



REGULAR COUNCIL MEETING - JULY 1, 2024 AGENDA

Monday, July 01, 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

Resignation - David Stevens - Historic Preservation

PRESENTATIONS

Audit 2023 - Rob Provost

MAYOR'S APPOINTMENTS

Casey Upson - Planning Board - Alternate #2 - Unexpired term ending December 31, 2025

APPROVAL OF MINUTES

1. Special Meeting - May 13, 2024
2. Work Session Meeting - May 28, 2024
3. Regular Meeting - June 3, 2024

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

4. Closed Session - May 28, 2024

ORDINANCES FOR INTRODUCTION

5. Ordinance 2024-11 - Clarify Security Deposit for Park Rental

COMMITTEE REPORTS

6. **Personnel / Economic Development** - Ms. Angarone
7. **Public Works / Planning Board / Historic Preservation** - Ms. Stern
8. **Finance & Technology / Public Safety / Arboretum / Landfill** - Mrs. Chandler
9. **Library / Shade Tree** - Ms. Angarone
10. **Parks & Recreation** - Mr. Marciante
11. **Board of Health / Environmental Commission** - Mr. Valenza
12. **Senior Advisory** - Mayor Davy

COUNCIL DISCUSSION

NEW BUSINESS

13. Resolution 2024-7.1 - Resolution Authorizing Refunds
14. Resolution 2024-7.2 - Resolution Authorizing Payment of Bills
15. Resolution 2024-7.3 - Resolution to Request Amendment to the 2024 Adopted Budget (Chapter 159) to Insert a Special Item of Revenue and Appropriation for ANJEC Grant
16. Resolution 2024-7.4 - Resolution Confirming Assignment of Utility Collection Responsibilities to Elizabeth Sterling as Assistant CFO/Borough Clerk
17. Resolution 2024-7.5 - Resolution Authorizing Repair of Trash Vehicle Under State Contract T-2108-A89300
18. Resolution 2024-7.6 - Resolution of Support Endorsing Mercer County's "Great Western Bikeway" and Bicycle Facilities Along County Routes 546, 624, 631, 632 and 640
19. Resolution 2024-7.7 - Resolution Authorizing Purchase of Galvanized Deer Fence from Miner, LTD, D/B/A New Jersey Door Works Under Hunterdon County Educational Services Commission Agreement (Contract HCESC-CAT/SER-21-12 Contract) for an Enclosure Within the Arboretum and Authorizing the Use of Open Space Funds for this Purchase
20. Resolution 2024-7.8 - Resolution Adopting New Regulations Regarding Claimant Certifications and Payments in Advance
21. Resolution 2024-7.9 - Resolution Authorizing Payment Request No. 1 to Earle Asphalt Company, for Work Completed on the Reconstruction of Rockwell Green Drive, Scudder Court and Chadwell Road Project (PEN-BOOFP24201)

- [22.](#) Resolution 2024-7.10 - Resolution Authorizing Grant Application for Improving the Condition of Roadway Infrastructure on Sked Street, West Welling Avenue and Vannoy Avenue in the Borough of Pennington and Further Authorizing Execution of a Grant Agreement with the New Jersey Department of Transportation Under the 2025 Municipal Aid Program
- [23.](#) Resolution 2024-7.11 - Resolution Authorizing Grant Application for Additional Funding for Improving the Condition of Roadway Infrastructure on Abey Drive, Mallard Drive and Queens Lane in the Borough and Further Authorizing Execution of a Grant Agreement with the New Jersey Department of Transportation Under the Local Aid Infrastructure Fund
- [24.](#) Resolution 2024-7.12 - Resolution Authorizing a Professional Services Agreement with Montrose Environmental for the Completion of the 2023 Right to Know Survey
- [25.](#) Resolution 2024-7.13 - Resolution Certifying That All Members of the Borough Council of the Borough of Pennington Have Reviewed the Sections of the 2023 Annual Audit Entitled General Comments and Recommendations.
- [26.](#) Resolution 2024-7.14 - Resolution Authorizing Repairs to Front Entrance Doors at Borough Hall Through Cooperative Pricing System Agreement with the Hunterdon County Educational Services Commission

PROFESSIONAL REPORTS

Borough Administrator - GP Caminiti

Borough Attorney - Walter Bliss

Borough Clerk - Betty Sterling

Chief Financial Officer - Sandy Webb

Chief of Police - Doug Pinelli

Superintendent of Public Works - Rick Smith

- 27. Administrator Report

OPEN TO THE PUBLIC

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ADJOURNMENT

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

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

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

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

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

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

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

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

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

§ 98-33 Use of parks.

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

- A. Permit for use of park by documented nonprofit or Pennington resident: \$75.
- B. Permit for use by ~~All~~ all, others: \$200, provided governmental organizations shall not be charged a fee.
- C. All users not charged a fee for use, unless a governmental organization with which the Borough of Pennington is directly affiliated, shall post a refundable security deposit of \$500 chargeable for cost of clean-up or damage to facilities.

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

Introduced: _____

Advertised: _____

Public Hearing: _____

Adopted: _____

Published: _____

ATTEST: _____ APPROVED: _____

Elizabeth Sterling, Borough Clerk James Davy, Mayor

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

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

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 – 7.1**

RESOLUTION AUTHORIZING REFUNDS

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

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,376,367.44 from the following accounts:

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

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.3**

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

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

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

WHEREAS, the Borough of Pennington has received a grant in the amount of \$1,500.00 from the State of New Jersey for a Recycling Tonnage Grant; and

WHEREAS, the Borough wishes to amend its 2024 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2024 in the sum of \$1,500.00, which is now available as revenue from:

ANJEC Grant

BE IT FURTHER RESOLVED that a like sum of \$8,222.09 be and the same is hereby appropriated under the caption of:

ANJEC Grant

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-7.4**

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

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

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

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

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

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

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

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.5**

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

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

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

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

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

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

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

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024-7.6**

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

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

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

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

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

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

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

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

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

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

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

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

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

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.7**

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

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

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

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

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

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

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

WHEREAS, the Superintendent of Public Works has received quote #463842 dated 6/20/2024 to furnish and install 420’ x 8’ of Vlass 3 galvanized deer fence with posts, gate and other related hardware from Miner LTD. in the amount of \$20,082.00; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of fencing and related equipment including installation as described above within the Arboretum located behind Toll Gate School pursuant to the attached quote #463842 from Miner LTD in the amount of \$20,082.00 is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the work.

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.8**

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

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

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

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

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

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

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

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

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

Record of Council Vote on Passage

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

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.9**

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

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

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

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2023-2 in the General Capital Fund;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$322,384.73 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.10**

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves and ratifies submission of the aforesaid electronic grant application to the New Jersey Department of Transportation, under the 2025 Municipal Aid Program, for improvements to Sked Street, West Welling Avenue and Vannoy Avenue; and

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

ATTEST AND AFFIX SEAL

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.11**

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

WHEREAS, Borough Council has been awarded a grant under the NJDOT Municipal Aid Program for road improvements on Abey Drive, Mallard Drive and Queens Lane in Pennington; and

WHEREAS, the Borough Engineer has determined that in order to complete the project as designed additional funding will be required; and

WHEREAS, the NJ Department of Transportation offers other grant opportunities for road improvements including reconstruction and resurfacing, such as the Local Aid Infrastructure Fund (LAIF); and

WHEREAS, the deadline for submission of grants is July 1, 2024; and

WHEREAS, in order to resolve the Borough’s need to fill the gap between the grant award and the estimated cost of the project to improve the condition of Abey Drive, Mallard Drive and Queens Lane, the Borough Engineer has submitted a Local Aid Infrastructure Fund grant application;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that it hereby formally approves and ratifies submission of the aforesaid electronic grant application to the New Jersey Department of Transportation, under the Local Aid Infrastructure Fund for improvements to Abey Drive, Mallard Drive and Queens Lane; and

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

ATTEST AND AFFIX SEAL

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.12**

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

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

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

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

WHEREAS, the areas inventoried for hazardous chemicals will include:

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

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

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

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

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

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.13**

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

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

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

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

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

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

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

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

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

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

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 7.14**

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

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

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

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

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

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

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

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					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 July 1, 2024.

Elizabeth Sterling, Borough Clerk