



BOROUGH COUNCIL MEETING - JUNE 5, 2023 AGENDA

Monday, June 05, 2023 at 7:00 PM

Online via Zoom

CALL TO ORDER - Mayor Davy

ROLL CALL - Borough Clerk - Betty Sterling

Angarone; Chandler; Gnatt; Marciante; Stern; Valenza; Mayor Davy

OPEN PUBLIC MEETINGS STATEMENT

Notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board at Borough Hall at 30 North Main Street and on the Borough website according to the regulations of the Open Public Meetings Act.

To receive news alerts, please visit the Borough's website and click on the "Subscribe to News & Alerts" button at the top of the page.

OPEN TO THE PUBLIC

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

MAYOR'S BUSINESS

- 1.** Municipal Alliance Resolution / Come Out and Play (request to waive rental fee for Kunkel Park) - Heide Kahme
- 2.** ANJEC Grant for Arboretum - Denied
- 3.** Deer Survey Results
- 4.** Update - Beigene
- 5.** Resignation - Barbara Kirsch - Historic Preservation
- 6.** NJ DOT Municipal Aid - Road Projects / Walking and Biking Safety - Deadline July 1, 2023
- 7.** Traffic Signal - Route 31 & Ingleside Ave Update
- 8.** Streetscape - Public Information Center Comments (for approval)

MAYOR'S APPOINTMENTS

9. Environmental Commission

Designation of Chair of Environmental Commission -

Kieran John moving from 2nd Alternate position to regular member for an unexpired term ending December 31, 2025

APPOINTMENTS (WITH COUNCIL APPROVAL)

Historic Preservation:

Robert Chandler - Changing from Class C to Class A

Natalie Shivers - Changing from Class C to Class A

Katrina Homel - Changing from Class D to Class B

Mary Baum - Moving from Class C Alternate 1 to Class C Member for unexpired term ending December 31, 2024

Yasmine Zein appointed as Class C Alternate 1 for unexpired term ending December 31, 2023

APPROVAL OF MINUTES

[10.](#) Regular Meeting Minutes - May 1, 2023

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

11. Special Closed Session - May 11, 2023

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

[12.](#) Ordinance 2023-10 - Ordinance Increasing Certain Fees and Amending Chapter 98 (Fees) of the Code of the Borough of Pennington

[13.](#) Ordinance 2023-11 - Bond Ordinance Providing for the Acquisition of Equipment in and by the Borough of Pennington, in the County of Mercer, New Jersey, Appropriating \$45,000 Therefor and Authorizing the Issuance of \$42,750 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

COMMITTEE REPORTS

14. Planning & Zoning / Personnel / Economic Development - Ms. Gnatt

- 15. Public Works / Open Space / Shade Tree - Ms. Stern**
- 16. Finance & Technology / Public Safety / Arboretum / Landfill - Mrs. Chandler**
- 17. Historic Preservation / Library - Ms. Angarone**
- 18. Parks & Recreation - Mr. Marciante**
- 19. Board of Health / Environmental Commission - Mr. Valenza**
- 20. Senior Advisory - Mayor Davy**

COUNCIL DISCUSSION

- 21. Communications Plan Update**
- 22. Shared Services Agreement - Recycling - Mercer County Improvement Authority**

NEW BUSINESS

- 23. Resolution 2023-6.2 - Resolution Authorizing Payment of Bills**
- 24. Resolution 2023-6.3 - Resolution Authorizing Purchase of Stalker Traffic Data Collector w/Solar Option From Stalker Radar Applied Concepts, Inc. Under State Contract 17-FLEET-00726**
- 25. Resolution 2023-6.4 - Resolution Authorizing Block Party on July 8, 2023 From 4PM to 8PM on Voorhees Avenue**
- 26. Resolution 2023-6.5 - Resolution Authorizing Block Party on August 19, 2023 (Rain Date August 20, 2023) from 11AM to 10PM on Sked Street**
- 27. Resolution 2023-6.6 - Resolution Awarding Local Retail Cannabis License to Jersey Meds Management, LLC, Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:61-31, ET SEQ., and Pennington Ordinance 2021-9**
- 28. Resolution 2023-6.7 - Resolution Authorizing Tree Work at Sked Street Park and Authorizing the Use of Open Space Funds for this Purchase**
- 29. Resolution 2023-6.8 - Resolution Approving Renewal of Plenary Retail Consumption License #1108-33-001-001 for 2023-2024**
- 30. Resolution 2023-6.9 - Resolution Authorizing Retention of Special Labor Counsel**
- 31. Resolution 2023-6.10 - Resolution Authorizing Retention of Attorney for Services as Hearing Officer**
- 32. Resolution 2023-6.11 - Resolution Authorizing and Ratifying Application for 2023 Stormwater Assistance Grant and Further Authorizing Execution of Grant Agreement**
- 33. Resolution 2023-6.12 - Resolution to Request Amendment of the 2023 Adopted Budget (Chapter 159) to Insert a Special Item of Revenue and Appropriation for 2023 - Clean Communities**

- [34.](#) Resolution 2023-6.13 - Resolution Authorizing Payment Request #1 to Top Line Construction for Work Completed on the West Franklin & Knowles Road Improvement Project (VNHA #44836-210-71)
- [35.](#) Resolution 2023-6.14 - Resolution Authorizing Submission of Governor's Council on Alcoholism and Drug Abuse Fiscal Grant July 1, 2023 to June 30, 2024
- [36.](#) Resolution 2023-6.15 - Resolution Authorizing a Professional Services Agreement with Montrose Environmental for the Completion of the 2022 Right to Know Survey
- [37.](#) Resolution 2023-6.16 - Resolution Authorizing Refund of Redemption Monies to Outside Lienholder
- [38.](#) Resolution 2023-6.17 - Resolution Authorizing the Tax Collector to Process Third Quarter "Estimated" Tax Bills, Due August 1, 2023
- [39.](#) Resolution 2023-6.18 - Resolution Approving Emergency Appropriation by the Pennington Borough Board of Fire Commissioners, District No. 1 in the Amount of \$17,280. for Repair of a Pumper Tanker Truck to Protect and Promote Public Safety
- [40.](#) Resolution 2023-6.19 - Resolution Authorizing Amendment of Agreement with Penn Medicine Princeton Medical Center to Provide for Additional Services for CDL Licensees
- [41.](#) Resolution 2023 - 6.20 - Resolution Authorizing The Filing of an Appeal of the Trial Court Decision in Hopewell Borough, Pennington Borough, Et Al Vs Hopewell Township, US Home at Hopewell Parc Urban Renewal LLC, Et Al., Contesting Approval of 30 Year Tax Exemption for the Development

PROFESSIONAL REPORTS

Borough Administrator - Donato Nieman
Borough Attorney - Walter Bliss
Borough Clerk - Betty Sterling
Chief Financial Officer - Sandy Webb
Chief of Police - Doug Pinelli
Superintendent of Public Works - Rick Smith

OPEN TO THE PUBLIC

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state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.

CLOSED SESSION

AT, 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:

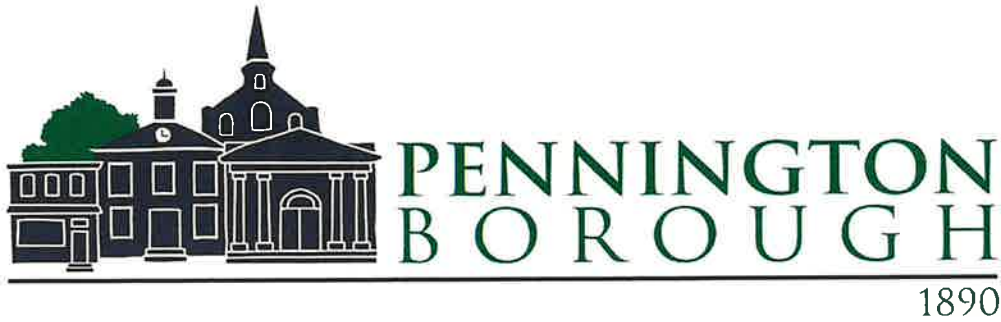
Litigation - Hopewell PILOT

Potential Litigation - Beigene

AT, PM, Mayor and Council returned to open session.

42.

ADJOURNMENT



KUNKEL PARK PERMIT
PENNINGTON BOROUGH
 30 North Main Street, Pennington, NJ 08534
 www.penningtonboro.org • (609) 737-0276

The covered pavilion in **Kunkel Park** can be reserved by permit for use for special events. Use of the park by 25 or more people also requires a permit.

The daily fee for Pennington Borough residents and for documented non-profit organizations is \$50. The fee for all others is \$100.

Application for a park permit must be submitted ten (10) days in advance of the event. Reservations are made on a first come, first served basis. No refunds or change of reservation date will be allowed once a permit is issued.

By reserving the Park, you are aware of and agree to comply with all regulations as specified in Borough Code §143-3. A summary of regulations is provided on the reverse side of this application.

You are responsible for cleaning up after your event. Please bring extra plastic or paper trash bags to the gathering. Place bags of trash in the trash containers or beside the containers if the containers are full. Please recycle when possible.

Specialized recreation equipment, mechanical or carnival rides such as moon bounces, rides using livestock and petting zoos and/or displays using live animals are prohibited in Kunkel Park.

Name or Organization: Hopewell Valley Municipal Alliance/ Hopewell Valley Come Outside & Play!

Best Phone Number: 609-577-3968

Email Address: hvmunicipalalliance@gmail.com

Address: c/o Hopewell Valley Regional School District, 425 S. Main Street, Pennington

Requested date and hours of use: June 8, 2023 from 3:30-5:30 PM

Number of anticipated attendees: 12

Signature: [Handwritten Signature]

Date: 5-30-23

For Borough Use Only:

Date issued: _____

Permit # _____

Hopewell Valley Come Outside and Play!



June 9-11, 2022 Outdoor Activities Abound!

Join the Hopewell Valley Municipal Alliance and its partners for this 3-day community-wide event, now in its 12th year, established to increase awareness of nature and an appreciation of time spent outdoors. Families and community members are welcome to attend any of these FREE activities. Some activities require advance registration. Activities are open to all ages and will be cancelled in case of inclement weather *unless otherwise noted.*

Outdoor Themed Story time

Date: Thursday, June 9 **Time:** 10:30AM-11:00AM

Learn about nature with books, finger plays and songs about the great outdoors! Open to children ages 5 and under, accompanied by an adult. Children will receive a take-home craft after story time. Space is limited. Registration is required: bit.ly/HopewellOutdoorStorytime Small chairs will be provided but feel free to bring your own chairs or a blanket for your family. **Location:** Hopewell Branch Library, 245 Pennington Titusville Road, Pennington **Sponsor:** Mercer County Library System, Hopewell Branch Library

A Fast-Paced Hike in Nature

Date: Thursday, June 9 **Time:** 1:00PM-3:00PM

Meet at the Washington Crossing Park Nature Center for a fast-paced hike on the park's trails. Please dress in layers with proper footwear for walking on wet, muddy trails. The group sets the pace and distance, so you will likely be able to keep up comfortably. Please bring a water bottle and trekking poles (if you have them). Leave a message at the Nature Center to confirm your attendance at (609) 737-0609. **Location:** Washington Crossing Nature Center, 355 Washington Crossing Pennington Rd, Titusville **Sponsor:** Washington Crossing State Park Nature Center

Outdoor Art Room

Date: Thursday, June 9 **Time:** 4:00PM-5:00PM

Join *Art Sparks* at Kunkel Park in Pennington for a chance to be part of a long, worldwide tradition of celebrating the beauty in nature reflected through the visual arts. Be inspired by the textures, colors and shapes in the natural world, and create a work of art combining traditional art materials with small objects found in nature. Recommended for age 5-10. An adult must accompany all children. **Registration required!** Space is limited to 10 students. Email child's first name and age to info@artsparksstudio.com **Location:** Kunkel Park, King George Road, Pennington **Sponsors:** Art Sparks and Pennington Borough Parks & Recreation

Fun at Woolsey Park

Date: Thursday, June 9 **Time:** 6:00PM-8:00PM

Come outside and play at Woolsey Park! The night will be chock-full of festivity and fun for children of all ages! All participants will receive a Township Passport to travel through the park and experience activities like: Whacky Relay Races & Carnival Games. The Department of Public works will also be on hand for everyone to experience "Touch a Truck" and a special "Junkyard" art project will be happening through the HV Arts Council. The newest member of the Hopewell Recreation Department, "FOXY", will be making a special appearance between 7-7:30pm. Do not be left out, join in on the fun and COME OUTSIDE AND PLAY! **Location:** Woolsey Park, 221 Washington Crossing-Pennington Road, Titusville **Sponsors:** Hopewell Township Parks & Recreation, Hopewell Township Public Works, Hopewell Valley Arts Council

Campfire Tales: Outdoor Story Time

Dates: Friday, June 10 **Time:** 11:00AM-11:30AM

Gather around the "campfire" for stories, songs and fun! Open to children 5 and under, accompanied by an adult. Siblings welcome! Children will receive a take-home craft. Crafts will also be available for pickup inside the library throughout the month of June. Please bring chairs or a blanket for your family. Registration recommended- please email kfriedlich@penningtonlibrary.org. **Location:** Pennington Public Library, 30 N. Main Street, Pennington **Sponsor:** Pennington Public Library

... More activities on next page

2022 Partners

Amateur Astronomers
Association of Princeton

Art Sparks

Complete Health Yoga

Friends of Hopewell Valley
Open Space

Hopewell Township
Parks & Recreation

Hopewell Township
Public Works

Hopewell Valley
Arts Council

Hopewell Valley Regional
School District

Mercer County Library
Hopewell Branch

Mercer County
Park Commission

Pennington Borough
Parks & Recreation

Pennington Farmers Market

Pennington Public Library

Sourland Conservancy

Washington Crossing State Park
Nature Center

Wildflower Farm



For questions contact:
Hopewell Valley Municipal Alliance
hvmunicipalalliance@gmail.com



Hopewell Valley's Backyard

Yoga with Nature

Date: Friday, June 10 **Time:** 4:30PM-5:30PM

Connect with nature - One hour yoga class will be offered to students out in the beauty of nature. This helps to purify and harmonize the body and mind. This may help us to feel more connected and at peace with the world around us. One of the Yamas or vows of Yoga is non-violence (ahimsa) towards ourselves and others. It recognizes our intimate connection to everything on the Earth and in the Universe. Please bring your yoga props if needed and yoga mat or a towel. Registration preferred: bit.ly/CHYYogaInNature **Location:** Woolsey Park, 221 Washington Crossing-Pennington Rd, Titusville **Sponsor:** Complete Health Yoga

Astronomy Outside with Telescopes

Date: Friday, June 10 **Time:** 8:45PM-11:00PM

Get outside under the stars and observe our night sky! Travel light-years through the eyepieces of professional-grade telescopes and see the wonders of the night sky up close and personal. Expert astronomers will guide you and answer all your astronomy questions. Please check AAAP website www.princetonastronomy.org/public_nights Program will happen only if twilight skies are clear or partly clear. **Location:** Washington Crossing State Park (enter off Bear Tavern Road) visit AAAP website for directions and map. **Sponsor:** Amateur Astronomers Association of Princeton.

Pennington Farmers Market Scavenger Hunt

Date: Saturday, June 11 **Time:** 9:00AM-1:00PM

Pick up a Pennington Farmers Market scavenger hunt sheet and crayon from the Welcome Tent, then search the market to find the items on the card. Exchange your completed Bingo card for a prize! Appropriate for pre-school, kindergarten, elementary students and families. *Rain or shine!* **Location:** Rosedale Mills, Route 31, Pennington **Sponsor:** Pennington Farmers Market

Meadow Walk

Date: Saturday, June 11 **Time:** 9:30AM-11:00AM

Come enjoy the sights and sounds of spring in Mercer Meadows on this naturalist led walk. Explore the diversity of wildflowers, butterflies and songbirds that rely on this unique habitat. Spaces are limited, open to all ages! Registration required: bit.ly/MCPCMeadowWalk **Location:** Reed Bryan entrance to Mercer Meadows on Federal City Road, Pennington. Map: bit.ly/3pbGFNA **Sponsor:** Mercer County Park Commission

Vegetable Harvesting and Farm Tour

Date: Saturday, June 11 **Time:** 11:00AM-1:00PM

Join us at Wildflower Farm. Come and help harvest seasonal vegetables while learning about growing your own food. Stay for a tour and see our farm animals. Registration required: bit.ly/FoHIVOSWildflowerFarm **Location:** 321 Pennington Harbourton Road (make sure your GPS doesn't take you to Woosomonsa) **Sponsors:** Friends of Hopewell Valley Open Space and Wildflower Farm

Self-Guided Mystery Trail Hikes at Baldpate Mountain

Dates: Thursday, June 9 - Saturday, June 11 **Time:** Daylight hours

Calling Young Detectives: Tully the Turtle needs your help! Your mission, should you choose to accept it, is to go on a self-guided hike with your family on our Mystery Trail at Baldpate Mountain and find the missing 'treasure.' Download the map from here: bit.ly/MysteryTrailAtBaldpate and let us know how you do! **Location:** Fiddler's Creek parking lot at Baldpate Mountain **Sponsor:** Mercer County Park Commission

Photo Scavenger Hunt

Dates: Thursday, June 9 - Saturday, June 11 **Time:** Anytime!

Grab your phone, download the free app i-Naturalist, and head outside with friends or family for a "photo scavenger hunt." For directions to play and a list of items to hunt, visit www.fohvos.org/2022-scavenge. Search around your yard, or head out to one of our great preserves! Snap pictures of each item you find and share your findings by 6pm on June 11. Win cool prizes! **Location:** Throughout Hopewell Valley **Sponsor:** Friends of Hopewell Valley Open Space

Be A Sourland Explorer

Dates: Thursday, June 9 - Saturday, June 11 **Time:** Daylight hours

Would you like to become an official protector of the Sourland Mountain, home to thousands of extraordinary species? Visit <https://sourland.org/sourland-explorer> to find out what you need to do in order to earn the Sourland Explorer patch. *This program was created by a Hopewell Valley teen volunteer!* **Location:** Sourland Mountain Preserve, 235 Rileyville Road, Hopewell **Sponsor:** Sourland Conservancy

Fw: ANJEC Grant Announcement

Admin

Mon 5/15/2023 9:29 AM

To: bsterling@penningtonboro.org <bsterling@penningtonboro.org>;

From: Elizabeth Ritter <eritter@anjec.org>

Sent: Friday, May 12, 2023 11:01 AM

To: Elizabeth Ritter

Subject: ANJEC Grant Announcement

Good morning,

ANJEC is sorry to inform you that we will not be able to fund your request for our 2023 Open Space Stewardship Grant program.

We were in receipt of many more projects that were very worthy than we have available funding to support. We hope you will consider reapplying in a future grant year.

I can answer specific questions about grant denials, please email me and I will answer you directly. I am going to be out of town for about 10 days so you may not hear back quickly but, I will share reviewer notes as soon as I can.

Regards,
Liz Ritter, ANJEC

Elizabeth Ritter
ANJEC
www.anjec.org

Results of White-Tailed Deer Surveys at Pennington Borough, NJ, in 2023

May 4, 2023

Jessica Ray and Jay F. Kelly, Ph.D.
Center for Environmental Studies
Raritan Valley Community College
118 Lamington Rd.
North Branch, NJ 08876
jkelly@raritanval.edu

Summary

The Center for Environmental Studies at Raritan Valley Community College (RVCC-CES) conducted surveys to document the local abundance and densities of white-tailed deer at Pennington Borough, NJ, on April 14, 2023. The surveys spanned the entire municipality and were conducted with a thermal imaging camera mounted on a small-unmanned aerial vehicle (sUAS). A total of 47 deer were observed across the 1.06 mi² survey area, resulting in a density of 44 deer/mi². A detailed discussion of survey methods and results is provided below, along with an interpretation of results in relation to deer impacts and management.

Methods

We conducted infrared surveys for white-tailed deer (*Odocoileus virginianus*) by drone or sUAS (small unmanned aerial system) to obtain estimates of local deer population size and density in Pennington Borough, NJ. We used an Autel EVO II Dual drone with FLIR 640 Thermal Sensor, which was flown at night when greater contrast between ground and deer body temperatures enabled enhanced visibility. All flights were conducted with an FAA-certified pilot aided by a visual observer trained and certified for night-time operations. Each mission was flown in public airspace (Class G) at ≤400 feet above ground level, in compliance with federal regulations.

Surveys were conducted on April 14, 2023. This is within a seasonal window that provides the most conservative estimates of annual deer densities; i.e., after the fall/winter season when deer numbers are driven to their lowest numbers in the year from hunting, vehicle collisions, harsh winter conditions, and prior to the birth of fawns in May. The survey area totaled 1.06 mi². Preflight planning included identification of suitable launch points, flight hazards, access, and airspace regulations via aerial photography, aeronautical maps, and field visits to each site. Sufficient launch points were identified to ensure that all areas were adequately covered based on the range limitations of the drone.

Flights were conducted in transects to ensure proper coverage of the entire search area (**Figure 1**). Transects were spaced an average of roughly 500 feet apart in forested and residential areas and were wider in open fields where the field of view was unobstructed by structures such as buildings and trees. All observations of deer and search areas were recorded and mapped in real-time using the Autel Explorer and ArcCollector App. When deer were spotted, the drone was kept in a hover position until an accurate count was obtained. This procedure was repeated until the entire study area was surveyed. Densities from the drone surveys were later calculated by dividing the total deer found by the search area covered by the drone.

To obtain the most accurate estimate possible, we also implemented several additional quality control measures. If herds of deer were found close to a prior location where deer were previously observed, the drone was flown back to the vicinity of the first observation to see if they were still present. If absent from the original location, then the second observed herd was not counted in order to avoid double-counting (i.e., to account for the fact that the first herd observed may have moved to the new position). Secondly, when deer herds were noted to be moving in a certain direction during the observation, then the area of habitat that they were moving towards was surveyed next in order

ensure that deer were not double-counted. In rare circumstances, ground-truthing of observations was necessary to confirm whether an unknown object was, in fact, a deer, especially if the deer was still or in a sleeping position, and/or in areas where captive farm or other animals of similar size were present. If observed objects could not be positively identified, the data was excluded from our analysis. All of these controls ensured the results to be as robust and conservative as possible.

Results and Discussion

Surveys were conducted at Pennington Borough. A total of 47 deer were observed across the 1.06 mi² survey area, resulting in a density of 44 deer/mi². The density decreased by 46% when compared to the same spatial area surveyed in 2020, when 81 deer/mi² were observed (**Table 1**).

Table 1. Deer densities observed during sUAS thermal imaging deer surveys in Pennington Borough in 2020 and 2023

Date	Year	Location	Area (mi)	# of Deer Observed	Density (deer/mi)
17-Mar	2020	Pennington Borough	0.97	79	81
22-Apr	2023	Pennington Borough	1.06	47	44

Deer observations were spatially plotted in ArcMap, and density ranges within Watchung Reservation were determined using a kernel density tool, which creates heat maps of local deer densities based on the densities of points within predetermined search radius. Home range sizes, or the extent to which deer will move throughout the year, are dependent on various factors, including, but not limited to sex, food availability, weather conditions, hunting pressures, land cover (forested, suburban, urban, exurban, rural, etc.), and breeding patterns (Etter et al. 2018, Innes 2013, Kilpatrick et al. 2001, Williams et al. 2008). Studies on home range sizes of whitetail deer show major variation throughout their range, from between 0.14 – 11.7 square miles (Innes 2013). However, in the Mid-Atlantic and New England regions, deer home ranges tend to be much smaller, including approximately 1.0 mi² in agricultural and heavily forested land covers (Sparrowe and Springer 1970, Tierson et al. 1985), 0.4 mi² in exurban areas (Storm et al. 2007), and 0.17 mi² in suburban areas (Kilpatrick and Spohr 2000).

Because Pennington Borough is a largely suburban landscape, surrounded by surrounded by agriculture, we formulated heat maps using a search radius that represented 1 mi² home range size in order to be conservative. However, it is important to keep in mind that some densities may be underestimated as some deer within this area may have smaller, more localized home range sizes more typical of suburban environments. Based on these estimations, 0% of the survey area had low deer densities (<10 deer/mi²), 6% had moderate levels of deer (10-20 deer/mi²), and 94% had high (>20 deer/mi²) deer densities (**Table 2, Figure 2**).

Table 2. Areas of Pennington Borough occupied by different deer densities based on a 1.0 mi² home range size in 2023.

Density Range (deer/ mi ²)	Area (mi ²)	% Area Covering the Twp.
0-10	0.00	0%
10-20	0.06	6%
20-50	0.84	79%
50-100	0.16	15%

In order to interpret these results, it is important to understand the social and environmental impacts of different deer densities. Biologists estimate precolonial deer densities to be approximately 8-11 deer/mi² (McCabe and McCabe 1997). This is supported by the negative impacts from deer browse that tend to occur at densities above these levels for preferred browse species and forest structure (Almendinger et al. 2020, deCalesta and Stout 1997; Alverson et al. 1988; Frelich and Lorimer 1985; Behrend et al. 1970). Additional indirect or “cascade” effects on food webs and other ecosystem properties tend to occur at densities above 15-20/mi² (McWilliams et al. 2018, Russell et al. 2017, Chips et al. 2015, Nuttle et al. 2011, Horsley et al. 2003, Drake et al. 2002, de Calesta 1994). These densities, therefore, provide useful benchmarks for deer management to achieve ecological goals, with ~10 deer/mi² being the optimal target for supporting the greatest biodiversity and ecosystem structure and function.

The effects of overabundant deer are not limited to natural areas, however, but to human populations as well, costing millions of dollars a year from deer-vehicle collisions, damage to agricultural crops and landscaping, and impacts of Lyme’s disease and other tick-borne diseases (Patton et al. 2018, Conover 2011). Increased deer-vehicle collisions are associated with higher deer density, among other factors (Kelly and Ray 2019ab), and deer management practices that have successfully reduced deer populations have resulted in significant decreases in deer-vehicle collisions in New Jersey and other areas (Williams et al. 2013). Effective deer management is, therefore, likely to yield significant benefits not only for environmental integrity, but for social and economic goals as well (Kelly 2019).

With these ecological and social goals in mind, the densities observed across the survey area as a whole were 4.4x higher than those needed to maintain ecosystem health and public safety (**Table 1**) with none of the survey area having deer densities ≤10 deer/mi² (**Table 2**). Surveys did show a 46% decrease in population when compared to the same survey extent in 2020. The decreasing densities observed in the Pennington Borough are likely a factor of increased pressure from hunting. Surrounding areas in NJ regularly allow for deer densities of 40->100 deer/mi² (**Figure 3**). Exceptions include areas with aggressive deer management (hunting or exclosures) and/or where large areas of intact forests remain in the state. Duke Farms, for example, has been able to maintain their deer populations at 33 deer/mi² outside their exclosure (Almendinger et al. 2020, Kelly and Ray unpublished data). Mahlon Dickerson Reservation in the NJ Highlands also currently has lower deer densities of 21 deer/mi², due to the combination of deer management and the large areas of mature, intact forest in the surrounding landscape, which provide less supplemental food resources or refugia from hunting for deer (Kelly and Ray 2020).

General concerns about the ecological impacts of excessive deer densities are supported by several recent studies in NJ, which reported negative impacts that current deer densities are having on forest conditions in the central and northern parts of the state. One study found 70-85% declines in understory plant communities when compared to historic studies in 1948-1973, when statewide deer densities averaged <10 deer/mi² (Kelly 2019). The numbers of young trees at browse height, in particular, were closely associated with local deer densities, and removal of deer by aggressive hunting and exclosures allowed the forests to return to historic levels of tree regeneration after 10-20 years (Kelly 2019). Other elements of understory plant communities respond well to exclosures and intensive hunting as well, including native grasses, herbs, and the ratio of native to non-native species (Almendinger et al. 2020). These results are consistent with other studies of deer impacts in the broader region by the U.S. Forest Service, which found the mid-Atlantic (including NJ) to have the highest levels of deer browse in the northern states, with 79% of forests experiencing moderate to severe levels of browse (McWilliams et al. 2018).

These data suggest that deer management is still needed in Pennington Borough to improve ecosystem integrity in the future. In interpreting these results or setting harvest goals for deer management based on them, it is important to remember that the deer densities observed in this study occurred at the lowest point in the year for deer population sizes (i.e., after winter mortality and prior to birthing). The densities are likely to be much higher during the growing season and by the time of fall hunting. In order to estimate deer populations at those times, the reproductive and

mortality rates must be taken into account. Reproductive rates are generally 2-3 fawns/doe per year in this area (estimated by counting prenatal fawns within does harvested during the hunting season), with 1.9 fawns/doe being the average in the Midwest (Green et al. 2017) and 2.25 fawns/doe reported locally in neighboring NJ (Juette pers. comm. 2018). The effective deer densities from late May through September are therefore likely to be ≥ 50 -100% higher than the densities observed during this survey period, as mortality from vehicle collisions and freezing temperatures are not typically significant until October or later (Kelly and Ray unpublished data). Lastly, we recommend repeated deer surveys in combination with harvest data, deer-vehicle collision data, and forest monitoring plots (ideally including exclosures) in order to gauge the effectiveness of any hunting programs being implemented in the future.

Figure 1. sUAS flight paths showing complete coverage of Pennington Borough in 2023

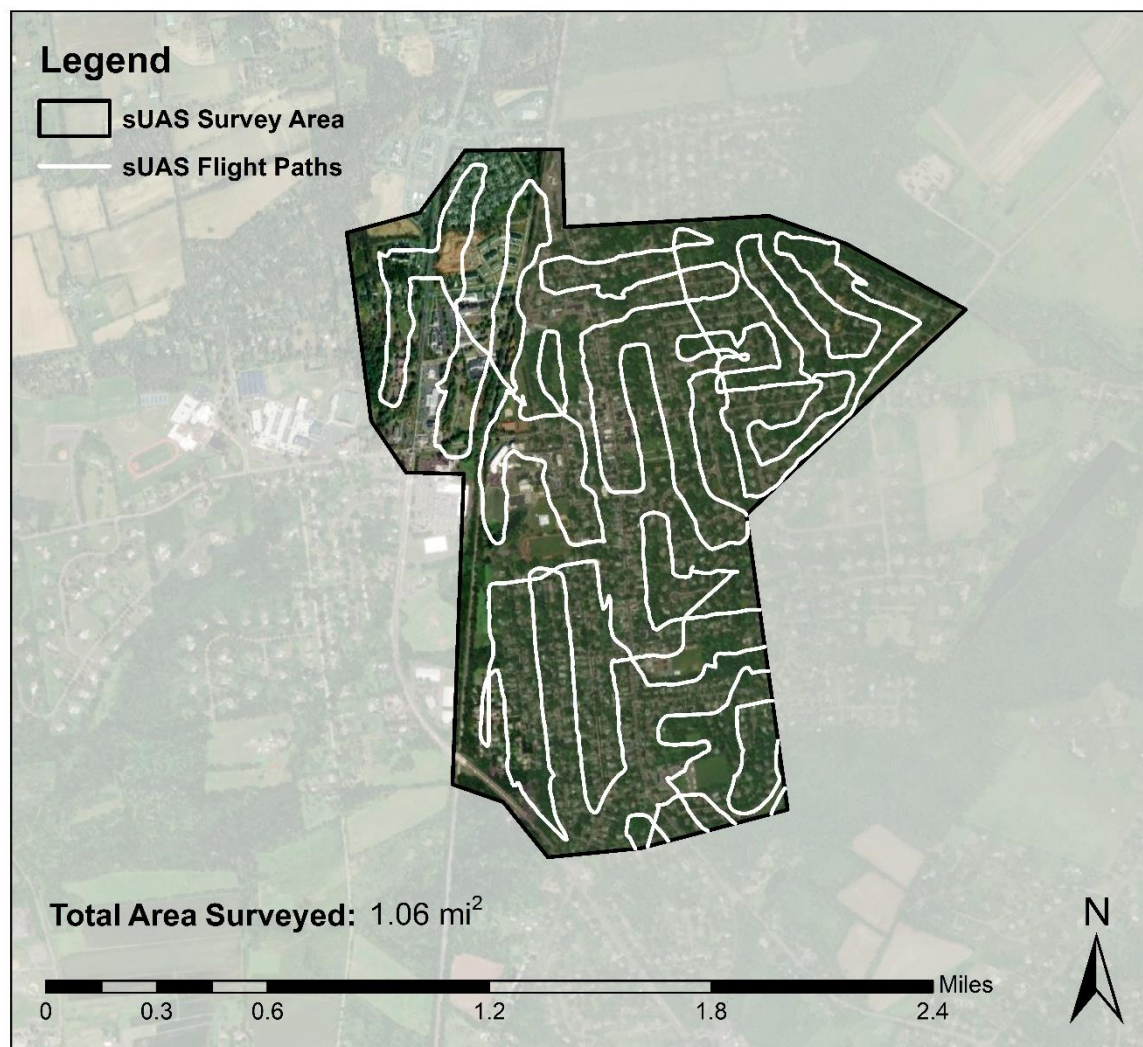


Figure 2. Local deer densities at Pennington Borough in 2023 based on a 1.0 mi² home range size. Heat maps created in ArcMap using the kernel density tool.

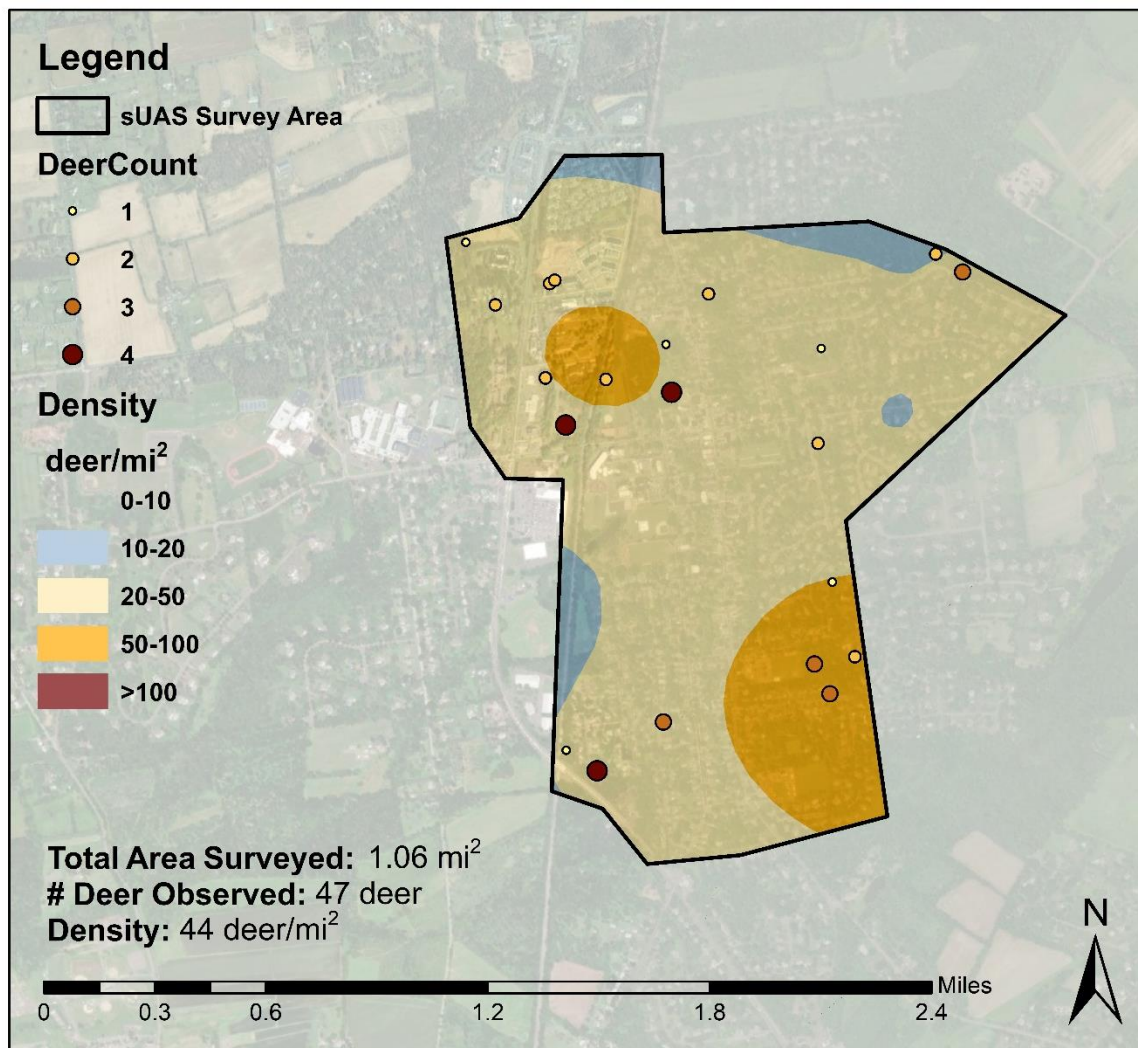
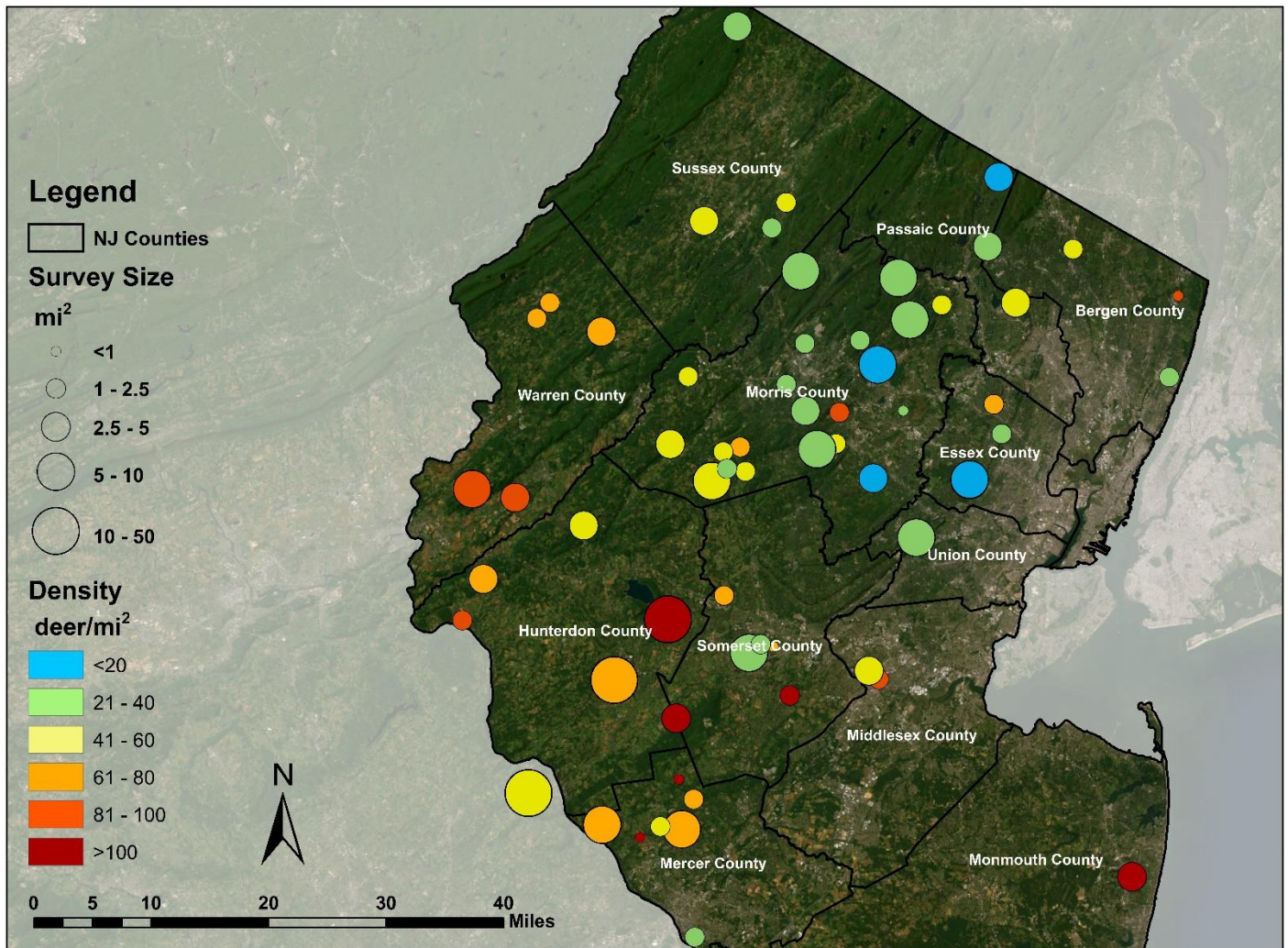


Figure 5. Results of RVCC infrared sUAS surveys of white-tailed deer in northern NJ in 2019-2023



Literature Cited

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Re: Deer survey results - Pennington New Jersey

jdavy@penningtonboro.org

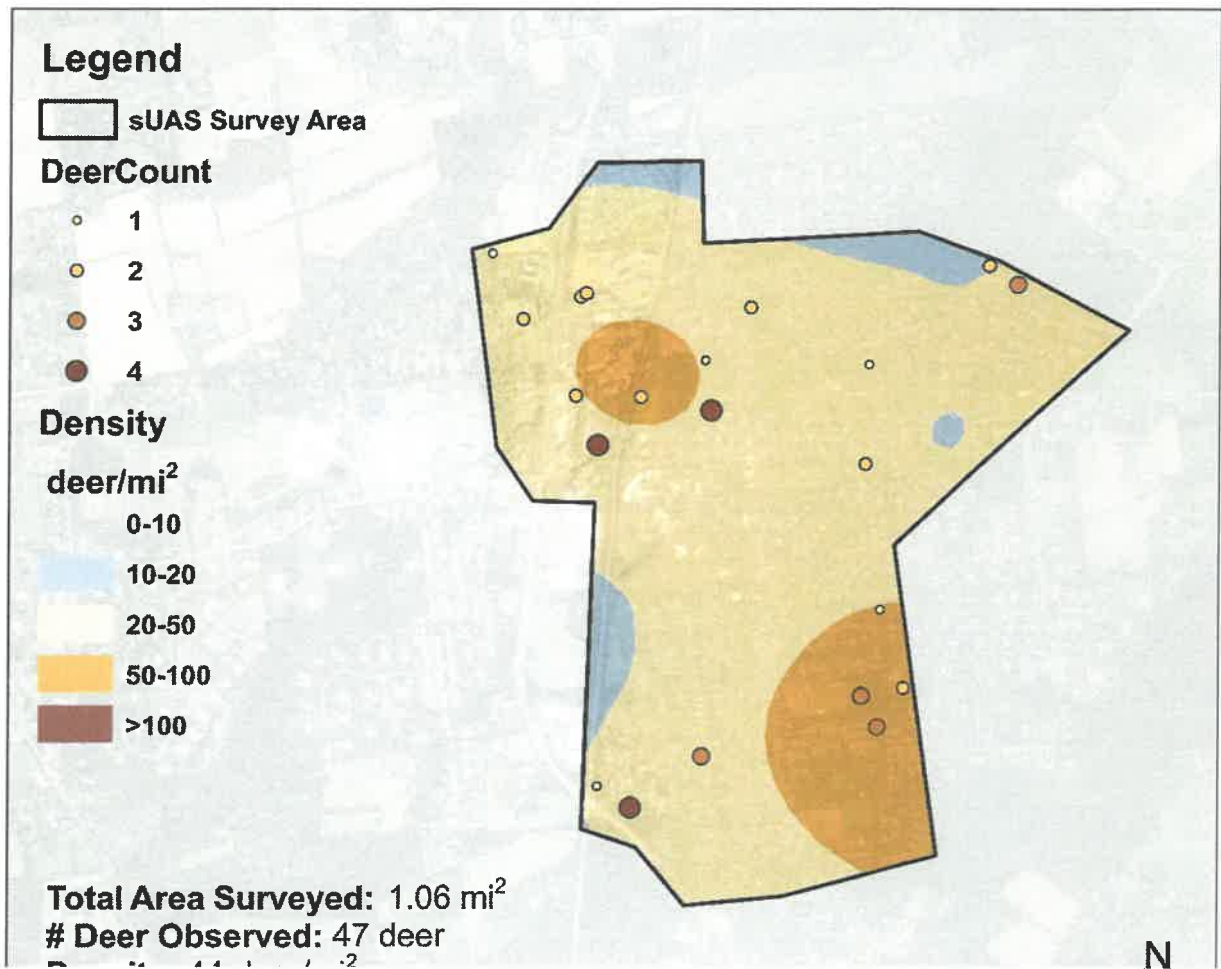
Thu 5/11/2023 12:47 PM

To: cchandler@penningtonboro.org <cchandler@penningtonboro.org>; bsterling@penningtonboro.org <bsterling@penningtonboro.org>;

Kit, it is not clear to me what areas/neighborhoods of Pennington are included in the Yellow/Mustard highest density zones? Do you know?

JIm

Figure 2. Local deer densities at Pennington Borough in 2023 based on a 1.0 mi² home range size. Heat maps created in ArcMap using the kernel density tool.



From: cchandler@penningtonboro.org
Sent: Thursday, May 11, 2023 9:26:28 AM
To: bsterling@penningtonboro.org; jdavy@penningtonboro.org
Subject: Fw: Deer survey results - Pennington New Jersey

Betty and Betty,

Please find attached the results of the Deer Survey, which should be included in the June Council Packet as well as their invoice.

I am a little disappointed that they did not perform a borough perimeter survey, as they did in 2020, but I think the results for the Borough are positive. Maybe next time we pay a little more and get a perimeter count as well. But I am extremely happy with these results.

I will be forwarding this to Environmental Commission as well.

Kit

From: Kelly, Jay <Jay.Kelly@raritanval.edu>
Sent: Wednesday, May 10, 2023 4:55 PM
To: cchandler@penningtonboro.org
Cc: Ray, Jessica
Subject: Deer survey results - Pennington New Jersey

Hi Kit,
Please find the attached results of our deer surveys in Pennington this year, along with a signed copy of the PO and invoice.
Let me know if you have any questions and thanks!
Jay

Jay F. Kelly, Ph.D.
Co-Director, Center for Environmental Studies
Professor of Biology and Environmental Science
Raritan Valley Community College
[118 Lamington Road](#)
[North Branch, NJ 08876](#)
908-526-1200x8531
jkelly@raritanval.edu



State of New Jersey
 DEPARTMENT OF TRANSPORTATION
 P.O. Box 600
 Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

April 25, 2023

Dear Mayor/County Commissioner/County Executive:

On behalf of Governor Phil Murphy, I am pleased to announce that applications will now be accepted for the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2024 State Aid Programs. **The deadline for grant application submissions is July 1st.** Grant awards are expected to be announced in November.

As you may know, the Transportation Trust Fund Reauthorization Act of 2016 increased funding for Local Aid programs to counties and municipalities from \$190 million per year to \$430 million. The reason for the steep increase is that the majority of New Jersey's roadway mileage—about 90 percent—is under local government jurisdiction and is in as much need of repair as the state roadway network.

Over the past couple of years, improvements to the grant application and project delivery processes have been implemented.

- The Project Management and Reporting System (PMRS) was launched. This new system reduces paper consumption and adds efficiency. You will continue to submit applications through SAGE (System for Administering Grants Electronically), but you are now required to submit your **Resolution of Support** through the PMRS platform no later than 30 days from application submission.
- Your grant announcement and project management processes will now be through PMRS.
- A Map Maker Tool is now available to all grant applicants to standardize all map submissions.

Following federal and state guidance, equity is incorporated into all State Aid programs to promote an equitable delivery of government benefits. Additional points will be added to projects in areas where vulnerable populations exist. Current census data will be used to determine if a project meets the equity criteria. Equity information will be available on NJDOT's Local Aid Resource Center website at: [NJ DOT - Local Aid Resource Center \(njdotlocalaidrc.com\)](https://njdotlocalaidrc.com)

A series of training classes were held to communicate the changes last year. A wide range of informational resources were developed and are now available on our Local Aid Resource Center website. Please reach out to the Local Aid Resource Center with any questions.

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The following is a brief description of each grant program:

- **Municipal Aid** - This \$151.25 million program with an additional \$10 million in Urban Aid provides funding for local transportation projects for a total of \$161.25 million. Municipalities are encouraged to consider projects that support walking and biking safety.
- **Transit Village*** - This program is open to the 34 municipalities that have been designated as Transit Villages by the Commissioner of Transportation and the inter-agency Transit Village Task Force. A total of \$1 million is available to fund traditional and non-traditional transportation projects that enhance walking, biking and/or transit ridership within a half mile of the transit facility. The approved Transit Village municipalities are provided in the following link:
<http://www.state.nj.us/transportation/business/localaid/transitvillagef.shtm>
- **Bikeways*** - This \$1 million program is intended to fund bicycle projects which create new Bike Path Mileage. This program encourages new bikeways that are physically separated from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding. Counties and municipalities are eligible.
- **Safe Streets to Transit*** - This program encourages counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities to promote transit usage for all. A total of \$1 million is available for grant awards.

*Note: An additional \$21.8 million was provided in the FY 2023 State Budget to disperse among these programs for a total of \$24.8 million allowing the award of many more grants and more fully funded grants.

All projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA). ADA guidance, program descriptions and application guidance materials can be found on the NJDOT website at: <http://www.state.nj.us/transportation/business/localaid/stateaid.shtm>

If you choose to apply, please be aware that Municipal Aid regulations require projects receiving this type of aid to award a construction contract with Local Aid approval within **24 months** from the date of grant notification.

I encourage you to submit applications for these Local Aid programs. Each program application will be evaluated independently, affording counties and municipalities the opportunity to receive funding in more than one category.

The enclosed map provides contact information for each Local Aid District Office. If you need assistance preparing your application, please contact your Local Aid District Office. Please keep in mind that a separate application for each project must be completed and submitted on or before **July 1st, 2023**, on-line through the Department's electronic grants administration system, known by its acronym, SAGE, at:

<https://njsage.intelligrants.com/Login.aspx?APPTHEME=NJSAGE>

As Commissioner of Transportation, I am committed to maintaining and improving New Jersey's local transportation infrastructure by providing financial assistance, technical expertise, and training in surmounting the application process for traditional and non-traditional local transportation initiatives. Our counties and municipalities will be well positioned to design and construct important local projects without the need to impact property taxes. Your success in building projects and spending the additional capital will mean success not only for your constituents, but for the entire state.

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Thank you for your continued interest and support of NJDOT, and best wishes for success with your project applications.

Sincerely,



Diane Gutierrez-Scaccetti
Commissioner

Enclosure

cc: County/Municipal Clerk
County/Municipal Engineer



Local Aid and Economic Development Our District Offices

Main Office

1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600
Phone: 609.963.2021
Fax: 609.530.8044
Manager: David Bruccoleri

District 1, Mount Arlington

Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
Phone: 973.810.9120
Fax: 973.601.6709
Manager: Adam Iervolino

District 2, Newark

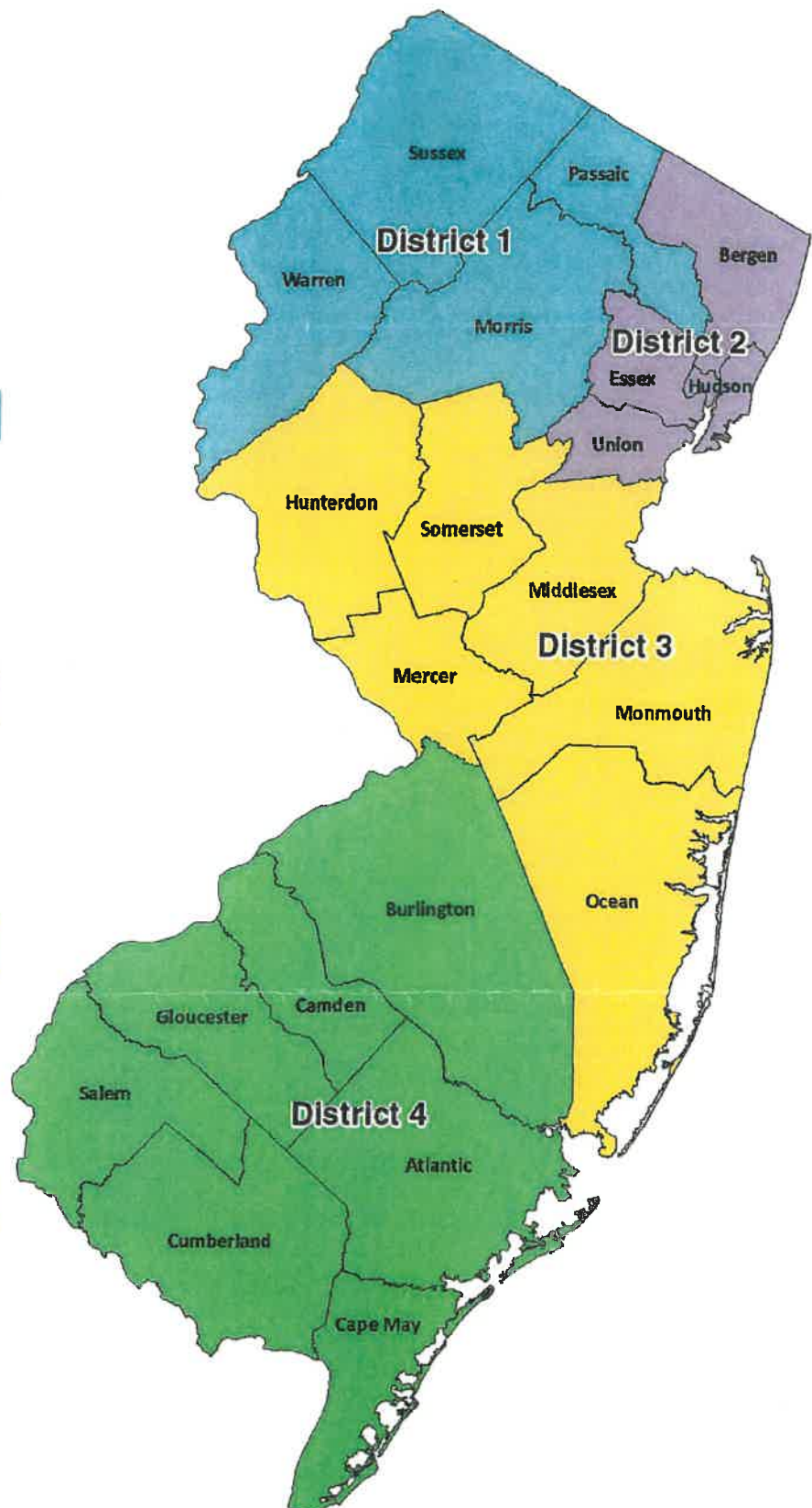
153 Halsey Street, 5th floor
Newark, NJ 07102
Phone: 862.350.5730
Fax: 973.648.4547
Manager: Ebony Johnson

District 3, Trenton

1035 Parkway Avenue PO Box 600
Trenton, NJ 08625-0600
Phone: 609.963.2020
Fax: 609.530.8044
Manager: Deval Desai

District 4, Cherry Hill

One Executive Campus
Route 70 West, 3rd Floor
Cherry Hill, NJ 08002
Phone: 856.414.8414
Fax: 856.486.6771
Manager: Thomas Berryman





NEW JERSEY SENATE

SHIRLEY K. TURNER

SENATOR, 15TH DISTRICT

1230, PARKWAY AVENUE

SUITE 103

EWING, NJ 08628

WEBSITE: www.senatorturner.com

TEL (609) 323-7239

FAX (609) 323-7633

E-MAIL: senturner@njleg.org

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EDUCATION COMMITTEE

MEMBER

STATE GOVERNMENT, WAGERING,

TOURISM & HISTORIC PRESERVATION COMMITTEE

SENATE ECONOMIC GROWTH COMMITTEE

COMMISSIONER

EDUCATION COMMISSION OF THE STATES

May 2, 2023

The Honorable James Davy
 Mayor, Pennington Borough
 30 North Main Street
 Pennington, NJ 08534

Dear Mayor Davy,

My office recently received notification from the New Jersey Department of Transportation (NJDOT) announcing \$165 million in FY2024 grants. The NJDOT grant programs include Municipal Aid, Transit Village, Bikeway, and Safe Streets to Transit.

These grants have the potential to finance our communities transportation initiatives to ensure that our residents have a safe, efficient, and equitable transportation system and infrastructure. I am pleased to have the opportunity to share this information with you, and I am certain that this investment will benefit our residents. For more information, please see the enclosed grant press release.

I look forward to continuing our work to improve our communities and the livelihood of our residents. If I can be of any assistance to you, please do not hesitate to contact my office.

Sincerely,

Shirley K. Turner
 Senator – District 15

SKT:dlb



NJDOT NEWS



For Immediate Release:

April 26, 2023

Contact:

Jim Barry
Steve Schapiro
609-963-1975

Municipal Aid applications being accepted for nearly \$165 million in FY24 grants

Transit Village, Bikeways, and Safe Streets to Transit applications also being accepted

(Trenton) – The New Jersey Department of Transportation (NJDOT) today announced the grant solicitation period for NJDOT's Fiscal Year 2024 State Aid programs is now open. Starting today, April 26, applications will be accepted for Municipal Aid, Transit Village, Bikeway, and Safe Streets to Transit programs through July 1, 2023.

"The New Jersey Department of Transportation is committed to improving local roads and bridges by providing financial assistance, technical expertise and training for municipal and county transportation initiatives," NJDOT Commissioner Diane Gutierrez-Scaccetti said. "Municipal Aid grants, along with funds provided through our Transit Village, Bikeway, and Safe Streets to Transit programs, allow our cities and towns to make needed safety and quality-of-life improvements to ensure New Jersey has a modern, efficient, and equitable transportation system without the need to impact local property taxes."

NJDOT's grant cycles allow municipalities to incorporate awarded projects into upcoming municipal budgets to ensure that important infrastructure projects get to construction sooner. Grant awards are expected to be announced in November. The following is a brief description of each grant program:

- **Municipal Aid** - This \$151.25 million program with an additional \$10 million in Urban Aid provides funding for local transportation projects for a total of \$161.25 million. Municipalities are encouraged to consider projects that support walking and biking safety.
- **Transit Village*** - This program is open to the municipalities that have been designated as Transit Villages by the Commissioner of Transportation and the inter-agency Transit Village Task Force. A total of \$1 million is available to fund traditional and non-traditional transportation projects that enhance walking, biking and/or transit ridership within a half mile of the transit facility. The approved Transit Village municipalities are provided in the following link:
<http://www.state.nj.us/transportation/business/localaid/transitvillagef.shtm>
- **Bikeways*** - This \$1 million program is intended to fund bicycle projects which create new Bike Path Mileage. This program encourages new bikeways that are physically separated from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding. Counties and municipalities are eligible.

- **Safe Streets to Transit*** - This program encourages counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities to promote transit usage for all. A total of \$1 million is available for grant awards.

**Note: An additional \$21.8 million was provided in the FY 2023 State Budget to disperse among these programs for a total of \$24.8 million allowing the award of many more grants and more fully funded grants.*

The grants are administered by the NJDOT Division of Local Aid and Economic Development. The Local Aid Resource Center provides a central warehouse for local government managers by providing hands-on resources for the application process, raising awareness of grant cycles and proactively communicating program information.

For more information about Local Aid programs go to www.njdotlocalaidrc.com; call 609.649.9395; or email DOT-LocalAID.ResourceCenter@dot.nj.gov. For NJDOT news follow us on Twitter [@NewJerseyDOT](https://twitter.com/NewJerseyDOT) and on the [NJDOT Facebook page](#).

###

Post PIC Comment 9 seems to be an internal email to group – may not want to include in this document

In-Person Public Information Center • Tuesday, March 28, 2023

COMMENT RESOLUTION SUMMARY

Prepared By: NV5 and Pennington Borough

Comment Period: Tuesday, March 28, 2023, through Tuesday, April 11, 2023

Progress Print: May 10, 2023

Questions received through May 9, 2023

Document Format:

Question or comment received during the Public Information Center or during the comment question period.

Response | Responses to question or comment provided by NV5 and Pennington Borough ('Borough')

General Note:

Will the Public Information Center material be available for review and to post comments during the comment period?

Response

The Public Information Center plan sets will be provided on the Pennington Borough website:

<https://www.penningtonboro.org/home/news/streetscape-public-information-session>

Questions and Comments between March 29, 2023 to April 11, 2023 can be sent to:

James Davy

Mayor – Pennington Borough

30 North Main Street

Pennington, NJ 08534-0095

P: 609-737-0276

E: jdavy@penningtonboro.org

A. Questions and Comments prior to Public Information Center

1. Email received 03/20/2023 6:28PM:

Hello Mayor Davy,

I was reading about Pennington's upcoming streetscape improvements in "Mercer Me." I would like to request that you include additional outdoor bicycle parking in the new plans. If you are including any bollards you could include bollard style bike racks. They are unobtrusive, and easy to use. (See the image of one below)

With our planet's climate emergency we need to do everything we can to make it easier for bicyclists and pedestrians.

Thank You,

[Redacted]

Response

Existing bollard style bike racks are located in the vicinity of the Village Salon on South Main Street, similar to the style shown above. At this time, no additional bike racks are proposed due to the limited space and need to avoid obstructing pedestrian sidewalk routes. The Borough may consider additional racks at other locations in the future.



2. Email received 03/21/2023 8:31PM:

Good day,

Dodge Construction Network wants to ensure we have the most complete and accurate information regarding Downtown Streetscape Improvements Phase II that is bidding on March 28 at 06:00 PM.

DCN is requesting the following information:

- Confirm the bid date and time listed above are unchanged.
- Construction cost estimate or a construction cost range for the project.
- Planholders list/bidders list
- Complimentary set of Bid Documents.
- Any addenda that have been released, please attach them to this response.

Thank you for your time and assistance,

[Redacted]

Response NV5 Email 03/22/2023 11:42AM

We are conducting a Preliminary Engineering Public Information Center on March 28th based upon progress plans. We are not bidding out the project. The Bid Phase would not occur until after the Final Design Phase is completed and funds are authorized for construction.

B. Frequently Asked Questions / Comments during Public Information Center

1. Proposed Pedestrian Scale Lighting:

- Concern about how bright lights will be and shining beyond sidewalk.

Response Discussion with Mayor Davy who mentioned a new Borough ordinance. NV5 and Pennington will request that PSE&G lighting have options for light shields if lighting impacting adjacent property.

- Comment about limit of proposed street lights along South Main Street – could the proposed lighting continue further south?

Response The project is Federally funded grant administered through NJDOT Local Aid Transportation Alternatives (TA) Program and Design Assistance. The original grant included fourteen (14) pedestrian scale lighting assemblies within the project limits. Extending the project improvements outside the limits would other funding.

2. Proposed Street Trees / Tree Removals within Project Limits:

- Tree Hazard for tree shown proposed for removal should happen now as large limbs have fallen (location in front of Block 301 Lot 51)

Response Following coordination with Pennington Borough, the Pennington Borough Shade Tree Committee and Mercer County, the existing tree in front of Block 301, Lot 51 will be removed due to damage and replaced by a new tree.

- Do not plant pear or messy trees with leaves that stain or clutter sidewalk
- Street trees are going to make area look nice. Who would trim?

Response Pennington Borough will be responsible for tree maintenance and within Mercer County right-of-way.

- Tree species being used for the project. Questions about existing tree diameter and whether the new trees will be as large as some of the existing trees.

Response Following coordination with Pennington Borough and the Pennington Borough Shade Tree Committee, the following tree species has been selected for the project to match the Phase 1 project.

Botanical Name Syringa reticulata 'Ivory Silk'

Common Name Ivory Silk Lilac Tree

Mature Height 15 - 25 feet

Mature Spread 10 - 15 feet

Sun Exposure Full Sun

Soil Widely Adaptable

Growth Rate Medium

Flower Color Creamy, White

Foliage Green

Pollinator Friendly Yes



- Comment regarding different species being proposed beneath power lines versus unobstructed areas.

Response NV5 and Pennington Borough will continue coordination with the Pennington Borough Shade Tree Committee to determine if additional species of trees are necessary beneath overhead utilities. The intent is a consistent street tree appearance.

- Questions regarding why trees, especially the larger ones, are being removed – what diseases and if trees that are damaged need to be removed.

Response Trees removed or to be removed are considered hazard trees and/or are towards their end

of life.

- Comment regarding 'ornamental trees' are not preferred since they are not large, do not provide shade
Response While shade, overhead, and horizontal limitations are factors when considering trees, larger tree species may conflict with existing features. NV5 will continue to coordinate with Pennington Borough, the Pennington Borough Shade Tree Committee, and Mercer County.

- Proposed tree guards being installed

Response Proposed tree guards are included for tree wells with adjacent existing / proposed concrete sidewalk. In areas with an existing grass strip between the sidewalk and curb, no proposed tree guards are included.

3. Proposed Streetscape Amenities (Benches, Trash Receptacles):

- Bench next to bus stop good location. Bus stop is too close to intersection (check regs?)

Response Acknowledged. NJ Transit bus stop # 32404 (for bus route # 624) present to the west of the signalized intersection of West Delaware Avenue and North/South Main Street. While relocation of an NJ Transit bus stop was not included in the scope of the grant, coordination with NJ Transit by the Borough will be considered.

- Put bench and trash can near new Bakery (site under renovation) [Block 205, Lot 28]

Response Restaurants and businesses with food licenses are responsible for trash management. A bench may be provided by a business owner if the bench and its use does not obstruct the sidewalk,

- Trash can near crosswalk across South Main Street should be relocated – not in good spot. Stakeholder thought it was relocated from Vito's pizza corner (opposite corner) due to attraction of bees.

Response Comment acknowledged. Relocation of trash receptacles were considered, and the Borough prefers to remove the installation of additional trash cans since restaurants and businesses with food licenses are responsible for trash management.

4. Proposed Concrete Sidewalk, Paver Sidewalk, Concrete Driveway Aprons, and Curbing:

- Sidewalk and lighting will improve walking experience including at night

Response Acknowledged.

- Why are segments of paver sidewalk being replaced?

Response Several segments of existing paver sidewalk are non-compliant with ADA standards and, in some cases, have irregular surfaces. The proposed improvements in these areas include removal of the existing pavers, adjusting the subgrade to improve the slope, and resetting pavers in place.

- Can granite curb be extended throughout historic district? Currently the proposed improvements feature granite and concrete curbing.

Response The intent of the proposed curb replacements was to replace segments in kind (concrete curb with concrete, granite curb with granite, and historically significant segment of curbing with an appropriate material [vicinity of Pennington Presbyterian Church]). Use of granite curb instead of concrete could be considered.

- [Block 601, Lot 24] Only one of two driveways with grant limits proposed for improvements. Property owner will request if want both improved or none – does not want driveways that do not match.

Response The second driveway for Block 601, Lot 24 is outside the project limits. Replacement of this driveway could be considered – additional coordination with NJDOT Local Aid would be required. It is noted this property owner mentioned they would reach back out to the Team if needed. The Borough will follow up property owner.

- [Block 503, Lot 12] Property owner question regarding replacement of pavers for driveway with concrete driveway apron. Can pavers be used in lieu of concrete?

Response The intent of using concrete driveway aprons in paver sidewalk areas was to provide uniformity throughout the area. Using pavers for a driveway apron could be considered and discussed with the County. This only applies to existing areas where pavers exist.

5. Proposed Roof Leaders

- Mercer County input at public meeting regarding roof leaders – Earlier project discussions requested proposed improvements tie roof leaders and sump pump into the County's existing drainage system within Mercer County 640 South Main Street, East Delaware Avenue and West Delaware Avenue. However, tie in

to the existing drainage system along South Main Street or into the existing curb line is not permitted within Mercer County right of way on any County roadways so no such improvements will be allowed or proposed.

Item 8.

Response

Since this is direction from Mercer County, property owners must address onsite runoff on their properties. This project will not propose solutions to existing roof leaders / sump pumps leading to sidewalk/elsewhere as property owners are responsible to address.

6. Miscellaneous Questions and Comments

- Project status and timeframe from design to construction

Response

The project is currently in Preliminary Engineering (PE) phase. Following the conclusion of the public information center comment period, NV5 will coordinate with NJDOT Local Aid and NJDOT Bureau of Environmental Program Resources (BEPR) for the completion of the Categorical Exclusion Document (CED). The CED is required to advance the project to the Final Design (FD) phase. Once the FD Phase begins, the project will be advanced, including additional details for proposed features, lighting / conduit design, specifications, etc. Another public information center will also be conducted during this phase to inform the public of the updated design. Following completion of FD Phase and an environmental re-evaluation by NJDOT BEPR, an FD Phase Submission will occur. Once comments are addressed, the Plans, Specifications and Estimate (PS&E) submission will be made, Pennington will put the project to bid, and construction will start.

The following is an anticipated schedule:

- PE Phase Completion: Fall 2023
- FD Phase Completion: Summer 2024
- Project Construction Start: Fall 2024

- Discussion regarding jurisdiction of the roadways in project limits

Response

The proposed project limits occur along Mercer County Route 640 South Main Street, East Delaware Avenue, and West Delaware Avenue as shown on the construction plans. South Main Street is under Mercer County jurisdiction while East Delaware Avenue / West Delaware Avenue are under Pennington Borough jurisdiction. While Mercer County maintains South Main Street from curb-to-curb, Pennington Borough will maintain the proposed improvements and lighting.

- If I want to plant bushes in the space between the curb and sidewalk like other homes have, do I have to ask.

Response

Planting and other improvements by adjacent property owners within the public right of way (maintained by Pennington Borough and Mercer County) are not permitted or approved and can be removed.

- Problem causing puddle near corner of West Delaware Avenue / South Main Street should be fixed.

Response

NV5, Pennington Borough, and Mercer County are aware of the flooding issue on the corner of West Delaware Avenue and South Main Street at the curb ramp. Based on coordination with Mercer County, repairs will be made in the form of milling asphalt to allow stormwater runoff to reach the existing inlets on the corner.

- Do not schedule construction on Pennington Day or during Memorial Day parade.

Response

Acknowledged – as the specifications and construction schedule are prepared, events such as Pennington Day, Memorial Day, etc. will be indicated to the contractor to avoid construction during such events (which must be identified).

7. Work outside scope of project:

- Shouldn't you remove the chains by bollards by Vito's Pizza (Phase I)

Response

Adjustments or removal of improvements constructed during the Phase 1 project are not included in the scope of this project.

C. Questions and comments during comment period (post PIC meeting):

1. Email 03/28/2023 8:23PM: Pennington Borough Shade Tree Committee

Hello all,

Item 8.

Response	Information will be added to the plans as directed by the Borough.
-----------------	--

I note on the consultant boards that specified streetlamps include 400K color temperature lamping. I think this is too cold and blue-ish and will detract from street character of historically appropriate street lamps. Attached Lighting information from the same presentation board indicates that standard 2700K and 3,000K color temperatures are also available. 2700K would be preferred, but either 2,700K or 3,00K would be acceptable.

{Redacted}

[illegible]

Luminaire Locations										Aim		
Location												
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z		
3	A	411036.70	544357.00	10.00	10.00	270.00	0.00	411036.70	544357.00	0.00		
4	A	410996.80	544336.20	10.00	10.00	90.00	0.00	410996.80	544336.20	0.00		
5	A	411009.40	544241.60	10.00	10.00	82.00	0.00	411009.40	544241.60	0.00		
10	A	411053.30	544249.10	10.00	10.00	270.00	0.00	411053.30	544249.10	0.00		
11	A	411075.00	544581.90	10.00	10.00	170.00	0.00	411075.00	544581.90	0.00		
12	A	411118.40	544586.90	10.00	10.00	170.00	0.00	411118.40	544586.90	0.00		
13	A	411138.90	544552.40	10.00	10.00	350.00	0.00	411138.90	544552.40	0.00		
14	A	410921.40	544563.40	10.00	10.00	175.00	0.00	410921.40	544563.40	0.00		
15	A	410910.00	544523.40	10.00	10.00	355.00	0.00	410910.00	544523.40	0.00		
16	A	410875.00	544556.70	10.00	10.00	175.00	0.00	410875.00	544556.70	0.00		
17	A	410815.90	544548.30	10.00	10.00	170.00	0.00	410815.90	544548.30	0.00		
18	A	410733.20	544537.40	10.00	10.00	174.99	0.00	410733.20	544537.40	0.00		
19	A	410648.70	544526.70	10.00	10.00	170.00	0.00	410648.70	544526.70	0.00		
20	A	411078.70	544543.90	10.00	10.00	353.00	0.00	411078.70	544543.90	0.00		
1	B Existing	410975.00	544476.00	10.00	10.00	80.00	0.00	410975.00	544476.00	0.00		
2	B Existing	410982.00	544425.00	10.00	10.00	80.00	0.00	410982.00	544425.00	0.00		

LIGHTING INFORMATION RECEIVED FROM PL

GRAPHIC PROVIDED
BY COMMENTER

- AVAILABLE IN COLOR TEMPERATURE CHOICES OF 2700K, 3000K, 4000K

-RECOMMENDS 2700 OR 3000 K
INSTEAD OF 4000 K, WHICH
IS TOO BLUE/COLD.

Response

[Redacted], it was nice to meet you at the Phase 2 information session in Pennington this past Tuesday.

When we spoke, you indicated you could send additional information regarding the County & Boro's plan for tree planting & removal (e.g., species list to be considered for the replacement trees). I would greatly appreciate any information you can send along.

Many thanks,

[Redacted]

Response | Proposed tree species and additional information included in the previous responses.

4. Email 04/09/2023 8:47PM:

Mayor Davy (Jim),

Thank you for all of the public notifications over several months regarding the Streetscapes project. I was on a business trip during the open house but am glad you and Nadine Stern and the Council go to the trouble to ensure awareness of projects like these. I have walked the project path and noted some issues that are not showstoppers but are important to know:

1. Maintenance – The Streetscapes project requires a great deal of maintenance and some replacement or repair. If you see the attached photos, you can see:

- The brick pavers have not aged well. They are chipped and heaving, creating uneven walking surfaces and pooling areas. They don't look great, and they are not that old.
- rusting metal garbage cans in need of replacement
- many lampposts where paint has come off in large sections and need to be repainted.

This is not an argument against the project but just an awareness that work needs to be done to maintain and also restore. Pavers are by nature higher maintenance than grass ways. I know you want to maintain the same look/feel as the first phase of the project but can more long lasting materials be chosen that look the same or similar?

Response | Maintenance of existing streetscape items for Phase 1 is outside the scope of services for this project. Future maintenance responsibilities for the Phase 2 improvements (this project) will be the responsibility of Pennington Borough. The intent of the project is to replace existing segments of concrete sidewalk with concrete while resetting existing paver sidewalk where present within the project limits.

2. Trees. I have heard at many committee meetings the statement that we cannot plant large growth shade trees because of the poles and wires. That may be true on the west side of Main Street but the east side seems to have unimpeded air space and room for large growth trees to be planted. The poles and wires are on one side of the street on all boro streets so maybe we could look at planting on the more amenable side to provide more shade and also more sturdy varieties that are not as prone to disease and damage. Given that we have had to take down nearly all of the large growth trees downtown on Main Street and East Delaware I think it is especially important to plant large growth trees that can create a shade canopy in years to come.

Response | Acknowledged – tree species are being coordinated with Pennington Borough Shade Tree Committee.

3. Curbs – the polished curbs are extremely sharp. I have personally witness two people popping their tires when touching the curb. (thankfully not me!) I am guessing that many other tires have been popped. Maybe you can use the same material but not have such sharp edges on the street side?

Response | An updated detail for granite curb can be considered during Final Design phase and will require concurrence from NJDOT SHPO (State Historic Preservation Office) as coordinated through NJDOT BEPR (Bureau of Environmental Program Resources).

Again, no show stoppers but things that would be good to contemplate during the design phase.

Thank you again and best regards,

[Redacted]

See Photos Below that were provided by Commentor:



5. Email 04/12/2023 7:45AM: Letter from Commentor

Comments Provided by [Redacted] - TA-2016 Downtown Streetscape Improvements Phase II Borough of Pennington • Transportation Alternatives (TAP) Project (11 April 2023)

- **Introduction** - I am a Pennington Borough resident & taxpayer, and I currently reside at [redacted], Pennington, New Jersey 08534. I attended the March 28, 2023, information session held at the Pennington Borough Hall, and I provided comments to one of the NV5 engineers, [Redacted], who was attending the event to answer questions regarding the project. My written comments in this document will restate many of the verbal comments I provided to this NV5 engineer. I appreciate the opportunity to provide written comments on the Phase II improvements, and I hope you will find these comments helpful.
- **Process Issue: Transmittal of Post-Session Follow-up Materials** - During the session, I asked the NV5 engineer [Redacted] questions about the individual shade trees that would be removed as part of project, and the types & species of shade trees that would be planted as part of the project. [Redacted] indicated he could not fully answer my questions at that time, but he indicated he could send follow-up materials to answer my questions if I could provide my email address. I provided my email on the written registration roster provided at the front door of the borough hall. Despite this conversation & a follow-up email I sent later in the week to NV5, I never received follow-up materials from [Redacted] or any other NV5 or Pennington Borough official or contractor on the discussed topics. It is my 'process' suggestion that if Pennington Borough does not wish to distribute follow-up materials to Pennington residents, Pennington Borough & its representatives should instruct all government & contractor officials present at these information sessions to tell Borough residents that the distribution of follow-up materials is not authorized. This approach would mitigate any confusion on this subject.

Response

We apologize for the delay in the response as NV5 and Pennington Borough had been preparing responses to the comments received both during and following the Public Information Center comment period. It is the intent of NV5 and Pennington Borough to be as transparent as possible with information to residents and the public. This detailed comment summary will be posted on the Borough website and included in project documents.

- **Process Issue: Poor Quality of Project Display Exhibits** - The project display exhibits intended to explain the streetscape improvements were difficult to understand & interpret for a number of reasons: (1) the display exhibits relating to the critical Main Street improvements, which run along a north-south axis, were displayed horizontally, effectively along an east-west axis, in an unintuitive fashion; (2) the main display

exhibits consisted of a series of aerial photos that included confusing, shadowy elements (e.g. shadows that spanned the streets & sidewalks in some cases), as well as faint printed markings (hard to see) that attempted to explaining the smaller components of the project (e.g., this tree will be removed, bench added here, etc.). I understand that the project budget is limited, and it is not my intention to nitpick the contractor displays; I am merely attempting to present an honest appraisal of the display exhibits' adequacy in describing & explaining the individual elements of a complex project to members of the public.

Response

Comment acknowledged. The plan sheet index identified the respective construction plans on display during the Public Information Center. Aerials and annotations were included on the plans were for residents to identify their properties and local landmarks. Presentation boards were similar to those use at similar public meetings and staff available for assistance. The final construction plans that will be used to bid the contract for construction will not include aerial images or colors.

- **Process Issue: Where to Send Follow up Comments** - The PDF summary document distributed in relation to the information session indicates that Pennington residents are encouraged to send their follow up comments to Pennington Borough, and it explains generally that comments can be mailed or emailed to the Borough, but neither the PDF document nor the Pennington Borough website indicates clearly where these comments should be sent or emailed. As a standard matter, any Pennington Borough request for comments on a public matter should include detailed instructions on where these comments should be sent. These comments should be collected & maintained as part of the public record supporting the Borough's decision-making process.

Response

The Public Information Center Flyer sent to adjacent property owners as well as copies of the Flyer were available during the Public Information Center and identified contact information for Mayor Davy:

James Davy
Mayor – Pennington Borough
30 North Main Street
Pennington, NJ 08534-0095
P: 609-737-0276
E: jdavy@penningtonboro.org

A PDF copy of the plans has also been uploaded to the Pennington Borough website:
<https://www.penningtonboro.org/home/news/streetscape-public-information-session>

As a part of the public involvement process for Public Information Centers, comments have been collected / maintained in this Comment Resolution Summary, which will also be used by NJDOT Bureau of Environmental Program Resources (BEPR) for creation of the Categorical Exclusion Document (CED) – environmental document required to advance the project from Preliminary Engineering to Final Design phase.

- **Use of Granite Curbs in Phase II Streetscape Improvements** -The completed Phase I streetscape improvements along the northern & western portion of Main Street (e.g., roughly the area in front of Vito's restaurant) include the use of granite curbs. While I have no personal experience with the damaging effects of granite curbs, I am aware of complaints from multiple Pennington Borough residents who have suffered severe car tire damage due to the sharply abrasive properties of these granite curbs. When I raised this concern with an NV5 engineer attending the session, he replied he had heard similar stories about tire damage due to granite curbs. If Pennington residents & visitors perceive granite curbs as unduly harmful to car tires, they will likely park farther from the curb to avoid any possible contact with a granite curb, thereby potentially creating other traffic safety issues for the streets where granite curbs are used. This design topic should be researched & evaluated before granite curbs are included in the Phase II streetscape improvements.

Response

An updated detail for granite curb may be considered during Final Design phase.

- **Use of Complex Phase I Sideways Improvements in Phase II** - The completed Phase I streetscape improvements along the northern portion of Main Street (e.g., in front of Vito's restaurant) include complex sidewalk elements such as multi-level sidewalks and knee-high metal fencing. I believe this design is potentially dangerous since it creates an 'obstacle course' of sorts (step carefully up or down the multi-level sidewalk; navigate around the metal fencing) for an individual seeking to walk between his or her parked car and any of the commercial establishments on that portion of Main Street. I patronize the stores

along this portion of Main Street, and I find I must be extra cautious in navigating around or through sidewalk elements to visit these stores. By contrast, the eastern side of Main Street includes a simpler, and I believe safer, design consisting of the sidewalk proper bordered by brick paving stones that clearly delineate a safety 'buffer' between the pedestrian sidewalk and the street.

Response | Comment acknowledged – proposed improvements associated with the Phase 1 Improvements are outside the scope of this project. Phase 2 Improvements (this project) do not include multi-level segments of curb or sidewalk.

- **Any Removal of Existing Shade Trees** – I am hopeful that Pennington Borough decisionmakers will be open and transparent about any Phase II plan elements that involve the removal of existing shade trees, especially in relation to the large oak trees and sycamore/plane trees located in the Main Street portion of the Phase II streetscape improvements. Despite severe tree losses in recent years due to storms and disease, some of our large trees have managed to survive, and they continue to add beauty and distinction to our small commercial district.

Response | Comment acknowledged. The goal of the project was to maintain existing trees where possible. Following coordination with Pennington Borough, Pennington Borough Shade Tree Committee, and Mercer County, some trees require removal due to damage, disease or reaching their end of life. The proposed improvements include replacing trees to be removed.

- **New Shade Tree Plantings** - When I asked the NV5 engineer questions about the new shade tree plantings for the project, he replied that he could not yet provide detailed information on the selection of tree species to be planted, and he added that he believed these decisions would be made by Pennington Borough at a later project stage. In recent years, windstorms and disease have eliminated many of the large trees that have defined our Borough's main thoroughfares for decades. The Phase II project offers an important opportunity to begin to reverse this decline, and significantly enhance the Borough's shade tree resources. For example, the Borough can choose to plant, and provide care for, tree species that have the potential to grow to be worthy replacements for the tall trees that have longed graced Pennington's main streets. Even where potential power line conflicts exist (e.g., west side of Main Street), the Borough can opt to select smaller, attractive shade tree species that can co-exist with existing power lines. Again, I am hopeful that Borough decisionmakers will be open and transparent about the process for the design and implementation of these new shade tree plantings.

Response | Following coordination with Pennington Borough and the Pennington Borough Shade Tree Committee, the following tree species has been selected for the project to match the Phase 1 project.

Botanical Name	Syringa reticulata 'Ivory Silk'
Common Name	Ivory Silk Lilac Tree
Mature Height	15 - 25 feet
Mature Spread	10 - 15 feet
Sun Exposure	Full Sun
Soil	Widely Adaptable
Growth Rate	Medium
Flower Color	Creamy, White
Foliage	Green
Pollinator Friendly	Yes



6. **Email 04/12/2023 11:21AM: In-Person Comment received by Pennington Borough**

A resident came into today to comment on the handicapped spot-on W. Delaware and how it is often not accessible due to deliveries at Vito's. She wondered if it could be part of the streetscape plan to ensure there was both a loading area and an accessible spot.

Response | The parking space in question is signed for handicap parking only. Parking violations are an enforcement issue. The comment is acknowledged by the Borough.

7. Email 05/09/2023 9:39PM: Pennington Borough Council Input:

Hello Mayor Davy -

The Shade Tree Committee reviewed the comments during our meeting tonight. There were no substantive comments regarding these responses. The Committee reiterated its preference for the Lilac tree as the street tree, due to the preference for continuation with the existing street trees and the limitations posed by the physical environment.

It was also suggested that perhaps an educational session for residents on the physical limitations for tree plantings, such as the need for the roots to fully disintegrate, and in some cases the roots give off chemicals for several years (8-10), that prevent the ability for a new tree to grow in that location, could be a useful endeavor. Not just for this project, but for all the street tree concerns in the Borough. These physical root issues, along with the more obvious ones of overhead wires and underground utilities, limit our choices for street trees.

Please let me know if there are any other questions from Borough Council.

Thanks!

Kate [Katherine Fullerton, Pennington Borough Shade Tree Committee]

[Response](#) | [Comment received.](#)

8. Email 05/17/2023 4:18PM:

Dear Mayor Davey:

Streetscape improvement comments and responses were discussed at the Preservation Commission meeting last night, attended by all but two members.

There were no objections or comments other than additional comments regarding the use of 4,000K light sources in new sidewalk street lamps.

The following comments were made by several members with general agreement by all:

- 4000K is uncomfortably cold and bright, and out of character with a historic downtown.
- In response to consultant note that 4000K lamps offer increased lumen output, we note that substantial light output is not needed at these lamps, and is in fact detrimental. The street already has streetlights, these sidewalk lights should offer a softer aesthetic, more in keeping with the ambience of the tree-lined downtown. These streetlamps are really secondary light sources providing "aesthetic" lighting.
- In response to consultant note that 4000K lamps are longer lasting, we note that all LED lamps have a substantially longer life than lamp types used previously. Given the long life of LED lamps in general, we question the value of the slightly longer life of a 4000K vs 3000K vs 2700K lamp.
- Softer, warmer lighting is better for birds and wildlife.

If Municipal purchasing plus PSE&G involvement add up to these fixtures being available only with 4000K lamps (take it or leave it), then we would recommend that the Borough independently swap out the offending 4000K lamps and install 2700K in their place.

Also note that the only issue with the proposed streetlamps is the color temperature of the lamps – the fixture itself is historically and visually appropriate, and has full cut-off (dark sky).

Thanks,

[Redacted]

[Response](#) | [Following coordination with PSE&G, PSE&G does not offer 2700K or 3000K LED bulbs, only 4000K.](#)

9. Email 05/21/2023 5:19PM: Pennington Borough Council Input

I think we need to know for certain that there is no alternative softer lighting from PSE&G. Please do reach out. If I am not mistaken these are lights that we are installing for ambiance not safety because we already have the larger ones, so I assume there is no safety requirement that applies here. I would hate for us get stuck with lighting we don't appreciate based on assumptions. Someone... I assume PSE&G has just installed an incredibly white light on Park at the intersection of Weidel. I am really hesitant to see that kind of light installed in the vintage looking lights on Main Street. It just misses the mark entirely as the light is bright and very cool. If this is where PSE&G is headed for their utility lights, and given that the LEDs last a really long time, it seems worth it for Pennington to do all we can to prevent two layers of such lighting on our Main business district. Reaching out to be absolutely sure that no alternative can be offered seems prudent.

Thanks,

Kati [Katrina Angarone, Pennington Borough Council Member]

[Response](#) | [Following additional coordination with PSE&G, PSE&G does not offer 2700K or 3000K LED bulbs, only 4000K.](#)

Please understand that your comment about this not being a safety project conflicts with Borough's federal Transportation Alternatives grant funding this project (attached). The grant application includes/promotes safe pedestrian travel. The lighting layout is based upon needs to illuminate the sidewalk.

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Regular Meeting
May 1, 2023
Page 1**Pennington Borough Council
Regular Meeting – May 1, 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. Ms. Gnatt arrived after the roll call.

Also present were Borough Administrator Donato Nieman, Administrative Coordinator Mona Habiby, Public Works Superintendent Rick Smith, Sergeant Daryl Burroughs, Sergeant Novin Thomas 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.

Open to the Public

Mayor Davy read the following statement.

The meeting is now open to the public for comments. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Administrator acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

MAYOR’S BUSINESS

Mayor Davy stated that the Borough submitted a request to Senator Booker’s office for a water main upgrade at Route 31, and a portion of that request is not funded by the request. Mayor Davy stated that we received a request from Assemblyman Vereilli’s office and we have submitted a request to fund the remaining amount for the water main upgrade at Route 31. Mayor Davy stated that hopefully between these two requests we will be able to fund the entire project.

Mayor Davy stated that the Borough received a contribution from the Pennington School in the amount of \$3,000 for the Pennington Police Department.

Mayor Davy reported that Gregg Rackin has submitted his resignation from the Environmental Commission and he will be naming a replacement at the next meeting. Mayor Davy thanked Mr. Rackin for his service to the community.

Mayor Davy reported that a meeting with residents of the community to present the proposed plan for improvements to Sked Street Park. Mayor Davy stated that residents had the opportunity to comment on the plan and all comments were favorable and residents were very appreciative of the proposed improvements. Mayor Davy stated that there are several resolutions on the agenda later in the meeting with regard to the improvements.

Mayor Davy read the following two Proclamations.

Proclamation

Whereas, Pennington Borough includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, Pennington Borough recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

Whereas, Pennington Borough can work to build an even better community for our older residents by:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,

DRAFT

Regular Meeting
May 1, 2023
Page 2

- Inspiring older adults to push past traditional boundaries, and
- Embracing our community's diversity.

Now, therefore, We of Pennington Borough do hereby proclaim May 2023 to be Older Americans Month. we urge every resident to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

**PROCLAMATION
DECLARING THE FIRST FRIDAY IN JUNE TO BE
NATIONAL GUN VIOLENCE AWARENESS DAY**

WHEREAS, every day, more than 120 Americans are killed by gun violence and more than 200 are shot and wounded, with an average of more than 17,000 gun homicides every year; and

WHEREAS, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, New Jersey has an average of 427 gun deaths every year, with a rate of 5 deaths per 100,000 people, a crisis that costs NJ \$5.3 billion each year of which \$168.9 million is paid by taxpayers; and NJ has the 5th lowest rate of gun deaths in the US; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in Pennington Borough, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, mayors and law enforcement officers—in partnership with local violence intervention activists and resources—know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 2, 2023 to recognize the 26th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to (1) Hadiya Pendleton and other victims of gun violence and (2) the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 2nd, the first Friday in June in 2023, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 2, 2023 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of people who should not have access to them, and encourage responsible gun ownership to help keep our families and communities safe.

NOW, THEREFORE BE IT PROCLAIMED that I, Mayor James Davy of the Borough of Pennington hereby declares the first Friday in June, June 2, 2023, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

PRESENTATIONS

Mayor Davy asked Mr. Neiman for a brief overview of the Biogene Transportation Plan. Mr. Neiman stated that Mr. Mark Katriniak is in attendance to discuss the transportation of modular offices that will be constructed on the BMS site in Hopewell Township just outside of Pennington Borough. Mr. Neiman stated that after a very laborious search for the best route to transport these modular units, Mr. Katriniak will be presenting the route that will be taken and the time frame involved. Mr. Katriniak stated that he represents Hopewell Township as the redevelopment engineer and he was the former in house engineer for Hopewell Township. Mr. Katriniak stated that he joined private practice, but he still serves Hopewell Township with large redevelopment projects. Mr. Katriniak stated that this project involves the construction of a large drug manufacturing facility on the former site of Bristol Myers Squibb on

DRAFT

Regular Meeting

May 1, 2023

Page 3

Pennington Rocky Hill Road. Mr. Katriniak stated that this project went through the Site Plan process in 2021 through early 2022, received Planning Board approval. Mr. Katriniak stated that Hopewell Township has been working with Biogene with the construction of their headquarters here in Hopewell Township. Mr. Katriniak stated that part of the construction involves large modular pieces that are constructed overseas and then transported here. Mr. Katriniak compared these to “large lego blocks” that are fitted together on site. Mr. Katriniak stated that they have been meeting with the Biogene team to ensure the timely construction and transport with the least impact on the community. Mr. Katriniak stated that the Hopewell Valley area does not have a large roadway area for transport of large items and the development of routes that have the least amount of impact on the community has been challenging. Mr. Katriniak stated that the size of these containers and the weight of the containers requires that they be transported on oversize carriers. Mr. Katriniak stated that the routes that these vehicles can travel are very limited mainly due to the size of the vehicles and low wires and turning capabilities. Mr. Katriniak stated that additionally these are not traditional tractor trailers, they are articulated trailers where the back of the trailer is steerable and maneuvering through intersections is a slow process. Mr. Katriniak stated that this requires a specific contractor and Biogene has hired Bay Crane to coordinate the transportation of the modular units. Mr. Katriniak stated that they have been working with Bay Crane for several months to identify and plan the best route. Mr. Katriniak stated that the route that has been decided would be 295 to Route 31 in Hopewell Township to Main Street in Pennington and then left onto West Delaware down to the site on Pennington Rocky-Hill Road.

Mr. Valenza asked which direction on 295 they will be travelling. Mr. Katriniak stated that they will be coming South on 295 from the port in Philadelphia. Mr. Valenza asked why they are not coming in 206 to Carter Road as opposed to coming through Pennington. Mr. Katriniak stated that is a viable route however it is about three times the length of the proposed route. Mr. Valenza stated that it seems more direct and does not involve cars parked on the side of the road and elimination of parking in a downtown area. Mr. Katriniak stated that there are some vertical limitation on 295 and 206 including low wires so they would have to get off at Route 31 and then turn onto Blackwell Road to go in that way. Mr. Valenza stated that makes more sense than coming through downtown Pennington. Mr. Valenza stated that Biogene trucks have already take out a stop light in Pennington. Mr. Valenza stated that what he is hearing is that Biogene is trying to save money by having these units constructed off site and transporting them to the site by the shortest route and they don't care that they are disrupting the businesses in a small town because they want to save money. Mr. Valenza stated that Pennington gets no benefit from this, Hopewell Township will get all the benefits and it does not make any sense to disrupt Pennington Borough. Mrs. Chandler and Mr. Marciante agreed that there is no benefit to Pennington. Mr. Valenza stated that he has additional environmental concerns with a drug company operating so close to Pennington Borough. Mr. Katriniak stated that he asked representatives from Biogene to attend this meeting but he does not see them in attendance. Mr. Valenza stated that this should have come to Pennington Borough way before these decisions were made and he would like to see alternatives. Mr. Katriniak stated that he provided information to Council that shows alternatives that were discussed and they have been working for several months with Biogene to limit the impact to communities.

Mr. Stern asked do we have any authority or jurisdiction to approve or deny. Mr. Katriniak stated that the company has been working with the State and the County and they have received approval to use this route. Mr. Katriniak stated that since the route involves only State and County roads, the municipalities really have no jurisdiction. Mr. Katriniak stated that he represented to the State and the County that it was imperative that the municipalities be given the opportunity to review and comment on the plan. Mr. Katriniak stated that he has been working with the developer to limit the times that the trucks will be moving through towns. Mr. Katriniak stated that the duration of the transportation of these units is June through September which he is working on getting cut back to June through August. Mr. Katriniak stated that the transport will take place during the day to limit the need for extra crews and lighting and that would be disruptive to residents. Mayor Davy stated that causes the most disruption to businesses.

Mrs. Chandler cited Hopewell Township Ordinance 17-168 which was approved June 24, 2019, trips by commercial trucks was limited to three trucks per day and there are way more trucks coming through Pennington and so that implies that there is no enforcement by Hopewell Township. Mr. Katriniak stated that he has been working with Hopewell Township to try and cut down the duration of this project and moving additional vehicles will help with shortening the duration. Mrs. Chandler asked if anyone has done a cost analysis on the impact to Pennington Borough and Pennington Borough businesses. Mr. Katriniak stated that he does not believe so but all of the costs for police coverage will be covered by the company. Mrs. Chandler stated that the loss of six parking spaces in the downtown business area will cause the businesses to lose money and no one has considered that. Mayor Davy stated that this is a major disruption to Pennington Borough.

Mr. Marciante stated that Pennington is going to gain more traffic, Hopewell will get the benefit of a PILOT agreement and he would like to know what Pennington gets out of this arrangement for all of this disruption. Mr. Katriniak stated that overall once the development is complete the business community will thrive with approximately 100 to 250 people employed at Biogene.

Mrs. Chandler stated that her understanding is that there are six super trucks that have to come through Pennington Borough but is it possible that the remaining smaller trucks could take the alternate route on Blackwell Road. Mr. Katriniak stated that the only parking impact on Main Street would be three spaces

DRAFT

Regular Meeting

May 1, 2023

Page 4

in front of Vito's Pizza. Mr. Katriniak stated that the Police Chiefs of Hopewell and Pennington have been involved in the discussions. Mr. Katriniak stated that he is not sure where the six super trucks fall in the transport schedule but those might be the only ones that require the elimination of parking spaces. Mr. Katriniak stated that he has been a strong advocate for Pennington and Hopewell to have a plan with the least disruption to both towns. Mr. Katriniak stated that he has stressed the importance of having alternate routes and staging areas in the event that one of the routes is not available because the last thing they want is to have the municipality disrupted for long periods of time. Mr. Katriniak stated that he has worked on several large projects in the area and he is working on minimizing the impact to all towns involved. Mr. Katriniak stated that there a lot of impacts involved with moving 200 plus trucks.

Ms. Stern asked if the Borough could get copies of the approvals that Mr. Katriniak referred to from the State and the County. Ms. Stern stated that she is surprised that they approve these routes without municipal involvement.

Mr. Valenza stated that it appears to him that there is zero impact to Hopewell Township and he does not see how Mr. Katriniak can say that the least impact is to move these trucks through Pennington Borough as opposed to Carter Road which is much more urban. Mrs. Chandler stated that Biogene is looking for the least expensive route, not the least disruptive route. Mr. Valenza stated that is not a good enough reason and he does not care if it takes longer and costs more. Mr. Katriniak stated that the other routes have other concerns. Mr. Marcianti stated that Biogene should have been present to address these concerns. Mr. Valenza stated that the Borough should reach out the County and the State. Mayor Davy asked Mr. Katriniak to go back to Biogene with Council's concerns and let them know that it is not Pennington's problem that they chose to construct these modular buildings as opposed to constructing on site. Mrs. Chandler stated that Biogene is already in violation of the Ordinance and so she does not believe that they will conform to any plan that is agreed to. Mr. Katriniak stated that he will get these concerns to the table and he hopes that they take the message seriously. Mrs. Chandler stated that it is not Pennington's problem that Biogene chose a method of construction that does not work for this area.

Ms. Stern suggested that Mayor Davy reach out to County Executives the concerns of Pennington Borough. Mrs. Chandler asked Mr. Katriniak to relay to Biogene of the violations of the ordinance with regard to the number of trucks and the damages to traffic lights caused by these trucks currently travelling through Pennington Borough. Council Members also expressed concerns with regard to safety and children walking through town in the summer particularly to Penn Brook Swim Club.

Mayor Davy thanked Mr. Katriniak for his presentation.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the April 3, 2023 Regular Council Meeting, second by Council Member Marcianti with all members present voting in favor with the exception of Ms. Angarone who abstained.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2023-10 by title.

BOROUGH OF PENNINGTON ORDINANCE NO. 2023 - 10

ORDINANCE INCREASING CERTAIN FEES AND AMENDING CHAPTER 98 (FEES) OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, as part of the Budget Process, the Finance Committee and various departments of the Borough review and recommend changes to fees collected for certain services provided by the Borough; and

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Pennington that in accordance with these recommendations, Chapter 98 of the Code of the Borough of Pennington, concerning fees, is amended as follows (with new language underlined and deleted language crossed out):

Article II Land Use Fees

All applications for development to the Planning Board or the Planning Board acting as a Board of Adjustment shall be in such form and submitted to the respective Board in accordance with the rules prescribed by the Board and by this article.

§ 98-11 Application fee, escrow deposit and inspection fee.

Applications for development shall be accompanied by the payment to the Borough of an application fee, escrow deposit and, if appropriate, an inspection fee. The application fee and escrow deposit shall be paid separately according to the following schedule:

DRAFT

Regular Meeting
May 1, 2023
Page 5

Application	Fee	Escrow
MINOR SUBDIVISION	\$400 <u>\$500</u>	\$500 - <u>\$1,000</u> per lot
Resubmission or amendment	\$100	
Concept review	\$300 <u>\$400</u>	\$300 to be credited
MAJOR SUBDIVISION		
Preliminary	\$600 <u>\$1,000</u>	\$600 per lot
Final	\$400 <u>\$500</u>	\$400 <u>\$500</u> per lot
Resubmission or amendment	\$300	\$400 per lot
Extension	\$100 <u>\$150</u>	
Concept review	\$500	\$500 to be credited
SITE PLAN		
Preliminary		
Residential	\$600	\$10 per unit; minimum \$500 <u>\$1,000</u>
Nonresidential	\$600 <u>\$700</u>	\$0.10 per square feet improved; minimum \$500 <u>\$1,000</u>
Final		
Residential	\$400	\$10 per unit; minimum \$300 <u>\$500</u>
Nonresidential	\$400 <u>\$500</u>	\$0.05 per square feet improved minimum \$300 <u>\$1,000</u>
Resubmission or amendment		
Residential	\$300	\$300 + \$10 per unit
Nonresidential	\$300 <u>\$400</u>	\$300 <u>\$500</u> + \$0.10 per square feet improved
Waiver	\$300 <u>\$400</u>	\$200 <u>\$500</u>
Extension	\$100 <u>\$150</u>	\$300 <u>\$500</u>
Concept review	\$200 <u>\$300</u>	\$500 <u>\$1,000</u> to be credited
CONDITIONAL USES		
Residential	\$300 <u>\$500</u>	\$400 <u>\$1,000</u>
Nonresidential	\$400 <u>\$600</u>	\$800 <u>\$1,500</u>

DRAFT

Regular Meeting
May 1, 2023
Page 6

Application	Fee	Escrow
INTERPRETATIONS		
Residential	\$200 <u>\$300</u>	\$600 <u>\$1,000</u>
Nonresidential	\$300 <u>\$600</u>	\$600 <u>\$1,000</u>
APPEALS		
Residential	\$200 <u>\$300</u>	\$500 <u>\$1,000</u>
Nonresidential	\$400 <u>\$500</u>	\$500 <u>\$1,000</u>
VARIANCES		
Bulk		
Residential	\$250 <u>\$300</u> per variance	\$1,000 <u>\$2,000</u>
Nonresidential	\$400 <u>\$500</u> per variance	\$1,000 <u>\$1,500</u> per variance
Use		
Residential	\$300 <u>\$500</u>	\$1,000 <u>\$2,000</u>
Nonresidential	\$500 <u>\$600</u>	\$1,500 <u>\$3,000</u>
SPECIAL MEETING OF BOARD	\$500 <u>\$1,000</u>	
ZONING PERMITS		
Residential		
Fence	<u>\$25</u>	
Principal use	\$50 <u>\$60</u>	
Accessory use	\$25 <u>\$30</u>	
Commercial		
Fence	<u>\$50</u>	
Principal use	\$100 <u>\$150</u>	
Accessory use	\$50 <u>\$60</u>	
Temporary activity permit	\$25 <u>\$50</u>	
Residential conversion	\$50 <u>\$100</u>	

§ 98-19 **Miscellaneous fees.**
Miscellaneous fees shall be as follows:

- A. Copy of zoning ordinance: \$40.

DRAFT

Regular Meeting
May 1, 2023
Page 7

- B. Copy of Master Plan: \$25.
- C. Subdivision approval certificate: \$25.
- D. Certified list of property owners: \$0.25 per name or \$10 whichever is greater.
- ~~E. Tape of meeting: \$25.~~
- ~~F. CD USB copy of meeting: \$8~~ E. USB copy of meeting: \$20.

Article VI Miscellaneous Non-Land Use Fees

§ 98-30 **Miscellaneous fees.**

The following miscellaneous fees shall be collected as required by the applicable sections of this Code:

- A. Annual license fee for body art establishments, as required by § **76-1** of this Code: \$500.
- B. Peddler's permit, as required by § **147-6** of this Code: \$100.
- C. Registration of vacant building, as required by Chapter **136**, Art. **II**, initially and annually: \$250.
- D. Annual fee for electronic smoking device establishment license: \$600.
- E. Fee for Memorial Tree: ~~\$300~~ \$500.
- F. Fee for Adopt A Flag: ~~\$42~~ \$50.

Article VIII Use of Borough Parks

§ 98-33 **Use of parks.**

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

- A. Permit for use of park by documented nonprofit or Pennington resident: ~~\$50~~ \$75.
- B. All others: ~~\$100~~ \$200.

Article IX Solid Waste Disposal

§ 98-34 **Trash pickup.**

Fees for additional approved trash containers as provided by §§ **172-9** and **172-10** and for bulk household trash as required by § **172-11** of this Code shall be:

- A. Annual fee for one additional approved trash container pursuant to §§ **172-9** and **172-10**: \$400.
- B. Bulk trash stickers: one sticker per 40 pounds/~~\$4~~ \$6 each.
- C. Truck rental, if Borough truck is parked at the property overnight or for a weekend: ~~\$200~~ \$300.

§ 98-35 **Adjacent properties.**

Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to §§ **172-9** and **172-13** of this Code shall be:

- A. Per year for one ninety-five-gallon approved container once/week: \$400.
- B. Per year for one additional approved container collected once/week: an additional \$400.

§ 98-35.1 **Replacement of lost or damaged trash containers.**

The fee for replacement of a lost or damaged trash container in accordance with § **172-10** of this Code shall

DRAFT

Regular Meeting
May 1, 2023
Page 8

be \$100.

Article XII
Water and Sewer Usage

§ 98-42 Standby fees.

Quarterly standby fees for private fire-protection systems pursuant to § 206-2 of this Code are as follows:

- A. Quarterly standby fees for private fire-protection systems regardless of the rate or quantity of that service: [Amended 11-15-2010 by Ord. No. 2010-15; 8-6-2012 by Ord. No. 2012-9; 5-22-2017 by Ord. No. 2017-10]

Size of Private Lines	Fee
(inches)	(per connection)
2	\$158
3	\$378
4	\$567
6	\$1,166
8	\$2,016

- B. Customers who are late in making payment of the standby fee will be given notice as to their deficiency in payment, and a copy of this notice shall be sent to the customer's insurance carrier.
- C. Standby fees shall be due on March 1, June 1, September 1 and December 1.

§ 98-46 Inspection and field service fees.

Inspection and field service fees pursuant to § 206-6 of the Code are as follows:

- A. Plan approval, inspection and field service fees pursuant to § 206-6 of the Code are as follows: : [Amended 2-3-2016 by Ord. No. 2016-1]

- (1) Plan approval (actual engineering charges up to): \$250.
- (2) Service connections: \$160.
- (3) Lateral connections: \$160.
- (4) Certified construction cost, off-site improvements (escrow): 7.8%

- B. Equipment hourly rates are as follows:

- (1) Backhoe: ~~\$120~~ \$200.
- (2) Service truck: ~~\$75~~ \$100.
- (3) Dump truck: ~~\$100~~ \$150.
- (4) Parts: ~~172%~~ 200%.

Note: Includes the time required to mobilize to and demobilize from the site.

- E. Temporary meter charges are as follows:

- (1) Meter installations: ~~\$75~~ \$100.
- (2) Rental (two week maximum): ~~\$50~~ \$75.
- (3) Removal and recording: ~~\$75~~ \$100.

DRAFT

Regular Meeting
May 1, 2023
Page 9(4) Special billing: ~~\$25~~ \$50.**§ 98-47 Administrative fees.**

Administrative fees pursuant to § 206-7 of the Code shall be charged as follows:

- A. Interest will be charged at the same rate as the interest on tax bills.
- B. Returned checks: ~~\$20~~ \$25.
- C. (Reserved)
- D. (Reserved)
- E. Non-quarterly or additional meter readings: Scheduled: ~~\$50~~ \$75 Urgent/ Disputed: \$100. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)
- F. House inspections on sale of property: regular fee, ~~\$100~~ \$150; fee if less than 10 days' notice, ~~\$200~~ \$250.
- G. Tanker of water: \$200 plus per-gallon charge for water in accordance with water rates.
- H. Shutting off and turning on water at curb: Scheduled: \$100, Urgent / Disruptive \$150.

Article XVI
Registrar Fees

§ 98-63 Authorized fees.

The Registrar of the Borough of Pennington is authorized to collect the following fees from persons requesting issuance of permits and licenses or provision of certified copies of documents:

- A. Birth certificate (certified copy): ~~\$10~~ \$25.
- B. Burial permit: \$5.
- C. Death certificate (certified copy): ~~\$10~~ \$25.
- D. Marriage license/domestic partnership (\$25 state): \$28.
- E. Marriage license (certified copy): ~~\$10~~ \$25.
- F. Corrections: ~~\$5~~ \$25.

Council Member Chandler made a motion to introduce Ordinance 2023-10, second by Council Member Stern. Mr. Bliss read two corrections into the record. Ms. Angarone asked how these fee increases came about. Mrs. Sterling explained that each Department reviewed the fees associated with their departments. Mrs. Sterling stated that some fees were compared to neighboring municipalities and some fees are increasing to reflect the costs associated with respect to tipping fees and memorial trees in particular. Some discussion took place with regard to anticipated revenues and Mrs. Sterling stated that some fees can be anticipated such as trash stickers but others time will tell. Council Member Marcianti made a motion to introduce the Ordinance as amended, second by Council Member Stern with all members present voting in favor.

Mayor Davy read Ordinance 2023-11 by title.

BOROUGH OF PENNINGTON
ORDINANCE 2023-11

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$45,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$42,750
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey

(the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$45,000, and further including the aggregate sum of \$2,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$42,750 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a message board for the Parks and Recreation Department, including all related costs and expenditures incidental thereto.	\$16,400	\$15,580	10 years
b) The acquisition of speed signs for the Police Department, including all related costs and expenditures incidental thereto.	\$28,600	\$27,170	10 years
Total:	\$45,000	\$42,750	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 are permitted to 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

DRAFT

Regular Meeting
May 1, 2023
Page 11

- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 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 \$42,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$2,250 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 purposes or improvements.

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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 2023-11, second by Council Member Marciante. Mrs. Chandler stated that although this ordinance is for eight traffic signs that will indicate that speed cars are traveling, the intent is to purchase two per year. Mr. Marciante stated that the message board sign is also in this ordinance. Upon a roll call vote all members present voted in favor.

Committee Reports

Planning & Zoning / Personnel / Economic Development – Ms. Gnatt had no report.

Public Works/Open Space/Shade Tree – Ms. Stern stated that Public Works met April 12th and discussed the Sked Street park improvements. Ms. Stern stated that they continue to discuss the upcoming regulations with regard to forever chemicals, though we are currently in compliance. Ms. Stern stated that a separate meeting took place with Van Note Harvey to address an overall picture of forever chemicals and we await a proposal from them. Ms. Stern stated that a spring leaf cleanup was discussed but found to be unnecessary. Ms. Stern stated that the next meeting will be May 17th at 3:00pm.

Ms. Stern stated that Open Space did not meet, but they will be meeting May 17th.

Ms. Stern stated that Shade Tree met on April 11th and they welcomed Meredith Moore as a new member, they discussed the Streetscape project, Arbor Day and Pennington Day. Ms. Stern thanked Morris Fabian for his presentation to the second graders at Arbor Day. Ms. Stern stated that two Memorial Trees have been planted on Curlis Avenue. Ms. Stern stated that the Shade Tree Committee has produced bookmarks

DRAFT

Regular Meeting
May 1, 2023
Page 12

and they will be distributed at Pennington Day and in the Library welcome packages. Ms. Stern stated that next meeting will be May 9th.

Mayor Davy stated that the Streetscape Public Information Center was held and NV5 was present with poster boards on the project and they met with residents who attended to address concerns or questions. Mayor Davy stated that NV5 will be putting all of the comments together and once the final comments are approved they will be available on the Borough website.

Public Safety / Finance & Technology / Arboretum / Landfill – Mrs. Chandler stated that the environmental study of the Landfill is ongoing and we hope for an early fall completion.

Mrs. Chandler stated that the Borough approved a drone survey of the deer population and she will share the results as soon as she has them. Mrs. Chandler stated that she will be attending a deer management meeting with representatives from the State, Mercer County, Hopewell Township and FOVHOS but they are still working on a date for the meeting.

Mrs. Chandler stated that the First Aid Committee met and they are trying to coordinate a tour of the building and once that takes place they will work on criteria for the best use of the building.

Mrs. Chandler stated that the Arboretum Committee met on site and had a walk through with Mike Van Clef of FOVHOS to identify invasive species at one of the exclosures. Mrs. Chandler stated that there are two exclosures, but the committee decided to focus on one for 2023. Mrs. Chandler stated that they are seeking volunteers to work on Saturdays during the month of June and the Environmental Committee will have a signup sheet at Pennington Day for anyone interested in helping out.

Mrs. Chandler stated that the Finance and Technology Committee met and discussed capital debt management and debt service and they will be working on a five to ten year vision for capital needs. Mrs. Chandler stated that there is funding in the budget if Council Members are interested in taking training classes, reach out to Betty or Donato if you are interested.

Mrs. Chandler stated that Public Safety met and discussed Biogene. Mrs. Chandler stated that later in the meeting is a resolution regarding a COPS grant but she will comment at that point.

Historic Preservation / Library / Construction – Ms. Angarone stated that the Library hosted Busy Town and she would like to thank all of the Borough folks who helped out. Ms. Angarone stated that library has been busy with programs and events. Ms. Angarone encouraged residents to visit the Library website for information. Ms. Angarone stated that the Library is in the process of amending their by-laws.

Ms. Angarone stated that Historic Preservation met on April 18th regarding 15 West Delaware and concerns with non-compliance. Ms. Angarone stated that they are also working on amendments to the ordinance and updates to the website.

Parks & Recreation – Mr. Marciante stated that Parks & Recreation will be meeting this Wednesday but they are busy with preparations for Memorial Day.

Board of Health / Environmental Commission – Mr. Valenza stated that the Board of Health did not meet but they are meeting this week.

Mr. Valenza stated that Environmental met and discussed an Anjec Grant which is on the agenda for later in the meeting. Mr. Valenza stated that Environmental will have a big presence at Pennington Day with the focus being reducing the carbon footprint in Pennington and what residents can do. Mr. Valenza stated that the Carbon Neutral Committee continues to work on ways that the Borough can reduce the carbon footprint with regard to Borough operations.

Mr. Valenza commended the Environmental Commission and the members for their efforts, they are a hard working group and he wanted to acknowledge their efforts.

Senior Advisory Board – Mayor Davy had no report.

COUNCIL DISCUSSION

Communications Plan Update – Ms. Angarone stated that several Council Members received their nametags to wear at Borough sponsored events. Ms. Angarone stated that Borough Council will have a table at Pennington Day. Ms. Angarone stated that the second meeting with Committee chairs on May 23rd.

NEW BUSINESS

BOROUGH OF PENNINGTON

RESOLUTION 2023 – 5.2

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 \$2,737,093.13 from the following accounts:

Current	\$2,575,515.95
W/S Operating	\$ 131,959.35
Grant Fund	\$ 6,653.11
Developer’s Escrow	\$ 3,822.35
COAH Trust	\$ 2,000.00
Other Trust Fund	\$ 16,087.85
Animal Control	\$ 87.60
Unemployment Trust	\$ 966.92

TOTAL \$ 2,737,093.13

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2023-5.2, second by Council Member Marciante with all members present voting in favor.

Mayor Davy asked for a consent agenda for Resolutions 2023-5.3, 2023-5.4, 2023-5.5, 2023-5.6 and 2023-5.7. Council Member Marciante made a motion to approve Resolutions 2023-5.3, 5.4, 5.5, 5.6 and 5.7, second by Council Member Stern with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.3

RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT, BENCHES, TIMBERS FOR MULCH CONTAINMENT INCLUDING FREIGHT AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Public Works Superintendent Rick Smith has identified that the playground equipment, benches, timbers for mulch containment including installation and freight charges are available from General Recreation Inc.; and

WHEREAS, General Recreation Inc. under New Jersey State Contract #16-FLEET-00130 has supplied a quote dated January 9, 2023, which is attached to this resolution, at the quoted total cost of \$81,042.40 including installation and freight charges; and

WHEREAS, Mr. Smith recommends that the Borough accept the quote dated January 9, 2023 quote

DRAFT

Regular Meeting
May 1, 2023
Page 14

#511, by General Recreation Inc.; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$81,042.40 for the work described above related to purchase and installation of a playground equipment, benches and timbers for mulch containment including freight charges as quoted in the attached proposal from General Recreation, Inc.

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	X				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.4**

**RESOLUTION AUTHORIZING PURCHASE OF SCREENED TOP SOIL, ASPHALT AND STONE
AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE**

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Public Works Superintendent Rick Smith has identified that as part of the improvements he will need to purchase screened top soil, asphalt and stone; and

WHEREAS, Mr. Smith has obtained a quote from Britton Industries for 25 yards of fine screened topsoil in the amount of \$18.95 per ton for a total cost of \$473.75; and

WHEREAS, Mr. Smith has obtained a quote from Trap Rock Industries, LLC for 15 tons of DGABC Blend at \$26.00 per ton and 25 tons of ¾” clean stone at \$32.00 per ton for a total cost of \$1,190.00 and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue purchase orders to Britton Industries in the amount of \$473.75 and Trap Rock Industries LLC in the amount of \$1,190.00 in order to effectuate the purchases.

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	X				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.5**

**RESOLUTION AUTHORIZING INSTALLATION OF A CONCRETE WALKWAY AT SKED
STREET PARK AND AUTHORIZING THE USE OF OPEN SPACE FUNDS
FOR THIS PURCHASE**

DRAFT

Regular Meeting
May 1, 2023
Page 15

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Public Works Superintendent Rick Smith has obtained quotes from Louis Beck Masonry, Greenleaf Lawn and Landscape and Wagner’s Land Expansion, Inc. for installation of a concrete walkway at Sked Street Park; and

WHEREAS, Mr. Smith recommends that the Borough accept quote #511, dated January 17, 2023 submitted by Wagner’s Land Expansion for installation of a concrete walkway through the park including removing and disposing of existing blacktop, regrading steep areas of the walkway, installing concrete and reseeding disturbed areas; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$17,500.00 for the work described above related to installation of a concrete walkway at Sked Street Park and quoted in the attached proposal of Wagner’s Land Expansion, Inc.

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	X				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.6**

**RESOLUTION AUTHORIZING TREE WORK AT SKED STREET PARK AND AUTHORIZING
THE USE OF OPEN SPACE FUNDS
FOR THIS PURCHASE**

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Public Works Superintendent Rick Smith has obtained quotes from HTS Tree Care Professionals, Tom’s Tree Service and Shier’s Tree Expert for tree removal, pruning and stump grinding at Sked Street Park; and

WHEREAS, Mr. Smith recommends that the Borough accept quote #5506, dated January 20, 2023 submitted by HTS Tree Care Professionals for removal of 11 trees, pruning and stump grinding in the park; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$4,400.00 for the work described above related to tree work at Sked Street Park and quoted in the attached proposal of HTS Tree Care Professionals.

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	X				Valenza	X			

BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.7

RESOLUTION AUTHORIZING PURCHASE OF A GAZEBO AT SKED STREET PARK AND
AUTHORIZING THE USE OF OPEN SPACE FUNDS
FOR THIS PURCHASE

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Public Works Superintendent Rick Smith has obtained quotes from Rosedale Structures, Pleasant Run Structures and Amish Mike for the purchase of a gazebo at Sked Street Park; and

WHEREAS, Mr. Smith recommends that the Borough accept quote #1573, dated March 17, 2023 submitted by Rosedale Structures for the purchase of a 12 ft Octagon Vinyl Gazebo with benches and decking; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$10,449.00 for the purchase of a gazebo for Sked Street Park as described above and quoted in the attached proposal of Rosedale Structures.

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	X				Valenza	X			

Mrs. Chandler asked if everyone had a chance to review the numbers with regard to the COPS grant proposal. Mrs. Chandler stated that the COPS grant has to be used to hire a seventh officer, it cannot be used for an existing position. Mrs. Chandler stated that the amount of the grant would be distributed over three years and the Borough would be required to retain the position for a fourth year. Mrs. Chandler stated that Public Safety discussed this grant prior to it coming to Council for approval, but to be clear approving this resolution essentially approves the hiring of a seventh officer if we get the grant. Mrs. Chandler stated that the Borough could decline the grant, but that might preclude the Borough from getting a grant down the road. Mrs. Chandler stated that she is uncomfortable applying for a grant that we intend to decline if the decision is to remain at six officers. Ms. Stern stated that she did not think that the intent was to hire another officer. Mr. Marciante stated that he thinks that six officers is enough for Pennington Borough. Ms. Angarone stated that she does not recall discussing this at Council, though in the sub-committee she did an analysis and found that a seventh officer is warranted for a town of Pennington’s size. Mayor Davy stated that Council has not had a firm conversation on whether to hire a seventh officer. Ms. Angarone stated that she does not understand the hiring issues that the Borough has but she does feel that further analysis is needed. Ms. Angarone stated that the ratios around the nation point to a seventh officer. Ms. Stern stated that the data should be analyzed with regard to crime rate, size of the town and nature of calls. Mr. Valenza stated that safety of our officers should be the primary focus because the Borough does seem to back up Hopewell Township which leaves one officer covering in Pennington. Ms. Angarone stated that development in Hopewell and the additional of 200 plus vehicles will directly affect Pennington and she is not worried about applying for and declining a grant. Ms. Angarone stated that she is concerned about finding out down the road that we do need a seventh officer and it is too late to apply for the grant. Some discussion took place with regard to the costs associated with hiring a seventh officer. Ms. Stern stated that Mona has indicated that she does not think that the Borough would be awarded the grant based on the criteria. Mrs. Chandler stated that she agrees that we should get used to the idea of

DRAFT

Regular Meeting
May 1, 2023
Page 17

hiring a seventh officer but that decision should be based on a proper analysis first. Mrs. Chandler stated that she is not ready to make the decision this year, but Council should be thinking about it for next year. Mr. Marciante stated that another concern is why we can't even maintain six officers. Mr. Neiman stated that a focused conversation is needed with regard to the Police Department. Mayor Davy stated that Resolution 2023-5.8 will be held, no action was taken.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.8**

**RESOLUTION AUTHORIZING SUBMISSION OF A 2023 OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES (COPS OFFICE) COPS HIRING PROGRAM (CHP) GRANT**

WHEREAS, the Office of Community Oriented Policing Services offers grants for funding positions in Police Departments that are not already funded in the budget; and

WHEREAS, Borough Council seeks to apply for this grant in order to hire a seventh police officer in the Pennington Police Department; and

WHEREAS, the grant requires at a minimum a twenty-five percent (25%) match from the Borough; and

WHEREAS, the Public Safety Committee has reviewed the grant requirements and requests that Borough Council make the final determination as to the hiring of a seventh officer in the Police Department; and

WHEREAS, the deadline for submission of the grant is May 11, 2023;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves submission of the aforesaid grant application to the Office of Community Oriented Policing Services for the hiring of seventh officer in the Police Department.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.9**

**RESOLUTION AUTHORIZING AND RATIFYING APPLICATION FOR
2023 ANJEC OPEN SPACE GRANT AND FURTHER AUTHORIZING EXECUTION OF GRANT
AGREEMENT**

WHEREAS, ANJEC provides small grants to local environmental commissions to fund commission projects for open space preservation, maintenance, restoration and education; and

WHEREAS, the Environmental Commission seeks to advance the stewardship of the wooded area behind the Toll Gate Grammar school that the Borough is developing as an Arboretum by purchasing native plants; and

WHEREAS, eligible applicants are New Jersey environmental commissions established by ordinance;

WHEREAS, the deadline for submitting applications for this grant was April 17, 2023; and

WHEREAS, Mayor Davy endorsed the submission of the attached application with a letter dated April 14, 2023, also attached; and

WHEREAS, the Borough, on behalf of the Pennington Borough Environmental Commission now seeks to ratify authorization to submit the application an ANJEC grant for 2023 in the amount of \$1,500.00 for the purpose of funding the purchase of native plants to enhance the Arboretum; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The 2023 Grant Application that was submitted to ANJEC is hereby authorized ratified,
2. if awarded the grant, the Mayor is hereby authorized to execute such grant agreement as may be required by ANJEC, providing for a grant in the amount of \$1,500, subject to review and approval by the Borough Attorney;
3. if necessary, the Mayor is hereby authorized to execute such amendments to the grant agreement as recommended by ANJEC and the Commission provided the amendments do not materially increase the Borough's obligations.

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

Council Member Chandler made a motion to approve Resolution 2023-5.9, second by Council Member Marciante. Mrs. Chandler stated that this grant would fund native plants for the Arboretum if awarded. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.10**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2023**

WHEREAS, 2 N. Main Street Hospitality, LLC d/b/a Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, 2 N. Main Street Hospitality, LLC has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 4 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 8 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito’s Pizza is hereby granted permission to locate up to 6 tables and 24 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met;

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 4 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 8 chairs on the Delaware side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and insure that these receptacles are emptied as frequently as needed to avoid overflow.

G. 2 N. Main Hospitality, LLC and Vito’s Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until 2 N. Main Hospitality, LLC and Vito’s Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

- (3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.
- (4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

- I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.
2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to 2 N. Main Street Hospitality, LLC or Vito’s Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.
3. This conditional authorization shall in any event expire on December 31, 2023.

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

Council Member Marciante made a motion to approve Resolution 2023-5.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 5.11**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO
MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN
2023**

WHEREAS, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

WHEREAS, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 3 tables and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:
- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and insure that these receptacles are emptied as frequently as needed to avoid overflow.

G. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.

H. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

I. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with the Borough Clerk a current Certificate of Insurance which certifies that:

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and
- (3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.
- (4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 2023.

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

Council Member Marciante made a motion to approve Resolution 2023-5.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023-5.12**

**RESOLUTION CONDITIONALLY AUTHORIZING WORK ABOVE THE CONTRACT LIMIT
FOR COMMUNITY GRANTS, PLANNING AND HOUSING (CGP&H) FOR ADMINISTRATIVE
SERVICES IN CONNECTION WITH AFFORDABLE HOUSING**

WHEREAS, the Borough has retained the firm Community Grants, Planning and Housing (CGP&H) to provide Administrative Agent services in connection with Borough affordable housing;

WHEREAS, the Amended Contract, effective for one year beginning August 1, 2022, as approved by Resolution 2022-8.7 and Resolution 2022-12.7, provides that total expenditures for CGP&H services may not exceed \$4,000 without the prior written approval of Borough Council;

WHEREAS, the start-up work needed to lay the groundwork for routine services resulted in billings in excess of \$4,000 during the first four months of the contract and without being conscious of the \$4,000 limit on hourly billings, CGP&H presented invoices through February 28, 2023 and to date which exceeded the cap by an additional \$4,371.48;

WHEREAS, these amounts do not include (and are not intended to include) two flat fees of \$2,000 apiece which were paid CGP&H under the Amended Contract upon the listing of two affordable units;

WHEREAS, CGP&H, now cognizant of the \$4,000 limit on hourly billings, will instruct its staff not to do additional work for the balance of the contract year unless approved in writing in advance by Borough Council;

WHEREAS, the intent of this Resolution is to authorize payment of the fees incurred above the cap to the extent of \$4,371.48, payable from the Borough Affordable Housing Fund, because it was necessary work satisfactorily performed;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that payment of additional fees to CGP&H in the amount of \$4,371.48 is hereby authorized, on the condition that no additional hourly fees will be incurred for the balance of the contract year unless approved in writing in advance by Borough Council.

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		X			Stern	X			
Gnatt	X				Valenza		M		

Mayor Davy voted in favor to break the tie vote.

Council Member Valenza made a motion to approve Resolution 2023-5.12, second by Council Member Angarone. Mrs. Chandler stated that she is not in favor of approving this as it was an oversight on their end not ours. Mayor Davy stated that he, Walter and Betty met with CGPH and the work was done. Mayor Davy stated that they have been instructed not to do any further work without first getting approval. Upon a roll call vote Council Members Angarone, Gnatt and Stern voted yes and Council Members Chandler, Marciante and Valenza voted no. Mayor Davy voted in favor to break the tie vote.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Neiman reported that the he heard back from the Central Jersey HIF and the rate for health benefits would be about fourteen percent more than the State Health Benefits. Mr. Neiman stated that the size and experience rating indicates the Borough is better off with the State Health Benefits Plan. Mr. Neiman stated that he got a call from Hopewell Township Administrator George Snyder regarding a traffic light at Ingleside Avenue. Mrs. Chandler asked what happened to the traffic study that we requested. Ms. Angarone stated that she is not opposed to the light but she did want to see a study on the side streets in Pennington. Mr. Marciante stated that if the light is going in then Pennington needs to look at the traffic impact for Pennington. Mr. Neiman stated that he will send out what the Township sent over but it is several years old.

Administrative Coordinator – Mrs. Habiby stated that Nadine Stern had asked about getting more information out to residents and she suggested getting quarterly updates out to Mercer Me for publication, coinciding with the newsletter that goes out with the water/sewer bills. Council Members asked why just Mercer Me and Nadine responded that someone reached out to her from Mercer Me.

Borough Attorney – Mr. Bliss stated that he is still waiting for a decision in the PILOT litigation.

Borough Clerk – Mrs. Sterling reminded Council of the closed session after the meeting. Mrs. Sterling reminded everyone that Financial Disclosure Forms were due April 30th so please remember to file if you have not already done so. Mrs. Sterling reminded Council to stop in and sign purchase orders.

Superintendent of Public Works – Mr. Smith reported that DPW has supported various events including Busy Town and Arbor Day. Mr. Smith stated that working with members of the JIF, Fire Safety and the Police Department a building fire drill was held followed by fire extinguisher training. Mr. Smith stated that work has commenced on Knowles and West Franklin.

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. Dan Pace of 9 Railroad Place stated that he would to thank Borough Council for coordinating with Hopewell Township on recycling and shredding events.

DRAFT

Regular Meeting
May 1, 2023
Page 22

Ms. Reba Holley of 200 S. Main Street thanked Borough Council for the Gun Violence Proclamation. Ms. Holley asked why we can't demand that Biogene build smaller units for transportation so that smaller trucks can be used. Mr. Valenza stated that this is all about money and the fact that it's cheaper to build somewhere else and install here. Mr. Valenza stated that it has been brought up and hopefully it will sink in because this is not a good way to start a business in the area. Mayor Davy stated that he is planning to communicate the Borough's concerns in writing with the Transportation Company and Mercer County. Mrs. Chandler stated that should also go to the State and Hopewell Township. Mr. Marcianti stated that the other option is to transport at night so that the businesses are not disrupted during the day.

CLOSED SESSION

AT, 8:53 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:

Negotiations – PFAS

Mayor Davy stated that Borough Council would not be returning to Open Session as no further action is required. At 9:07 pm Council Member Marcianti made a motion to adjourn the meeting, second by Council Member Angarone with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk

BOROUGH OF PENNINGTON
ORDINANCE NO. 2023 - 10

ORDINANCE INCREASING CERTAIN FEES AND AMENDING CHAPTER 98 (FEES) OF THE
CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, as part of the Budget Process, the Finance Committee and various departments of the Borough review and recommend changes to fees collected for certain services provided by the Borough; and

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Pennington that in accordance with these recommendations, Chapter 98 of the Code of the Borough of Pennington, concerning fees, is amended as follows (with new language underlined and deleted language crossed out):

Article II
Land Use Fees

All applications for development to the Planning Board or the Planning Board acting as a Board of Adjustment shall be in such form and submitted to the respective Board in accordance with the rules prescribed by the Board and by this article.

§ 98-11 Application fee, escrow deposit and inspection fee.
Applications for development shall be accompanied by the payment to the Borough of an application fee, escrow deposit and, if appropriate, an inspection fee. The application fee and escrow deposit shall be paid separately according to the following schedule:

Application	Fee	Escrow
MINOR SUBDIVISION	\$400 <u>\$500</u>	\$500 <u>\$1,000</u> per lot
Resubmission or amendment	\$100	
Concept review	\$300 <u>\$400</u>	\$300 to be credited
MAJOR SUBDIVISION		
Preliminary	\$600 <u>\$1,000</u>	\$600 per lot
Final	\$400 <u>\$500</u>	\$400 <u>\$500</u> per lot
Resubmission or amendment	\$300	\$400 per lot
Extension	\$100 <u>\$150</u>	
Concept review	\$500	\$500 to be credited
SITE PLAN		
Preliminary		
Residential	\$600	\$10 per unit; minimum \$500 <u>\$1,000</u>
Nonresidential	\$600 <u>\$700</u>	\$0.10 per square feet improved; minimum \$500 <u>\$1,000</u>
Final		

Application	Fee	Escrow
Residential	\$400	\$10 per unit; minimum \$300 <u>\$500</u>
Nonresidential	\$400 <u>\$500</u>	\$0.05 per square feet improved minimum \$300 <u>\$1,000</u>
Resubmission or amendment		
Residential	\$300	\$300 + \$10 per unit
Nonresidential	\$300 <u>\$400</u>	\$300 <u>\$500</u> + \$0.10 per square feet improved
Waiver	\$300 <u>\$400</u>	\$200 <u>\$500</u>
Extension	\$100 <u>\$150</u>	\$300 <u>\$500</u>
Concept review	\$200 <u>\$300</u>	\$500 <u>\$1,000</u> to be credited
CONDITIONAL USES		
Residential	\$300 <u>\$500</u>	\$400 <u>\$1,000</u>
Nonresidential	\$400 <u>\$600</u>	\$800 <u>\$1,500</u>
INTERPRETATIONS		
Residential	\$200 <u>\$300</u>	\$600 <u>\$1,000</u>
Nonresidential	\$300 <u>\$600</u>	\$600 <u>\$1,000</u>
APPEALS		
Residential	\$200 <u>\$300</u>	\$500 <u>\$1,000</u>
Nonresidential	\$400 <u>\$500</u>	\$500 <u>\$1,000</u>
VARIANCES		
Bulk		
Residential	\$250 <u>\$300</u> per variance	\$1,000 <u>\$2,000</u>
Nonresidential	\$400 <u>\$500</u> per variance	\$1,000 <u>\$1,500</u> per variance
Use		
Residential	\$300 <u>\$500</u>	\$1,000 <u>\$2,000</u>

Application	Fee	Escrow
Nonresidential	\$500 <u>\$600</u>	\$1,500 <u>\$3,000</u>
SPECIAL MEETING OF BOARD	\$500 <u>\$1,000</u>	
ZONING PERMITS		
Residential		
<u>Fence</u>	<u>\$25</u>	
Principal use	\$50 <u>\$60</u>	
Accessory use	\$25 <u>\$30</u>	
Commercial		
<u>Fence</u>	<u>\$50</u>	
Principal use	\$100 <u>\$150</u>	
Accessory use	\$50 <u>\$60</u>	
Temporary activity permit	\$25 <u>\$50</u>	
Residential conversion	\$50 <u>\$100</u>	

§ 98-19 **Miscellaneous fees.**
Miscellaneous fees shall be as follows:

- A. Copy of zoning ordinance: \$40.
- B. Copy of Master Plan: \$25.
- C. Subdivision approval certificate: \$25.
- D. Certified list of property owners: \$0.25 per name or \$10 whichever is greater.
- ~~E. Tape of meeting: \$25.~~
- ~~F E. CD~~ USB copy of meeting: ~~\$8~~ \$20.

Article VI
Miscellaneous Non-Land Use Fees

§ 98-30 **Miscellaneous fees.**
The following miscellaneous fees shall be collected as required by the applicable sections of this Code:

- A. Annual license fee for body art establishments, as required by § **76-1** of this Code: \$500.
- B. Peddler's permit, as required by § **147-6** of this Code: \$100.
- C. Registration of vacant building, as required by Chapter **136**, Art. **II**, initially and annually: \$250.
- D. Annual fee for electronic smoking device establishment license: \$600.

E. Fee for Memorial Tree: ~~\$300~~ \$500.

F. Fee for Adopt A Flag: ~~\$42~~ \$50.

Article VIII Use of Borough Parks

§ 98-33 Use of parks.

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

A. Permit for use of park by documented nonprofit or Pennington resident: ~~\$50~~ \$75.

B. All others: ~~\$100~~ \$200.

Article IX Solid Waste Disposal

§ 98-34 Trash pickup.

Fees for additional approved trash containers as provided by §§ **172-9** and **172-10** and for bulk household trash as required by § **172-11** of this Code shall be:

A. Annual fee for one additional approved trash container pursuant to §§ **172-9** and **172-10**: \$400.

B. Bulk trash stickers: one sticker per 40 pounds/\$4 \$6 each.

C. Truck rental, if Borough truck is parked at the property overnight or for a weekend: ~~\$200~~ \$300.

§ 98-35 Adjacent properties.

Fees for trash pickup for non-taxpayers who are adjacent property owners pursuant to §§ **172-9** and **172-13** of this Code shall be:

A. Per year for one ninety-five-gallon approved container once/week: \$400.

B. Per year for one additional approved container collected once/week: an additional \$400.

§ 98-35.1 Replacement of lost or damaged trash containers.

The fee for replacement of a lost or damaged trash container in accordance with § **172-10** of this Code shall be \$100.

Article XII Water and Sewer Usage

§ 98-42 Standby fees.

Quarterly standby fees for private fire-protection systems pursuant to § **206-2** of this Code are as follows:

A. Quarterly standby fees for private fire-protection systems regardless of the rate or quantity of that service: [**Amended 11-15-2010 by Ord. No. 2010-15; 8-6-2012 by Ord. No. 2012-9; 5-22-2017 by Ord. No. 2017-10**]

Size of Private Lines	Fee
(inches)	(per connection)
2	\$158
3	\$378
4	\$567
6	\$1,166
8	\$2,016

- B. Customers who are late in making payment of the standby fee will be given notice as to their deficiency in payment, and a copy of this notice shall be sent to the customer's insurance carrier.
- C. Standby fees shall be due on March 1, June 1, September 1 and December 1.

§ 98-46 **Inspection and field service fees.**
Inspection and field service fees pursuant to § **206-6** of the Code are as follows:

- A. Plan approval, inspection and field service fees pursuant to § **206-6** of the Code are as follows: : **[Amended 2-3-2016 by Ord. No. 2016-1]**
 - (1) Plan approval (actual engineering charges up to): \$250.
 - (2) Service connections: \$160.
 - (3) Lateral connections: \$160.
 - (4) Certified construction cost, off-site improvements (escrow): 7.8%
- B. Equipment hourly rates are as follows:
 - (1) Backhoe: ~~\$120~~ \$200.
 - (2) Service truck: ~~\$75~~ \$100.
 - (3) Dump truck: ~~\$100~~ \$150.
 - (4) Parts: ~~172%~~ 200%.

Note: Includes the time required to mobilize to and demobilize from the site.

- E. Temporary meter charges are as follows:
 - (1) Meter installations: ~~\$75~~ \$100.
 - (2) Rental (two week maximum): ~~\$50~~ \$75.
 - (3) Removal and recording: ~~\$75~~ \$100.
 - (4) Special billing: ~~\$25~~ \$50.

§ 98-47 **Administrative fees.**
Administrative fees pursuant to § **206-7** of the Code shall be charged as follows:

- A. Interest will be charged at the same rate as the interest on tax bills.

- B. Returned checks: ~~\$20~~ \$25.
- C. (Reserved)
- D. (Reserved)
- E. Non-quarterly or additional meter readings: Scheduled: ~~\$50~~ \$75 Urgent/ Disputed: \$100. (On non-quarterly billings, if the reading is requested due to an actual error by the Borough, the fee will be waived.)
- F. House inspections on sale of property: regular fee, ~~\$100~~ \$150; fee if less than 10 days' notice, ~~\$200~~ \$250.
- G. Tanker of water: \$200 plus per-gallon charge for water in accordance with water rates.
- H. Shutting off and turning on water at curb: Scheduled: \$100, Urgent / Disruptive \$150.

Article XVI
Registrar Fees

§ 98-63 **Authorized fees.**
The Registrar of the Borough of Pennington is authorized to collect the following fees from persons requesting issuance of permits and licenses or provision of certified copies of documents:

- A. Birth certificate (certified copy): ~~\$10~~ \$25.
- B. Burial permit: \$5.
- C. Death certificate (certified copy): ~~\$10~~ \$25.
- D. Marriage license/domestic partnership (\$25 state): \$28.
- E. Marriage license (certified copy): ~~\$10~~ \$25.
- F. Corrections: ~~\$5~~ \$25.

Introduced:	_____
Advertised:	_____
Public Hearing:	_____
Adopted:	_____
Published:	_____

ATTEST:	APPROVED:
 _____	 _____
Elizabeth Sterling, Borough Clerk	James Davy, Mayor

BOROUGH OF PENNINGTON
ORDINANCE NO. 2023 - 10

**ORDINANCE INCREASING CERTAIN FEES AND AMENDING CHAPTER 98 (FEES) OF THE
CODE OF THE BOROUGH OF PENNINGTON**

RECORD OF COUNCIL VOTE ON INTRODUCTION

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

RECORD OF COUNCIL VOTE ON ADOPTION

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

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$45,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$42,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$45,000, and further including the aggregate sum of \$2,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$42,750 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a message board for the Parks and Recreation Department, including all related costs and expenditures incidental thereto.	\$16,400	\$15,580	10 years
b) The acquisition of speed signs for the Police Department, including all related costs and expenditures incidental thereto.	\$28,600	\$27,170	10 years
Total:	\$45,000	\$42,750	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 are permitted to 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 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 \$42,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$2,250 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 purposes or improvements.

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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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.

Introduced: _____
Advertised: _____
Public Hearing: _____
Adopted: _____
Published: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

**BOROUGH OF PENNINGTON
ORDINANCE 2023-11**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$45,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$42,750
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

RECORD OF COUNCIL VOTE ON INTRODUCTION

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

RECORD OF COUNCIL VOTE ON ADOPTION

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



Brian M. Hughes, County Executive
Phillip S. Miller, Executive Director
John P. Thurber, Chairman
80 Hamilton Avenue • 2nd Floor • Trenton, NJ 08611
609.278.8100 • f 609.695.1452 • mcia-nj.com

April 26, 2023

Mr. Donato Nieman, Business Administrator
Pennington Borough
20 North Main Street
Pennington, NJ 08534

Dear Mr. Nieman:

Enclosed, please find a new Shared Services Agreement between your municipality and the Mercer County Improvement Authority (MCIA) for the curbside collection of recyclable material. You will notice that pricing for this service has increased.

The enclosed agreement covers a term of five (5) years commencing on January 1, 2024 through December 31, 2028. In the coming weeks, I will be contacting your office to schedule a time to meet and discuss the contract in further detail.

Also enclosed, please find a sample resolution to be adopted by your municipality's governing body. Please execute the enclosed agreement and return two (2) copies to the Authority with an adopted resolution by your municipality no later than August 31, 2023.

Thank you for your continued participation in the County Recycling Program. Should you have any questions, please feel free to contact me at 609-278-8086 or via e-mail at dnapoleon@mcianj.org.

Kind Regards,

A handwritten signature in black ink, appearing to read "Daniel G. Napoleon", written over a horizontal line.

Daniel G. Napoleon
Director of Environmental Programs

Enclosures:

cc: Phillip S. Miller, Executive Director
Allan C. Collins, Deputy Executive Director
Rick Smith, Superintendent of Public Works

SHARED SERVICES AGREEMENT

This Agreement is made this ____ day of _____ 2023 (the "SSA"), by and between **PENNINGTON BOROUGH** (the "Municipality") and the **MERCER COUNTY IMPROVEMENT AUTHORITY**, 80 Hamilton Avenue, 2nd Floor, Trenton, New Jersey, 08611.

WHEREAS, the Mercer County Improvement Authority ("MCIA") has been designated by the Mercer County (the "County") Board of County Commissioners (the "Board") as the implementing agency for the County's Solid Waste Management Plan that the County is required to establish and maintain pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., (the "Act"); and

WHEREAS, on November 5, 1988, the Board adopted Ordinance No. 88-33 entitled "An Ordinance Amending the Mercer County Solid Waste Management Plan pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., to include establishing the Mercer County Recycling Plan," (the "County Ordinance") which Recycling Plan provides for the collection and marketing of recyclable materials; and

WHEREAS, the Recycling Plan and County Ordinance were subsequently amended by the following ordinances adopted by the Board: Ordinance No. 89-19 adopted July 25, 1989; Ordinance No. 91-14 adopted June 11, 1991; Ordinance No. 93-11 adopted June 10, 1993; and Ordinance No. 2006-19 adopted December 21, 2006; and

WHEREAS, each municipality within the County was required by Ordinances No. 88-33 and 89-19 to adopt a municipal ordinance providing for recycling within the municipality pursuant to the Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11

et seq., by adopting of the Recycling Plan as its official municipal recycling program (the “Recycling Program”) in the manner required by said County Ordinance; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the “Shared Services Act”), authorizes any local unit of the State to enter into a shared services agreement with any other local unit(s) for the joint provision within the several jurisdictions of any service which any party to the agreement is empowered to undertake within its own jurisdiction; and

WHEREAS, the State of New Jersey, consistent with the Shared Services Act, encourages local units, such as the MCIA and the Municipality, to enter into agreements for the joint provision of governmental services as is authorized by the Shared Services Act; and

WHEREAS, the MCIA has developed a program for the curbside collection of acceptable recyclable materials (the “Curbside Program”) and the Municipality wishes to participate in the Curbside Program; and

WHEREAS, the Parties have each determined it is in their respective best interests to enter into this SSA, allowing the Municipality to participate in the Curbside Program subject to the terms and conditions set forth in this SSA.

NOW, THEREFORE, IT IS agreed by and between the MCIA and the Municipality as follows:

ARTICLE I

Section 1.01 Services to be Provided. The MCIA shall provide the Curbside Program to the Municipality. Pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Act, or other applicable law, the MCIA shall contract with a vendor (the “Recycling Vendor”), which shall undertake the Curbside Program on behalf, and under the supervision. of the MCIA. The Recycling Vendor shall collect acceptable recyclable materials and deliver them to an approved

recycling processing facility. The Municipality shall abide by the terms of the agreement entered into by and between the MCIA and the Recycling Vendor pertaining to the Curbside Program (the "Recycling Vendor Agreement") and shall not take any action whatsoever in violation of the Recycling Vendor Agreement or any such other similar agreement.

Section 1.02 Recyclable Materials. As required by the Curbside Program, and the Recycling Vendor Agreement, the Recycling Vendor shall collect and dispose of the following acceptable recyclable materials: glass food and beverage containers, metal food and beverage cans, certain plastic containers, polycoated beverage cartons, corrugated cardboard, and residential mixed paper. The MCIA reserves the right to remove or add items to the list of acceptable recyclable materials to be collected by the Recycling Vendor as part of the Curbside Program. The MCIA shall determine the dates and the manner in which residents of the Municipality must place the acceptable recyclable materials at the curb or street side for collection by the Recycling Vendor.

Section 1.03 Costs. The Municipality shall deliver payment to the MCIA by the 15th of each calendar month during each year of the term of this SSA which runs coterminous with the Recycling Vendor Agreement, with each monthly payment being in an amount equal to one-twelfth (1/12) of the Total Annual Fee for the then current year of this SSA which are as follows:

<u>Recycling Vendor Agreement Year</u>	<u>Total Annual Fee</u>
Recycling Vendor Agreement Year 1 January 1, 2024 to December 31, 2024	79,500
Recycling Vendor Agreement Year 2 January 1, 2025 to December 31, 2025	\$85,416
Recycling Vendor Agreement Option Year 1 (Year 3 of Recycling Vendor Agreement) January 1, 2026 to December 31, 2026	\$91,804
Recycling Vendor Agreement Option Year 2 (Year 4 of Recycling Vendor Agreement) January 1, 2027 to December 31, 2027	\$98,666
Recycling Vendor Agreement Option Year 3 (Year 5 of Recycling Vendor Agreement) January 1, 2028 to December 31, 2028	\$106,119

Section 1.04 Hold Harmless. The Parties agree to hold each other harmless for any loss, damage or claim incurred or asserted resulting from the negligence of either Party in performing their duties and responsibilities under this SSA.

Section 1.05 Default. In the event the MCIA serves written notice upon the Municipality identifying any breach(es) of the terms or conditions of this SSA by the Municipality and if the Municipality fails to cure such identified breach(es) of this SSA within thirty (30) days after receipt of such written notice served upon the Municipality by the MCIA pursuant to this Section 1.05 of this SSA, the MCIA shall then have the option, in its sole and absolute discretion, to terminate this SSA.

Section 1.06 Government Approvals. The MCIA and the Municipality agree to use their best efforts and due diligence to obtain any approvals from the New Jersey Department of Environmental Protection, and/or any other governmental agency or authority that may be required to implement or maintain the Recycling Program and/or the Curbside Program.

Section 1.07 Term. The term of this SSA is intended by the Parties to run, and shall be, coterminous with the term of the Recycling Vendor Agreement. This SSA shall therefore have an initial term of two (2) years, commencing January 1, 2024 and expiring December 31, 2025, and the MCIA shall have the right to exercise three (3) one-year renewal periods of one year each as identified in Section 1.03 of this SSA. This SSA shall terminate immediately upon termination of the Recycling Vendor Agreement unless otherwise agreed to by the Parties.

ARTICLE II

Section 2.01 Entire Agreement. The provisions of this SSA shall constitute the entire agreement between the Parties for or with respect to the matters described herein except as to the Recycling Vendor Agreement which is incorporated herein by reference. This SSA may only be modified only by written agreement duly executed by both Parties.

Section 2.02 Headlines. Captions and headings appearing in this SSA are for ease of reference only and do not constitute a part of this SSA.

Section 2.03 Governing Law. This SSA shall be governed by the laws of the State of New Jersey.

Section 2.04 Severability. In the event that any provision of this SSA shall, for any reason, be determined to be invalid, illegal, or unenforceable in any respect, the Parties hereto shall negotiate in good faith and agree to such amendments, modifications, or supplements of or to this SSA or to such other appropriate actions as shall, to the maximum extent practicable in light

of such determination, implement and give effect to the intentions of the Parties as reflected herein, and the other provisions of this SSA shall, as so amended, modified, supplemented, or otherwise affected by such action, remain in full force and effect.

Section 2.05 Execution of Counterparts. This SSA may be executed by the Parties in any number of counterparts each of which shall be executed by the MCIA and Municipality and all of which shall be regarded for all purposes as one original.

IN WITNESS WHEREOF, the MCIA and the Municipality have caused their respective corporate seals to be hereunto affixed hereto and attested and this SSA to be signed by their respective officers duly authorized and this SSA to be dated as of the day and year first above written.

WITNESS:

MERCER COUNTY IMPROVEMENT AUTHORITY

By: _____

By: _____
Representative

WITNESS:

PENNINGTON BOROUGH

By: _____

By: _____
Representative

BOROUGH OF PENNINGTON RESOLUTION 2023 – 6.2

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 \$ 478,644.64 from the following accounts:

Current	\$ 331,622.59
W/S Operating	\$ 88,134.99
Grant Fund	\$ 2,323.16
Developer's Escrow	\$ 4,925.80
General Capital	\$ 19,159.35
Other Trust Fund	\$ 31,990.00
Animal Control	\$ 15.00
Open Space	\$ 473.75

TOTAL \$ 478,644.64

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

TO: Mayor & Council
SUBJECT: Time Sensitive Payments
Bank of Princeton
BILL LIST: 5-Jun-23

Page 1

Current Fund

Ck 18599		VOID	\$	(1,666.68)	
Ck 18621	23-00276	Pitts & Sons Consulting, LLC	\$	772.83	
CK 18601		VOID	\$	(8,614.46)	
CK 18622	Multiple PO'S	PSE&G	\$	16,570.80	
CK 18614	23-00048-00387	VOID	\$	(40,111.00)	
CK 18623	23-00048-00387	Township of Hopewell	\$	39,111.00	
CK 18624	23-00468	Chritiana T C/F CEI/ First Trust	\$	14,107.37	
CK 18552		VOID	\$	(4.99)	
Wire 12157	23-00392	Payroll Account - Health Ben Active	\$	18,045.66	
Wire 12158	23-00393	Payroll Account - Health Ben Retired	\$	5,673.33	
Wire 12159	23-00431	Payroll Account	\$	69,507.87	
Wire 12163	23-00432	Payroll Account - DCRP - Pd 5/15/23	\$	215.78	
Wire 12164	23-00462	Payroll Account	\$	69,282.25	
	23-00469	Payroll Acct - Health Ben. Active	\$	14,856.62	Due 6/15/23
	23-00470	Payroll Acct - Health Ben. Retired	\$	5,673.33	Due 6/15/23
			\$	203,419.71	

Water/Sewer Operating

CK 5794	23-00363	PSE&G	\$	4,223.92	
Wire 22157	23-00392	Payroll Account - Health Ben Active	\$	18,045.66	
Wire 22158	23-00393	Payroll Account - Health Ben Retired	\$	5,673.33	
Wire 22160	23-00431	Payroll Account	\$	13,455.12	
Wire 22165	23-00462	Payroll Account	\$	11,925.60	
Wire 12167	23-00264	Payroll - DCRP - 1/15/23	\$	123.07	
Wire 12168	23-00265	Payroll - DCRP - 2/15/23	\$	129.61	
Wire 12169	23-00266	Payroll - DCRP - 3/15/23	\$	208.36	
Wire 12170	23-00351	Payroll - DCRP - 4/14/23	\$	201.11	
Wire 12171	23-00389	Payroll - DCRP - 4/28/23	\$	199.36	
Wire 12172	23-00474	Payroll - DCRP - 5/31/23	\$	166.88	
	23-00469	Payroll Acct - Health Ben. Active	\$	6,367.12	Due 6/15/23
	23-00470	Payroll Acct - Health Ben. Retired	\$	2,266.69	Due 6/15/23
			\$	62,985.83	

Trust Fund

CK 1235	23-00468	Chritiana T C/F CEI/ First Trust	\$	22,000.00	
Wire 12160	23-00431	Payroll Account	\$	4,700.00	
Wire 12165	23-00462	Payroll Account	\$	5,290.00	
			\$	31,990.00	

TOTAL \$ 298,395.54

P.O. Type: All													
Range: First to Last													
Format: Detail without Line Item Notes													
First Enc Date Range: First to 12/31/23													
Include Non-Budgeted: Y													
Vendors: All													
Rcvd Batch Id Range: First to Last													
Vendor # Name													
PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	First Rcvd	Chk/Void	1099
Item Description											Date	Invoice	Exc
ASSOC NJ Association of NJ Recyclers													
23-00427	05/11/23	webinar Registration 6/13/23			70.00	G-02-44-903-000-255	B	Recycling Grant - 2001	R	05/11/23	05/22/23		N
		1 webinar Registration 6/13/23											
		Vendor Total:			70.00								
ATTMOBIL First Net (AT&T)													
23-00404	05/03/23	MDT Service - April 2023			164.96	3-01-31-440-000-264	B	TELEPHONE - Police	R	05/03/23	05/08/23		287290842947X04
		1 MDT Service - April 2023											
23-00486	06/02/23	MDT Service - May 2023			164.96	3-01-31-440-000-264	B	TELEPHONE - Police	R	06/02/23	06/02/23		X05282023
		1 MDT Service - May 2023											N
		Vendor Total:			329.92								
BRITTON Britton Industries, Inc.													
23-00004	01/20/23	Tipping Fees-Wood Chips/Brush		B	266.87	G-02-44-926-000-250	B	Solid waste Recycling	R	01/20/23	05/04/23		0961736-IN
		12 Inv. 0961736-IN - Brush			167.39	G-02-44-926-000-250	B	Solid waste Recycling	R	01/20/23	05/04/23		0963533-IN
		13 Inv. 0963533-In - Brush			250.49	G-02-44-926-000-250	B	Solid waste Recycling	R	01/20/23	05/19/23		0972764-IN
		14 Inv. 0972764-In - Brush			210.94	G-02-44-926-000-250	B	Solid waste Recycling	R	05/19/23	05/24/23		0977649-IN
		15 Inv. 0977649-In - Brush			309.61	G-02-44-926-000-250	B	Solid waste Recycling	R	05/19/23	06/01/23		0981091-IN
		16 Inv. 0981091-In - Brush			1,205.30								N
		Vendor Total:			473.75	T-03-00-850-850-255	B	Open Space Reserves	R	05/02/23	06/02/23		MULTIPLE INVS
		23-00400 05/02/23 Fine Screen Topsoil -Sked Park											N
		1 25 Yards of fine screened											
		Vendor Total:			1,679.05								

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor #	Name	PO #	PO Date	Description	Amount	Contract	PO Type	Charge Account	Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
BRTTE005 BRT Technologies																
23-00103	02/02/23 Tax Assessment Services - 2023				750.00	B		3-01-20-150-000-226	B	TAX ASSESSMENT: Contract-Vital	R	02/02/23	06/02/23		2023	N
2	Tax Assessment - JAN-JUNE 2023				750.00											
	Vendor Total:				750.00											
CDWG0005 CDW-G, LLC																
23-00430	05/11/23 Licenses for Meraki Access Pts				940.44			3-01-20-100-000-225	B	ADMIN: Office Equipment	R	05/11/23	06/01/23			N
2	Cisco Meraki Enterprise Cloud				940.44											
	Vendor Total:				940.44											
CENTU005 Century Pest Control																
23-00115	02/03/23 Pest Control Services - 2023				190.00	B		3-01-26-310-000-227	B	BOROUGH PROP: Building Maint.	R	02/03/23	05/23/23		18092	N
3	Inv. 18092 - 2/22/23 - Service				190.00										18155	N
4	Inv. 18155 - 3/22/23 - Service				190.00										18218	N
5	Inv. 18218 - 4/26/23 - Service				190.00											
	Vendor Total:				570.00											
CHAMPION Champion Tire																
23-00342	04/10/23 Tires for Public wks Vehicles				854.54			3-01-26-290-000-226	B	STREETS: Equip. Maintenance	R	04/10/23	05/19/23		031-51586	N
1	Tires for 2019 - F-450 as per				473.87										031-52351	N
2	Tires for 2005 - F-350 as per				1,149.06										031-51722	N
3	Tires for Garbage Truck #1				1,713.88										031-51629	N
4	Tires for Garbage Truck #2				4,191.35											
	Vendor Total:				4,191.35											
CINTAS01 Cintas Corporation																
23-00379	04/27/23 Uniform Rental - April 2023				83.22			3-01-26-310-000-273	B	BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4151458305	N
1	Inv. 4151458305 - Janitorial				81.06										4151458305	N
2	Inv. 4151458305 - Uniforms				81.06										4152154778	N
3	Inv. 4152154778 - Uniforms				15.29										4152154778	N
4	Inv. 4152154778 - Janitorial				83.22										4152154778	N
	Vendor Total:				4,191.35										4152857756	N

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date	Chk/Void Date	Invoice	1099 Excl
CINTAS01 Cintas Corporation												
23-00379 04/27/23 Uniform Rental - April 2023 Continued												
	6 Inv. 4152857756 - Uniforms		81.06		3-01-26-290-000-286	B STREETS: Uniforms & Clothing	R	04/27/23	05/08/23		4152857756	N
	7 Inv. 4153571290 - Uniforms		81.06		3-01-26-290-000-286	B STREETS: Uniforms & Clothing	R	04/27/23	05/08/23		4153571290	N
	8 Inv. 4153571290 - Janitorial		15.29		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4153571290	N
			521.26									
23-00380 04/27/23 Janitorial - Public works												
	1 Inv. 4151458291 - Janitorial		140.94		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4151458291	N
	2 Inv. 4152154795 - Janitorial		128.76		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		415154795	N
	3 Inv. 4152857747 - Janitorial		38.71		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4152857747	N
	4 Inv. 4153571346 - Janitorial		35.00		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4153571346	N
			343.41									
23-00382 04/27/23 Janitorial - Boro Hall/Sr. Ctr												
	1 Inv. 4151458234 - Janitorial		233.29		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		4151458234	N
	2 Inv. 4152857645 - Janitorial		35.00		3-01-26-310-000-273	B BOROUGH PROP: Janitorial Supp.	R	04/27/23	05/08/23		415287645	N
	3 Inv. 4151769180 - Sr. Center		91.81		3-01-26-310-000-228	B BOROUGH PROP: Maint. Sr Center	R	04/27/23	05/08/23		4151769180	N
			360.10									
	Vendor Total:		1,224.77									
CTOCC005 CIOCCA FMFL INC.												
23-00428 05/11/23 POLICE VEHICLE REPAIR												
	1 LABOR - DIAG FEE		199.95		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	2 REPLACE FUEL INJECTOR CYL 2		1,085.24		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	3 LABOR - DIAG CHARGE		199.95		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	4 SEAT BELT DIAG		99.98		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	5 REPLACE STEERING WHEEL		964.03		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	6 REPLACE SEAT BELT BUCKLE		634.54		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
	7 REPLACE BATTERY		216.90		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/11/23	05/19/23		292296/292656	N
			3,400.59									
	Vendor Total:		3,400.59									

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date	Invoice	1099 Excl
DASCO005 DANIEL D'ASCOLI	23-00464 05/25/23 Reimbursement - Boots	1 Reimbursement - Boots	240.00	3-01-25-240-000-286	B POLICE: Uniforms & Clothing	R	05/25/23	05/30/23	REIMB.		N
	Vendor Total:		240.00								
EAGLE005 Eagle Janitorial Services	23-00183 02/23/23 Janitorial - March-Dec 2023	6 Inv. 33865 - May 2023	1,457.50	3-01-26-310-000-229	B BOROUGH PROP: Cleaning Service	R	03/07/23	05/17/23	33865		N
		7 Inv. 33154 - Janitorial	1,457.50	3-01-26-310-000-229	B BOROUGH PROP: Cleaning Service	R	03/07/23	05/17/23	33154		N
	Vendor Total:		2,915.00								
EAGLE015 Eagle Point Gun/T.J Morris & S	22-00571 06/23/22 Ammunition and Targets	7 Inv. 135348 - P9HSTZ	1,616.34	2-01-25-240-000-242	B POLICE: Police Supplies / Ammunition	R	06/23/22	05/19/23	135348		N
	Vendor Total:		2,915.00								
23-00424 05/08/23 Ammo & Targets for Police Dept	7 500 FBI-Q - Cardboard Targets		338.00	3-01-25-240-000-242	B POLICE: Police Supplies / Ammunition	R	05/08/23	05/23/23	134552		N
	Vendor Total:		1,954.34								
EDMUND01 Edmunds GovTech	23-00426 05/11/23 Inv. 23-IN4042 - Construction	1 Inv. 23-IN4042 - Construction	8,000.00	3-01-22-195-000-250	B CONSTRUCTION: Consultants	R	05/11/23	05/19/23	23-IN4042		N
	Vendor Total:		8,000.00								
FEDEXP01 Federal Express Corporation	23-00452 05/19/23 Shipment to S. Trimboli	1 In. 8-130-25244 - Shipment to	38.96	3-01-20-100-000-210	B ADMIN: Postage	R	05/19/23	05/19/23	8-130-25244		N
	Vendor Total:		72.00								
23-00453 05/19/23 Inv. 8-065-62426 - Domingo	1 Inv. 8-065-62426 - Domingo		33.04	3-01-20-100-000-210	B ADMIN: Postage	R	05/19/23	06/02/23	8-065-62426		N
	Vendor Total:		72.00								

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date	Chk/Void	Invoice	1099
												Exc]
GALLS01 Galls, LLC												
	23-00242	03/08/23 DASCOLI VEST										
		1 VORTEX IIIA REVOLUTION VEST	1,047.86		G-02-44-911-000-255	B Body Armor Replacement	R	03/08/23	06/01/23		BC1886545	N
		2 HARD CORE H3 CARRIER	402.33		3-01-25-240-000-286	B POLICE: Uniforms & Clothing	R	03/08/23	06/01/23		BC1886541	N
		3 ARMOR EXPRESS ID TAGS	20.99		3-01-25-240-000-286	B POLICE: Uniforms & Clothing	R	03/08/23	06/01/23		BC1886541	N
			1,471.18									
		Vendor Total:	1,471.18									
GENERO25 General Fire Equipment Co.												
	23-00388	04/28/23 Inv. 138247 -Annual Inspection										
		1 Inv. 138247 -Annual Inspection	123.50		3-01-26-310-000-227	B BOROUGH PROP: Building Maint.	R	04/28/23	05/08/23		INV-138247	N
		Vendor Total:	123.50									
HAYES005 HAYES PUMP, INC.												
	22-00804	09/26/22 Magdos DeGassing Head										
		1 Magdos 05-1 DeGassing Head	744.00		2-05-55-501-000-225	B WATER: Equipment	R	09/26/22	05/19/23		00159723	N
		Vendor Total:	744.00									
HTLLGR01 HTLL Environmental Group												
	22-00065	01/20/22 well 9 - water Alloc. Permit										
		1 well 9 - water Alloc. Permit	1,500.00		2-05-55-501-000-256	B WATER: Water Analysis	R	01/20/22	06/01/23		2022	N
		Vendor Total:	1,500.00									
HOUST005 Ariel Houston												
	23-00020	01/23/23 Court Reporter - 2023										
		8 Court Reporter - May 4, 2023	100.00		3-01-43-490-000-267	B MUNICIPAL COURT: Other Services	R	01/23/23	05/19/23		5-4-23	N
		9 Court Reporter - May 18, 2023	100.00		3-01-43-490-000-267	B MUNICIPAL COURT: Other Services	R	01/23/23	05/19/23		5-18-23	N
			200.00									
		Vendor Total:	200.00									

Vendor # Name	PO # PO Date Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date	Invoice	1099 Excl
HW FIRE Hopewell Fire District #1										
	23-00309 03/29/23 Emerg. Medical Services - 2023									
	1 Emergency Medical Services	25,230.00		3-01-42-112-000-250	B SHARED SERVICE-FIRST AID	R	03/29/23 05/04/23		2023	N
	Vendor Total:	25,230.00								
JACKS GR Jack's Greenhouse and Farm										
	23-00009 01/20/23 Planter Supplies - 2023			B						
	2 Inv. 867 - Spring Plantings	57.00		3-01-26-310-000-272	B BOROUGH PROP: Trees/Plants/Landscaping	R	01/20/23 05/04/23		867	N
	Vendor Total:	57.00								
JOHNNY United Site Services										
	23-00303 03/28/23 Handicap Restroom - Kunkel Pk			B						
	3 Inv. 6729143 - May 2023	363.40		3-01-28-370-000-288	B RECREATION: Portapot Rental	R	03/29/23 05/16/23		6729143	N
	Vendor Total:	363.40								
KYLE0005 James Kyle, PP/AICP										
	22-00828 10/05/22 Master Plan - Reexam 2022			B						
	5 Inv. 4406 - Progress Billing	5,265.50		2-01-21-180-000-250	B PLANNING BOARD: Consultants	R	10/06/22 06/02/23		4406	N
	23-00445 05/19/23 Escrow KMA									
	1 Inv. 4208 - Neary - Escrow	940.80		E-16-23-002-000-250	B JAY NEARY - CONSULTANTS	R	05/19/23 05/31/23		4208	N
	2 Inv. 4375 - Neary - Escrow	367.50		E-16-23-002-000-250	B JAY NEARY - CONSULTANTS	R	05/19/23 05/31/23		4375	N
		1,308.30								
	Vendor Total:	6,573.80								
MAACO005 MAACO COLLISION REPAIR										
	23-00461 05/24/23 Inv. 72197-1 - 2017 Explorer									
	1 Inv. 72197-1 - 2017 Explorer	1,334.95		3-01-25-240-000-277	B POLICE: Vehicle Expenses	R	05/24/23 05/31/23		72197-1	N
	Vendor Total:	1,334.95								

Vendor # Name	PO # PO Date Description	Item Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
MACDE005 M & C Designs, LLC												
	23-00411	05/03/23 Memorial Day Signs										
		1 24" x 18" double sided lawn		390.00	3-01-30-420-000-255	B MEMORIAL DAY	R		05/03/23	05/19/23		N
		Vendor Total:		390.00								
MAVIS005 Mavis Discount Tire												
	22-00791	09/20/22 2015 Ford Interceptor										
		1 Inv. 0526-00814398 - 2015		189.98	2-01-25-240-000-277	B POLICE: Vehicle Expenses	R		09/20/22	05/23/23	0526-00814398	N
		Vendor Total:		189.98								
MCI COMM MCI Comm Service												
	23-00473	05/31/23 Acct 2DF32543 - Alcotest										
		1 Acct 2DF32543 - Alcotest		32.86	3-01-31-440-000-264	B TELEPHONE - Police	R		05/31/23	05/31/23	MAY 2023	N
		Vendor Total:		32.86								
MCI AUT01 Mercer County Improvement Auth												
	23-00030	01/23/23 Recycling Services - 2023										
		7 Inv. 108474 - June 2023	B	3,269.33	3-01-42-103-000-267	B Recycling Service	R		01/23/23	05/15/23	108474	N
	23-00405	05/03/23 Tipping Fees - April 2023										
		1 4-3-23 - 02-00488534		629.20	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00488534	N
		2 4-5-23 - 02-00488768		657.81	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00488768	N
		3 4-6-26 - 02-00488902		767.81	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00488902	N
		4 4-10-23 - 02-00489072		709.50	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00489072	N
		5 4-13-23 - 02-00489423		873.41	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00489423	N
		6 4-17-23 - 02-00489682		803.01	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00489682	N
		7 4-20-23 - 02-00490059		878.91	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00490059	N
		8 4-24-23 - 02-00490270		787.60	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00490270	N
		9 4-26-23 - 02-00490515		449.90	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00490515	N
		10 4-27-23 - 02-00490617		876.70	3-01-26-305-000-291	B TRASH: Tipping Fees	R		05/03/23	05/19/23	02-00490617	N
				7,433.85								

Vendor Total: 10,703.18

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
METAL005 Metal Fab Pro Race Shop											
	23-00371 04/24/23 BATTERIES FOR LEAF VACS										
	1 MTX-34 AGM Batteries for Leaf		436.90	3-01-26-290-000-226	B STREETS: Equip. Maintenance	R	04/24/23	05/19/23	13602		N
	Vendor Total:		436.90								
MIDJERSE Mid Jersey Municipal JIF											
	23-00394 05/01/23 4th Install 2023 - Due 5/15/23										
	1 4th Install 2023 - Due 5/15/23		2,884.00	3-01-23-210-000-285	B INSURANCE: Liability/Other	R	05/01/23	05/03/23	4TH INST 2023		N
	2 4th Install 2023 - Due 5/15/23		4,628.40	3-05-55-505-000-285	B Liability and Other	R	05/01/23	05/03/23	4TH INST 2023		N
	3 4th Install 2023 - Due 5/15/23		5,007.50	3-01-23-215-000-285	B Worker's Comp. Insurance	R	05/01/23	05/03/23	4TH INST 2023		N
	4 4th Install 2023 - Due 5/15/23		4,182.30	3-05-55-505-000-255	B Workers Compensation	R	05/01/23	05/03/23	4TH INST 2023		N
	5 4th Install 2023 - Due 5/15/23		14,626.80	3-01-29-390-000-285	B LIBRARY: Insurance / Medicare Reimb.	R	05/01/23	05/03/23	4TH INST 2023		N
	Vendor Total:		31,329.00								
MINER005 MINER LTD. D/B/A NJ DOOR WORKS											
	23-00341 04/10/23 Preventative Maint @ Pub Wks										
	2 Inv. 151172 - Prev Maint.		1,875.00	3-01-26-310-000-227	B BOROUGH PROP: Building Maint.	R	04/10/23	06/01/23	151172		N
	Vendor Total:		1,875.00								
MINOLTA Konica Minolta Premier Finance											
	23-00083 01/31/23 Copier Lease - 2022										
	6 Inv. 501552475 - May 2023	B	203.29	3-01-20-100-000-226	B ADMIN: Equip Maint (Copier/Post Meter)	R	01/31/23	05/19/23	501552475		N
	Vendor Total:		203.29								
NATIO030 The National Target Co.											
	23-00443 05/19/23 Targets for Training										
	1 MSP Training Targets		168.00	3-01-25-240-000-242	B POLICE: Police Supplies / Ammunition	R	05/19/23	06/02/23	46772		N
	2 22.5 x 35 CB - Cardboard		176.00	3-01-25-240-000-242	B POLICE: Police Supplies / Ammunition	R	05/19/23	06/02/23	46772		N
	3 Freight Charge		53.00	3-01-25-240-000-242	B POLICE: Police Supplies / Ammunition	R	05/19/23	06/02/23	46772		N
	Vendor Total:		397.00								

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date	Chk/Void	1099
								Date		Date	Invoice
NEWTOWN01 Workplace Central											
23-00395 05/01/23 Supply Order											
	1 APWBE640G1 - Battery Backup		123.98		3-01-20-100-000-240	B ADMIN: Office Supplies	R	05/02/23	05/19/23		868463-0
	2 UBR3088U0624 - Push Pins		4.09		3-01-25-240-000-240	B POLICE: Office Supplies	R	05/02/23	05/19/23		868463-0
	3 PP92 - Copy Paper		48.90		3-01-22-195-000-240	B CONSTRUCTION: Office Supplies	R	05/02/23	05/19/23		868463-0
	4 UNV35662 - Post It Notes 1.5x2		1.68		3-01-22-195-000-240	B CONSTRUCTION: Office Supplies	R	05/02/23	05/19/23		868463-0
	5 UNV35668 - Post it 3x3		3.79		3-01-22-195-000-240	B CONSTRUCTION: Office Supplies	R	05/02/23	05/19/23		868463-0
	6 ALEFW6014268L - File Cart		53.70		3-01-25-240-000-240	B POLICE: Office Supplies	R	05/02/23	05/19/23		868503-0
			236.14								
	Vendor Total:		236.14								
NJANALYT Pace Analytical Services, LLC											
23-00076 01/30/23 Water Analysis - 2023											
	4 Inv. N112273-71 - March		1,868.50		3-05-55-501-000-256	B WATER: Water Analysis	R	01/30/23	06/01/23		N12273-71
	5 Inv. N113033-71 - April		1,868.50		3-05-55-501-000-256	B WATER: Water Analysis	R	01/30/23	06/01/23		N113033-71
	6 Inv. N113760-71 - May		1,868.50		3-05-55-501-000-256	B WATER: Water Analysis	R	01/30/23	06/01/23		N113760-71
			5,605.50								
	Vendor Total:		5,605.50								
NJDEPTOF NJ Dept of Health & Sr. Serv.											
23-00417 05/04/23 Dog License Report - Apr 2023											
	1 Dog License Report - Apr 2023		15.00		T-03-00-850-851-255	B ANIMAL CONTROL - EXPENSES	R	05/04/23	05/04/23		APRIL 2023
	Vendor Total:		15.00								
NJLOCAL NJ Local Boards of Health											
23-00414 05/03/23 Membership Dues - 2023											
	1 Membership Dues - 2023		95.00		3-01-27-330-000-255	B BOARD OF HEALTH EXPENSES	R	05/03/23	05/16/23		
	Vendor Total:		95.00								
NJSLOW01 NJ State League of Municipalit											
23-00422 05/05/23 Conference-Ronollo CE Credits											
	1 NJLM Mini Conference		125.00		3-01-21-180-000-220	B PLANNING BOARD: Education	R	05/05/23	05/17/23		
	Vendor Total:		125.00								

Vendor # Name	PO # PO Date Description	Item Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date	Invoice	1099 Exc]
NUICOR01 Elizabethtown Gas											
23-00407 05/03/23 April Billing - 2023											
	1 6764364361 - Sr. Center			94.47	3-01-31-446-000-202	B Gas Heat - Senior Center	R	05/03/23	05/03/23	APRIL 2023	N
	2 2408049581 - Boro Hall			103.16	3-01-31-446-000-201	B Gas Heat - Borough Hall	R	05/03/23	05/03/23	APRIL 2023	N
	3 2408049581 - Library			103.15	3-01-29-390-000-264	B LIBRARY: Gas & Electric	R	05/03/23	05/03/23	APRIL 2023	N
				300.78							
23-00429 05/11/23 0140296831 - Public Works											
	1 0140296831 - Public Works			117.89	3-01-31-446-000-205	B Heat - Public Works Building	R	05/11/23	05/11/23	APRIL 2023	N
	Vendor Total:			418.67							
NV500005 NV5											
20-00864 10/21/20 Streetscape Preliminary Design											
	6 Inv. 331356 - Progress Billing		B	19,159.35	C-04-20-012-000-201	B ORD 2020-12 PRELIM ENG STREETSCAPE IMPRV	R	10/21/20	05/23/23	331356	N
	Vendor Total:			19,159.35							
OCCUP005 Occupational Health - Penn Med											
23-00483 06/01/23 Annual Fee as per Contract											
	1 Annual Fee for Random CDL Drug			1,500.00	3-01-26-305-000-250	B TRASH: CDL Drug Testing	R	06/01/23	06/01/23	9400219340523	N
	Vendor Total:			1,500.00							
ONECALLC One Call Concepts											
23-00094 02/01/23 One Call Markouts - 2023											
	5 Inv. 3045503 - April 2023		B	65.42	3-05-55-501-000-275	B WATER: One Call Messages	R	02/01/23	05/04/23	3045503	N
	6 Inv. 3055504 - May 2023			65.78	3-05-55-501-000-275	B WATER: One Call Messages	R	02/01/23	06/02/23	3055504	N
				131.20							
	Vendor Total:			131.20							
ONSIT005 ON SITE FLEET SERVICE, INC.											
23-00230 03/07/23 Maint. - Public Wks Vehicles											
	8 Inv. 330089926 - 2005 Peterbilt		B	1,428.23	3-01-26-305-000-277	B TRASH: Vehicle Expenses	R	03/07/23	06/02/23	330089926	N
	Vendor Total:			1,428.23							

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
PACKETPU Packet Media LLC												
23-00370 04/24/23 Planning Board Notice												
	1 Planning Board Mtg. 4/12/23		35.23		3-01-21-180-000-201	B PLANNING BOARD: Advertising	R		04/24/23 05/03/23		85730	N
	2 Planning Board Master Plan		61.04		3-01-21-180-000-201	B PLANNING BOARD: Advertising	R		04/24/23 05/03/23		85749	N
			96.27									
23-00406 05/03/23 Legal Notices - May 5, 2023												
	1 Ord 2023-10 - Introduction		13.51		3-01-20-120-000-201	B MUN. CLERK: Advertising	R		05/03/23 05/19/23			N
	2 Ord. 2023-11 - Introduction		50.43		3-01-20-120-000-201	B MUN. CLERK: Advertising	R		05/03/23 05/19/23			N
			63.94									
23-00442 05/19/23 Planning Board mtg 5/10/23												
	1 Planning Board 5/10/23		26.50		3-01-21-180-000-201	B PLANNING BOARD: Advertising	R		05/19/23 06/01/23		86557	N
			186.71									
	Vendor Total:											
PEDRON01 Pedroni Fuel Company												
23-00408 05/03/23 Inv. 584461 - No Lead Gas												
	1 Inv. 584461 - No Lead Gas		376.36		3-01-31-460-000-265	B Gasoline, Motor Fuels & Oil PW	R		05/03/23 05/11/23		584461	N
	2 Inv. 584461 - No Lead Gas		376.36		3-01-31-460-000-266	B Gasoline - Police	R		05/03/23 05/11/23		584461	N
			752.72									
			752.72									
	Vendor Total:											
PENNI015 Pennington Computer Services												
23-00368 04/24/23 CCTV SERVICE												
	1 LABOR FOR DVR ISSUE ON CCTV		125.00		3-01-25-240-000-225	B POLICE: Office Equipment/Furniture	R		04/24/23 05/03/23			N
	2 LABOR FOR DVR ISSUE ON CCTV		62.50		3-01-25-240-000-225	B POLICE: Office Equipment/Furniture	R		04/24/23 05/03/23			N
			187.50									
			187.50									
	Vendor Total:											
PENNQ001 Pennington Quality Market												
23-00415 05/03/23 NJ Local Govm't week -Supplies												
	1 Inv. 014-00074857 - Supplies		24.76		3-01-20-110-000-255	B MAYOR/COUNCIL: Misc. Expenses	R		05/03/23 05/08/23		014-00074857	N

Item 23.

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
PENNM01	Pennington Quality Market	23-00415	05/03/23	NJ Local Govm't week -Supplies Continued												
		2	Inv.	014-00074858- Supplies	9.98	3-01-20-110-000-255			B	MAYOR/COUNCIL: Misc. Expenses	R	05/03/23	05/08/23		014-00074858	N
					34.74											
	Vendor Total:				34.74											
POWER005	Power DMS	23-00376	04/24/23	POLICE ANNUAL MAINTENANCE												
		1	POWERPOLICY PRO SUBSCRIPTION	3,484.68	3-01-25-240-000-226				B	POLICE: Equip. Maintenance	R	04/24/23	05/19/23		INV-35046	N
		2	POWER TRAINING	79.25	3-01-25-240-000-226				B	POLICE: Equip. Maintenance	R	04/24/23	05/19/23		INV-35046	N
		3	TRG LICENSING	0.00	3-01-25-240-000-226				B	POLICE: Equip. Maintenance	R	04/24/23	05/19/23		INV-35046	N
					3,563.93											
	Vendor Total:				3,563.93											
PRIOR001	Prior-Nami	23-00436	05/17/23	Maint. Contract 2023 (police)												
		1	Inv.	717979 - Yearly Maint.	250.00	3-01-25-240-000-226			B	POLICE: Equip. Maintenance	R	05/17/23	05/30/23		717979	N
	Vendor Total:				250.00											
PROPT005	PROPTO LS, LLC	23-00418	05/04/23	Interpreter Services - 2023												
		2	4/27/23	- Spanish Interpreter	39.90	3-01-43-490-000-268			B	MUNICIPAL COURT: Interpreter	R	05/04/23	05/25/23		0105520423	N
	Vendor Total:				39.90											
PSEGAS01	PSE&G	23-00438	05/19/23	May Billing - 2023												
		1	7341633107	- Well 6	1,012.78	3-05-55-501-000-264			B	WATER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
		2	7341633204	- PW Garage	4.96	3-01-31-430-000-263			B	Electricity - PW Buildings	R	05/19/23	05/19/23		MAY 2023	N
		3	7341633301	- Street Lights	2,644.08	3-01-31-435-000-266			B	Street Lights	R	05/19/23	05/19/23		MAY 2023	N
		4	7341633409	- Sewer Sked St.	170.45	3-05-55-502-000-264			B	SEWER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
		5	7341633506	- Street Lights	76.20	3-01-31-435-000-266			B	Street Lights	R	05/19/23	05/19/23		MAY 2023	N
		6	7341633603	- Kunkel Park	10.10	3-01-31-430-000-264			B	Electric - Boro Hall	R	05/19/23	05/19/23		MAY 2023	N
		7	7341633700	- PW Garage	31.85	3-01-31-430-000-263			B	Electricity - PW Buildings	R	05/19/23	05/19/23		MAY 2023	N
		7341633808	- Well 8	768.07	3-05-55-501-000-264				B	WATER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date Date	Chk/Void	Invoice	1099
PSEGAS01 PSE&G												
23-00438 05/19/23 May Billing - 2023												
Continued												
9	7341633905 - Well 5		32.48		3-05-55-501-000-264	B WATER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
10	7341634006 - Well 7		871.38		3-05-55-501-000-264	B WATER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
11	7341634103 - Garage Office		4.96		3-01-31-430-000-263	B Electricity - PW Buildings	R	05/19/23	05/19/23		MAY 2023	N
12	7341634200 - Sr. Center		217.63		3-01-31-430-000-265	B Electric - Sr. Center	R	05/19/23	05/19/23		MAY 2023	N
13	7341634308 - Sewer Curllis		317.86		3-05-55-502-000-264	B SEWER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
14	7341634405 - Well 9		950.48		3-05-55-501-000-264	B WATER: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
15	7359443202 - Boro Hall		1,046.30		3-01-31-430-000-264	B Electric - Boro Hall	R	05/19/23	05/19/23		MAY 2023	N
16	7359443202 - Library		1,046.29		3-01-29-390-000-264	B LIBRARY: Gas & Electric	R	05/19/23	05/19/23		MAY 2023	N
			9,205.87									
Vendor Total:			9,205.87									
PUMPSE01 Pumping Services, Inc.												
23-00359 04/19/23 Preventative Maint & Inspect												
1	Preventative Maint & Inspect		1,273.67		3-05-55-502-000-273	B SEWER: Infrastructure Repairs	R	04/19/23	05/19/23		1136944	N
2	Preventative Maint & Inspect		1,265.59		3-05-55-502-000-273	B SEWER: Infrastructure Repairs	R	04/19/23	05/19/23		1137029	N
			2,539.26									
Vendor Total:			2,539.26									
RANDI005 Randi Malkiewicz												
23-00167 02/21/23 Deputy Registrar - 2023												
7	Deputy Registrar - June 2023		175.00	B	3-01-20-120-000-250	B MUN. CLERK: Consultants	R	02/21/23	05/31/23		JUNE 2023	N
Vendor Total:			175.00									
RARIT010 Raritan Valley Comm. College												
23-00335 04/05/23 Infrared Deer Survey												
1	Infrared Deer Survey as per		647.50		3-01-20-100-000-250	B ADMIN: Consultants (RND/e-code/website)	R	04/05/23	05/19/23		5-10-23	N
Vendor Total:			647.50									

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099	Exc]
READY005	Ready refresh																
23-00220	03/06/23 Water Delivery - Police Dept.				B												
2	Inv. 03E6705352331 - Rent				3.59	3-01-25-240-000-240			B	POLICE: Office Supplies	R	03/06/23	06/01/23		03C6705352331		N
	Vendor Total:				3.59												
RIVER005	River Valley Psychological																
23-00466	05/25/23 PSYCH CONSULTATION - DOMINGO																
1	FITNESS FOR DUTY EVALUATION				1,350.00	3-01-25-240-000-250			B	POLICE: Consultants	R	05/25/23	05/31/23		1326		N
	Vendor Total:				1,350.00												
RNDCON01	RND Consulting, LLC																
23-00420	05/04/23 Inv. 23077 - Computer Maint.																
1	Inv. 23077 - Off site Backup				19.94	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
2	Inv. 23077 - Managed Backup				260.00	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
3	Inv. 23077 - Intermedia				546.62	3-01-20-100-000-243			B	ADMIN: Intermedia - E-mail accounts	R	05/04/23	05/19/23		23077		N
4	Inv. 23077 - Zoom				58.63	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
5	Inv. 23077 - Injector Adaptors				104.00	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
6	Inv. 23077 - Inst Access Ptes				1,332.50	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
7	Inv. 23077 - CyberSecurity				747.50	3-01-20-100-000-250			B	ADMIN: Consultants (RND/e-code/Website)	R	05/04/23	05/19/23		23077		N
8	Inv. 23077 - PW Computer Maint				1,365.00	3-01-26-290-000-226			B	STREETS: Equip. Maintenance	R	05/04/23	05/19/23		23077		N
	Vendor Total:				4,434.19												
ROSEDA01	Rosedale Mills																
23-00011	01/20/23 Shop Supplies - 2023					B											
3	Inv. 394767 - Herbicide				479.98	3-01-26-290-000-270			B	STREETS: Hardware /Tools/ Shop Supplies	R	01/20/23	05/31/23		394767		N
	Vendor Total:				479.98												
SCHWIE01	Mason, Griffin & Pierson																
23-00136	02/13/23 Legal Services - Planning Bd.					B											
5	Inv. 87282 - Legal Services				1,071.75	3-01-21-180-000-261			B	PLANNING BOARD: Legal Services	R	02/13/23	05/11/23		87282		N
23-00440	05/19/23 Escrow April 2023 MGP																
Inv. 87283 - Escrow - Neary					820.00	E-16-23-002-000-250			B	JAY NEARY - CONSULTANTS	R	05/19/23	05/30/23		87283		N

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
SCHMIE01 Mason, Griffin & Pierson												
23-00440 05/19/23 Escrow April 2023 MGP												
2 Inv. 87284 - Harbat - Escrow												
Continued												
200.00 E-16-22-008-000-250												
1,020.00												
Vendor Total: 2,091.75												
SIEMENS Siemens Industry, Inc.												
23-00097 02/01/23 Fire Alarm Testing -Boro Hall												
1 Fire Alarm Testing/Inspection												
1,452.00 3-01-26-310-000-227												
B BOROUGH PROP: Building Maint.												
Vendor Total: 1,452.00												
SPEED010 SpeedPro Imaging												
23-00433 05/16/23 Yard Sale Signs												
1 Inv-7745 - Yard Sale Signs												
347.40 3-01-20-170-000-255												
B Economic Deve lopment Expenses												
Vendor Total: 347.40												
STINEMAN Stineman Ribbon Company												
23-00381 04/27/23 Ribbons for Mem Day Parade												
1 2" x 6 1/2" ribbons - Point &												
185.00 3-01-30-420-000-255												
2 Charge for Rainbow Ribbon												
25.00 3-01-30-420-000-255												
3 Shipping												
10.19 3-01-30-420-000-255												
220.19												
B MEMORIAL DAY												
B MEMORIAL DAY												
B MEMORIAL DAY												
Vendor Total: 220.19												
TOMST005 Tom's Tree Service												
23-00355 04/19/23 Tree work - 119 & 125 Laning												
1 Tree work - 125 Laning												
1,500.00 3-01-26-313-000-250												
2 Tree work - 119 Laning												
800.00 3-01-26-313-000-250												
2,300.00												
B SHADE TREE: Tree Pruning / Removal												
B SHADE TREE: Tree Pruning / Removal												
Vendor Total: 2,300.00												

Vendor #	Name	PO #	PO Date	Description	Item Description	Amount	Contract	PO Type	Charge Account	Acct Type	Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date	Invoice	1099 Exc
TREASU02 Treasurer, State of NJ																
23-00348	04/10/23	Stormwater Discharge Permit				1,050.00	3-01-26-290-000-273			B	STREETS: NJDEP PERMITS	R	04/10/23	05/02/23	230419500	N
Vendor Total:						1,050.00										
TUSAY M Mike Tusay																
23-00447	05/19/23	Memorial Day Concert 5/28/23				500.00	3-01-28-370-000-289			B	RECREATION: Concerts	R	05/19/23	05/30/23		N
Vendor Total:						500.00										
UNCLE ED Uncle Ed's Creamery																
23-00439	05/19/23	Memorial Day - 2023				25.00	3-01-30-420-000-255			B	MEMORIAL DAY	R	05/19/23	05/31/23		N
1	Gift Cards for Memorial Day					180.00	3-01-30-420-000-255			B	MEMORIAL DAY	R	05/19/23	05/31/23		N
2	Tubs of Italian Ice - Lemon					205.00										N
Vendor Total:						205.00										
VALLEY01 Valley Oil Company																
23-00409	05/03/23	Inv. 85684 - Diesel Fuel				1,482.79	3-01-31-460-000-265			B	Gasoline, Motor Fuels & Oil PW	R	05/03/23	05/11/23	85684	N
1	Inv. 85684 - Diesel Fuel															
Vendor Total:						1,482.79										
VANWOT01 Van Note-Harvey Associates																
23-00416	05/03/23	Popkin/Fernandez Connection				800.00	E-16-90-067-000-250			B	POPKIN - SEWER CONNECTION	R	05/03/23	05/19/23	221200017B	N
1	Inv. 221200017B - Popkin					720.00	2-05-55-501-000-262			B	WATER: Engineering Services	R	05/03/23	05/19/23	221200017A	N
2	Inv. 221200017A - Conn Fees					1,360.00	E-16-90-068-000-250			B	GIMBERT FERNANDEZ - CONSULTANTS	R	05/03/23	05/19/23	2210000163	N
3	Inv. 2210000163 - Fernandez					2,880.00										
Vendor Total:						2,880.00										
23-00444 05/19/23 Escrow Neary																
1	Inv 1168773 - Escrow - Neary					437.50	E-16-23-002-000-250			B	JAY NEARY - CONSULTANTS	R	05/19/23	05/31/23	1168773	N
Vendor Total:						3,317.50										

94

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
VECT0005 Vector Solutions												
23-00157 02/16/23 POLICE GUARDIAN TRACKING												
	1 Annual Contract Guardian Track		979.02	3-01-25-240-000-220		B POLICE: Dues / Licenses / Education	R	02/16/23	05/31/23		INV67194	N
	Vendor Total:		979.02									
VER FIOS Verizon - FIOS												
23-00391 05/01/23 Police Internet - April 2023												
	1 Police Internet - April 2023		119.00	3-01-31-440-000-264		B TELEPHONE - Police	R	05/01/23	05/03/23		APRIL 2023	N
23-00410 05/03/23 FIOS Internet - Library - Apr												
	1 FIOS Internet - Library - Apr		149.00	3-01-29-390-000-262		B LIBRARY: Hub Line	R	05/03/23	05/11/23		APRIL 2023	N
23-00457 05/23/23 Fios Internet - Police - May												
	1 Fios Internet - Police - May		119.00	3-01-31-440-000-264		B TELEPHONE - Police	R	05/23/23	05/23/23		MAY 2023	N
23-00475 05/31/23 FIOS - Police - May 2023												
	1 FIOS - Police - May 2023		131.99	3-01-31-440-000-264		B TELEPHONE - Police	R	05/31/23	05/31/23		MAY 2023	N
23-00477 05/31/23 Internet - FIOS - May 2023												
	1 Internet - FIOS - May 2023		119.00	3-01-31-440-000-264		B TELEPHONE - Police	R	05/31/23	05/31/23		MAY 2023	N
	Vendor Total:		637.99									
VER-NEW Verizon												
23-00396 05/02/23 Air Card - Police - April 2023												
	1 Air Card - Police - April 2023		38.03	3-01-31-440-000-264		B TELEPHONE - Police	R	05/02/23	05/08/23		9933263957	N
23-00434 05/16/23 April Billing - 2023												
	1 April Billing - 2023		1,451.72	3-01-31-440-000-265		B TELEPHONE - Administration	R	05/16/23	05/16/23		9933822592	N
23-00450 05/19/23 Inv. 9933733592 - Library												
	1 Inv. 9933733592 - Library		108.42	3-01-29-390-000-263		B LIBRARY: Telephone	R	05/19/23	05/19/23		9933733592	N
23-00472 05/31/23 Air Card - Pinelli - May 2023												
	1 Air Card - Pinelli - May 2023		38.01	3-01-31-440-000-264		B TELEPHONE - Police	R	05/31/23	05/31/23		9935639283	N
	Vendor Total:		1,636.18									

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Vendor # Name	PO # PO Date Description	Amount	Contract PO Type	Acct Type Description	Stat/Chk	First Rcvd Date	Chk/Void Date	Invoice	1099 Exc]
VERIZON Verizon									
	23-00390 05/01/23 Court - Fax - April 2023								
	1 Court - Fax - April 2023	161.11	3-01-43-490-000-263	B MUNICIPAL COURT: Telephone	R	05/01/23	05/04/23	APRIL 2023	N
	23-00423 05/08/23 609-737-3125 - Alcotest								
	1 609-737-3125 - Alcotest	66.64	3-01-31-440-000-264	B TELEPHONE - Police	R	05/08/23	05/08/23	APRIL 2023	N
	23-00471 05/31/23 609-737-2014 - Court Fax								
	1 609-737-2014 - Court Fax	161.11	3-01-43-490-000-263	B MUNICIPAL COURT: Telephone	R	05/31/23	05/31/23	MAY 2023	N
	23-00476 05/31/23 Public Wks - May 2023								
	1 Public Wks - May 2023	317.94	3-01-31-440-000-263	B Telephone PW	R	05/31/23	05/31/23	MAY 2023	N
	Vendor Total:	706.80							
WATERRES Water Resource Management									
	23-00141 02/13/23 Compliance Officer - 2023		B						
	5 Inv. WPN23M01-4 - April 2023	425.00	3-05-55-501-000-260	B WATER: Compliance Officer / Energ. Serv R	R	02/13/23	05/23/23	WPN23M01-4	N
	6 Inv. WPN23M01-4 - CCR Progress	550.00	3-05-55-501-000-260	B WATER: Compliance Officer / Energ. Serv R	R	02/13/23	05/23/23	WPN23M01-4	N
	Vendor Total:	975.00							
	Vendor Total:	975.00							
ZOE GRAP Zoe Graphics									
	23-00366 04/24/23 Yard Signs for Yard Sale								
	1 Yard Signs for Yard Sale	90.00	3-01-20-170-000-255	B Economic Development Expenses	R	04/24/23	05/04/23	5058	N
	23-00372 04/24/23 pencils for Distribution								
	1 Pencils for Distribution	200.00	3-01-20-110-000-255	B MAYOR/COUNCIL: Misc. Expenses	R	04/24/23	05/04/23	5055	N
	Vendor Total:	290.00							
Total Purchase Orders: 98 Total P.O. Line Items: 193 Total List Amount: 180,249.10 Total Void Amount: 0.00									

BOROUGH OF PENNINGTON
Purchase Order Listing By Vendor Id

Totals by Year-Fund Fund Description		Fund	Budget Total	Revenue Total	G/L Total	Total
	2-01		7,071.82	0.00	0.00	7,071.82
	2-05		2,964.00	0.00	0.00	2,964.00
	Year Total:		10,035.82	0.00	0.00	10,035.82
	3-01		121,131.06	0.00	0.00	121,131.06
	3-05		22,185.16	0.00	0.00	22,185.16
	Year Total:		143,316.22	0.00	0.00	143,316.22
	C-04		19,159.35	0.00	0.00	19,159.35
	E-16		4,925.80	0.00	0.00	4,925.80
	G-02		2,323.16	0.00	0.00	2,323.16
	T-03		488.75	0.00	0.00	488.75
	Total of All Funds:		180,249.10	0.00	0.00	180,249.10

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.3**

**RESOLUTION AUTHORIZING PURCHASE OF STALKER TRAFFIC DATA COLLECTOR
W/SOLAR OPTION FROM STALKER RADAR APPLIED CONCEPTS, INC. UNDER STATE
CONTRACT 17-FLEET-00726**

WHEREAS, the Public Safety Committee has identified the need to purchase a Stalker Traffic Data Collector with solar option for the Pennington Borough Police Department; and

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

WHEREAS, the Chief of Police has obtained quote #2073675 dated 5/2/2023 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 a Stalker Traffic Data Collector 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 \$2,695.00 is attached to this Resolution; and

WHEREAS, purchase of the Traffic Data Collector 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-04-21-010-000-201;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the acquisition of a Stalker Traffic Data Collector for the Pennington Borough Police Department 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					Marciante				
Chandler					Stern				
Gnatt					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



applied concepts, inc.

855 E. Collins Blvd
Richardson, TX 75081
Phone: 972-398-3780
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Inside Sales Partner: Diane Satoren
+1-972-801-4843
diane@stalkerradar.com

QUOTE
2073675

Page 1 of 1

Date: 05/02/23

Reg Sales Mgr: Daniel Rinker
+1-214-755-6324
danielr@a-concepts.com

Effective From : 05/02/2023

Valid Through: 07/31/2023

Lead Time: 45 working days

Bill To: Pennington Police Dept 30 N Main St Pennington, NJ 08534-2218	Customer ID: 029863 Accounts Payable	Ship To: Pennington Police Dept 30 N Main St Pennington, NJ 08534-2203	<i>FedEx Ground</i> Chief Douglas Pinelli
--	--	--	--

Grp	Qty	Package	Description	Wrnty/Mo	Price	Ext Price
1	1	834-0005-00	Traffic Data Collector with 20W Solar	24	\$2,695.00	\$2,695.00

Ln	Qty	Part Number	Description	Price	Ext Price
1	1	200-1061-11	Stalker Traffic Data Collector w/Solar Option		\$0.00
2	1	200-1178-20	20W Solar Panel for TDC, Square or Round Pole		\$0.00
3	1	200-1127-00	PMG/TDC Battery Kit, SLA 22Ah w/Straps		\$0.00
4	1	200-1177-31	Mount Kit, 20W Solar Panel		\$0.00
5	1	200-1110-01	Traffic Data Collector Accessory Kit, US & Intn'l		\$0.00
6	1	200-1109-00	PMG Small Battery Box/TDC Mount Kit		\$0.00
7	1	035-0383-00	Shipping Foam & Double Wall Box, TDC		\$0.00
8	1	060-1000-24	24-Month Warranty		\$0.00

Group Total					\$2,695.00
--------------------	--	--	--	--	------------

Product	\$2,695.00	Sub-Total:	\$2,695.00
Discount	\$0.00	Sales Tax 0%	\$0.00
Payment Terms: Net 30 days		Shipping & Handling:	\$0.00
		Total: USD	\$2,695.00

State Contract # 17-FLEET-00726

001

This Quote or Purchase Order is subject in all respects to the Terms and Conditions detailed at the back of this document. These Terms and Conditions contain limitations of liability, waivers of liability even for our own negligence, and indemnification provisions, all of which may affect your rights. Please review these Terms and Conditions carefully before proceeding.



Stalker TDC | Traffic Data Collector

Portable. Accurate. Effortless.

Collect and analyze valuable traffic data to support Grant applications and community policing with set-it-and-forget-it efficiency.

Stalker Radar's Traffic Data Collector begins collecting traffic data as soon as it is deployed. Simply secure it to its locking mounting bracket and turn it on. With a 7-day battery life, the Traffic Data Collector captures vehicle data that can be analyzed later with Stalker's full-featured, easy-to-use Traffic Analyst application, included with every collector.

Collect Now

- Highly accurate NHTSA free-flow traffic count
- Low-key appearance allows for natural traffic patterns
- Up to 7 days of unattended data collection with sealed internal battery
- Simple setup - one button control
- Weatherproof case with lockable enclosure
- Secure, tamper-resistant mounting bracket
- Large storage capacity with simple download

Optional Solar Power Kit

Allows the TDC to operate indefinitely with the minimum required sunlight.



Analyze Later

Stalker Traffic Analyst Application



- Intuitive Survey and Calendar setup
- Powerful visual analysis
- Easy, user-defined report generation
- Compare and toggle between multiple reports
- Group file operations into project folder



STALKER®

Power to Enforce.

Stalker Traffic Data Collector

Mounts easily

- Tamper-resistant bracket - attach, mount, and lock
- Mounts to wooden utility poles, square or round sign posts

Runs up to 7 days unattended on battery alone

- Sealed lead-acid battery (no leak, even upside down)
- Internal charger
- Optional - External fast charger
- Field-swappable battery

Performs in harshest conditions

- Weatherproof, heavy-duty polycarbonate case
- Lockable enclosure

Stores data securely

- 16 MB of internal memory
- USB memory stick data transfer

Captures data accurately

- Highly accurate NHTSA free-flow traffic count
- Range of up to 800 ft.
- Captures time/date/speed/direction/classification



Heavy-duty mount

Optional Solar Power Kit

- Operate indefinitely with minimum required sunlight
- Preserves existing data even with fully discharged battery



Specifications

Overall size	12.4" x 8.7" x 5.2" (315 x 221 x 132 mm)
Weight without battery	7.7 lbs (3.49 kg)
Weight with typical battery	21.4 lbs. (9.71 kg)
Case material	Polycarbonate
Operating temperature	-22° to +122° F (-30° to +50° C)
Battery	Sealed lead-acid
Typical battery capacity	20 amp-hours
Unattended operation - without solar panel	7 days
Radar sensor	Stalker Traffic Statistics Sensor
Directionality	Approaching and receding
Speed resolution	1 mph (1 km/h)
Typical range	800 ft. typical (240 m)
Beam width	33° x 33°, up to 3 lanes of traffic
Data memory	16 MB internal memory Up to 32 GB external (memory stick)
Connection method	USB
Warranty	24 months

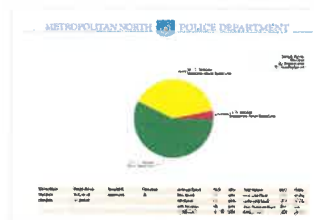
Stalker Traffic Analyst Application

When the survey period is complete, data can be downloaded by either connecting a PC or by attaching a USB memory stick to the Traffic Data Collector's USB port. Data is automatically transferred to the memory stick without user action.

Stalker's Traffic Analyst application presents data in such a way that makes the survey analysis results clearly understandable. Analysis Control, Graphic Controls, and Data Filtering floating palettes surround the visual analysis window. Changes made to parameters update in real time.

Traffic data statistics to support Grants and community policing

- Easily apply location, traffic direction, weather, etc. to recorded data
- Narrow focus to specific dates and times
- Create full color presentations for Grant applications and other need justifications in a variety of formats



STALKER®

Power to Enforce.

applied concepts, inc.
855 East Collins Blvd. ■ Richardson, Texas 75081
972.398.3780 ■ Fax 972.398.3781

Copyright © 2021 Applied Concepts, Inc. All Rights Reserved. Specifications are subject to change.



800-STALKER

006-0590-00 Rev D

Traffic monitor

cchandler@penningtonboro.org

Tue 5/16/2023 9:15 AM

To: bsterling@penningtonboro.org <bsterling@penningtonboro.org>; dpinelli@penningtonboro.org <dpinelli@penningtonboro.org>;

Doug and Betty,

Can we have the purchase of the traffic monitor on for June council? Betty did we find Capital funds for the purchase so we don't have to use Pennington School funds?

Thanks,

Kit

Catherine M. Chandler

Pennington Borough Council President

Click [HERE](#) to subscribe to Pennington Borough News and Announcements.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.4**

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

WHEREAS, Charles Marciante has applied to the Borough of Pennington for permission to close the streets known as Burd Street and Sked Street in the Borough on July 8, 2023 beginning at 4 PM and ending at 8 PM for a block party on Voorhees Avenue for an estimated 30 people;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Charles Marciante 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					Marciante				
Chandler					Stern				
Gnatt					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



RESIDENTIAL BLOCK PARTY APPLICATION

PENNINGTON BOROUGH

penningtonboro.org • (609) 737-0276 • 30 North Main
Street, Pennington, NJ 08534

Residents may request to close portions of local roads for block parties. Block parties will be permitted only upon approval from the Borough Council. Street closings will not be permitted after 10 p.m.

Applicant Name: CHARLES MARCIAUTE

Best Phone Contact Number: 609-915 5818

Email: Chief51a@aol.com

Requested Date and times: July 8 - 4-8

Anticipated number of people attending event: 30

Streets to be closed, if applicable: Voorhees (between 3rd + 8th)

Please provide a sketch of the streets/area to be blocked:

Signature: 

- Borough Council meets the first Monday of each month. Block Party Requests must be received at least 5 business days prior to a Council meeting date in advance of the requested block party date.
- The Borough will attempt to honor and accommodate all requests.
- Road closures must be approved by the Pennington Borough Police Department and there must be access for emergency vehicles at all times.
- All local noise ordinances must be observed.
- **PLEASE BE AWARE OF AND FOLLOW ALL STATE AND LOCAL REGULATIONS RELATED TO THE COVID-19 PANDEMIC.**
- If you need assistance from the Pennington Police Department, call (609) 737-2020.

Police Department Recommendation:

Special instructions, if any:

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.5**

**RESOLUTION AUTHORIZING BLOCK PARTY ON AUGUST 19, 2023 (RAIN
DATE AUGUST 20, 2023) FROM
11 AM TO 10 PM ON SKED STREET**

WHEREAS, Patrick Marchetti has applied to the Borough of Pennington for permission to close the street known as Sked Street in the Borough on August 19, 2023 (Rain Date August 20, 2023) beginning at 11 AM and ending at 10 PM for a block party on Sked Street (South End) for an estimated 50 people;

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

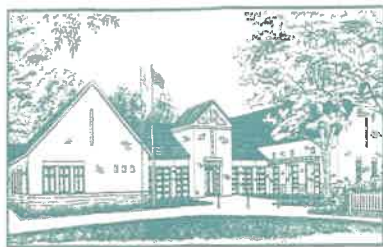
1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
3. There must be access for emergency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

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



RESIDENTIAL BLOCK PARTY APPLICATION

PENNINGTON BOROUGH

penningtonboro.org • (609) 737-0276 • 30 North Main Street, Pennington, NJ 08534

Residents may request to close portions of local roads for block parties. Block parties will be permitted only upon approval from the Borough Council. Street closings will not be permitted after 10 p.m.

Applicant Name: Patrick Marchetti

Best Phone Contact Number: 609-737-6718

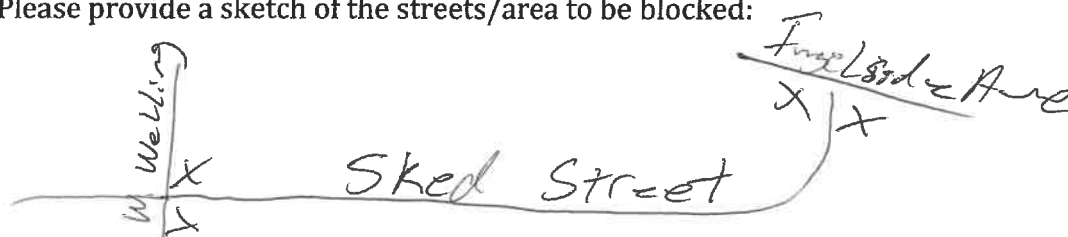
Email: patmarchetti@gmail.com

Requested Date and times: 8/19/2023 (Rain Date: 8/20/2023)

Anticipated number of people attending: 50

Streets to be closed: Sked Street (South end)

Please provide a sketch of the streets/area to be blocked:



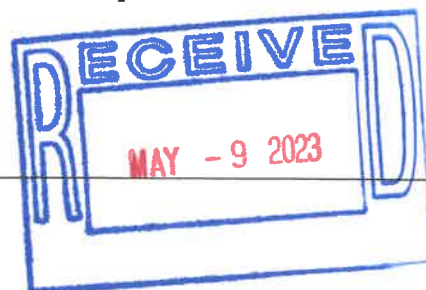
Signature: _____

- Borough Council meets the first Monday of each month. Block Party Requests must be received at least 5 business days prior to a Council meeting date in advance of the requested block party date.
- The Borough will attempt to honor and accommodate all requests.
- Road closures must be approved by the Pennington Borough Police Department and access for emergency vehicles must be ensured at all times.
- All local noise ordinances must be observed.

For Borough Use Only:

Police Department Recommendation: _____

Special instructions, if any: _____



**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.6**

**RESOLUTION AWARDING LOCAL RETAIL CANNABIS LICENSE
TO JERSEY MEDS MANAGEMENT, LLC,
PURSUANT TO THE NEW JERSEY CANNABIS REGULATORY,
ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION
ACT, N.J.S.A. 24:6I-31, ET SEQ., AND PENNINGTON ORDINANCE 2021-9**

Regulatory Framework

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et seq. (the “Personal Use Act”) legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial production, distribution and sale of cannabis items;

WHEREAS, the Personal Use Act authorizes municipalities to adopt regulations by ordinance governing the number of cannabis establishments, distributors and delivery services allowed to operate within their borders, regulating the location, manner and times of operation of these establishments, distributors and delivery services, and establishing civil penalties for the violation of any such regulations, provided the time of operation of delivery services shall be subject only to regulation by the New Jersey Cannabis Regulatory Commission (N.J.S.A. 24:6I-45.a);

WHEREAS, by Ordinance 2021-9, entitled “Amended Ordinance Restricting the Number, Location and Operation of Cannabis Retailers, Medical Cannabis Dispensaries and Cannabis Delivery Services and Prohibiting All Other Cannabis Businesses and Operations in the Borough, Amending the Code of the Borough of Pennington” (hereafter “Ordinance” or “Ordinance 2021-9”), the Borough of Pennington has authorized as a conditional use the establishment of a single retail store for the sale of personal-use cannabis, subject to the following requirements: :

1. the store shall be licensed by the Cannabis Regulatory Commission (“CRC”) as a Class 5 retailer under the Personal Use Act;
2. the store shall be located in either the B–H Highway Business zoning district or the OB-Office Business zoning district;
3. the store shall be regulated as a “conditional use,” requiring the owner to satisfy as a condition of operation the restrictions on the number, location, manner and time of operation set forth in the Ordinance, as amended from time to time, including:
 - (a) the floor area of the licensed facility shall not exceed 2,500 square feet, as defined in Chapter 215 of the Borough Code;
 - (b) the operating hours of the dispensary shall be between 9 am and 8 pm daily;
 - (b) the store shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress;
 - (c) no cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place;
 - (e) all cannabis products shall be stored securely, indoors and onsite;
 - (f) consumption of cannabis products, by any means of ingestion, shall not be permitted in the licensed facility or adjacent grounds;
 - (g) the licensed facility shall implement odor control measures approved by the Board of Health;

(h) the licensed facility shall develop and implement security protocols subject to review and approval by the Pennington Borough Police Department;

(i) At a minimum, the following security measures must be undertaken:

[1] a video recording security system shall be employed covering all areas of the facility and the exterior of the building with a 24/7 recording system that records for a minimum 30-day archive;

[2] the facility and adjacent right-of-way shall be monitored by staff and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis;

4. the design of the building or structure required by the licensed facility shall conform to the general character of the area in which it is located;

5. the facility shall provide off-street parking and site access as required by Borough ordinances and applicable approvals of the Borough Planning Board;

6. the facility shall also comply with all applicable zoning, signage and site plan requirements and the specifications and standards of Sections 215-79 and 215-81 and other applicable provisions of Chapter 215 of the Borough Code, as may be amended from time to time;

WHEREAS, as authorized by the Personal Use Act, the Ordinance establishes a separate local licensing requirement as part of Borough restrictions on the number of cannabis retailers and their location, manner and times of operation, to the full extent permitted by law, and such license must be renewed annually;

WHEREAS, the issuance or renewal of a local license shall require a resolution of Borough Council finding that the applicant complies with all applicable Borough restrictions on the number of cannabis businesses and the location, manner and times of their operation, including continued compliance with all zoning and land use approvals and related conditions and standards;

WHEREAS, Borough Council may deny or revoke a local license or take other adverse action based on failure of compliance with restrictions, conditions and standards which are the basis for licensure, and to the extent permitted by law, possession of a valid local license shall be a condition precedent to operation of a cannabis business in the Borough;

WHEREAS, Borough Council shall notify the CRC in every case that Council either approves or denies an application for local licensure;

WHEREAS, the local licensing requirement shall be in addition to any land use approvals within the jurisdiction of the Borough Planning Board; .

WHEREAS, as authorized by the Personal Use Act and N.J.S.A. 40:48I-1.a (1), Ordinance 2021-9 imposes a transfer tax of up to two percent (2%) on the sale of cannabis or cannabis items by a cannabis retailer located in the Borough;

WHEREAS, municipalities imposing a transfer tax by ordinance are required by N.J.S.A. 40:48I-1.a (2) to include in the ordinance a user tax, equivalent to the transfer tax rate, payable by any concurrent license holder in the municipality operating more than one cannabis establishment and transferring cannabis or cannabis items to any of the license holder's other cannabis establishments, whether located in the same or other municipality, based on the value of each such transfer or use not otherwise subject to the transfer tax;

WHEREAS, any violation of the provisions of the Ordinance or the conditions of the

zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board, shall be punishable by a civil fine of no less than \$1,000.00 and no more than \$2,500.00, and all violations shall be reported to the CRC or other appropriate state authority;

Application for Local License by Jersey Meds Management, LLC

WHEREAS, Jersey Meds Management, LLC (“Jersey Meds”) has applied for a local license to locate and operate a retail cannabis store as lessee of Unit 5 in the Pennington Square Shopping Center, Block 206, Lot 3 on the Pennington Borough Tax Map, also known as 7 Route 31 North in the Borough of Pennington;

WHEREAS, the proposed location is in the BH - Business-Highway Zoning District of the Borough;

WHEREAS, in support of this application, New Jersey Meds has submitted the following information and related documents:

1. On May 2, 2022, Borough Council approved Resolution 2022-5.23, titled “Resolution in Support of Application of Jersey Meds Management, LLC for Class 5 Cannabis Retail License.” The Resolution was adopted as proof of local support for the suitability of the location proposed by Jersey Meds, proof required to be submitted by Jersey Meds as part of its application to the CRC for State licensure. This Resolution confirmed Jersey Meds’ commitment to comply with all conditions of use and other requirements contained in the Ordinance and set forth above. The Resolution was also contingent upon a detailed review of Jersey Meds’ proposed physical plant and plan of operations by applicable local authorities in accordance with the Ordinance and such zoning and land use approvals required by law. A copy of Resolutions 2022-5.23 is attached.
2. On June 10, 2022, the Pennington Borough Zoning Officer issued a letter to the attorneys for Jersey Meds certifying that Jersey Meds’ cannabis retail store and intended operation at 7 Route 31 North in Pennington will conform with local zoning requirements allowing the operation of a cannabis retailer as a “conditional use,” provided that before the store will be permitted to open it must obtain necessary land use approvals from the Pennington Planning Board, including a determination that the store will in fact satisfy the conditions for conditional use set forth in the zoning ordinance. Jersey Meds also required this Letter as part of its application for licensure to CRC. A copy of this Zoning Letter is attached.
3. Jersey Meds subsequently received from the CRC a “Final Agency Decision – Approval of Conditional License Application” dated July 29, 2022, issued for the location in the Pennington Square Shopping Center at 7 Route 31 North in Pennington. A copy of this Conditional License approval is attached.
4. Jersey Meds then applied to the Planning Board for approval as a conditional use under the Ordinance and, after published notice as well as mailed notice to all property owners within 200 feet, presented testimony at a hearing before the Board on December 14, 2022. Jersey Meds’ application to the Board included a sealed Conditional Use Plan dated November 17, 2022 prepared by Tristate Engineering and Surveying, PC (Project No. 22-139, 1 sheet); sealed Traffic Impact Study captioned “Trip and Parking Generation letter,” dated November 10, 2022, prepared by McMahon, A Bowman Company, signed by Victor C. Anosike, P.E.; a sealed floor plan, dated October 11, 2022, prepared by Ben Catarinicchia, AIA of Zacs International, LLC (Project No. Z22-023, 2 sheet); and the sealed drawing for the proposed signage, dated November 9, 2022, prepared by Albert B. Varosi, P.E., P.P., C.M.E. from Blazing Visual (1 sheet). These documents are on file with the Secretary to the Board.
5. The hearing before the Planning Board included reports by the Borough Planner, the Borough Engineer and the Pennington Police Department, testimony by Jersey Meds’ Cannabis Consultant (Siegel), Architect (Catarinicchia) and Engineer and Planning Consultant (Mancini), as well as testimony by the Board’s Planning Consultant (Kyle) and Engineering Consultant (Perry). One member of the public also spoke.
6. With respect in particular to security requirements, the Planning Board considered the report

of the Pennington Police Department, dated December 6, 2022, by Chief Douglas M. Pinelli, As reported, based on the Chief's review of Jersey Meds' security plans, floor layout, preliminary map of camera locations, and consultation with Jersey Meds' security team, the plans were determined to be sufficient to meet all standards of both the local safety protocol and the federal and state rules and regulations. The report expresses confidence as well that Jersey Meds will work with the Borough during the opening phase to address any concerns that may arise. A copy of this Report is attached.

7. At the conclusion of the hearing on December 14, 2022, by a vote of 8 to 0, the Planning Board conditionally approved the Jersey Meds' application. This approval was memorialized by a Resolution adopted by the Board on January 11, 2023. A copy of this Resolution is attached.

8. The Planning Board approval finds that Jersey Meds' proposed use complies with all of the conditional use requirements set forth in the Ordinance (now Section 215-81 of the Borough Code), that there is adequate parking for this business within the Pennington Square Shopping Center, that Jersey Meds has developed an online ordering system for cannabis products which will permit prescribed pickup times to avoid congestion at peak times of day, and that Jersey Meds has also arranged for off-duty police officers to assist with the control of customers and traffic at the initial opening of the business.

9. The Planning Board approval is subject to the following conditions:

(a) That Jersey Meds shall at all times operate this retail business in accordance with the requirements of Section 215-81 of the Borough Zoning Code (the Ordinance), the CRC Rules and Regulations (N.J.A.C. 17:30, et seq.) and the Personal Use Act;

(b) That with respect to odor control, based on the representation by the Board of Health that it does not have the capability of evaluating and approving the ventilation system, Jersey Meds must retain a private licensed engineering firm to select a ventilation system to satisfy this condition of approval, and after installation, certify to the satisfaction of the Borough Engineer that the proposed ventilation system includes all of the odor control measures, including carbon-filter ventilation, needed to prevent odors from emanating from the property, with provision for maintenance and monitoring the system annually to ensure that it is working properly at all times;

(c) That Jersey Meds shall provide the Borough Clerk and Board Secretary copies of the Class 5 license required to operate the business, once it is received from CRC;

(d) That as part of the security plan, Jersey Meds must confiscate any fraudulent identification documents presented in an effort to purchase cannabis products on the property and immediately contact the Pennington Borough Police Department;

(e) That within 30 days of publication of the notice of this approval by the Planning Board Secretary, Jersey Meds must arrange with the owner of the Shopping Center to bring current all real property taxes and sewer and water charges owed by the Center.

10. Jersey Meds has since submitted to the Borough a report by Professional Engineer Albert B. Varosi, P.E., dated April 24, 2023, certifying among other things that he is a New Jersey licensed professional engineer retained by Jersey Meds, that he will ensure that the odor control system installed on the property, including carbon-filtered ventilation, will be satisfactory to mitigate cannabis-related odors emanating from the interior of the property, and that the activated carbon air filters will be installed in the return air filter track of the HVAC rooftop unit and both exhaust fans at the garage and bathroom locations, with the recommendation that they be replaced every four months.

11. Jersey Meds' Conditional License approval by CRC does not permit it to purchase, possess, or sell cannabis or cannabis products (N.J.A.C. 17:30-7.6(e)) until the Conditional License is replaced by an approved annual license. Jersey Meds has applied to the CRC for the annual license and its application is pending.

12. On June 5, 2023, officers of Jersey Meds appeared before Borough Council, provided testimony and responded to questions by Council Members.

13. Jersey Meds has represented that it will report its gross sales to the Borough quarterly [INSERT DATES] and will, in addition, work with the Borough to ensure that it has the supplemental information on gross sales necessary to permit the Borough to estimate expected revenues for the new budget cycle beginning at the end of the calendar year.

Findings

WHEREAS, on the basis of this record, Borough Council makes the following findings:

1. Except as specifically noted below, Jersey Meds' proposed Class 5 retail store complies with all applicable Borough restrictions on the number of cannabis businesses in the Borough and the location, manner and times of their operation, including compliance with all zoning and land use approvals and related conditions and standards, as required by the Ordinance (Section 215-81(15) of the Borough Code).

2. Exceptions, which shall be conditions precedent to issuance of a local license, are the following:

(a) Submission of expert certification to the Borough Engineer upon installation of the store's ventilation system, as required by Condition D at page (5) of the Planning Board Resolution of January 11, 2023 ("Planning Board Resolution");

(b) CRC Issuance of an annual Class 5 retail license to Jersey Meds, entitling Jersey Meds to open for business, and delivery of a copy of same to the Pennington Borough Clerk and to the Secretary to the Planning Board, consistent with Condition E at page (6) of the Planning Board Resolution;

(c) Documented confirmation that the owner of the Pennington Square Shopping Center has brought current all real property taxes and sewer and water charges for the Center, as required by Condition G at page (6) of the Planning Board Resolution;

(d) Documented confirmation that Jersey Meds has brought current all municipal land use application and escrow charges for its conditional use application before the Planning Board, as also required by Condition G at page (6) of the Planning Board Resolution;

(e) Jersey Meds and the Borough must agree upon a protocol for the reporting of gross sales data and the payment of transfer taxes and any user taxes as appropriate;

(f) In addition to fees and charges paid or payable to the Pennington Planning Board, Jersey Meds shall pay the Borough all required application and registration fees.

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

1. Borough Council adopts the recitals and findings set forth above.

2. Issuance of a local license to Jersey Meds for the operation of a Class 5 retail store at 7 Route 31 North in the Borough of Pennington is hereby approved subject to the following conditions precedent:

(a) Written confirmation by the Borough Engineer that a satisfactory expert certification has been submitted in accordance with Finding 2(a) above;

(b) Written confirmation by the Borough Clerk that the CRC has issued to Jersey Meds an annual license in accordance with Finding 2(b) above;

(c) Written confirmation by the Borough Tax Assessor that the owner of the Princeton Square Shopping Center has brought taxes and sewer and water charges current, in accordance with Finding 2(c) above;

(d) Written confirmation by the Secretary to the Planning Board that Jersey Meds has

brought current all land use application and escrow charges in accordance with Finding 2(d) above.

- (e) Agreement between the Borough and Jersey Meds on procedures for the payment of transfer and any applicable user taxes and the reporting of related gross revenue data, in accordance with Finding 3 above; .

3. The required writings in satisfaction of the above conditions may be received and approved by the Borough Administrator and need not require prior approval by Borough Council before issuance of the license.

4. The local license shall be issued to Jersey Meds by the Borough Clerk over the signatures of the Mayor and the Borough Clerk and in a form determined by them to be suitable for display on the premises of the Jersey Meds' store.

5. Issuance of the local license shall also be subject to the following continuing conditions:

- (a) Continued compliance with all applicable New Jersey State laws and regulations, including in particular the Personal Use Act, CRC Rules and Regulations, the requirements of Ordinance 2021-9 and the Code of the Borough of Pennington, all as may be amended from time to time.
- (b) Continued compliance with the conditions of Conditional Use approval by the Pennington Planning Board, as memorialized in the Planning Board Resolution including, inter alia, the required reporting of attempted use of fraudulent identification documents presented in an effort to purchase cannabis products, as set forth in Condition F at page (6) of the Planning Board Resolution.
- (c) Payment of all required taxes and fees owed to the Borough in accordance with the Ordinance and Borough Code, as may be amended from time to time.
- (d) The local license shall be prominently displayed in the Jersey Meds' store, visible to customers.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.7**

**RESOLUTION AUTHORIZING TREE WORK AT SKED STREET PARK AND AUTHORIZING
THE USE OF OPEN SPACE FUNDS
FOR THIS PURCHASE**

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

WHEREAS, the approved plan for Sked Street Park includes replacement of existing playground equipment, park benches, upgrades and expansion of the walking path, tree removal and pruning and purchase and installation of a gazebo; and

WHEREAS, Resolution 2023-5.6 authorized the removal of 11 trees at Sked Street Park; and

WHEREAS, Public Works Superintendent Rick Smith has identified 2 additional trees that are diseased and require removal; and

WHEREAS, Public Works Superintendent Rick Smith has obtained quotes from HTS Tree Care Professionals, Tom's Tree Service and Princeton Tree Care for tree removal and stump grinding of the 2 additional trees at Sked Street Park; and

WHEREAS, Mr. Smith recommends that the Borough accept quote #5767, dated May 19, 2023 submitted by HTS Tree Care Professionals for removal of 2 trees including stump grinding in the park; and

WHEREAS, Pennington's Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$4,000.00 for the removal of 2 additional trees at Sked Street Park as quoted in the attached proposal of HTS Tree Care Professionals.

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	X				Valenza	X			

This is to certify that the foregoing is a true copy of a Resolution adopted by Pennington Borough Council at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

HTS Tree Care Professionals, LLC
 1559 Reed Rd.
 Pennington, NJ 08534
 609 737-1682
 info@htstreecare.com

Proposal



ADDRESS
 Ricky Smith
 Pennington Dept of Public Works
 301 N Main St
 Pennington, NJ 08534

SHIP TO
 Ricky Smith
 Pennington Dept of Public Works
 301 N Main St
 Pennington, NJ 08534

PROPOSAL #	DATE
5767	05/19/2023

ACTIVITY	AMOUNT
Sked St Park	4,000.00
Remove large oak at entrance	
Remove maple right rear backyard	
Grind both stumps below grade. Leave stump grindings.	
SUBTOTAL	4,000.00
TAX	0.00
TOTAL	\$4,000.00

Accepted By

Accepted Date

Net due upon receipt of invoice / 2% service charge after 30 days / 3% fee for credit cards
 Brian Hartel Jr - Field Supervisor – Hartel Timber Services LLC
 NJ-LTE #562, NJ Certified Tree Expert
 ISA Certified Arborist # NJ-1004AM
 NJTC# 768424

**BOROUGH OF PENNINGTON
RESOLUTION 2023 - 6.8**

**RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL
CONSUMPTION LICENSE #1108-33-001-001 FOR 2023--2024**

WHEREAS, renewal of Plenary Retail Consumption License #1108-33-001-001 is due for renewal on or before June 30, 2023; and

WHEREAS, the Borough has received an application for renewal but that application is yet unaccompanied by payment of Borough renewal fee;

WHEREAS, the Borough of Pennington Health Department has consequently not yet inspected the licensed premises for compliance with requirements under their purview;

WHEREAS, these matters are being addressed and it is anticipated that they will be resolved shortly;

WHEREAS, it is therefore the intent of Borough Council to approve the owners application for renewal of licensure subject to receipt of payment of the Borough fee and satisfactory completion of all required inspections;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the application for renewal of License #1108-33-001-001 for the year 2023-2024 is hereby approved subject to the above conditions; and

BE IT FURTHER RESOLVED that the Borough Clerk of the Borough of Pennington, County of Mercer, is hereby authorized and instructed to issue and deliver said license when these conditions are satisfied and then notify the Division of Alcoholic Beverage Control accordingly, on or before June 30, 2024.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

NJ ABC - License Application in your municipality

ABCDoNotReply@njoag.gov

Tue 4/25/2023 11:36 AM

To: bsterling@penningtonboro.org <bsterling@penningtonboro.org>;



State of New Jersey
Office of the Attorney General
Division of Alcoholic Beverage Control

**Municipal Notification Regarding
Application of Event Type Permit**

P.O. Box 087, 140 East Front Street, Trenton, NJ 08625-0087 • 609-984-2830 • www.nj.gov/oag/abc

FOR ALL APPLICANTS: You are receiving a courtesy copy of your filed renewal application.

FOR MUNICIPAL ISSUING AUTHORITIES: A Renewal Application has been filed in your municipality.

This notification is being sent to the following email addresses:

- ben.sanford82@gmail.com
- bsterling@penningtonboro.org

License Type:	Plenary Retail Consumption License
Type of Job:	Renewal Application
File Number:	587149
License Number:	1108-33-001-002
Submitted Date:	Apr 25, 2023
Applicant Email:	ben.sanford82@gmail.com
Receipt Number:	302216
Fee Amount:	\$200.00

Licensee Information

Licensee Applicant:	CUGINOS HOLDING LLC
Corporation Number:	0450115975
Incorporation Date:	Oct 31, 2016
NJ Tax Auth Number:	814362948
Mailing Address:	
Physical Address:	147-149 WEST DELAWARE AVENUE
	PENNINGTON, NJ 08534
	USA

Contact Information

Contact Name: BENJAMIN SANFORD
 Business Number: (609) 730-4100
 Home Number:
 Mobile Number:
 Contact Email: ben.sanford82@gmail.com
 Preferred Contact Method: Email

Establishment Information

Type: Consumption
 DBA / Names: BORO
 Operator: CUGINOS HOLDING LLC
 Mailing Address: 147-149 WEST DELAWARE AVENUE
 PENNINGTON, NJ 08534
 USA
 Premises Address: 147-149 WEST DELAWARE AVENUE
 PENNINGTON, NJ 08534
 USA

License Type Details

License Type: Plenary Retail Consumption License
 Secondary License Types:

Application Questions

Question 1: IS THIS LICENSE BEING ACTIVELY USED AT AN ACTUAL PREMISE?
 Yes / No Response: Yes
 Question 2: DOES THE APPLICANT OR ANY OTHER PERSON MENTIONED IN THIS APPLICATION, OR ANY PERSON HAVING A BENEFICIAL INTEREST IN THE LICENSED BUSINESS, HOLD OFFICE IN THE UNIT OF GOVERNMENT ISSUING THE LICENSE?
 Yes / No Response: No
 Question 3: IN THE PAST 12 MONTHS, HAVE YOU ENTERED INTO AN AGREEMENT IN WHICH YOU OFFERED THE LICENSE OR ANY FINANCIAL INTEREST IN THE LICENSE AS COLLATERAL OR SECURITY TO A PERSON OR ENTITY NOT NAMED IN THE APPLICATION.
 Yes / No Response: No
 Question 4: IN THE PAST 12 MONTHS, HAS THE LICENSEE BEEN NAMED AS A PARTY TO A LAWSUIT, ARISING FROM CONDUCT IN NEW JERSEY, THAT HAS NOT BEEN DISMISSED AND IN WHICH IT IS ALLEGED THAT THE LICENSEE SERVED AN INTOXICATED PATRON?

Yes / No Response: No

Question 5: HAS THERE BEEN ANY CHANGE TO THE OWNERSHIP INTEREST OF THE LICENSE THAT HAS NOT ALREADY BEEN REPORTED VIA A CHANGE IN CORPORATE STRUCTURE, PERSON-TO-PERSON TRANSFER, OR AMENDMENT APPLICATION?

Yes / No Response: No

CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the New Jersey Attorney General is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at (609) 292-4925 to arrange for the return of this information.

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.9**

**RESOLUTION AUTHORIZING RETENTION OF
SPECIAL LABOR COUNSEL**

WHEREAS, the Borough of Pennington requires the services of a special labor counsel to represent the Borough in a pending employee disciplinary matter;

WHEREAS, on or about May 12, 2023, in anticipation of statutory deadlines for Borough action, on the advice of the Borough Attorney, the Mayor entered into an agreement with the law firm of Trimboli & Prusinowski, LLC, of Morristown, New Jersey, through its principal Stephen E. Trimboli, Esquire, to serve as special labor counsel in this matter;

WHEREAS, a condition of this agreement provides that at the first meeting of Borough Council after the signing of the agreement by Borough representatives, Borough Council will have the right to terminate the agreement effective immediately, provided the attorney is compensated in full for all services and expenses incurred to the date notice of the termination is provided;

WHEREAS, the agreement provides that the firm shall perform services at the rate of \$200 per hour for attorneys and \$125 per hour for paralegals, with a projected total cost of \$30,000. which may not be exceeded without prior approval by Borough Council;

WHEREAS, in accordance with the Local Public Contracts Law, this agreement has been awarded without advertising for bids because it is a contract for professional services;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this purpose in the Legal Consultants line #3-01-20-155-000-250;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the agreement retaining special labor counsel as described above is hereby ratified and approved.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



www.trimprulaw.com

Please Respond to Our New Jersey Office

May 15, 2023

Privileged & Confidential

Betty Sterling, Clerk/Assistant CFO
Borough of Pennington
30 North Main Street
Pennington, NJ 08534

Re: Special Labor Counsel Agreement

Dear Ms. Sterling:

I am enclosing herewith the original Agreement signed by Mr. Trimboli as requested.

Should you require anything further, please do not hesitate to contact me. Please know, we consider it a privilege to represent the Borough of Pennington.

Sincerely yours,
TRIMBOLI & PRUSINOWSKI, LLC

A handwritten signature in black ink, appearing to read "K. Massaquoi", is written over a circular stamp or seal.

Kamilah A. Massaquoi

Enclosure

SPECIAL LABOR COUNSEL AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2023, by and between Trimboli & Prusinowski, L.L.C., with offices located at 268 South Street, Morristown, New Jersey (“Attorney”) and the Borough of Pennington, New Jersey (“Borough”).

WHEREAS, the Borough has engaged the Attorney to render certain professional services and desires to memorialize in writing the terms of the engagement; and

WHEREAS, the Attorney shall provide services under terms of the Agreement hereinafter specified.

NOW, THEREFORE, the parties agree as follows:

1. The Attorney agrees to provide the Borough professional legal services, as special labor counsel under the direction of the Mayor, Business Administrator and Borough Counsel, at the rate of \$200 per hour for attorneys and \$125 per hour for paralegals.

2. The Attorney will provide the following services: (a) representation of the Borough and its Police Department in a pending and anticipated police disciplinary proceeding pursuant to *N.J.S.A. 40A:14-147, et seq.*, and (b) such other matters as directed in the sole discretion of the Borough.

3. The services referred to in Paragraph 2 are to be provided commencing the effective date is this Agreement and continuing for a period of 12 months. However, the parties agree that at the first meeting of Borough Council after the signing of this Agreement by Borough representatives on behalf of the Borough, the Council will have the right to terminate the Agreement effective immediately provided Attorney is compensated in full for all services and expenses incurred to the date Stephen E. Trimboli, Esq., receives written notice of any such termination.

4. The foregoing services will be assigned to appropriate personnel to ensure that efficient and economical legal services are provided.

5. The Attorney shall be reimbursed for all necessary disbursements incurred in the course of performing legal services under the Agreement, including the cost of stenographic services.

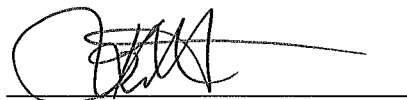
6. In the event Stephen E. Trimboli, Esq. of the firm of Trimboli & Prusinowski, LLC, is unable to perform services due to scheduling conflicts, vacation, or illness, then it is agreed that another partner or associate of said firm will provide such services in accordance with the terms of the Agreement. It is understood that reasonable efforts will be made by Stephen E. Trimboli, Esq. to avoid scheduling conflicts and conflicts arising from vacation.

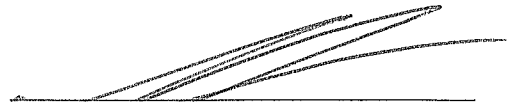
7. The estimated cost of services and disbursements under this Agreement is projected to be \$30,000.00. Payment for services and disbursements in the aggregate above this amount will require prior written approval of Borough Council.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

ATTEST:

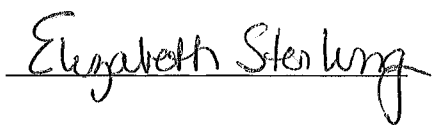
TRIMBOLI & PRUSINOWSKI


Kamilah A. Massaquoi


Stephen E. Trimboli, Esq.

ATTEST:

BOROUGH OF PENNINGTON


Elizabeth Sterling


James Davy, Mayor

DATED:

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.10**

**RESOLUTION AUTHORIZING RETENTION OF
ATTORNEY FOR SERVICES AS HEARING OFFICER**

WHEREAS, the Borough of Pennington requires the services of a hearing officer to hear a pending employee disciplinary matter;

WHEREAS, the Borough seeks to retain Ellen O'Connell to perform these services; and

WHEREAS, Ellen O'Connell has the necessary judicial experience to perform these services; and

WHEREAS, Ellen O'Connell will enter into a Professional Services agreement specifying compensation at the rate of \$185.00 per hour and reimbursement of necessary related expenses; and

WHEREAS, the total expenditure for these services shall not exceed \$5,000.00 without prior written approval by Borough Council;

WHEREAS, in accordance with the Local Public Contracts Law, this agreement has been awarded without advertising for bids because it is a contract for professional services;

WHEREAS, the Chief Financial Officer of the Borough has certified the funds are available for these services in the Legal Consultants line #3-01-20-155-000-250;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the retention of Ellen O'Connell for the described services as a hearing officer is hereby approved, subject to execution of a Professional Services Agreement containing the above terms and further subject to approval by the Borough Attorney.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.11**

Item 32.

**RESOLUTION AUTHORIZING AND RATIFYING APPLICATION FOR
2023 STORMWATER ASSISTANCE GRANT AND FURTHER AUTHORIZING EXECUTION
OF GRANT AGREEMENT**

WHEREAS, the New Jersey Department of Environmental Protection, Division of Watershed Protection and Restoration (DEP) is offering funding to assist New Jersey municipalities in upgrading their MS4 Stormwater Programs to comply with requirements of the 2023 Tier A MS4 Permit renewal; and

WHEREAS, the Public Works Committee reviewed and approved the submission of a grant application for the Borough of Pennington; and

WHEREAS, the Superintendent of Public Works at the direction of the Public Works Committee and with the signature of the Borough Administrator submitted the attached Grant Application Form for Existing (prior to July 1, 2022) Tier A Municipalities on May 22, 2023; and

WHEREAS, the deadline for submitting applications for this grant is December 31, 2023; and

WHEREAS, subsequent to submission of the application, the Borough received the attached letter dated May 24, 2023 entitled Approval of Stormwater Assistance Grant Application; and

WHEREAS, Borough Council seeks to ratify authorization to submit the application as referenced above in the amount of \$25,000 to be used to comply with the requirements of the Tier A MS4 Permit as outlined in the Notice of Funding Availability;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Grant Application Form for Existing (prior to July 1, 2022) Tier A Municipalities is hereby authorized and ratified,
2. In accordance with the letter dated May 24, 2023, the Borough agrees:
 - to use the funding from this grant provided by the DEP to comply with the requirements of the Tier A MS4 Permit as outlined in the Notice of Funding Availability;
 - to disperse the funds in two installments with the final installment dispersed upon the Department's receipt and approval of the required Tier A Permit deliverables as detailed in the "Required Elements" section of the Department's Notice of Funding Availability;
 - any funding received by a grantee that is not committed to payment of eligible project costs or any costs not allowed by the DEP must be returned to the DEP with determination of eligible project costs at the sole discretion of the DEP;
3. if necessary, the Mayor is hereby authorized to execute further documents and/or amendments to the grant provided the amendments do not materially increase the Borough's obligations.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



New Jersey Department of Environmental Protection

Grant Application Form for Existing (prior to July 1, 2022) Tier A Municipalities

1. Permittee Information

Name of Permittee: PENNINGTON BORO County: MERCER
 Mailing Address: 30 N. MAIN ST
 City or Town: PENNINGTON State: NJ Zip Code: 08534
 NJPDES #: NJG0153141 PI #: 207739

Name and Title of Stormwater Program Coordinator:

RICK SMITH, DIRECTOR OF PUBLIC WORKS

Mailing Address (if different from above)

City or Town _____ State _____ Zip Code _____
 Telephone _____ FAX _____ E-Mail _____

2. Certification

I certify under penalty of law that this document was prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

I certify that I am aware that the permit requires that the municipality develop a Stormwater Infrastructure Map. I acknowledge that this Stormwater Infrastructure Map must comply with the requirements listed in Part IV.G.1.a of the Tier A MS4 Permit as noted above.

I certify that the municipality will use the funding from this grant provided by the Department to comply with the requirements of the Tier A MS4 Permit as outlined in the Notice of Funding Availability.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information.

Signature of Permittee Donato Nie-man

Date 5/22/20

Print or Type Name Donato Nie-man

Print or Type Title Borough Administrator

Stormwater Grants

To view previously award grants, visit our [previous grants page](#)

Purpose of Funding

The New Jersey Department of Environmental Protection (Department), Division of Watershed Protection and Restoration, is offering a Notice of Funding Availability (NOFA) to assist New Jersey municipalities in upgrading their MS4 Stormwater Programs to comply with the requirements of the 2023 Tier A MS4 Permit renewal, which was issued on November 30, 2022, with an effective date of January 01, 2023.

As part of its comprehensive efforts to improve water quality and mitigate the worsening impacts of flooding caused by climate change, the New Jersey Department of Environmental Protection (NJDEP) announced 29 million in grants to modernize stormwater management systems including conducting feasibility Studies for forming stormwater utilities and resilience planning for local governments impacted Tropical Storm Ida, and to upgrade Tier A MS4 stormwater program that will focus on strategies to better manage the impacts of stormwater.

Please see each grant below for more details.

Grant/Loan and Technical Assistance Limitations

Stormwater Utility Feasibility Study \$2M, Green Infrastructure \$4.5M, Improvements of Existing Stormwater \$1M, Management and Restoration \$1M and Planning and Analysis of SW opportunities \$0.5M, Resiliency planning \$1M, and Tier A Stormwater Program Updates \$19M

Tier A MS4 Stormwater Assistance Grants

Tier A MS4 Stormwater Assistance Grants

Purpose of Funding

The municipalities eligible for this NOFA are the 101 former Tier B municipalities (former Tier Bs), as listed in Appendix A below, that were notified they were reassigned to Tier A as of July 01, 2022. In addition, all 456 Tier A municipalities that were assigned to Tier A prior to July 1, 2022 (original Tier As), as listed in Appendix A, are eligible for funding under this NOFA

Application Deadline

Deadline for application of this grant is December 31, 2023, eligible Municipalities will be notified of the award on a rolling basis, so an early application is encouraged.

Source of Funding

New Jersey Corporate Business Tax Receipts (CBT)

Eligibility

The municipalities eligible for this NOFA are the 101 former Tier B municipalities (former Tier Bs), as listed in Appendix A, that were notified they were reassigned to Tier A as of July 01, 2022. In addition, all 456 Tier A municipalities that were assigned to Tier A prior to July 1, 2022 (original Tier As), as listed in Appendix A of the NOFA.

Notice of Funding Available(NOFA)	NOFA Date of Posting - 03/03/2023
Public Information Presentations	Executive Session March 10, 2023, 10:00am YouTube Recording Powerpoint Presentation Stormwater Program Coordinators Session March 15, 2023, 1:30pm YouTube Recording Powerpoint Presentation
List of original Tier A and former Tier B Municipalities	List of former Tier A and B municipalities as of June 30, 2022
Funds to be Distributed	The expected total allocation is \$19,000,000. This equates to \$75,000 distributed to each of the eligible 101 former Tier B Municipalities (prior to July 1, 2022) and \$25,000.00 for each of the 456 original Tier A municipalities
Additional Information	Municipal Stormwater Regulation Program Email: stormwatermanager@dep.nj.gov



State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code - 501-02A
Bureau of NJPDES Stormwater Permitting and Water Quality Management
P.O. Box 420 – 501 E State St., 1st Flr.
Trenton, NJ 08625-0420
Phone: (609) 633-7021 / Fax: (609) 777-0432

SHAWN M. LATOURETTE
Commissioner

May 24, 2023

Rick Smith
Pennington Borough Public Works Director
30 N. Main Street
Pennington, NJ 08534
NJPDES: NJG0153141 / PI ID #: 207739

RE: APPROVAL OF STORMWATER ASSISTANCE GRANT APPLICATION

Dear Stormwater Program Coordinator,

The Bureau of NJPDES Stormwater Permitting and Water Quality Management has received your application for the Stormwater Assistance Grant. This letter serves as confirmation that your grant application has been **APPROVED**. By accepting the funding provided by this grant, **Pennington Borough** is agreeing to use the funding from this grant provided by the Department to comply with the requirements of the Tier A MS4 Permit as outlined in the Notice of Funding Availability

Please note, all approved applications are sent for processing on the last Friday of every month, with a turnaround time from processing to payment of one to two weeks. Please be sure to alert the municipality's fiscal staff to expect payment dispersal during that time frame. The payment will be titled "**Water Resources Planning Management – Stormwater Assistance Grant.**" Note that the second portion of the grant payment will be dispersed upon the Department's receipt and approval of the required Tier A permit deliverables as detailed within the "Required Elements" section of Department's Notice of Funding Availability.

Any funding received by a grantee that is not committed to payment of eligible project costs must be returned to the Department. Furthermore, any costs that are not allowed by the Department must also be returned. The determination of eligible project costs is at the sole discretion of the Department.

Additional information about the program guidelines can be found on the Department's Stormwater Grants webpage, including the Notice of Funding Availability and recordings of our previous outreach sessions: <https://nj.gov/dep/wlm/grants/swgrant.html>

If you have any questions, please feel free to contact your County Case Manager at Louisa.Lubiak@dep.nj.gov.

Sincerely,

Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.12**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2023 ADOPTED BUDGET
(CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
2023 – CLEAN COMMUNITIES**

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

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

WHEREAS, the Borough of Pennington has received a grant in the amount of \$6,391.07 from the State of New Jersey – for the 2023 Clean Communities Grant; and

WHEREAS, the Borough wishes to amend its 2023 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2023 in the sum of \$6,391.07, which is now available as revenue from:

2023 – Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$6,391.07 be and the same is hereby appropriated under the caption of:

2023 – Clean Communities Grant

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.13**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE
CONSTRUCTION CORP. FOR WORK COMPLETED ON THE WEST
FRANKLIN AVENUE AND KNOWLES STREET ROAD REHABILITATION
PROJECT (VNHA #44836-210-71)**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the West Franklin Avenue and Knowles Street Road Rehabilitation Project (VNHA File #:44836-210-71); and

WHEREAS, Van Note Harvey Associates has reviewed Top Line Construction Corp.'s attached application for payment and recommends payment of same pursuant to the Contractor's Request for Payment No.1 in the amount of \$344,037.39 less 2% retainage in the amount of \$6,880.75; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2022-5 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$337,156.64 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

VIA E-MAIL

May 26, 2023

bsterling@penningtonboro.org

Ms. Betty Sterling, Borough Clerk
Borough of Pennington
30 North Main Street
Pennington, NJ 08534

**RE: Borough of Pennington
West Franklin Avenue and Knowles Street Road Rehabilitation Projects
Top Line Construction Corp.
Application for Payment No. 1
VNHA #44836-210-71**

Dear Betty:

Attached please find the following payment application documents for the above-referenced project completed through May 26, 2023:

1. Estimate No. 1 prepared by this office,
2. Signed Application for Payment No. 1, with Contractor's Certification,
3. Signed Recommendation of Payment No. 1,

Van Note-Harvey Associates has reviewed this application and recommends payment to Top Line Construction Corp. for completed work and stored materials less 2% retainage as shown below.

<u>Item</u>	<u>Amount</u>
Original Contract Amount	\$645,930.39
Current Contract Amount (no change orders)	\$645,930.39
Total Work Completed and Stored Materials to Date	\$344,037.39
Less 2% Retainage	\$6,880.75
Net Amount to be Paid by Pennington Borough	\$337,156.64

Certified payrolls for the time period from May 2, 2023 through May 26, 2023 have been provided to the Borough by Top Line Construction Corp. under separate cover.

Ms. Betty Sterling, Borough Clerk
Page 2
May 26, 2023

I trust that the enclosed information is sufficient to include this payment request on the June 7, 2023 meeting agenda.

Please contact me should you have any questions or require additional information.

Very truly yours,



Brandon M. Fetzer, P.E.

BMF

Y:\VNHADATA\PROJECTS\44836\PAY APPLICATIONS\PAY APPLICATION 1\KNOWLES & FRANKLIN-PAY RECOMMENDATION LTR NO.1.DOC

enclosures

ec w/ encl: Mr. Ricky Smith, Pennington Borough (rsmith@penningtonboro.org)
NFN

van note - harvey

103 College Road East
Princeton, New Jersey 08540
609-987-2323 Fax: 609-987-0005
NJ Authorization #24GA28271300

www.vannoteharvey.com



Since 1894

Date: May 26, 2023

File: 44836

Estimate Certificate No. 1
(May 2, 2022 through May 22, 2022)

Project: West Franklin Avenue Road Reconstruction - Sta. 0+00 Sta. 9+96 and Knowles Street Mill & Overlay Sta. 0+00 to Sta. 18+32
Owner: Borough of Pennington
Contractor: Top Line Construction Corp.
22 Fifth Street
Sommerville, NJ 08876

Item	Description	Contract Quantity	Unit	Unit Price	Contract Amount	Quantity To Date	Amount To Date	Percent Complete
BASE BID								
1	Mobilization	1	LS	\$ 240,000.00	\$ 240,000.00	0.27	\$ 64,593.04	26.9%
2	Progress Schedule	1	LS	\$ 295.01	\$ 295.01	1.0	\$ 295.01	100.0%
3	Construction Layout	1	LS	\$ 4,935.04	\$ 4,935.04	1.0	\$ 4,935.04	100.0%
4	Concrete Washout System	1	Ea.	\$ 0.01	\$ 0.01		\$ -	0.0%
5	Uniformed Traffic Directors (Allowance)	0	Hr.	\$ 95.00	\$ -		\$ -	
6	Traffic Director, Flagger	400	Hr.	\$ 0.01	\$ 4.00		\$ -	0.0%
7	Traffic Cone	100	Ea.	\$ 0.01	\$ 1.00		\$ -	0.0%
8	Drums	50	Ea.	\$ 0.01	\$ 0.50		\$ -	0.0%
9	Breakaway Barricade	16	Ea.	\$ 0.01	\$ 0.16		\$ -	0.0%
10	Construction Signs	400	SF	\$ 14.70	\$ 5,880.00	373.0	\$ 5,483.10	93.3%
11	Clearing Site	1	LS	\$ 10,000.00	\$ 10,000.00	1.0	\$ 10,000.00	100.0%
12	Post and Wire Fence	200	LF	\$ 0.01	\$ 2.00		\$ -	0.0%
13	Silt Fence	500	LF	\$ 0.01	\$ 5.00		\$ -	0.0%
14	Inlet Filter, Type 2	7	Ea.	\$ 61.36	\$ 429.52		\$ -	0.0%
15	Haybales	28	Ea.	\$ 0.01	\$ 0.28		\$ -	0.0%
16	Wooden Post and Rail Fence, if & where directed	40	LF	\$ 78.75	\$ 3,150.00		\$ -	0.0%
17	Excavation, Test Pit	20	CY	\$ 0.01	\$ 0.20		\$ -	0.0%
18	Excavation, Unclassified	1,280	CY	\$ 20.00	\$ 25,600.00	1,025.0	\$ 20,500.00	80.1%
19	Excavation, Unclassified, if & where	285	CY	\$ 0.01	\$ 2.85		\$ -	0.0%
20	Excavation, Unclassified, Overexcavation	615	CY	\$ 0.01	\$ 6.15		\$ -	0.0%
21	Rock Removal	25	CY	\$ 0.01	\$ 0.25		\$ -	0.0%
22	Saw Cutting	3,050	LF	\$ 0.01	\$ 30.50	2,572.0	\$ 25.72	84.3%
23	HMA Milling 3" or less	6,250	SY	\$ 3.00	\$ 18,750.00	6,254.0	\$ 18,762.00	100.1%
24	HMA 19M64 - Base Course 4"	1,240	Ton	\$ 67.00	\$ 83,080.00	702.4	\$ 47,060.13	56.6%
25	HMA 9.5M64 Surface Course 2"	1,335	Ton	\$ 69.00	\$ 92,115.00	1,113.3	\$ 76,814.25	83.4%
26	Hot Mix Asphalt Driveway, 2" Thick	80	SY	\$ 44.68	\$ 3,574.40	26.1	\$ 1,166.15	32.6%
27	Tack Coat	1,103	Gal.	\$ 0.01	\$ 11.03		\$ -	0.0%
28	Geotextiles	6,230	SY	\$ 0.01	\$ 62.30	3,421.0	\$ 34.21	54.9%
29	Dense Graded Aggregate Base Course, 6"	3,620	SY	\$ 0.01	\$ 36.20	3,421.0	\$ 34.21	94.5%
30	DGABC Variable Thickness	595	CY	\$ 0.01	\$ 5.95		\$ -	0.0%
31	Coarse Aggregate, Size No. 57	235	CY	\$ 0.01	\$ 2.35		\$ -	0.0%
32	Concrete Vertical Curb 6"x8"x18"	2,825	LF	\$ 22.00	\$ 62,150.00	2,576.0	\$ 56,672.00	91.2%
33	Concrete Sidewalk, 4" Thick	172	SY	\$ 50.00	\$ 8,600.00	48.9	\$ 2,445.00	28.4%
34	Concrete Sidewalk, Reinforced, 6" Thick	100	SY	\$ 70.00	\$ 7,000.00	54.4	\$ 3,808.00	54.4%
35	Concrete Sidewalk, Reinforced, 8" Thick	45	SY	\$ 141.33	\$ 6,359.85	43.6	\$ 6,161.99	96.9%
36	Detectable Warning Surfaces	3	SY	\$ 141.60	\$ 424.80	1.0	\$ 141.60	33.3%
37	Set Inlet Type A, Casting	1	Ea.	\$ 1,142.22	\$ 1,142.22	1.0	\$ 1,142.22	100.0%
38	Set Inlet Type B, Casting	4	Ea.	\$ 1,290.90	\$ 5,163.60	2.0	\$ 2,581.80	50.0%
39	Set Inlet Type E, Casting	0	Ea.	\$ -	\$ -		\$ -	
40	Curb Piece, N-ECO	4	Ea.	\$ 427.87	\$ 1,711.48	2.0	\$ 855.74	50.0%
41	Bicycle Safe Grate	5	Ea.	\$ 375.11	\$ 1,875.55	3.0	\$ 1,125.33	60.0%

Item	Description	Contract Quantity	Unit	Unit Price	Contract Amount	Quantity To Date	Amount To Date	Percent Complete
42	Set Manhole Casting	2	Ea.	\$ 1,067.88	\$ 2,135.76		\$ -	0.0%
43	Manhole Covers	2	Ea.	\$ 292.51	\$ 585.02		\$ -	0.0%
44	Reset Manhole, Sanitary Sewer, Using Existing	12	Ea.	\$ 50.00	\$ 600.00	3.0	\$ 150.00	25.0%
45	Reset Gas Valve Box	0	Ea.	\$ -	\$ -		\$ -	
46	Reset Water Valve Box	16	Ea.	\$ 17.70	\$ 283.20	15.0	\$ 265.50	93.8%
47	Regulatory and Warning Sign	125	SF	\$ 42.00	\$ 5,250.00		\$ -	0.0%
48	Traffic Stripes, 4"	3,250	LF	\$ 1.10	\$ 3,575.00	3,332.0	\$ 3,665.20	102.5%
49	Traffic Markings Line, 6"	230	LF	\$ 1.63	\$ 374.90	124.0	\$ 202.12	53.9%
50	Traffic Markings Lines, 12"	35	LF	\$ 3.31	\$ 115.85		\$ -	0.0%
51	Traffic Markings Lines, 24"	126	LF	\$ 6.51	\$ 820.26	98.0	\$ 637.98	77.8%
52	Traffic Markings Symbol	0	SF	\$ -	\$ -		\$ -	
53	Topsoiling, 5" Thick	2,820	SY	\$ 0.01	\$ 28.20	1,765.0	\$ 17.65	62.6%
54	Fertilizer and Seeding, Type M	2,820	SY	\$ 0.01	\$ 28.20	1,765.0	\$ 17.65	62.6%
55	Straw Mulching	2,820	SY	\$ 0.01	\$ 28.20	1,765.0	\$ 17.65	62.6%
56	Beam Guide Rail	100	LF	\$ 21.72	\$ 2,172.00	87.5	\$ 1,900.50	87.5%
57	Beam Guide Rail Post	15	Ea.	\$ 65.10	\$ 976.50	15.0	\$ 976.50	100.0%
58	Tangent Guide Rail Terminal	2	Ea.	\$ 5,775.05	\$ 11,550.10	2.0	\$ 11,550.10	100.0%
59	Asphalt Price Adjustment	1	LS	\$ 25,000.00	\$ 25,000.00		\$ -	0.0%
60	Fuel Price Adjustment	1	LS	\$ 10,000.00	\$ 10,000.00		\$ -	0.0%

TOTAL BASE BID - (ITEMS 1-60)**\$ 645,930.39****\$ 344,037.39**

Original Contract Amount:	\$ 645,930.39	Amount Allowed to Date:	\$ 344,037.39
Adjusted Contract Amount Through Change Order No.	\$ 645,930.39	Less 2% Retainage:	\$ 6,880.75
		Amount to be Paid	\$ 337,156.64
Percent Complete:	53.26%	Amount Previously Paid:	\$ -
		Amount Due:	\$ 337,156.64

Amount Due this Estimate #1 \$ 337,156.64

To The Borough of Pennington, New Jersey (OWNER) Dated May 26, 2023
 Contract for West Franklin Avenue and Knowles Street Road Rehabilitation Project
 OWNER'S Project No. _____ ENGINEER'S Project No. 44836-210-71
 For Work accomplished through the date of May 26, 2023

ITEM	CONTRACTOR'S Schedule of Values			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
SEE ATTACHED Estimate No. 1	\$		\$		\$
Total			\$		\$
Current. Contract: \$645,930.39					

Accompanying Documentation:

	MATERIALS STORED (75% OF INVOICE AMT).	\$0.00
	TOTAL AMOUNT TO DATE	\$344,037.39
	LESS 2 % RETAINAGE	\$6,880.75
	AMOUNT DUE TO DATE	\$337,156.64
	LESS PREVIOUS PAYMENTS RECOMMENDED	\$0.00
	AMOUNT DUE THIS APPLICATION	\$337,156.64

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

Dated May 26, 2023

Top Line Construction Corp.
CONTRACTOR

By _____

ENGINEER'S Recommendation:

This Application (with accompanying documentation) meets the requirements of the Contract Documents and payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated May 26, 2023

VAN NOTE-HARVEY ASSOCIATES, INC.
ENGINEER

By Brandon M Tetze

NO. 1**RECOMMENDATION OF PAYMENT**OWNER's Project No. _____ ENGINEER's Project No. 44836-210-71PROJECT: West Franklin and Knowles Street Road Rehabilitation ProjectsCONTRACTOR Top Line Construction Corp.Contract Date March 21, 2022 Application Date May 26, 2023Application Amount \$337,156.64 For Period Ending May 26, 2023TO: The Borough of Pennington
OWNER

Attached hereto is the CONTRACTOR'S Application for Payment for Work accomplished under the Contract through the date indicated above. The Application meets the requirements of the Contract Documents and includes the CONTRACTOR'S Certificate stating that all previous payments to him under the Contract have been applied by him to discharge in full all of his obligations in connection with the Work covered by all prior Applications for Payment.

In accordance with the Contract the undersigned recommends payment to the CONTRACTOR of the amount due as shown below.

VAN NOTE-HARVEY ASSOCIATES, INC.

ENGINEER

Dated May 26, 2023By Brandon M. Fetz**STATEMENT OF WORK**

Original Contract Price	\$	<u>645,930.39</u>	Work Completed to Date	\$	<u>344,037.39</u>
Net Change Orders	\$	<u>0.00</u>	Materials Stored (75% of Inv. Amt.)	\$	<u>0.00</u>
Current Contract Price	\$	<u>645,930.39</u>	Subtotal	\$	<u>344,037.39</u>
Work to be Done	\$	<u>301,893.00</u>	Amount Retained (2%)	\$	<u>6,880.75</u>
			Total Net Amount	\$	<u>337,156.64</u>
			Previous Payments Recommended	\$	<u>0.00</u>
			Amount Due This Payment	\$	<u>337,156.64</u>

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.14**

**RESOLUTION AUTHORIZING SUBMISSION OF GOVERNOR’S COUNCIL ON
ALCOHOLISM AND DRUG ABUSE FISCAL GRANT JULY 1, 2023 TO JUNE 30, 2024**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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

WHEREAS, Pennington Borough further recognizes that it is incumbent upon not only public officials but also upon the entire community to take action to prevent alcoholism and drug abuse in its community; and,

WHEREAS, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

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

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for budget year of July 1, 2023 to June 30, 2024, subject to certification of available funds by the Chief Financial Officer of the Borough, in the amount of:

DEDR	\$ 9,467.00
Cash Match	\$17,800.00*
In-Kind	\$ 7,100.25

*Hopewell Township: \$14,000.00, **Pennington Borough \$1,500.00**, Hopewell Borough \$2,300.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciente				
Chandler					Stern				
Gnatt					Valenza				

I, Elizabeth Sterling, Municipal Clerk of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 5th Day of June 2023.

Elizabeth Sterling, Borough Clerk

James Davy, Mayor



MEMORANDUM

To: James Davy, Pennington Borough Mayor

From: Heidi Kahme, Municipal Alliance Coordinator

Subject: Municipal Alliance Fiscal Grant July 1, 2023 to June 30, 2024

Date: April 4, 2023

Cc: Betty Sterling

The Hopewell Valley Municipal Alliance is proceeding with its' grant submission to the County of Mercer for funding fiscal July 1, 2023 through June 30, 2024. The three municipalities in Hopewell Valley are acting as a consortium and the application must include resolutions from each municipality and signatures (Form 1A) from each mayor.

Mercer County has issued an award letter allocating \$9,467.00 for this grant year. Pennington Borough's Cash Match contribution is \$1500.00 as noted in the sample resolution, Form 1A and the Shared Services Agreement with the Hopewell Valley Regional School District. *Checks should be made payable the Hopewell Valley Regional School District.*

We would appreciate passage of the attached resolution at your May 1 Council meeting. I will provide Form 1A for Mayor Davy's signature ([blue ink](#)) as soon as Hopewell Township and Hopewell Borough mayors have signed it.

Signing off on Form 1A acknowledges abiding by Statement of Assurances and Fiscal Requirements (attached).

Please feel free to contact me (609) 577-3968 or by email hvmunicipalalliance@gmail.com if you should have any questions or concerns.

Thank you for your continued support.

FORM 1C

STATEMENT OF ASSURANCES

In accepting this grant it is understood that the grantee agrees to abide by the following rules and conditions:

1. The activities proposed herein will be conducted in compliance with the provisions of P.L. 1989,c. 51, and in accordance with state and Federal statutes, as well as regulations and policies promulgated by either the state or Federal government.
2. All proposed prevention/early intervention efforts have been coordinated with existing services and systems in the community and demonstrate strong linkages with existing alcoholism, drug abuse and related agencies and services.
3. The activities proposed herein identify and address identified logic model problem sequence.
4. The Municipal Alliance Committee has been consulted in the development of this strategic plan.
5. The proposed project is designed to be one component within a larger context of planning for alcoholism and drug abuse prevention, education and intervention in the community.
6. The proposal includes provisions for the training of key alliance members. The municipal alliance shall consult with the County Alliance Steering Subcommittee to plan such training.
7. The municipality has committed the necessary financial resources and administrative support to accomplish the activities proposed herein.
8. The municipality shall use the proposed funding to increase the level of funds that would, in the absence of such a grant, be made available by the municipality for the purposes described herein. In no case will funds supplant, or will efforts funded pursuant to section 2 of P.L. 1983, C.531 be duplicated.
9. The municipality shall provide data to the Governor's Council on Alcoholism and Drug Abuse for the purpose of evaluating the effectiveness of the projects funded by this grant program.
10. If the use of funds changes from the uses proposed herein, the municipality shall request a budget revision pursuant to guidelines established by its County Alliance Steering Subcommittee.
11. The municipality shall keep such records and provide such information to the Governor's Council on Alcoholism and Drug Abuse and/or the County Alliance Steering Subcommittee as may be required for fiscal audit.
12. In the event that a final audit has not been performed prior to the closeout of the grant, GCADA retains the right to recover any appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.
13. The municipality agrees that in the event that the matching requirement is not met, the county government will only reimburse the DEDR expenses in portion to the percentage of Cash Match and In-Kind that was expended/documented.
14. The facts, figures and representations made in this strategic plan, including exhibits and attachments hereto, are true and correct to the best of my knowledge.

FORM 1D

FISCAL REQUIREMENTS

In accepting this grant it is understood that the grantee agrees to abide by the following rules and conditions:

1. The applicant agrees to develop a comprehensive plan to provide matching funds equivalent to the amount of the award.
2. The applicant agrees to submit full and complete records on the manner in which the community intends to acquire matching funds in accordance with County Steering Subcommittee regulations.
3. The applicant agrees to submit detailed and accurate accounting of the expenditures to the funding source in accordance with County Steering Subcommittee regulations.
4. The applicant agrees to submit periodic reports of the progress made in accomplishing the purpose of the grant and the method adopted to satisfy the fundraising goals as requested by the County Alliance Steering Subcommittee.
5. The applicant agrees not to use any of the funds to directly influence legislation or the outcome of an election or to undertake any activity for any purpose foreign to the purpose of this grant.
6. The applicant agrees that each Municipal Alliance is required to provide a 100% match of their Municipal Alliance award with local resources. The matching requirement must be fulfilled with a minimum of a 25% cash match and a 75% in-kind services match. The municipal government is responsible for overseeing that the matching requirement is met.
7. The applicant agrees that if an Alliance does not fully expend their DEDR funding in a grant year, the 25% cash match and 75% in-kind matching requirement will be based upon the actual level of DEDR expenditures within the grant year.
8. The applicant agrees that if the DEDR funding is fully expended but the cash match and in-kind requirement is not met, the County government will not fully reimburse the municipal DEDR expenses.
9. At the end of the fiscal year in which this grant falls, the applicant shall submit a financial statement explaining its use as well as any statistics and narrative which will indicate what this grant has accomplished in accordance with County Alliance Steering Subcommittee regulations.
10. The municipality or lead municipality will maintain information required about cash and in-kind match.

FORM 1A

FOR COUNTY USE ONLY
Approved: _____ YES
Date: _____

Item 35. O

STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES

Grant Year: FY24 (July 1, 2023-June 30, 2024) Alliance Tier _____

APPLICANT MUNICIPALITY/IES: Hopewell Township	COUNTY: Mercer
ALLIANCE NAME: Hopewell Valley	ALLIANCE WEBSITE: www.hvalliance.org
ALLIANCE STREET ADDRESS: 201 Washington Crossing-Pennington Road TOWN: Titusville STATE: NJ ZIP: 08560	
TELEPHONE: (609) 737-4000 Ext. 4714	
ALLIANCE CHAIRPERSON: Dawn Marling STREET ADDRESS: 201 Washington Crossing-Pennington Road TOWN: Titusville STATE: NJ ZIP: 08560 EMAIL: dmarling@hopewelltp.org	ALLIANCE COORDINATOR: Heidi Kahme STREET ADDRESS: 12 Tanglewood Drive TOWN: Titusville STATE: NJ ZIP: 08560 EMAIL: hvmunicipalalliance@gmail.com
DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): / /	

A) Alliance DEDR Allocation	\$ 9,467.00
B) Cash Match (must be 25% of DEDR Allocation)	\$ 17,800.00
Hopewell Township \$14,000.00	
Pennington Borough \$1,500.00	
Hopewell Borough \$2,300.00	
C) In-Kind Match (must be 75% of the DEDR Allocation)	\$ 7,100.25
TOTAL ALLIANCE BUDGET (add A+ B+C)	\$ 34,367.25

Hopewell Township	Michael Ruger, Mayor	
_____ *MUNICIPALITY	_____ NAME/ MAYOR/Head of Governing Body	_____ SIGNATURE
Pennington Borough	James Davy, Mayor	
_____ *MUNICIPALITY	_____ NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	_____ SIGNATURE
Hopewell Borough	Paul Anzano, Mayor	
_____ *MUNICIPALITY	_____ NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	_____ SIGNATURE

Dawn Marling		
_____ ALLIANCE CHAIRPERSON	_____ SIGNATURE	_____ DATE

*** If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.**

FORM 8
ALLIANCE BUDGET

Alliance Name: Hopewell Valley

County:

Grant Year: FY24

Last Updated: 4/4/2023

PROGRAM	DEDR AWARD TOTAL	DEDR			CASH MATCH	IN-KIND	PROGRAM TOTAL
		PERSONNEL/TWP EMPLOYEE	CONSULTANT	OTHER DIRECT COST			
Alliance Coordination	0.00						0.00
Healthy Communities/Healthy Youth	2,767.00			2,767.00	2,366.75	7,100.25	12,234.00
L.E.A.D./Too Good For Drugs	900.00			900.00			900.00
Mental Health First Aid	4,000.00			4,000.00			4,000.00
Parents Who Host	1,200.00			1,200.00			1,200.00
Project Sticker Shock	600.00			600.00			600.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
	0.00						0.00
TOTAL EXPENSES	9,467.00	0.00	0.00	9,467.00	2,366.75	7,100.25	18,934.00

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 6.15**

**RESOLUTION AUTHORIZING A PROFESSIONAL
SERVICES AGREEMENT WITH MONTROSE ENVIRONMENTAL FOR THE COMPLETION
OF THE 2022 RIGHT TO KNOW SURVEY**

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of Montrose Environmental, licensed engineers, to assist the Borough in completion of the 2022 Right To Know Survey;

WHEREAS, a copy of the Montrose proposal, dated May 24, 2023, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2022 Right to Know Survey for each area, together with update of the Written Hazard Communications Plan (Tasks 1 and 2 in attached proposal);

WHEREAS, the areas inventoried for hazardous chemicals will include:

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

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

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

WHEREAS, the attached Montrose proposal includes additional tasks (“Additional Tasks”) which may be optional, namely tasks 3, 3a, 4 and 4a, as described on pages 2 and 3 and priced on page 4 of the proposal;

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

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to issue one or more purchase orders or enter into one or more agreements with Montrose Environmental to ensure performance of Tasks 1 and 2 at the cost of \$3,015.00 and to issue or enter into such additional purchase orders or agreements as needed to obtain performance of such of the Additional Tasks as may be legally required, at the price or prices indicated in the proposal, not to exceed \$3,450.00 for said Additional Tasks.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk



Proposal

May 24, 2023

Electronic Mail Delivery Only

bsterling@penningtonboro.org

Ms. Betty Sterling
Pennington Borough
30 North Main Street
Pennington, New Jersey 08534

**RE: Proposal for 2022 New Jersey Right-To-Know Survey and PEOSH Hazard Communication Program Compliance
Montrose Proposal No. 2023-112**

Dear Ms. Sterling:

Montrose Environmental Solutions, Inc. (Montrose) is pleased to provide this proposal to the Pennington Borough (Borough) for professional services for New Jersey Right to Know (RTK) and Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS) compliance. We understand that the Borough is comprised of seven buildings.

Scope of Work

The scope of this project is to meet the requirements of the RTK Program and HCS and assist the Borough with their compliance efforts. The Scope of Work will be implemented via the following Tasks:

TASK 1: 2022 NJ RTK Survey

The technical approach to meeting the goals of the scope of work include:

- Montrose will conduct a complete chemical inventory of each Borough building that houses chemicals.
- Montrose will input the 2022 RTK Survey for each building, on behalf of the Borough, into the NJDOH online reporting system.
- Montrose will evaluate the Central File for compliance with the RTK Law.
- Montrose will submit a letter report detailing the survey, findings, and recommendations, if warranted. The letter report will include copies of the RTK surveys to be included within the Borough Central File.

To comply with the Safety Data Sheet (SDS) requirement of the Central File, Montrose proposes the following:

- Montrose will update the MyPARS online database according to the 2022 surveys.



- Montrose will maintain the database and update the database as new products are added throughout the school year. Montrose will establish a protocol with the Borough when new products are purchased and that will identify the storage location and quantity purchased. The Borough will have the ability to forward a copy of the corresponding SDS electronically, if available. If the Borough cannot provide an SDS, Montrose will locate the manufacturer SDS and upload the .PDF file to the database.
- As of June 1, 2015, the OSHA HAZCOM Standard requires all SDS to be in a new uniform format. As new SDSs become available, Montrose will replace and update the MSDS in MyPARS database.

TASK 2: Written Hazard Communication Plan

Montrose will update the *Written Hazard Communication Plan* for the Borough. The Montrose Manager of Health and Safety or his designee will review the HCP for compliance with the NJDOH requirements and make changes where necessary. Two paper copies of each HCP will be provided for the Borough records.

TASK 3: Online MSDS / SDS Database

As an optional Task, and in an effort to assist the Borough with managing MSDS/SDS and the many pages of information they entail, Montrose developed a web-based chemical product database called MyPARS. MyPARS was developed to provide vital information instantly anywhere it is needed, and is available anywhere an internet connection is available. The system is continually updated with current MSDS/SDS, eliminates the necessity of bulky and outdated binders, saves essential space, and is completely compliant with the requirement for readily accessible MSDS/SDS.

MyPARS allows users to search easily and efficiently for products by name, location, manufacturer, ingredient, or CAS number, and then access the corresponding MSDS/SDS. Montrose maintains MyPARS on our secure server, which is accessible through any internet connection. New products can be added at any time during the year. The database is organized by building and location so that Borough can search all buildings simultaneously or individually depending upon your needs. The database maintains the chemicals, products, and their MSDS/SDS for each of the identified Borough facilities with MSDS/SDS saved as .PDF files.

TASK 3a: MyPARS Database Annual Maintenance Fee

Montrose will maintain the Borough SDS database and update the database as new products are added throughout the school year. Montrose has established a reporting portal within MyPARS database to report new products that are purchased, identify the storage location within the Borough, and forward a copy of the corresponding SDS, if available. If Borough cannot provide a SDS, Montrose will locate the SDS from the manufacturer and upload the file to the database.

TASK 4: RTK Training

The technical approach to meeting the goals of the RTK Training include:

- An explanation of the PEOSH HCS and the written program.

- Identifying the person responsible for maintaining the written program.
- A description of the operations where hazardous chemicals are present.
- The location of the written program and availability of other health and safety information (SDS, RTK Survey, HSFSSs, and the RTK Hazardous Substance List).
- Information on how to use the list of hazardous chemicals (RTK Survey) and how to obtain, read, and use SDS, labels (RTK vs. GHS), and HSFSSs.
- Methods to identify and recognize hazardous chemicals in the work area (labels, SDS, and HSFSSs).
- A discussion of the physical and health hazards of the hazardous chemicals.
- Control measures and specific procedures used to prevent exposure.
- Methods and observations used to detect the presence or release of a hazardous chemical in the work area.
- Standard operating procedures regarding the use, storage, and emergency clean-up of the hazardous chemicals.
- An explanation of the applicable provisions of the RTK Act (RTK Survey, HSFS, RTK labeling, RTK Poster, RTK Central File, and RTK Hazardous Substance List).
- Hand out of the RTK brochure.
- Tutorial of the MyPARS Database.

This scope of work includes training preparation, handouts, on-site training, and documentation for your Central File. Training sessions take approximately four (4) hours for initial training and two (2) hours for update training. Training requirements typically cover employees from maintenance, custodial services, transportation, food service, science, art, shop, and medical departments.

Assumptions

Inherent within the purpose and scope of work are several basic assumptions:

- The Borough will provide a RTK coordinator who will serve as the contact person for the Borough. This individual should be familiar with the location and use patterns of the chemical products at the Borough's facilities.
- The Borough will provide a site map for each facility detailing the locations of the chemical inventory.
- The Borough will complete and sign (electronically) the first page of the New Jersey RTK Survey forms for submittal to NJDOH.
- The Borough will conduct a "walkthrough" as required by the New Jersey RTK laws.
- The Borough will provide product SDS for all new products identified from the 2022 RTK Survey.

Schedule

Montrose is prepared to initiate work on this project within one (1) week upon receipt of your written approval. Upon acceptance of this proposal, Montrose will schedule the field work to ensure completion and submission of all deliverables prior to the July 15, 2023 deadline.



Project Cost

Montrose will provide the services described in the above Scope of Work in accordance with the attached Terms and Conditions. The cost breakdown is detailed below:

Task 1: 2022 NJ RTK Survey	\$ 3,015.00
Task 2: Written Hazard Communication Plan	\$ Included in Task 1
Task 3: Online SDS Database MyPARS	\$ 1,200.00
Task 3a: MyPARS Annual Maintenance Fee	\$ 650.00*
Task 4: RTK Initial Training (per session)	\$ 850.00**
Task 4a: RTK Refresher Training (per session)	\$ 750.00**

* The annual maintenance fee of \$650.00 is waived for the first year

** Maximum of 25 participants per session

This cost proposal is subject to adjustments to reflect any applicable changes in scope and/or law, including but not limited to revised requirements, regulatory guidance, client guidance, statutes, codes, ordinances, procedures, rules, regulations, and guidance documents that become effective after the date of this proposal and would materially affect the work to be performed.

Closure

We appreciate the opportunity to support Pennington Borough (Borough) with this project. If you agree with this proposal, please sign below and fax a signed copy to Montrose at 609-890-9116 or via email at jperrini@montrose-env.com to initiate this project. If you have any questions or require additional information, please contact me at 609-890-7277 / jperrini@montrose-env.com.

Very truly yours,

Montrose Environmental Solutions, Inc.

Jessica Perrini
 Project Health & Safety Specialist

Julian Fernandez-Obregon
 Director, Health & Safety Services
 Senior Health & Safety Specialist

Enclosures:

Attachment A – Terms and Conditions



PROPOSAL ACCEPTANCE AGREEMENT

BY SIGNING THIS PROPOSAL ACCEPTANCE AGREEMENT, THE CLIENT ACCEPTS THE PROPOSAL AND AGREES TO BE BOUND BY ITS TERMS, INCLUDING THE GENERAL TERMS AND CONDITIONS ATTACHED THERETO AND ALL OTHER ATTACHMENTS REFERENCED THEREIN. THE PROPOSAL AND ATTACHMENTS THERETO CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE CLIENT AND MONTROSE ENVIRONMENTAL SOLUTIONS, INC., WITH RESPECT TO THE PROJECT REFERENCED IN THE PROPOSAL AND SUPERSEDE ALL PRIOR WRITTEN OR ORAL STATEMENTS OR UNDERSTANDINGS.

Borough

Client (Signature):_____

By (Type/Print):_____

Title:_____

Date: _____

Task 1: 2022 NJ RTK Survey	_____
Task 2: Written Hazard Communication Plan	<u>Included in Task 1</u>
Task 3: Online SDS Database MyPARS	_____
Task 3a: MyPARS Database Annual Maintenance Fee	_____
Task 4: RTK Initial Training (per session)	_____
Task 4a: RTK Refresher Training (per session)	_____

*** Maximum of 25 participants per session*



Pennington Borough
Proposal for 2022 NJRTK Survey and
PEOSH Hazard Communication Program Compliance
Opportunity No.2023-112
May 24, 2023

Attachment A

Terms & Conditions

1. SCOPE OF WORK; INTERPRETATION

By submitting the proposal to which this document is attached, together with these General Terms and Conditions, client fee and rate schedule, and any other agreements, exhibits or schedules which are attached (together the "Proposal"), Montrose Environmental Solutions, Inc. (together with its affiliates, "Montrose") agrees to perform the services described in the Proposal ("Services"), provided, that this Proposal shall automatically terminate and shall not be binding upon Montrose unless accepted in writing by the person or entity to which the Proposal is addressed (the "Client") not less than sixty (60) days after the date first set forth in the Proposal. Acceptance by the Client shall be effective only upon delivery to Montrose of a properly executed Proposal acceptance. The Proposal is open for acceptance by the Client only and may not be accepted by any other person or entity, regardless of affiliation with the Client. Once properly accepted, the Proposal, including all attachments and these General Terms and Conditions (the "Agreement"), shall be binding upon both Client and Montrose. Additional services provided by Montrose to the Client shall be subject to and governed by these General Terms and Conditions and shall be provided at Montrose's then current standard rates, unless otherwise expressly agreed in writing.

2. RIGHT OF ENTRY; SITE INFORMATION

To the extent applicable to the Services, the Client will provide access and the right of entry to all Montrose and subcontractor personnel and equipment at the project site or sites as they may require in order to complete the Services. Client recognizes that some disturbance of site conditions may be a consequence of the performance of the Services. Unless otherwise specified in the Proposal, costs associated with restoring land or facilities to their former condition are to be borne exclusively by the Client.

Client shall provide to Montrose all available data and information relating to the Services and to the environmental, geologic, and geotechnical conditions of the site and surrounding area (if applicable). Client shall furnish plans to Montrose that accurately show the location of subsurface structures, including but not limited to pipes, tanks, cables, and utilities. All criteria, design, and construction standards, and other information relating to the Client's requirements for the Services, as applicable, shall be provided in writing to Montrose by the Client.

Should concealed or unknown conditions be encountered that are at variance with the conditions indicated by the materials and documents provided by Client, or should concealed or unknown conditions be of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in a project of the nature contemplated in the Services, Montrose shall not be responsible for any additional costs incurred by the Client in remedying such conditions. Further, the Client agrees to hold harmless, defend and indemnify Montrose from and against any and all liability arising out of any claims asserted by any party (including third parties) for additional costs incurred to remedy such conditions.

Should these concealed or unknown conditions result in a material change in the scope of Montrose's Services, Montrose and the Client agree to promptly and in good faith enter into renegotiation of this Agreement to facilitate Montrose's ability to continue to meet the Client's needs. If renegotiated terms cannot be agreed upon, the Client agrees that Montrose has an unconditional right to terminate this Agreement.

3. CONSTRUCTION PROCEDURES (If Applicable)

Unless otherwise stated in the Proposal, Montrose shall neither manage nor supervise construction. Montrose shall not be responsible for the acts or omissions of contractors or other parties in connection with the performance of Services. Montrose shall not have control or charge of, and shall not be responsible for construction means, methods, techniques, sequences, or procedures. Unless specifically stated as part of Montrose's scope of work or the Proposal, as applicable, Montrose will not implement or be responsible for health and safety procedures, or for safety precautions and programs. Montrose's testing or monitoring of portions of the work of other parties on a project shall not relieve such other parties from their responsibility for performing their work in accordance with applicable plans, specifications, and safety requirements.

4. INVOICES; PAYMENT; OPINIONS OF COST

The Client shall pay to Montrose fees for professional services rendered in accordance with the Proposal and as provided in this Agreement. Unless otherwise stated in the Proposal, Montrose will submit invoices to Client monthly, with a final invoice upon completion of Services. To the extent applicable, and unless otherwise stated in the Proposal, each invoice will show separate charges for different personnel and expense classifications. There shall be no retainage or other amounts held back by the Client, unless otherwise agreed upon in the Proposal.

Payment of all invoiced amounts is due within thirty (30) days after Client's receipt of each invoice. For any amounts not paid when due, Montrose shall charge and Client shall pay interest charges, beginning on the thirty-first (31st) day after the Client's receipt of the invoice, at the rate of one and one-half percent (1 ½%) per month, or the maximum rate allowed by applicable law on past due accounts, whichever is less. Any attorney's fees, court costs and any other expenses incurred in collecting any delinquent amount shall be paid by Client. Montrose shall maintain title in all deliverables and equipment provided under this Agreement (if applicable) until such time as all invoices are paid in full. Montrose also reserves the right to withhold any reports or deliverables, or to suspend services until all invoices are paid in full.

Montrose may provide estimates of costs for remediation, construction or other Services, as appropriate based on available data, designs, or recommendations. However, these opinions are intended primarily to provide information on the range of costs and are not intended for use in firm budgeting or negotiation unless specifically agreed to in writing by Montrose. Additionally, these opinions are not intended to be used for financial disclosure related to the Financial Accounting Standards Board ("FASB") Statement No. 143, FASB Interpretation No. 47, the Sarbanes/Oxley Act or any United States Securities and Exchange Commission reporting obligations and may not be used for such purposes without the prior express written consent of Montrose.

5. DOCUMENTATION; NONRELIANCE

All documentation and work product produced specifically for or in connection with the Services (collectively, "Documentation") shall be delivered to Client upon completion of and payment for the Services, provided, that Montrose may keep a copy (in paper or electronic form) of such Documentation for its records. All Documentation shall be the exclusive property of Client, except to the extent such Documentation includes information, in whole or in part, that is or embodies proprietary information, trade secrets or other intellectual property of Montrose (to the extent included in the Documentation, the "Montrose Information"). Montrose hereby grants to Client the perpetual, fully paid right and license to use the Montrose Information for the purposes for which the Services are intended, but not to publicize, sell, transfer or otherwise use the Montrose Information. No articles, papers, treatises, or presentations referring to Services may be presented or oth

published without the prior written consent of Client. Client agrees that all Documentation furnished to Client which is not paid for will be returned to Montrose upon demand and Client shall not have any rights in or with respect to such Documentation. Documentation and Montrose Information shall not be used by the Client for any purpose not expressly provided for in the Proposal without the prior written approval of Montrose.

Documentation produced by Montrose is not intended or represented by Montrose to be suitable for use or reliance beyond the scope or purpose for which it was originally prepared, or for anyone except the Client. Any such unauthorized use will be at the Client's or third party's sole risk.

6. **SAFETY; WASTE**

Subject to the indemnification provisions set forth herein, Montrose is only responsible for the safety of its own employees and subcontractors during the performance of the Services. Neither the professional activities of Montrose, nor the presence of Montrose's employees and subcontractors on the project site, if any, shall be construed to mean that Montrose has any responsibility for any activities on site performed by personnel other than Montrose's employees or its subcontractors.

Client acknowledges that Montrose has neither created nor contributed to the creation or existence of any hazardous, toxic or radioactive waste, material, chemical, compound or substance, or any other type of environmental hazard, contamination or pollutant, whether latent or patent, or the release thereof, or the violation of any law or regulation relating thereto at the site where the Services are being performed or in connection with the Services. Client covenants to indemnify, protect, hold harmless and defend Montrose and its affiliates, at Client's sole cost and expense, against the claims and demands of all persons or by any federal, state, county or municipal regulatory agency, made because of, or arising out of any operations conducted by the Client, its officers, directors, employees, agents, contractors or subcontractors. Further, where the Client requests Montrose to dispose of waste or to arrange for the disposal of waste, Client agrees that Montrose is not the owner, generator or possessor of the waste, and the client shall indemnify and hold Montrose, its affiliates, employees, officers, directors, members, agents, insurers, and consultants, and subcontractors harmless for any costs incurred in defending any action where it is alleged that Montrose is the owner, generator, or possessor of the waste. Client shall notify Montrose of any known or suspected health or safety hazards existing at any site where the work is to be performed including, but not limited to, the presence of any hazardous waste or hazardous substances and any aboveground or underground utilities.

7. **DELAYS IN AND FAILURE TO PERFORM WORK**

Montrose will not be responsible for damages due to delays in the performance of the Services, or any part thereof, caused by factors beyond the reasonable control of Montrose, including without limitation delays caused by any property owner, Client or Client's agents, other consultants, contractors or subcontractors. Stand-by or non-productive time for delays in work caused by Client will be charged to Client as work time unless provided for as a separate item in the Proposal. Further, Montrose shall not be liable for damages due to delay or cancellation of the Services, or part thereof, as a result of any delay due to any cause beyond Montrose's reasonable control including, but not limited to, act of God, embargo or other governmental acts, regulations or requirements, fire, sabotage, accident, pandemics, labor disputes, war, civil insurrection or riot, delay in transportation, or the inability to obtain necessary labor, permits or supplies. In the event of any such delay, the target date for completion of the Services may be extended for a period equal to the time lost by reason of the delay.

8. **INSURANCE**

Throughout the term of the project under the applicable purchase order, work order, Statement of Work or Proposal, Montrose will maintain in full force and effect the insurance coverages set forth below, at its sole cost and expense, covering the services of Montrose, its directors, officers, employees and agents:

- (i) Worker's compensation insurance in the statutory amount and employer's liability insurance in an amount not less than \$1,000,000 for all employees engaged in the Work.
- (ii) Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from use of motor vehicles, including onsite and offsite operations, and owned, with not less than \$1,000,000 combined single limits.
- (iii) Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of Subcontractor or of any of its employees, agents, or subcontractors, with not less than \$2,000,000 per occurrence and \$2,000,000 in the aggregate.
- (iv) Professional/Pollution liability insurance with not less than \$2,000,000 per claim.
- (v) Excess liability insurance with not less than \$5,000,000 per occurrence and in the aggregate.

Insurance coverage set forth in Sections 8 ii, iii, and v above shall name Client as additional insureds, and shall be endorsed to provide a waiver of subrogation against Client. Such insurance will be the primary coverage and Client shall have no obligation to pay Montrose's premiums.

9. **LIMITED WARRANTIES**

The Services will be performed in accordance with any Client's written instructions, consistent with the Proposal, in an efficient and expeditious manner consistent with good quality practices, and with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions (the "Limited Warranty"). Client recognizes that the Services require the interpretation of available data and that some level of uncertainty exists, despite Montrose's adherence to the Limited Warranty. All estimates, approvals, recommendations, opinions, and decisions are made on the basis of Montrose's experience, training and judgment and are not guaranteed. No other representation, guarantee or warranty, express or implied, in fact or by law, is made and Montrose hereby expressly disclaims all other representations, guarantees or warranties, including without limitation any implied warranties of merchantability or fitness for a particular use or purpose concerning any of the Services. In the event any Services provided by Montrose do not comply with the Limited Warranty, Client's sole and exclusive remedy shall be the completion of the Services in compliance with the limited warranty set forth herein or, at Montrose's option, the refund of that portion of the fees paid by Client with respect to which Montrose breached the Limited Warranty.

Montrose does not represent or warrant that any permit or approval will be issued by a governmental body. To the extent applicable to the Services, Montrose will endeavor to prepare any application for any such permit or approval in conformance with all applicable requirements, but, in view of the complexity and the frequent changes in applicable rules and regulations and interpretations by the authorities, Montrose cannot guarantee that any such application will be complete or will conform to all applicable requirements. Clients desiring further assurance regarding their applications for permits or approvals are advised to obtain legal or other appropriate counsel.

Client recognizes and agrees that all testing and remediation methods have inherent reliability limitations; no method or number of sampling locations can guarantee that a condition will be discovered within the performance of the Services as authorized by the Client. The Client further acknowledges and agrees that reli

testing or remediation methods varies according to the sampling frequency and other variables and that these factors, including cost, have been considered in the Client's selection of Services. To the extent applicable, Montrose's observations only represent conditions observed at the time of the site visit. Montrose is not responsible for changes that may occur to the site of Services after Montrose completes the Services.

The parties agree that any work product or data produced by Montrose are solely intended for use by Client and shall not be relied upon by any other party. No third party shall be a beneficiary of this Agreement.

10. INDEMNIFICATION

To the fullest extent permitted by applicable law, Montrose shall indemnify and hold harmless Client from and against any and all losses, damages, liabilities, and expenses, including reasonable legal fees and reasonable costs of investigation directly arising from claims or actions arising from the Services, provided that any such claim, action, loss, damages, or judgment is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, but only to the extent caused by a negligent act or omission or the willful misconduct of Montrose, except to the extent any losses, damages, liabilities, or expenses result from, are attributable to, or arise out of any negligence or willful misconduct of Client.

To the fullest extent permitted by applicable law, Client shall indemnify and hold harmless Montrose from and against any and all losses, damages, liabilities, and expenses, including reasonable legal fees and reasonable costs of investigation, resulting from or arising out of the negligence or willful misconduct on the part of Client or its contractors or agents, other than those liabilities for which Montrose is required to indemnify Client pursuant to this section. Client shall, at all times during the performance of the Services, maintain commercial general liability insurance in an amount sufficient, in Client's reasonable judgment, to satisfy its obligations hereunder. Client shall, upon request by Montrose, provide Montrose with a certificate evidencing such insurance.

11. LIMITATION ON LIABILITY

In no event shall the total aggregate liability or obligation of Montrose, its directors, officers, employees and agents, to Client or any other person or entity claiming by or through Client relating to the Project exceed the amounts recovered under the contractually required insurance coverages and amounts, plus no more than one-and-a-half times the total fees paid to Montrose under the applicable PO, Work Order or Statement of Work.

To the fullest extent permitted by applicable law, Client and Montrose waive against each other, and the other's employees, officers, directors, members, agents, insurers, and consultants, any and all claims for or entitlement to special, incidental, indirect, punitive, or consequential damages, including lost profits, arising out of, resulting from, or in any way related to this Agreement or the Services.

12. TAXES

Any taxes that may be imposed upon the services described herein shall be the responsibility of Client and will be added to and become a part of the purchase price for the Services. The term "taxes" means all taxes, fees and assessments due, assessed or levied by any foreign, federal, state or local government or taxing authority, and any penalties, fines or interest thereon, which are imposed upon the provision of the Services described herein or upon the project which the Services support, but shall not include any taxes based upon the net income of Montrose. If Montrose is required by applicable law to pay or collect any taxes on account of the Services, then such taxes shall be paid by Client unless Client is exempt from such taxes and timely furnishes Montrose with a certificate of exemption.

13. TERMINATION

Either party may terminate the Services for any reason upon fifteen (15) days written notice to the other party. In the event that Client terminates the Services, Client shall pay all fees with respect to Services performed or committed to before the termination notice date, plus reasonable expenses of termination. The expenses of termination shall include all direct costs of Montrose, including without limitation reasonable demobilization costs and expenses. The termination of this Agreement by Montrose does not relieve the Client of any liability for fees due for services performed or committed to before the termination notice date, plus reasonable expenses of termination.

14. INTERRUPTION OF SERVICES

If the Services are suspended by the Client for more than 30 consecutive days, Montrose's compensation shall be equitably adjusted when the Services are resumed to provide for expenses incurred by the interruption and resumption of Montrose's services. If the Project is not resumed within 60 days, Montrose may, at its sole option, terminate this Agreement upon 15 days' notice to the Client.

15. TESTIMONY

The Client and Montrose recognize that the Project may involve some type of legal proceeding during or after the performance of the Services and that the time of Montrose employees is a principal resource from which Montrose derives revenue. Client also understands that incidents involving Client operations and Montrose Services may result in litigation requiring Montrose to spend time responding to discovery requests. Accordingly, if Montrose personnel, consultants, or subcontractor are called or subpoenaed for depositions, examination, or court appearances or required to provide information from Montrose files in any dispute arising out of the Services, the Client agrees to reimburse Montrose, its consultants and subcontractors on a time and material basis in accordance with then current standard billing rates for such matters, including all out of pocket costs incurred in connection with such matters.

16. GOVERNING LAW; DISPUTE RESOLUTION

This Agreement shall be governed by the laws and regulations of the state in which the Services are performed, unless the Services are performed remotely or in multiple states, in which case, this Agreement shall be governed by the laws and regulations of the state of Delaware. The Client and Montrose shall first attempt in good faith to resolve any dispute arising out of or in connection with Agreement promptly by negotiations between executives/managers who have authority to settle the controversy and who are at a higher level of management than the Client and Montrose project managers with direct responsibility for the Services. In the event that the parties are unable to resolve the dispute per the discussion described above, then the parties agree that they shall submit any and all unsettled claims, counterclaims, and other matters in question between them arising out of or relating to this Agreement or breach thereof ("Disputes") to mediation by a mutually agreed upon third party. Client and Montrose agree to participate in the mediation process in good faith. The process shall be conducted on a confidential basis, and shall be completed within 30 days (subject to the availability of the agreed-upon mediator). Such mediation shall not be required, unless mutually agreed upon by the parties, for more than 3 days. If such mediation is unsuccessful in resolving a Dispute, then the parties may mutually agree to a dispute resolution of their choice or in the absence of such agreement the parties may exercise their rights at law. The costs of the mediator shall be borne equally as between Client and Mo

17. MODIFICATION

All changes, amendments or modifications to the Proposal or this Agreement must be in writing executed by both parties hereto. No oral statement shall in any manner change, amend, modify or otherwise alter the Proposal or this Agreement.

18. NOTICES

All notices, consents or requests desired or required to be given hereunder shall be in writing and shall be delivered in person or sent by

(i) registered or certified mail, return receipt requested, postage prepaid, or (ii) an overnight delivery service with the capability to verify delivery, to the address of the other party set forth hereon or to such other address as such party shall have designated by proper notice.

19. ASSIGNMENT

Neither the Client nor Montrose may delegate, assign, sublet or transfer its duties or interest in the Services without the written consent of the other party.

20. ENTIRE AGREEMENT

The Proposal, including these General Terms and Conditions, contains the entire agreement and understanding between the parties relating to the Services. Any and all terms or conditions set forth on any order form, change order, acknowledgment, specifications or other documents supplied by Client are hereby expressly rejected by Montrose and shall not be binding upon either party unless expressly agreed to in writing.

21. ACCRUAL OF CLAIMS

To the fullest extent permitted by applicable law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of completion of Services or termination of Services, whichever is earlier.

22. CONFLICTS

In the event that any one or more of the provisions of the Proposal or these General Terms and Conditions is determined by a court of competent jurisdiction to be invalid, unenforceable or illegal, such invalidity, unenforceability or illegality shall not affect any other provision hereof and the remaining provisions shall continue in full force and effect.

23. WAIVER

No waiver by either party of any default hereunder by the other party hereto shall operate as a waiver of any other default or of a similar default on a future occasion.

No such waiver by either party shall be effective unless the same shall be in writing and signed by the waiving party.

24. INDEPENDENT CONTRACTOR

Each party hereto is an independent contractor, and nothing contained herein may be construed as creating a joint venture, partnership, licensor-licensee, principal-agent or mutual agency relationship between or among the parties. Neither party, by virtue of the Proposal or this Agreement, has any right or power to create any obligation, express or implied, on behalf of the other party. No employee, director, officer or consultant of either party will be deemed to be an employee of the other party by virtue of this Proposal or any sale made hereunder.

25. UNFORESEEN OCCURRENCES

If, during the performance of the Services, any unforeseen conditions or occurrences are encountered which, in Montrose's sole judgment, significantly affects or may affect the ability of Montrose to perform the Services, Montrose will promptly notify Client thereof. Subsequent to such notification, Montrose may: (a) if practicable, in Montrose's judgment and with approval of Client, complete the original scope of Services; (b) agree with Client to modify, in writing, the scope of Services and the estimate of charges for the Services; or (c) terminate the Services effective on the date of notification pursuant to the terms herein.

26. CONFIDENTIALITY

Montrose shall treat as confidential all information provided or made accessible to Montrose by Client ("Confidential Information"). Without the express written consent of Client, Montrose shall not disclose Confidential Information to any third party, nor use that information directly or indirectly, other than as contemplated by the Services or as required by law or court order. Notwithstanding the foregoing, Confidential Information does not include information that Montrose demonstrates (a) was in the possession of Montrose on a non-confidential basis before receipt from Client; (b) was or has become generally available to the public other than as a result of disclosure by Montrose or any of the directors, officers, employees, agents, consultants, advisors or other representatives of Montrose; (c) has become available to Montrose on a non-confidential basis from a source other than Client or Client's representatives, provided that the source is not known by Montrose to be bound by a confidentiality agreement with Client or otherwise prohibited from transmitting the information to Montrose by a contractual, legal, fiduciary, or other obligation; or (d) which is required to be disclosed by judicial or administrative process, provided Montrose must promptly notify Client and allow Client a reasonable time to oppose that process if appropriate in the sole discretion of Client. Unless requested otherwise, the Client grants Montrose the permission and right to use the Client's name and a general description of the Project as a reference for other prospective clients.

BOROUGH OF PENNINGTON RESOLUTION 2023 – 6.16

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Borough Tax Sale held on December 3, 2021, a lien was sold on Block 102.01, Lot 3, also known as 84 Woolsey Court, Pennington, NJ, for 2020 delinquent tax payments; and

WHEREAS, this lien, known as Tax Sale Certificate #21-00001, was sold to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for 0% and a \$22,000.00 premium; and

WHEREAS, Homestead Title Agency, Inc. 114 North Broad Street, Woodbury, New Jersey 08096 have effected redemption of Certificate #21-00001 in the amount of \$14,107.37;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$14,107.37 payable to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate #21-00001; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$22,000.00 (Premium) from the Other Trust fund to the aforementioned lienholder.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.17**

Item 38.

**AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER
“ESTIMATED” TAX BILLS, DUE AUGUST 1, 2023**

WHEREAS, in light of the County Budget not being adopted; and

WHEREAS, the DLGS hasn't Certified our Levy and the County Board of Taxation cannot certify taxes until after the June 30, 2023 deadline to process third quarter tax bills due August 1, 2023; and

WHEREAS, without a Certified Levy, the Tax Collector cannot process the final 2023 Tax Levy; and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2023

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Pennington, in the County of Mercer and State of New Jersey on this 5th day of June, 2023 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2023 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2023 taxes shall not be subject to interest until the later of August 10, 2023 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that the Pennington Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of 2023 based upon an annualized levy analysis totaling \$15,680,177.90, \$2.973 total rate. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**PERMISSIVE ESTIMATED TAX LEVY RANGE
RANGE 5% LOWER TO 5% HIGHER THAN PREVIOUS YEAR'S LEVY**

2022 TOTAL TAX LEVY	\$14,948,898.83
95% LEVY	\$14,201,453.89
105% LEVY	\$15,696,343.77
 2022 TAX RATE	 \$2.83
95% RATE	\$2.69
105% RATE	\$2.97

Certified calculation prepared by:

Sandra Webb, Chief Finance Officer

Sandra Webb, Tax Collector

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.18**

Item 39.

**RESOLUTION APPROVING EMERGENCY APPROPRIATION BY THE PENNINGTON
BOROUGH BOARD OF FIRE COMMISSIONERS, DISTRICT NO. 1. IN THE AMOUNT OF
\$17,380. FOR REPAIR OF A PUMPER TANKER TRUCK TO PROTECT AND PROMOTE THE
PUBLIC SAFETY**

WHEREAS, the Pennington Borough Board of Fire Commissioners District No. 1 has filed with Pennington Borough Council the attached Resolution, adopted on April 18, 2023 by no less than 2/3 of the Board's full membership (hereafter the "Fire District Resolution") declaring that an emergency exists requiring a supplemental appropriation in the amount of \$17,380;

WHEREAS, as further explained in the Fire District Resolution, the emergent purpose of the supplemental appropriation is to repair a pumper tanker truck in substantial need of repairs, including seal replacement, engine repair, brake repair and repair of a hole in the pumper presented;

WHEREAS, the Fire District Resolution further represents that, in accordance with N.J.S.A. 40A:14-78.11, an emergency appropriation is required because the need for these repairs was not foreseen at the time of the adoption of the Fire District's operating budget and its approval by the Director of the Division of Local Government Services, and use of the pumper tanker truck is needed to protect and promote the public safety;

WHEREAS, the District Resolution also represents that in compliance with N.J.S.A. 14:78.12, the proposed emergency appropriation together with any prior emergency appropriations made during this budget year does not exceed the maximum permitted 3% of total current operating appropriations made in the budget for this year;

WHEREAS, the District Resolution further stipulates that the \$17,380 emergency appropriation will be provided in full by the District as a deferred charge in the District's 2023 current fund operating budget;

WHEREAS, a copy of the Fire District Resolution has been filed with Pennington Borough Council because the Resolution shall not take effect until approved by a vote of 2/3 of the full membership of the municipal governing body, which shall certify its approval to the Fire District, in accordance with N.J.S.A. 40A:14-78.13;

NOW, THEREFORE, BE IT RESOLVED, by no less than 2/3 of its full authorized membership of Borough Council as follows:

1. An emergency appropriation by the Pennington Borough Board of Fire Commissioners, District No. 1, is hereby made for repair of the described pumper tanker truck in the amount of \$17,380;
2. This emergency appropriation shall be provided for in full in the 2024 Fire District budget;
3. Two (2) certified copies of this resolution shall be filed with the Director of the Division of Local Government Services;
4. This approval shall be certified to the Fire District.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

RESOLUTION 2023-15

A RESOLUTION OF THE PENNINGTON BOROUGH BOARD OF FIRE COMMISSIONERS, DISTRICT NO. 1, COUNTY OF MERCER, STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$17,380, FOR THE REPAIR OF A PUMPER TANKER TRUCK AND FURTHER CERTIFYING THE APPROPRIATION TO BE RAISED IN THE DISTRICT'S 2023 CURRENT FUND OPERATING BUDGET, IN ACCORDANCE WITH N.J.S.A. 40A:78-13 AND N.J.S.A. 40A:14-78-14.

WHEREAS, a pumper tanker truck is in need of substantial repairs, namely main seal replacement, engine repair, brake repair and repair of a hole in the pumper, with said repairs being critical to maintaining public safety and welfare in the community fire service; and

WHEREAS, because of this catastrophic, multiple failure of systems on the pumper tanker truck, it is necessary for the Commissioners of Pennington Borough Fire District No. 1 to repair the pumper tanker truck in the interest of protecting and promoting the public safety and welfare of the Pennington Borough community; and

WHEREAS, N.J.S.A. 40A: 14-78.11 provides that a fire district may make emergency appropriations, after the adoption of a budget approved by the Director of the Division of Local Government Services, pursuant to N.J.S.A. 40A: 5A-1 for a purpose which is not foreseen at the time of the adoption of the operating budget; and

WHEREAS, pursuant to N.J.S.A. 40A: 14-78.12, an emergency appropriation, together with all prior emergency appropriations made during the same year, shall not exceed 3% of the total of current operating appropriations made in the budget adopted for that year; and

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

WHEREAS, the Board desires to make an emergency appropriation in the amount of \$17,380, which does not exceed 3% of the total of current operating appropriations made in the budget adopted for 2023; and

WHEREAS, N.J.S.A. 40A: 14-78-13 also requires that a copy of this resolution be filed immediately with the governing body of Pennington Borough and that the resolution of the Board shall not take effect until the municipal governing body, by a vote of not less than 2/3 of its full membership, approve the emergency appropriation and certify its approval to Fire District No. 1.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners, Pennington Borough District No. 1, County of Mercer, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40A: 14-78.13, the Pennington Borough Board of Fire Commissioners, District No. 1, hereby authorizing an emergency appropriation of \$17,380.00 which amount does not exceed 3% of the total operating appropriations in the District's 2023 current fund operating budget.
2. The \$17,380.00 emergency appropriation needed for the repair of the pumper tanker truck shall be provided in full by Fire District No. 1 as a deferred charge in the District's 2023 current fund operating budget.
3. The Secretary of the Pennington Borough Board of Fire Commissioners, District No. 1, is directed to submit this Resolution immediately to the governing body of Pennington Borough, for consideration and approval, pursuant to N.J.S.A. 40A:14-78.13.
4. That certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, Department of Community Affairs and the Board Auditor.

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

<u>Roll Call Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brian Hofacker	x			
Commissioner Robert DiFalco	x			
Commissioner Ryan Fraser	x			
Commissioner Sandra Radice	x			
Commissioner Scott Schaub	x			

CERTIFICATION

I, Ryan Fraser, Clerk of the Pennington Borough Board of Fire Commissioners, District No. 1, in the County of Mercer, State of New Jersey, do hereby certify the above to be a true copy of a Resolution duly adopted at its meeting held on April 18, 2023.

/s/ Ryan Fraser
 Ryan Fraser
 Secretary, PBBFC District No.1

April 18, 2023
 Date



Rothstein, Mandell, Strohm,
 Halm & Cipriani, P.A.
 ATTORNEYS AT LAW

98 East Water Street
 Toms River, NJ 08753

o: 732.363.0777
 f: 732.905.6555

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.19**

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT
WITH PENN MEDICINE PRINCETON MEDICAL CENTER TO
PROVIDE FOR ADDITIONAL SERVICES FOR CDL LICENSEES**

WHEREAS, by Resolution 2023-2.8, Borough Council has authorized an agreement with Penn Medicine Princeton Medical Center (Occupational Health) to provide for a Substance Abuse Testing Randomization Program for CDL (commercial driver license) drivers employed by the Borough in compliance with 49 CFR 382 and 49 CFR 40 (“Agreement”);

WHEREAS, the Borough now seeks to amend the Agreement in accordance with the attached Price Quotation to provide for the following additional services for its CDL licensees, relating to annual examinations required by law:

- Vision Examination, Hearing Examination and Urine Test, including completion of related paperwork for submission to the Department of TransportationTotal Combined Fee: \$100
- Audiogram (only if abnormal hearing test)Additional Fee: \$45

WHEREAS, the total cost of these services shall not exceed \$1,000 without the prior written approval of Borough Council;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this purpose in Account # 3-01-26-305-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to accept the attached Price Quotation and to enter into an amended Agreement with Penn Medicine Princeton Medical Center (Occupational Health) on behalf of the Borough for the provision of the described services.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.20**

**RESOLUTION AUTHORIZING THE FILING OF AN APPEAL OF THE TRIAL COURT
DECISION IN HOPEWELL BOROUGH, PENNINGTON BOROUGH,
ET AL VS HOPEWELL TOWNSHIP, US HOME AT HOPEWELL PARC URBAN RENEWAL
LLC, ET AL. CONTESTING APPROVAL OF 30-YEAR TAX EXEMPTION FOR THE
DEVELOPMENT.**

WHEREAS, Hopewell Borough and Pennington Borough have together filed an action in lieu of prerogative writs, captioned Hopewell Borough and Pennington Borough, et al v. Hopewell Township, US Home at Hopewell Parc Urban Renewal LLC., et al, Superior Court of New Jersey, Law Division – Mercer County, Docket No. L-497-22;

WHEREAS, this action challenges Hopewell Township Ordinance 22-1766 awarding a 30-year tax exemption for a US Home development consisting of 1,077 housing units with a 20% set-aside for affordable housing;

WHEREAS, the Boroughs maintain among other things that notwithstanding the inclusion of affordable housing, which is indeed a benefit of the project, the tax exemption does not meet the criteria for exemption and is not required for the success of the project, while nonetheless creating a windfall for the Township and shifting an estimated \$25 million in school taxes to the two Boroughs over the next 30 years;

WHEREAS, the Boroughs are represented by co-counsel, Joseph C. Tauriello, Esquire and Walter R. Bliss, Jr., Esquire;

WHEREAS, the matter was the subject of multiple briefs and oral argument before the trial court and on May 1, 2023, the Hon. Robert Lougy, A.J.S.C. entered an Order Dismissing Complaint With Prejudice and an accompanying opinion;

WHEREAS, the two Boroughs wish to authorize Mr. Tauriello and Mr. Bliss to file an appeal of the the trial court decision in the Superior Court Appellate Division, an appeal the Boroughs are entitled to file as of right;

WHEREAS, the estimated cost of the appeal is \$12,500, to be shared 50/50 by the two municipalities;

WHEREAS, the Chief Financial Officer of Pennington has certified that the funds for this Borough's share of the cost is available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that legal counsel Tauriello and Bliss are hereby authorized to file in the Appellate Division of Superior Court an appeal of the trial court decision of May 1, 2023 in the above-referenced matter, with the proviso that no fee or expense incurred shall exceed the Borough share of \$6,250 without prior written approval of this Borough Council.

Record of Council Vote on Passage

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk