrator or the Borough Clerk can answer the question and if not they would reach out to the Borough Attorney.

Mr. Marciante stated that PSE&G approached the Borough about a substation on the Harbat property and the Mayor told them no not in the center of town and he agreed with that. Mr. Marciante stated that he then heard that PSE&G was looking at the Blackwell property and the Mayor said no to that. Mayor Davy stated that he did not discuss the Blackwell Property but if they had he would have expressed concern about a substation next to residents on Brookside. Mayor Davy stated that he has opinions and he is going to express them as the Mayor. Ms. Stern stated that the Mayor has the right to express their opinion but it should be clear that it may not be the opinion of Council. Mayor Davy stated that he made that clear. The discussion got a little heated. Council felt that the Mayor's opinion could sway a decision one way or the other. Mr. Nieman stated that PSE&G is developing a ten year plan and this is not going to happen any time soon. Mr. Nieman stated that PSE&G looked at properties on google maps and then reached out to him for a preliminary meeting. Mr. Nieman repeated that this is a long range plan that is in the very early stages and it may not even be decided to put a substation in Pennington. Ms. Angarone asked when this would have come to Council. Mayor Davy stated that it would first go to the Planning Board for properties in town unless it was Borough property like the landfill. Ms. Stern stated that this further supports the idea of a work session meeting and hopefully that will alleviate conversations like this one.

Mercer County Commissioners – Mr. Marciante stated that he thinks that Council should go to a meeting of the Commissioners or invite them to one of our meetings and request that they do some road work in the Borough. Mrs. Chandler asked if the Commissioners are going to come and apologize for denying Pennington's existence for the past six months. Ms. Stern stated that regardless of what happened, the Borough needs to build bridges. Mrs. Chandler and Mayor Davy requested that Council Members listen to the audio of the County meeting. Ms. Stern stated that she has talked to various Commissioners and they would like to meet with Pennington in the fall. Mr. Valenza stated that he agrees with Mrs. Chandler and he had conversations with representatives from the trucking company and Beigene and they were shocked that they were not aware that Pennington was a separate entity from Hopewell Township. Ms. Stern stated that she is not defending what happened but she thinks that we need to put out the olive branch because we need the County more than they need us. Mrs. Chandler stated that we received an e-mail in May that Bay Crane was working with the County because they found a better route and then a couple days later we found out that the County Commissioners had overridden the County Engineer and signed off on the route through Pennington. Mrs. Chandler stated that she is insulted that they would not even agree to a three minute phone call and when she and the Mayor went to the meeting they were treated like we don't exist and she is deeply offended by the County's reaction. Mrs. Chandler stated that she will not apologize for standing up for Pennington Borough and she will not consider a meeting until the County apologizes to the Borough. Some discussion took place with regard to chain of events and Mrs. Chandler suggested that Council Members listen to the audio of the meeting. Ms. Angarone stated that she thinks that we need to meet with the County. Council further discussed the alternate routes that could have been approved and what could have been done to avoid this situation. Ms. Stern stated that she would recommend that we meet with the County and appear strong and confident and let that know that Pennington does exist. Mr. Nieman suggested forming a relationship with the new County Administrator. Mr. Nieman stated that he has experienced this with other small towns where he worked and small towns do not get the recognition they deserve from the County they reside in.

Additional Council Meetings – This topic was already addressed.

Communications Plan Update – No report for this meeting.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Deidre Durling, 188 Pennington Harbourton Road, Pennington, NJ 08534 for refund of rental fee for Kunkel Park in the amount of \$100.00.

BE IT RESOLVED that a refund be issued from the Current Fund to Corelogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760 for an overpayment of 3rd Quarter Taxes, Block 801, Lot 21, 11 East Curlis Avenue in the amount of \$820.95.

BE IT RESOLVED that a refund be issued from the Current Fund to Corelogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760 for an overpayment of 3rd Quarter Taxes, Block 701, Lot 19, 320 Hale Street in the amount of \$4,415.96.

BE IT RESOLVED that a refund be issued from the Current Fund to Corelogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760 for an overpayment of 3rd Quarter Taxes, Block 704, Lot 9, 316 South Main Street in the amount of \$3,756.71.

BE IT RESOLVED that a refund be issued from the Water/Sewer Operating Fund to Foundation Title, LLC, 3840 Quakerbridge Road, Suite 210, Hamilton, NJ 08619 for an overpayment of Water/Sewer payments, Account #567-0, 320 Hale Street in the amount of \$516.47.

BE IT RESOLVED that a refund be issued from the Current Fund to Cugino’s Holding, LLC, d/b/a Boro, 147 West Franklin Avenue, Pennington, NJ 08534 for a duplicate Food License Permit fee in the amount of \$225.00.

BE IT RESOLVED that a refund be issued from the Current Fund to Kevin McNerny & Shweta Narayan, 316 South Main Street, Pennington, NJ 08534 for an overpayment of 3rd Quarter Taxes, Block 704, Lot 9 in the amount of \$3,756.71.

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	S			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-8.1, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,134,951.88 from the following accounts:

Current	\$ 2,006,367.50
W/S Operating	\$ 32,581.44
Grant Fund	\$ 4,497.82
Developer’s Escrow	\$ 2,080.00
General Capital	\$ 32,665.52
Other Trust Fund	\$ 37,050.00

Open Space Fund	\$	19,649.00
Animal Control Trust	\$	3.60
Unemployment Trust	\$	57.00
TOTAL	\$	2,134,951.88

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	S			
Gnatt				Absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-8.2, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.3**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2022 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 2022 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	S			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-8.3, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.4**

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 EXCLOSURE 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 exclosure 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 quote #401691 dated 7/18/2023 to furnish and install 135’ x 8’ of Vlass 3 galvanized deer fence with posts, gate and other related hardware from Miner LTD. in the amount of \$9,957.60; and

WHEREAS, a copy of quote #401691 from Miner LTD in the amount of \$9,957.60, 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 #401691 from Miner LTD in the amount of \$9,957.60 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	M			
Chandler	S				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-8.4, second by Council Member Chandler with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2023-8.5

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE BOROUGH OF PENNINGTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE BOROUGH IS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Pennington ("Borough") is authorized to direct the Land Use Board of the Borough of Pennington ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Borough of Pennington does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough of Pennington will not use eminent domain; and

WHEREAS, the Borough Council desires the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 206, Lots 4, 5 and 12, as shown on the Official Tax Map of the Borough of Pennington (the "Property"); and

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

1. The Land Use Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2023-8.5, second by Council member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.6**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the total cost of the contracted activities shall not exceed \$17,000 in the 2023-2024 hunting season, representing 100 deer harvested @ \$170;

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

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

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

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

1. The Mayor, with the prior approval of the Borough Attorney, is hereby authorized to enter into a contract with Brian Kubin, doing business as Scorpion Outdoors, for performance of services in 2023-24, provided the contract shall be substantially in the form attached to this Resolution and incorporate the terms described in this Resolution and the attached Proposal, updated in accordance with the terms for 2023-24:
2. The duration of the contract shall not exceed one (1) year, with hunting activity limited to the 2023-24 hunting season.
3. The total cost of the contract shall not exceed \$17,000, which shall be all-inclusive, to be drawn from the Borough Open Space Fund.
4. Between meetings of Borough Council, should it be necessary to enter into a contract with a Separate Outlet for the processing of harvested deer, the Mayor is hereby authorized to do so in his discretion provided the contract shall be subject to available funds, shall be approved by the Borough Attorney as to form, and shall not exceed \$1,500. in total contract cost without formal prior approval by Borough Council.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2023-8.6, second by Council Member Chandler. Mr. Marciante asked if the deer meat could be donated to residents of Pennington. Mr. Nieman stated that he did not think that it was legal to do that in New Jersey. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.7**

**RESOLUTION AUTHORIZING PURCHASE OF STALKER MC 360 MESSAGE TRAILER FROM
STALKER RADAR - APPLIED CONCEPTS, INC. UNDER
STATE CONTRACT 17-FLEET-00726**

WHEREAS, the Parks & Recreation Committee has identified the need to purchase a message trailer for the Borough to advertise events; and

WHEREAS, the Chief of Police has determined that the desired equipment is available under New Jersey State Contract 17-Fleet-00726; and

WHEREAS, the Chief of Police has obtained quote #2072723 dated 4/4/2023 from Stalker Radar Applied Concepts, Inc.,855 E. Collins Blvd., Richardson, TX 75081; and

WHEREAS, Stalker Radar, Applied Concepts, Inc. is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase of an MC 360 Message Trailer from Stalker Radar, Applied Concepts, Inc.is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the quote from Stalker Radar, Applied Concepts, Inc. in the amount of \$15,523.85 is attached to this Resolution; and

WHEREAS, purchase of the MC 360 Message Trailer under State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital budget, line item C-04-23-011-000-201;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the acquisition of an MC 360 Message Trailer for the Borough pursuant to the attached proposal from Stalker Radar, Applied Concepts, Inc. 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				Marciante	M			
Chandler	X				Stern	X			
Gnatt				absent	Valenza	S			

Council Member Marciante made a motion to approve Resolution 2023-8.7, second by Council Member Valenza with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2023 – 8.8**

**RESOLUTION TO AMEND BOROUGH POLICY AND PROCEDURES MANUAL TO
ADD NEW POLICIES AND AMEND EXISTING POLICIES**

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

WHEREAS, JIF has directed that the Borough include in its Policy and Procedures Manual the following new policies and amended policies in the form attached to this Resolution, as summarized below:

Amended Policies

- Policy 1.1 Anti-Discrimination (adding AIDS and HIV)
- Policy 1.3 Contagious or Life Threatening Illness Policy (expanding provisions)
- Policy 1.4 Safety Policy & Security (adding Security Policy)
- Policy 1.5 Drugs and Alcohol Policy (adding Cannabis and CDL Provisions)
- Policy 1.7 General Anti-Harassment Policy (adding AIDS and HIV coverage and training)
- Policy 1.11 Access to Personnel Files Policy (adding HIPPA compliance)
- Policy 2.1 Personnel Files (adding Changing Vital Information)
- Policy 2.5 Proof of U.S. Citizenship and State Residency Requirement (changing title only)
- Policy 3.3 Bulletin Board Policy (DELETED)
- Policy 4.1 Time and Attendance Policies (Lunch Break provision DELETED)
- Policy 4.9 Sick Leave Policy (amending use of earned sick leave)
- Policy 4.11 Family and Medical Leave Policy (adding coverage for foster care, changing maximim benefit for FTD)
- Policy 4.13 Domestic Violence Policy (incorporating reference to new Policy 1.20)

New Policies

- Policy 1.20 Domestic Violence Policy (and Responsibility of Employer)
- Policy 1.21 Protection and Safe Treatment of Minors (and Scope of Borough Responsibility)

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the New and Amended Policies attached to this Resolution and listed above are hereby approved and ratified, and same are incorporated into the Borough of Pennington Personnel Policies and Procedures Manual effective immediately.

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

Council Member Chandler made a motion to approve Resolution 2023-8.7, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023-8.9**

RESOLUTION APPROVING JOB DESCRIPTIONS FOR VARIOUS BOROUGH POSITIONS

WHEREAS, the Borough of Pennington, in consultation with the Personnel Committee of Borough Council, seeks to authorize the attached job descriptions for the following Borough positions:

1. Administrative Assistant to Police Department
2. Administrative Coordinator
3. Assistant Chief Financial Officer
4. Assistant to Superintendent of Public Works
5. Borough Administrator
6. Borough Clerk
7. Certified Recycling Professional
8. Chief Financial Officer
9. Chief of Police
10. Construction Official
11. Court Administrator
12. Court Security Officer
13. Deputy Registrar
14. Electric Sub-Code Official
15. Fire Sub-Code Official
16. Foreman of Public Works
17. Judge of Municipal Court
18. Land Use Administrative Assistant
19. Licensed Water Operator
20. Plumbing Sub-Code Official
21. Prosecutor
22. Public Defender
23. Superintendent of Public Works
24. Tax Assessor
25. Tax Collector;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the job descriptions attached to this Resolution for the Borough positions listed above are hereby authorized and approved.

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	S			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-8.9, second by Council Member Stern. Ms. Stern asked if grant writing is specifically listed in any of the job descriptions. Mr. Nieman stated that there is no specific grant writer for small towns, but the Administrator or Administrative Coordinator have been working on grants that are found by Council and/or departments. Mayor Davy stated that we don't have a specific person dedicated to grant writing. Ms. Stern stated that is one thing she noticed was missing but how do we know there aren't other things missing. Mr. Nieman stated that in a small town it is all hands on deck because of the small staff and people in the office do things that are not necessarily part of their job description. Mr. Nieman stated that Betty does a lot that a Clerk in another municipality would not be doing. Ms. Stern stated that the job descriptions will lead to performance reviews. Mayor Davy stated that is the next step. Ms. Angarone stated that there are grant writing

workshops offered very close by and we should look into sending someone. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.10**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS
FOR IMPROVEMENTS TO ROCKWELL GREEN, SCUDDER COURT & CHADWELL COURT –
NJDOT MUNICIPAL AID – FY2022**

WHEREAS, the Borough of Pennington seeks to make improvements to Rockwell Green Drive, Scudder Court and Chadwell Court under a NJDOT - FY 2022 Municipal Aid Grant; and

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

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

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for improvements to Rockwell Green Drive, Scudder Court and Chadwell Court in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

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

Council Member Marciante made a motion to approve Resolution 2023-8.10, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.11**

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

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

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

WHEREAS, the Borough seeks to enter into a Professional Services Agreement with CGP&H, LLC (“CGP&H”) for performance of required administrative services during the year beginning August 1, 2023;

WHEREAS, a copy of the Professional Services Agreement proposed by CGP&H is attached to this Resolution;

WHEREAS, in accordance with the proposed Agreement, CGP&H will perform general services requested by the Borough or required by law on notice to the Borough at an hourly rate of \$155 per hour for senior staff, invoiced monthly, not to exceed in the aggregate for the year \$10,000 without the prior written approval by Borough Council:

WHEREAS, CGP&H will also be paid a flat fee of \$2,000 for each unit listed for sale and related services;

WHEREAS, the proposed Agreement contemplates a total budget of \$14,300 for the year, including three fee categories: (1) \$10,000 for the aforesaid general services billed by the hour, (2) \$4,000 in flat fees but only if there are two units @ \$2,000 listed for sale, and (3) \$300 for reimbursable expenses during the course of the year;

WHEREAS, it is understood that CGP&H may not invoice above an individual fee category without prior written authorization by the Borough even if the overall contract budget has not been exhausted;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the above recitals are herein incorporated by reference in this Resolution; and

BE IT FURTHER RESOLVED, that subject to these recitals the Mayor and the Borough Clerk are hereby authorized to enter into the attached Agreement with CGP&H on behalf of the Borough for the year beginning August 1, 2023, subject to such modifications as the Borough Attorney may require in conformance with the above recitals.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2023-8.11, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.13**

**RESOLUTION AUTHORIZING BLOCK PARTY ON SEPTEMBER 2, 2023 FROM 4 PM TO 8 PM
ON VOORHEES AVENUE**

WHEREAS, Alan Hockenjos has applied to the Borough of Pennington for permission to close the streets known as Burd Street and Sked Street in the Borough on September 2, 2023 beginning at 4 PM and ending at 8 PM for a block party on Voorhees Avenue for an estimated 50 people;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Alan Hockenjos 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.

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				absent	Valenza	X			

Council Member Stern made a motion to approve Resolution 2023-8.13, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.14**

**RESOLUTION AUTHORIZING BLOCK PARTY ON SEPTEMBER 30, 2023 (RAIN DATE
OCTOBER 1, 2023) FROM 2 PM TO 10 PM ON
EAST WELLING AVENUE**

WHEREAS, Cara Laitusis has applied to the Borough of Pennington for permission to close the street known as East Welling Avenue in the Borough between Main Street and Baldwin on September 30, 2023 (Rain Date October 1, 2023) beginning at 2 PM and ending at 10 PM for a block party on East Welling Avenue for an estimated 75 people;

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

5. 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.

- 6. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
- 7. There must be access for emergency vehicles at all times.
- 8. All local noise ordinances must be observed.

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	S			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-8.14, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 8.15**

RESOLUTION AUTHORIZING PURCHASE OF HUSQVARNA ZERO TURN MOWER FOR THE PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH QUOTATION BY BISH SALES AND SERVICE, INC. THROUGH SOURCEWELL (CONTRACT 003112-HSQ)

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a new Husqvarna Model Z560X Zero Turn mower: and

WHEREAS, the Superintendent of Public Works has determined that the required equipment is available from Bish Sales & Service through Sourcewell (formerly the National Joint Powers Alliance); and

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

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

WHEREAS, Bish Sales & Service located in Hopewell, New Jersey is an authorized dealer for the desired vehicle and has provided the Borough with their quote dated June 15, 2023 by which it would sell to the Borough one (1) Husqvarna Zero Turn Mower Model Z560X with 31HP Kawasaki Motor, ZT5400 Transmission by Hydro Gear for the price of \$10,700.00;

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase at the revised price under Water/Sewer Capital Ordinance 2007-9;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington (a) that the purchase of one (1) Husqvarna Zero Turn Mower, Model Z560X with 31Hp Kawasaki Motor, ZT5400 Transmission by Hydro Gear for the Pennington Borough Public Works Department pursuant to the attached proposal from Bish Sales & Service (Quote dated June 15, 2023) in the amount of \$10,700.00 is hereby authorized; and (b) the Borough Clerk and Chief Financial Officer are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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

Council Member Marciante made a motion to approve Resolution 2023-8.15, second by Council Member Stern. Ms. Angarone asked Rick Smith if he had investigated an electric mower. Mr. Smith stated that he did look into it and they are very costly. Mr. Smith stated that electric mowers are fairly new and as equipment progresses it gets better and more affordable. Mr. Smith stated that they have started transitioning some of the equipment in Public Works but it will take time to transition everything. Ms. Angarone stated that as we look at the equipment costs we also have to consider the fuel costs. Ms. Angarone stated that she would suggest that we continue to look at options for gas powered equipment. Mr. Valenza stated that this should also be discussed as part of the carbon footprint group and he would encourage Ms. Angarone to participate in the meetings to offer suggestions for funding. Upon a roll call vote all members present voted in favor.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Nieman stated that he has been talking with Capital Health regarding developing a cost for stationing two ambulances in Pennington and right now the cost is very high and his recommendation was to stay with the shared service for now. Mr. Nieman stated that a majority of calls are from Brandywine and it might be worth having a conversation with them to see if some of the calls are transport calls and not necessarily emergency calls. Mr. Marciante stated that no matter what Brandywine is part of Pennington so there is not much we can do. Mrs. Chandler asked if they considered using the First Aid Building to stage a vehicle or two. Mrs. Chandler stated that she, John and Kati are trying to figure out what to do with the building and it would be helpful to know if they have an interest in staging an ambulance or two. Mr. Marciante stated that he is hearing that the Township is interested in using the building and it could be done, but the conversation needs to take place. Mayor Davy stated that we have already told them that they can use the building. Mr. Nieman stated that coverage of the Borough is one issue, but use of the First Aid Building is another issue and some determinations need to be made first so that we know what the plan for the building is. Mrs. Chandler stated that we don't want to make a decision and then find out that we could have done something else with the building. Mr. Marciante suggested sitting down with the Township Fire Commissioners and finding out if they are interested in using the building. Ms. Angarone agreed that we have to know what everyone is planning before any decisions can be made for the building. Mr. Valenza stated that we need to find out where most of the calls are coming from. Chief Pinelli stated that 80 percent of the calls are from Brandywine. Chief Pinelli stated that having ambulances housed in Pennington is not going to affect the response time that much, they are currently housed by the Stop and Shop. Mrs. Chandler stated that she is not willing to let them use the building if Pennington Borough is not getting something out of it.

Borough Attorney – Mr. Bliss stated that there is no legal requirement under the Open Public Meetings Act for items on the agenda to be supplied to the public before they are acted on by Council. Mr. Bliss stated that we have a practice of including Ordinances and Resolutions in the public packet but there are a number of documents in a gray area that cause confusion as to whether they should be included in the packet. Mr. Bliss suggested that he would like to suggest that we develop a policy so that we are all on the same page. Mr. Bliss asked that a group be set up including him and Betty to develop the policy. Ms. Stern asked if there are things that should not be included. Mayor Davy stated that a copy of an Ordinance that is still under discussion in the deliberative and consultative stage that would not be released as part of the packet. Ms. Angarone stated that she understands that because an ordinance that was still in the early stages with notes and comments that she had made was part of the packet and it ended up not being adopted in any way close to the draft copy. Mayor Davy stated that this came up particularly with the Storm Water Ordinance Amendment that was discussed earlier this evening. Mayor Davy stated that it is still in the deliberative and consultative stage and people from the public were demanding copies and he authorized that it be released. Mrs. Chandler asked if this could be discussed at the work session. Mr. Bliss stated that the key is to talk to Betty to get her view on the burden of work and the legal issues so that a clear policy is developed to refer to when these scenarios come up. Mayor Davy stated that he would form a committee to discuss this including the Administrator, the Mayor, Mr. Bliss and Nadine Stern also volunteered.

Borough Clerk – Mrs. Sterling reported that sale of surplus items on GovDeals was very successful and we collected about \$19,000. Some discussion took place with regard to what was sold.

Chief Financial Officer – Ms. Webb had nothing further.

Chief Doug Pinelli – Chief Pinelli stated that he is working on providing statistical information monthly. Chief Pinelli stated that trucks are moving through town very smoothly and they should be done by September 2nd. Chief Pinelli stated that the traffic monitor has been deployed and it will be moved throughout town as school gets back in session. Mayor Davy asked if Chief Pinelli could report on a call he got regarding additional trucks. Chief Pinelli stated that he got a call from a trucking company asking to run 25 trucks through town to Beigene for about two weeks from 7 am to 5 pm to take fill out of the Beigene site. Chief Pinelli stated that these would be dump trucks hauling dirt. Mr. Marciante asked why they want to come through Pennington. Chief Pinelli stated that he has not heard back from them since the initial call. Mr. Valenza stated that we do not want these trucks coming through town as it would be very dirty and disruptive. Mrs. Chandler stated that the current trucks are not coming back through town, they are going a different route, so why can't they do that. Chief Pinelli stated that he will reach out and try to deter them from coming through town. Mrs. Chandler reminded Council that Hopewell Township's Ordinance required only 4 trucks through Pennington each day and they are not complying with that.

Superintendent of Public Works – Mr. Smith 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 and limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Stewart Warren of 12 East Welling Avenue commented on the proposed Storm Water Ordinance Amendment that was discussed earlier in the meeting. Mr. Warren stated that his land configuration slopes

to the curb and there are other properties in town with the same scenario. Mr. Warren stated that when they first move in they had flooding in the back yard and they hired a contractor to put in two drains that when through the curb to discharge the water and drain it to the street. Mr. Warren stated that when the street was repaired last year, the section of curb was removed and a new drain was installed to discharge the water onto the property. Mr. Warren stated that he and his wife have walked through town and they have seen other properties with drains through the curb and he would like to see if there is a way of routing the water under the sidewalk as it was. Mr. Warren stated that the proposed ordinance would not allow this and he would like his and other residents with the same configuration on their property to drain into the storm water system. Mr. Warren stated that the water that is draining is nothing but rain water and that should be allowed to drain to the storm water system. Mr. Warren stated that sump pumps are a different matter, but situations like he has where it is nothing but rain water, should have a reasonable solution.

CLOSED SESSION

AT, 10:32 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Pending Litigation – PILOT Discussion

Negotiations – Beigene

Land Acquisition

Mayor Davy stated that Borough Council will not be returning to open session to take action.

At 10:32 pm with no further business to address, the regular meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk