



REGULAR COUNCIL MEETING - FEBRUARY 5, 2024
AGENDA
Monday, February 05, 2024 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.

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. Resignation - Reba Holley to Economic Development
2. Resignation - Michael Rheinhardt - Shade Tree Committee

PRESENTATIONS

3. Presentation - Historic Preservation

MAYOR'S APPOINTMENTS

4. Economic Development - Chris Murphy moving from Alternate 1 to Regular Member - Term 1/1/2024 to 12/31/2028

Ka'Neda Bullock moving from Alternate 1 to one year term 1/1/2024 to 12/31/2024

APPOINTMENTS (WITH COUNCIL APPROVAL)

5. Re-Appointment of Meredith Moore - Shade Tree Committee - Term 1/1/2024 - 12/31/2026

APPROVAL OF MINUTES

6. Regular Council Meeting - December 28, 2023
7. Reorganization Meeting - January 2, 2024
8. Regular Meeting - January 2, 2024

ORDINANCES FOR INTRODUCTION

9. Ordinance 2024-1 - Ordinance Amending Chapter 98 (Fees) of the Code of the Borough of Pennington to Insert Fees Relating to the Annual Yard Sale and the Use of Kunkel Park

COMMITTEE REPORTS

10. **Personnel / Economic Development** - Ms. Angarone
11. **Public Works / Planning Board / Historic Preservation** - Ms. Stern
12. **Finance & Technology / Public Safety / Open Space / Arboretum / Landfill** - Mrs. Chandler
13. **Library / Shade Tree** - Ms. Gnatt
14. **Parks & Recreation** - Mr. Marciante
15. **Board of Health / Environmental Commission** - Mr. Valenza
16. **Senior Advisory** - Mayor Davy

COUNCIL DISCUSSION

17. Social Affairs Permit - Tollgate Grammar School PTO Event

NEW BUSINESS

18. Resolution 2024 - 2.1 - Resolution Authorizing Refunds
19. Resolution 2024 - 2.2 - Resolution Authorizing Payment of Bills
20. Resolution 2024 - 2.3 - Resolution Authorizing Amendments to the 2024 Temporary Budget
21. Resolution 2024 - 2.4 - Resolution Awarding Annual Contract for Janitorial Services to Eagle Janitorial Services in 2024
22. Resolution 2024 - 2.5 - Resolution Authorizing Shared Services Agreement for Use, Maintenance and Cleaning of the Senior Center for 2024
23. Resolution 2024 - 2.6 - Resolution Authorizing Borough of Pennington to Enter into a Shared Services Agreement with Hopewell Borough and Hopewell Township for Senior Services Coordinator for the Year 2024

- [24.](#) Resolution 2024 - 2.7 - Resolution Authorizing Shared Services Agreement Between the Borough of Pennington and Hopewell Township for Electronics Recycling and Paper Shred Events for the Year 2024
- [25.](#) Resolution 2024 - 2.8 - Resolution Authorizing an Agreement With Occupational Health, A Program of Penn Medicine Princeton Medical Center For Alcohol and Drug Testing Services and Other Services for the Borough of Pennington for the Year 2024
- [26.](#) Resolution 2024 - 2.9 - Resolution Authorizing HVAC Maintenance With McCloskey Mechanical Contractors for Borough Facilities Through Cooperative Pricing System Agreement with the Hunterdon County Educational Services Commission
- [27.](#) Resolution 2024 - 2.10 - Resolution Authorizing the Application to the NJ Clean Energy Program Community Energy Planning Grant Program
- [28.](#) Resolution 2024 - 2.11 - Resolution Appointing Patrol Officer Daniel D'Ascoli as Detective in the Pennington Police Department
- [29.](#) Resolution 2024 - 2.12 - Resolution Authorizing A.C.Schultes to Perform Additional Work Required on Well #6 on an Emergency Basis
- [30.](#) Resolution 2024 - 2.13 - Resolution Authorizing Lease-Purchase Agreement for Acquisition of a New 2023 Dodge Durango Patrol Vehicle for the Police Department
- [31.](#) Resolution 2024 - 2.14 - Resolution Approving Raffle License RA:1.24 for the Trenton Cyrus Foundation
- [32.](#) Resolution 2024 - 2.15 - Resolution Increasing Authorized Expenditures for Special Labor Counsel
- [33.](#) Resolution 2024 - 2.16 - Resolution Increasing Authorized Litigation Expenditures in Hopewell Borough/Pennington Borough v. Hopewell Township (PILOT Litigation)
- [34.](#) Resolution 2024 - 2.17 - Resolution Authorizing Professional Services Agreement with Harris Surveying, Inc. to Provide a Boundary Survey of Sked Street Park, Block 905, Lot 8 on the Borough Tax Map
- [35.](#) Resolution 2024 - 2.18 - Resolution Authorizing Refund of Redemption Monies to Outside Lienholder
- [36.](#) Resolution 2024 - 2.19 - Resolution Authorizing Conditional Offer of Employment to New Police Officer in the Pennington Police Department

(TO BE PROVIDED ON MONDAY)
- [37.](#) Resolution 2024 - 2.20 - Resolution Establishing On-Line Banking and Credit Card Acceptance for the Payment of Tax and Utility Charges for the Year 2024

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

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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:

- Pending Litigation - Borough Tax Appeal
- Personnel - Borough Administrator
- Closed Session Minutes - December 4, 2023

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

ADJOURNMENT

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-1**

**ORDINANCE AMENDING CHAPTER 98 (FEES) OF THE CODE OF THE BOROUGH OF
PENNINGTON TO INSERT FEES RELATING TO THE ANNUAL YARD SALE AND THE USE
OF KUNKEL PARK**

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):

1. Article VI is amended as follows:

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: \$500.
- F. Fee for Adopt A Flag: \$50.
- G. Fees for registration as a participant in the annual yard sale including use of yard sign advertising participation: \$25.00

2. Article VII is amended as follows:

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: \$75.
- B. All others: \$200.
- C. All users not charged a fee for use: a refundable security deposit of \$500 chargeable for cost of clean-up or damage to facilities.

Introduced: _____

Advertised: _____

Public Hearing: _____

Adopted: _____

Published: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-1**

**ORDINANCE AMENDING CHAPTER 98 (FEES) OF THE CODE OF THE BOROUGH OF
PENNINGTON TO INSERT FEES RELATING TO THE ANNUAL YARD SALE AND THE USE
OF KUNKEL PARK**

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				

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to Erwin Harbat, 64 Woosamonsa Road, Pennington, NJ 08534 for escrow balance for Planning Board application #22-008 in the amount of \$3,378.92.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Account to John Ellis, 326 Burd Street, Pennington, NJ 08534, for escrow balance for Planning Board application #23-003 in the amount of \$108.26.

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 February 5, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.2**

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 \$ 3,643,114.38 from the following accounts:

Current	\$ 3,316,856.81
W/S Operating	\$ 266,520.68
Grant Fund	\$ 1,367.60
General Capital	\$ 8,369.75
Developer’s Escrow	\$ 830.00
Open Space	\$ 2,040.00
Other Trust Fund	\$ 44,570.00
Animal Control Trust	\$ 1,034.04
COAH Trust	\$ 1,525.50
TOTAL	\$ 3,643,114.38

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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2024 TEMPORARY BUDGET**

WHEREAS, the 2024 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2024 Temporary Budget for the Current Account.

Administration	Salaries	\$15,000.00
Finance	Other Expense	\$10,000.00
Finance	Other Expense	\$10,000.00
Legal	Other Expense	\$40,000.00
Planning Board	Salaries	\$5,000.00
Planning Board	Other Expense	\$7,000.00
Construction	Salaries	\$15,000.00
Group Insurance	Other Expense	\$40,000.00
Police	Salaries	\$100,000.00
Police	Other Expense	\$20,000.00
Prosecutor	Other Expense	\$5,200.00
Streets	Salaries	\$50,000.00
Streets	Other Expense	\$25,000.00
Trash	Salaries	\$50,000.00
Trash	Other Expense	\$50,000.00
Library	Salaries	\$15,000.00
Library	Other Expense	\$45,000.00
Electricity	Other Expense	\$10,000.00
Telephone	Other Expense	\$5,000.00
Gas, Fuel, Lubricants	Other Expense	\$5,000.00
PERS	Other Expense	\$99,237.60
PFRS	Other Expense	\$180,664.00
Social Security	Other Expense	\$20,000.00
Shared Services – Dispatch	Other Expense	\$77,746.00
Shared Services – Recycling	Other Expense	\$40,268.00
Shared Services – Senior Coordinator	Other Expense	\$200.00
Shared Services – Health	Other Expense	\$37,000.00
Shared Services – Animal Control	Other Expense	\$9,260.00
Municipal Court	Salaries	\$10,000.00
Municipal Court	Other Expense	\$5,000.00
Total		\$1,001,575.60

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2024 Temporary Budget for the Water and Sewer Fund:

Water	Salaries	\$50,000.00
Water	Other Expense	\$50,000.00
Stonybrook Treatment Costs	Other Expense	\$125,000.00
Group Insurance	Other Expense	\$20,000.00
PERS	Other Expense	\$42,530.40
Social Security	Other Expense	\$5,000.00
	TOTAL	\$292,530.40

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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.4**

**RESOLUTION AWARDING ANNUAL CONTRACT FOR JANITORIAL SERVICES TO
EAGLE JANITORIAL SERVICES IN 2024**

WHEREAS, the Borough of Pennington seeks to contract with a qualified janitorial service for cleaning services for the building, including the library and the police department, for the year 2024; and

WHEREAS, Eagle Janitorial Services of Pennington (“Eagle”) has submitted a proposal dated November 2, 2023 which would have Eagle continue to provide these services 5 days per week, except as otherwise specified, at the rate of \$1,560.00 per month;

WHEREAS, the Eagle proposal contains a specific description of tasks and related frequency of service and is comprehensive in its coverage;

WHEREAS, the work shall include all labor, supervision, material and equipment necessary to perform the services, except as indicated;

WHEREAS, special services including carpet cleaning, stripping and re-waxing of hard surface floors and cleaning of exterior windows are not included in the service but are available subject to separate quotation;

WHEREAS, Eagle has previously provided cleaning services to the Borough and has performed satisfactorily (5) days per week;

WHEREAS, before the agreement may be effective, Eagle Janitorial Services shall supply proof of general, contract and property damage liability insurance as well as employer’s liability/workers compensation with minimum limits of \$1,000,000 or as otherwise required by law, respectively, naming the Borough of Pennington as an additional insured;

WHEREAS, by Resolution 2024-1.23 Borough Council awarded a contract to Eagle Janitorial Services on a prorated monthly basis pending receipt of competitive quotes for the annual contract in compliance with the Local Public Contracts Law;

WHEREAS, the Borough has since obtained two such quotes, which are in excess of the Eagle contract;

WHEREAS, Borough Council has determined that award of the annual janitorial contract to Eagle Janitorial Services is in the best interests of the Borough with respect to cost and demonstrated quality of service; and

WHEREAS, Eagle Janitorial Services shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds for these services are available in account #: 4-01-26-310-000-227 with a portion of the contract to be charged to the Library budget;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order for the services of Eagle Janitorial Services for 2024 in the total amount of \$18,720.00 prorated at the rate of \$1,560 per month, with credit for the monthly payments made in 2024 to date.

Record of Council Vote on Passage

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

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 January 2, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.5**

**RESOLUTION AUTHORIZING SHARED SERVICES
AGREEMENT FOR USE, MAINTENANCE
AND CLEANING OF THE SENIOR CENTER FOR 2024**

WHEREAS, use of the Senior Center on Reading Street in the Borough of Pennington is shared by Hopewell Borough, Hopewell Township and Pennington Borough;

WHEREAS, responsibilities for maintenance of the Senior Center are also shared among the three municipalities;

WHEREAS, the three municipalities intend to enter into a shared services agreement for 2024, superseding prior agreements, by which Hopewell Township will continue to provide weekly cleaning services at the Center and pay to Pennington Borough the sum of \$5,169.00; Hopewell Borough will pay Pennington \$1,291.00 for the year; and Pennington will provide cleaning supplies for the building and be responsible for all maintenance to the outside of the building and the HVAC and plumbing, painting and replacement of light bulbs, and snow and ice removal from sidewalks and parking lots;

WHEREAS, the proposed form of agreement is annexed to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the annexed agreement on behalf of Pennington Borough, subject to approval as to form 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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.6**

**RESOLUTION AUTHORIZING BOROUGH OF PENNINGTON TO ENTER
INTO A SHARED SERVICES AGREEMENT WITH HOPEWELL BOROUGH
AND HOPEWELL TOWNSHIP FOR SENIOR SERVICES COORDINATOR
FOR THE YEAR 2024**

WHEREAS, the Borough of Pennington desires to contract with Hopewell Borough and Hopewell Township for the provision of Senior Services; and

WHEREAS, the Uniform Shared Services and Consolidation Act permits a local unit to enter into a contract with another local unit for the provision of any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of the proposed contract, entitled “Senior Services Agreement Between Borough of Hopewell, Borough of Pennington and the Township of Hopewell”, shall be for one year beginning January 1, 2024 and continue through December 31, 2024; and

WHEREAS, the cost to the Borough for senior services coordinator services as outlined in the Shared Services agreement is \$5,200.00, which represents a \$100.00 increase over the previous year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the aforesaid Shared Services Agreement with Hopewell Borough and Hopewell Township for the services of a senior services coordinator during the period January 1, 2024 through December 31, 2024; and

BE IT FURTHER RESOLVED that the aforesaid Agreement shall be substantially in the form attached to this Resolution, subject to approval as to form by the Borough Attorney; and

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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.7**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF PENNINGTON AND HOPEWELL TOWNSHIP
FOR ELECTRONICS RECYCLING AND PAPER SHRED EVENTS FOR THE
YEAR 2024**

WHEREAS, the Borough of Pennington seeks to enter into a Shared Services Agreement with Hopewell Township to allow Pennington Residents to participate in up to two Electronic Recycling and Paper Shred Events in Hopewell Township for the year 2024; and

WHEREAS, the Borough of Pennington will pay Hopewell Township \$1,000 per event up to two (2) events for an amount not to exceed \$2,000 for the year 2024; and

WHEREAS, the proposed form of agreement is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the aforesaid Shared Services Agreement with Hopewell Township subject to final approval by the Borough Attorney as to form.

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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.8**

Item 25.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH OCCUPATIONAL HEALTH, A PROGRAM OF PENN MEDICINE PRINCETON MEDICAL CENTER FOR ALCOHOL AND DRUG TESTING SERVICES AND OTHER SERVICES FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2024

WHEREAS, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial driver’s license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

WHEREAS, Occupational Health Services, a program of Penn Medicine Princeton Medical Center (“Occupational Health”) is experienced in and capable of providing such services and has provided the attached Price Quotation;

WHEREAS, the Borough seeks to enter into a contract with Occupational Health for the provision of specific services through Occupational Health Services in accordance with the Price Quotation;

WHEREAS, the Borough agrees to the annual flat fee of \$1,500.00 for Substance Abuse Testing Randomization Program and agrees to the fees per service (ranging from \$68.00 to \$150.00) for DOT Drug Screen, Breath Alcohol Test and Breath Alcohol Test Confirmation (if required); and

WHEREAS, the Borough also seeks to contract with Occupational Health to provide Return to Work and Fitness for Duty Evaluations and agrees to the Return to Work Evaluation fee of \$115.00 and Fitness for Duty Evaluation Fee of \$175.00 as per the attached proposal and for Non-Department of Transportation (DOT) Physical Examination for \$126.00 and for Audiogram only if Whisper Test is abnormal for \$45.00; and

WHEREAS, the services authorized by the proposed contract are professional services and the amount of expense expected to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

WHEREAS, Penn Medicine Princeton Medical Center has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of state statute;

WHEREAS, Occupational Health shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, total fees of Occupational Health pursuant to the attached Price Quotation, including expenses, shall not exceed \$6,000.00 without the prior written approval of Borough Council; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this contract in Account #: 4-01-26-305-000-250;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Mayor of the Borough is hereby authorized to accept the attached Price Quotation and, in accordance with its terms, enter into a contract with Occupational Health on behalf of the Borough for the provision of Alcohol and Drug Testing Services, Return to Work and Fitness for Duty Evaluations, and other services specified above for the year 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				

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**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.9**

RESOLUTION AUTHORIZING HVAC MAINTENANCE AGREEMENTS WITH McCLOSKEY MECHANICAL CONTRACTORS FOR BOROUGH FACILITIES THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION

WHEREAS, the Superintendent of Public Works has identified the need for HVAC preventative maintenance agreements for Borough Hall, Public Works and the Senior Center; and

WHEREAS, the Superintendent has determined that the necessary HVAC preventive maintenance services are available through McCloskey Mechanical Contractors, located at 445 Lower Landing Road, Blackwood, NJ 08012 through the Hunterdon County Educational Services Commission; and

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

WHEREAS, McCloskey Mechanical Contractors is an authorized dealer for the desired HVAC preventive maintenance services and has provided the Borough with a quote dated January 10, 2024 for Borough Hall in the amount of \$3,727.00, a quote dated January 10, 2024 for Public Works in the amount of \$1,353.00 and a quote dated January 10, 2024 for the Senior Center in the amount of \$1,353.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the 2024 Borough Property budget line 4-01-26-310-000-227 and 4-01-26-310-000-228;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid HVAC preventive maintenance agreements for Borough buildings through the Hunterdon County Educational Services Commission, are hereby authorized in an amount not to exceed \$6,433.00 as per the three quotes from McCloskey Mechanical Contractors dated January 10, 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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.10**

RESOLUTION AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Pennington strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and

WHEREAS, the Borough of Pennington is invested in developing a community; and

WHEREAS, the Community Energy Plan Grant program will help the Borough of Pennington to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington has determined that the Borough of Pennington should apply for the aforementioned Community Energy Planning Grant program; and

BE IT FURTHER RESOLVED, that the Borough of Pennington will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

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 February 5, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.11**

**RESOLUTION APPOINTING PATROL OFFICER DANIEL D’ASCOLI AS
DETECTIVE IN THE PENNINGTON POLICE DEPARTMENT**

WHEREAS, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Police Department are appoint to their respective ranks by Borough Council; and

WHEREAS, Daniel D’Ascoli is now serving as Patrol Officer in the Pennington Borough Police Department; and

WHEREAS, upon the recommendation of Chief Douglas Pinelli it is determined by Borough Council that Daniel D’Ascoli is qualified for appointment to Detective in the Pennington Police Department; and

WHEREAS, this appointment is approved by the Public Safety Committee; and

WHEREAS, the appointment will not entail additional compensation but will provide continued training in specific new areas; and

WHEREAS, Detective D’Ascoli’s responsibilities will include becoming the Department’s juvenile liaison to the juvenile unit of the Mercer County Prosecutor’s Office as well as to the schools in the Borough; he will head the Police Department’s Internal Affairs Unit, and he will continue on patrol and answering calls on a normal patrol shift;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Patrol Officer Daniel D’Ascoli is hereby appointed Detective in the Pennington Borough Police Department effective February 6, 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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.12**

**RESOLUTION AUTHORIZING A.C. SCHULTES TO PERFORM ADDITIONAL
WORK REQUIRED ON WELL #6 ON AN EMERGENCY BASIS**

WHEREAS, by Resolution 2023-7.6 the Borough of Pennington retained A.C. Schultes of Woodbury Heights, New Jersey to make necessary improvements to Well #6 in the Borough, including replacement of a vertical turbine pump with a high efficient clear well pump and the provision of electric assistance as needed;

WHEREAS, the contract with A.C. Schultes was awarded through the Borough’s cooperative pricing system agreement with the North Jersey Wastewater Cooperative Pricing System;

WHEREAS, under Resolution 2023-7.6, the contract with A.C.Schultes is authorized in an amount not to exceed \$31,415.00;

WHEREAS, during the course of performing the work A.C. Schultes discovered that many of the valves needed to operate the well are inoperable, requiring replacement as well as pipe modification; and

WHEREAS, in the opinion of the Superintendent of Public Works this situation should be considered an emergency that affects the public health, safety and welfare, because the well cannot be properly put back into service until this additional work is performed, and failure to address this problem immediately will prolong the current situation in which the Borough’s ability to provide drinking water and water for firefighting is severely compromised;

WHEREAS, A.C.Schultes has provided the attached proposal by which it can perform the work on an emergency basis for an estimated cost of \$10,000, although additional sums may be required depending on what is discovered during diagnosis of the distribution pump, the valves and pipes having an estimated age of 65 years with a general life expectancy of about 40 years;

NOW, THEREFORE, BE IT RESOLVED, that on the recommendation of the Borough’s Superintendent of Public Works the Borough Clerk is authorized to issue a Purchase Order on an emergency basis to retain A.C.Schultes to perform the work described in the attached proposal for a total cost not to exceed \$10,000.00.

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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.13**

**RESOLUTION AUTHORIZING LEASE-PURCHASE AGREEMENT FOR
ACQUISITION OF A NEW 2023 DODGE DURANGO PATROL VEHICLE FOR
THE POLICE DEPARTMENT**

WHEREAS, the Pennington Chief of Police has identified that need for a new patrol vehicle and related equipment for use by the Police Department; and

WHEREAS, in accordance with the attached proposal from Nielsen of Morristown, 200 Ridgedale Avenue, Morristown, NJ 07960, a 2023 Dodge Durango is available to lease-purchase under NJ State Contract 23-FLEET-34933 for a price of \$39,600.75; and

WHEREAS, in accordance with the attached estimate #C09782 by Elite Vehicle Solutions of Lakewood, NJ, dated January 10, 2024, the vehicle would be appropriately equipped (“up-fitted”) under NJ State Contract #17-FLEET-00749 for a total of \$20,451.15, the latter amount to be bundled together with the cost of the vehicle; and

WHEREAS, the total amount to be financed by 911 Leasing.com of Greensburg, PA, representing the cost of the vehicle and the cost of the up-fitting amounts to \$60,051.90, requiring four annual payments of \$17,655.52, totaling \$70,622.08; and

WHEREAS, at the conclusion of the four-year lease purchase agreement, the Borough will own the vehicle outright; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this proposed lease-purchase in the police budget;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the proposed lease-purchase agreement for the 2023 Dodge Durango with the attached itemized up-fitting on behalf of the Borough, obligating the Borough to four annual payments of \$17,655.52, provided the form of the lease-purchase agreement is first reviewed and approved 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				

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.14**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 1.24 FOR
THE TRENTON CYRUS FOUNDATION**

WHEREAS, the Trenton Cyrus Foundation submitted raffle application RA: 1.24 on January 25, 2024 for a raffle to take place on April 13, 2024 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on February 1, 2024; and

WHEREAS, the Trenton Cyrus Foundation meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, the Trenton Cyrus Foundation, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 1.24 for the Trenton Cyrus Foundation be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 1.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.15**

**RESOLUTION INCREASING AUTHORIZED EXPENDITURES FOR SPECIAL
LABOR COUNSEL**

WHEREAS, by Resolution 2023-6.9 Borough Council authorized retention of Special Labor Counsel, in a pending employee disciplinary matter at the rate of \$200 per hour for attorneys and \$125 per hour for paralegals and a projected total cost of \$30,000; and

WHEREAS, Council is advised by the Special Counsel that its budget should be increased \$35,000 for attorney and other professional services relating to this matter; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for this purpose in the Legal Consultants line #4-01-20-155-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the authorized expenditures for Special Labor Counsel in 2024 shall be increased by \$35,000, with all other provisions of the Borough’s professional services agreement with Special Labor Counsel remaining unchanged.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.16**

**RESOLUTION INCREASING AUTHORIZED LITIGATION EXPENDITURES
IN HOPEWELL BOROUGH/PENNINGTON BOROUGH V. HOPEWELL
TOWNSHIP (PILOT LITIGATION)**

WHEREAS, the litigation encaptioned Hopewell Borough/Pennington Borough, et al v. Hopewell Township, et at in the Superior Court of New Jersey, (“PILOT Litigation”) now pending in the Appellate Division, requires authorization of additional funds for the Borough share of legal services, in the amount of \$429.38, and for the Borough share of non-legal services involving preparation of the record on appeal, in the amount of \$3,488.00, all payable from the 2023 Legal Consultants Budget;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available in the 2023 legal budget for this expenditure;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that authorized expenditures for PILOT litigation are hereby increased by the total sum of \$3,917.38 as further explained above.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-2.17**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH
HARRIS SURVEYING, INC. TO PROVIDE A BOUNDARY SURVEY OF SKED
STREET PARK, BLOCK 905, LOT 8 ON THE BOROUGH TAX MAP AND
AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE**

WHEREAS, the Borough seeks to enter into a professional services agreement with Harris Surveying, Inc. to provide a Boundary Survey of Sked Street Park, Block 905, Lot 8 on the Borough Tax Map; and

WHEREAS, Harris Surveying, Inc. has submitted a proposal dated November 3, 2023 for this work in the amount of \$2,700.00; and

WHEREAS, any work exceeding the scope of work described in the annexed Proposal shall require prior written approval by Borough Council;

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

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Chief Financial Officer and Borough Clerk are hereby authorized to issue a purchase order in a total amount not to exceed \$2,700.00 to Harris Surveying, Inc. for the subject services, with the understanding that total billings may not exceed that amount without the prior approval of 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				
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.18**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 8, 2023, a lien was sold on Block 301, Lot 19, also known as 73 North Main Street, Pennington, NJ, for 2022 delinquent tax payments; and

WHEREAS, this lien, known as Tax Sale Certificate #22-00001, was sold to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for 0% and a \$0.00 premium; and

WHEREAS, Daniel Markscheid, 73 North Main Street, Pennington, New Jersey 08534 have effected redemption of Certificate #22-00001 in the amount of \$1,669.93;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,669.93 payable to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate #22-00001; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,300.00 (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				
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 2.20**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE
FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2024**

WHEREAS, under New Jersey State Statute 40A:5-43 and New Jersey Administrative Code 5:30-9.1 through 5:30-9.10, local municipal units are permitted to offer residents electronic payments; and

WHEREAS, subject to those provisions the Borough of Pennington seeks to offer to its residents on-line payment for tax and utility charges in the form of on-line banking and credit cards; and

WHEREAS, the Borough’s current tax and utility software provider, Edmunds GovTech, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,408.11 per billing module, for a total of \$2,816.22 for the year 2024; and

WHEREAS, The Bank of Princeton has agreed to reimburse the Borough the fees charged by Edmunds GovTech, as described above; and

WHEREAS, under the provisions of the aforementioned statute and administrative code, Edmunds GovTech has named Links2Gov as their secured payment provider; and

WHEREAS, the charges paid by the property owner to the provider will be \$1.05 per banking transaction, and up to 3.0% on each credit card transaction; and

WHEREAS, this agreement shall be in place for one year;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer and the Tax and Utility Collector.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
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Elizabeth Sterling, Borough Clerk