

**Pennington Borough Council
Regular Meeting – June 6, 2022**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnat, Gross, Marciante, and Stern in attendance.

Also present were Public Works Superintendent Rick Smith, Chief Doug Pinelli and Borough Attorney Walter Bliss.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mayor Davy announced that the Agenda for tonight has been amended to include Resolution 2022- 6.14, authorizing an emergency purchase of a sewer pump.

Mayor Davy announced for the members of the public that Council will be convening in Closed Session. Mayor Davy stated that this zoom link will remain open and Council will rejoin the meeting following the Closed Session.

CLOSED SESSION

AT, 7:06 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:

- Potential Litigation – Cannique. LLC

AT, 7:35 PM, Mayor and Council returned to open session.

Mayor Davy stated that at the request of one of the applicants for a Resolution of Support, Cannique, LLC, Council will reconsider the action that Borough Council took at the May 2, 2022 meeting where Borough Council awarded three Resolutions of Support, one to each of the applicants. Mayor Davy stated that each of the applicants will now be given an opportunity to speak. Mayor Davy asked the representatives from Cannique, LLC to raise their hand and be admitted to the meeting.

Mr. Bliss stated that the subject at hand is a letter submitted by Rachel Donington of Cannique, LLC, addressed separately to him, Mayor Davy and members of Borough Council. Mr. Bliss stated that the letter was received by the Borough on May 11, 2022 and because it was addressed to Borough Council it could not be discussed until this meeting tonight.

Ms. Rachel Donington stated that she was not prepared to present tonight. Mr. Bliss stated that the notice said applicants would be invited to participate, but it was not required. Mr. Bliss summarized the letter submitted by Cannique, LLC which objects to the issuance of three Resolutions of Support in particular the Resolution of Support issued to Jersey Meds LLC on the grounds that Jersey Meds Group did not act in good faith and that they concealed the fact that they were a new entity and that it had also changed its ownership just before Council took action at the May 2nd meeting. Mr. Bliss stated that the letter further states that the approval of Jersey Meds as a conditional applicant would successfully frustrate the application of Cannique, LLC as they would have a much lower priority for consideration from the State. Mr. Bliss stated that the letter goes on to say that if Council does not reconsider the issuance of a Resolution of Support to Jersey Meds Group, then Cannique will be forced to withdraw their application from the Borough and request a refund of the \$2,500.00 fee that was submitted.

Ms. Donington stated that Jersey Meds did not just change their name, they changed their legal entity. Ms. Donington stated that they considered the process of a conditional license. Ms. Donington stated that they understood that it required a different organizational set up. Ms. Donington stated that they believe that Jersey Meds eliminated a principal or two from their original organization to qualify for conditional filing.

Mr. Bliss stated that the attorney for Jersey Meds has represented that though they substituted a new LLC Entity, they did so for technical and tax reasons. Ms. Donington stated that means they eliminated a principal because in order to qualify the principal of an organization has to make under a certain amount of money on their taxes to qualify as a conditional applicant. Mr. Bliss stated that he understands that a principal would have to make no more than \$200,000 gross.

Ms. Donington stated that Cannique did not pursue a conditional license for that reason, they did not want to change their structure, they were already organized as an LLC and it would have made one person hold the majority. Mr. Bliss asked that if it is a choice that an applicant can make and doesn't it have relevance for the State application process. Ms. Donington stated that this is a whole new legal entity that wasn't part of the original application for a Resolution of Support. Mr. Bliss stated that the attorney for Jersey Meds has represented that all of the members of Jersey Meds Group are also the members of Jersey Meds

Management, no change in management. Ms. Donington stated that there had to be a change in membership and she also questioned how they also qualify for female owned status.

Mr. Bliss stated that the question for Cannique is whether there is a factual basis that this is improper. Ms. Donington stated that they filed an OPRA request and that is the question to the Borough. Ms. Donington asked how two legal entities could have the same ownership. Ms. Bliss stated that it could be. Ms. Donington stated that the Resolution of Support was issued to the first entity, this is a new entity. Mr. Bliss stated that all three applicants were invited to apply and all three went through the same process, all three made presentations and all three received a Resolution of Support. Ms. Donington stated that one of the applicants came back with a different corporate structure and why was that allowed. Mr. Bliss stated that was not the part of the process that would be a problem. Mr. Bliss stated that the Borough focus for the Resolution of Support was on the location.

Mayor Davy stated that Ms. Donington should state her concerns and then we can hear from the other applicants and Council can make a decision.

Ms. Donington stated that her concerns are that Jersey Meds created a new LLC and that LLC did not go through the application process for a Resolution of Support. Ms. Donington stated that Cannique and Fine Fettle did not change their ownership structure and therefore this should be looked at again and they should not get a Resolution of Support because they are not applying under the same corporation as when they started the process.

Ms. Donington stated that Cannique never threatened the Borough with legal action, they are hyper local and they would never do anything that would affect the taxpayers.

Mayor Davy asked if any members of Council had questions for Ms. Donington. There were no questions.

Mayor Davy asked anyone from Jersey Meds to raise their hand to be admitted to the meeting. The representatives from Jersey Meds were all on one screen.

Mr. Alan Fox stated that he would like to respond the comments made by Cannique which they also addressed in a letter dated June 2, 2022. Mr. Fox stated that the letter and comments made by Cannique are not accurate. Mr. Fox stated that Jersey Meds never intended to make any misrepresentations. Mr. Fox stated that the entity is not new in fact it was created in 2020 and has been operating a business for two years. Mr. Fox stated that as represented to Council, Jersey Meds Management is the applicant to the State of New Jersey and is the tenant of the retail operation and a copy of the lease was provided to the Borough. Mr. Fox stated that they never made any misrepresentations. Mr. Fox stated that they met all of the requirements of the Ordinance which relates to suitability of the location. Mr. Fox stated that it is not the Borough's decision to determine the suitability of an applicant. Mr. Fox stated that they have complied with the Ordinance, there has been no misrepresentation and the other applicants have not raised any concerns as to location which is the primary focus of the ordinance. Mr. Fox stated that Cannique is not satisfied with the way the legislature has set up and the fact that Jersey Meds took advantage of that and timely filed an application for conditional licensure is not something that they should be penalized for it is just something that they did and the fact that Cannique elected not to do it has nothing to do with their application. Mr. Fox stated that it is true that New Jersey has a system that encourages diversity owned businesses to enter into this industry and under their procedures, that is something that may be looked at but it is not something that this board should consider. Mr. Fox stated that there is nothing preventing Cannique from filing a application with the State and the fact that Cannique does not like the procedure set by the State does not give Council a reason to take away Jersey Meds approval of the suitability of their location. Mr. Fox stated that there are no facts to state that the location is not suitable. Mr. Fox asked that Council formalize a decision on the vote that was made and issue a Resolution of Support on the suitability of the location so that they can move forward with their application to the State.

Mr. Marciante asked if Jersey Meds is also applying for a license in Hopewell Township. Ms. Mints stated that as one entity they are only allowed to apply to the CRC for on license, but they are allowed to apply to multiple municipalities for Resolutions of Support. Ms. Mints stated that they have applied in Hopewell Township but they can only operate in one location. Ms. Mints stated that they have received conditional approval from the State because they secured a lease for the location in Pennington and they intend to open in Pennington.

Ms. Stern stated that she has heard differently. Mr. Marciante asked what will happen to the location on the circle if they get a license in Pennington. Some discussion took place, Ms. Mints stated that location would remain as a CBD location.

Mayor Davy asked that anyone from Fine Fettle raise their hand to be admitted to the meeting. Mr. Ryan Kennedy, Mr. Ben Zachs, Mr. Jeremy Perlman and Mr. Justin Singer were all admitted. Mr. Ryan Kennedy from Stevens and Lee thanked Mayor and Council for the opportunity to speak. Mr. Kennedy stated that after receiving a copy of the letter from Cannique, they submitted a letter on June 2, 2022 outlining the concerns that Fine Fettle had raised at the last hearing, namely the Borough is assigning one opportunity through a process and for reasons that are pretty clear here tonight a process that is fair to all of the bidders is essential. Mr. Kennedy stated that they believe that there are two material changes that were made by the

other two applicants. Mr. Kennedy stated that Council had a process and that process required the name and makeup of the entity. Mr. Kennedy stated that they pulled the corporate ownership of the two Jersey Meds LLC's and they do not have the same ownership. Mr. Kennedy offered to show the changes that occurred on April 22nd, in the midst of the process. Mr. Kennedy stated that knowing who the Borough is dealing with is important and the appearance of the process which allowed changes to applications during the process creates an unfair playing field.

Mr. Marciante asked if other applicants could challenge a decision made by the State. Mr. Kennedy stated that in the eyes of the State, Jersey Meds has done nothing wrong. Mr. Kennedy stated that since Jersey Meds has a conditional approval, once the Resolution of Support is issued they will convert that conditional license to an annual license before anyone else is able to submit an application through the regular process. Mr. Kennedy stated that all conditional applications are heard first and if they are approved they will be operating in Pennington. Mr. Marciante asked if other applicants could do the same as Jersey Meds and file for a conditional license. Mr. Zachs stated that conceivably yes, but they would have to remove owners who has income over the \$200,000 so that they could apply for a conditional license, however they feel that to make changes or amendments to an application that was already submitted for approval is not the proper way to do things. Mr. Zachs stated that they also believe that a change in location after an application is submitted is the same thing. Mr. Zachs stated that they are the only applicant who has not made changes to an application based on feedback during the process. Mr. Zachs stated that they looked at this process as a "bid process" and per the law, changes cannot occur once a document is submitted.

Mayor Davy stated that the concept of a bid process has come up before and he would like Borough Attorney Walter Bliss to comment on that. Mr. Bliss stated that the Borough never established this as a public bidding process and the Borough is not awarding a license, the State will award the license. Mr. Bliss stated that each of the applicants who applied were awarded a Resolution of Support. Mr. Bliss stated that if a fourth or fifth applicant were to apply to the Borough there would be no legal obstacle for Council to issue additional Resolutions of Support. Mr. Bliss stated that this process leaves it up to the applicant the challenge of satisfying the various requirements that the CRC has. Mr. Bliss stated that the Borough is concerned with the appropriateness of the location only. Mr. Bliss stated that the questions that he crafted and that were provided to each applicant were focused on the conditions of use as appropriate to the location. Mr. Bliss stated that this is not a bid process and he must disagree with Mr. Kennedy's comments which are founded on the notion that the Borough is holding a bidding process for a valuable item when in fact the State will have the licensing authority, the Borough does not. Mr. Bliss stated that on the issue of ownership, he would think that the applicant would be able to provide factual data if it were relevant, which it is not.

Mr. Zachs asked if changing ownership after notification that more than one resolution would be issued be a substantial change based on relevant information. Mr. Zachs stated that ownership has to be filed with the State. Mr. Bliss stated that awarding three Resolutions as opposed to one is not a substantial change. Mr. Zachs stated that it is when everyone thought that only one Resolution was going to be awarded and making changes to the process that they understood was going to take place based on the application process and the timeline is a substantial change. Mr. Zachs stated that when they were asked for additional information after the first meeting including information on the lease and the distance to schools, they provided that but did not make changes to any of the other information that was originally provided as part of the application process. Mr. Singer stated that they have documentary proof that Jersey Meds changed their ownership and they could provide that to the Borough. Mayor Davy stated that would not be necessary.

Mrs. Chandler asked Mr. Bliss if Council should be concerned about the management when the Resolution of Support addresses the location only. Mrs. Chandler stated that as she understands from Mr. Bliss' explanation if Council denies Jersey Meds based on the change of ownership, they could reapply and the Borough could issue a Resolution of Support under the new name. Mr. Zachs asked if that is the case, then the application process is still open? Mrs. Chandler stated that when Council created the due date, we specifically said no new applicants and we would look at these three applicants only. Mayor Davy explained that was because the due date was tied to the Council meeting. Mrs. Chandler stated that to Benjamin's point, the Borough put a hard deadline in place and so her question is whether this is a new applicant who did not make the deadline and do we now open it up to other applicants. Mr. Bliss stated that the original deadline culminated with a meeting where a Resolution was awarded to one applicant subject to a condition and that condition was that they would file their application by May 2nd at which time the condition expired. Mr. Bliss stated that this coincided with a request from Jersey Meds for reconsideration, resulting in new presentations by the same applicants. Mr. Bliss stated that when the Borough was talking deadlines, the understanding was that as soon as the Borough took action, applications would be filed with the State and the applicants were waiting for Council to act so that they would have the needed Resolution of Support so they could apply to the State. Mr. Bliss stated that we realize that is not the case and we are not the only game in town so we are therefore issuing Resolutions of Support stating the we have reviewed this applicant and their location is appropriate and if the State blesses them, then the Borough will bless them. Mr. Bliss stated that is how the process evolved after Cannique did not satisfy the condition of approval. Mr. Bliss stated that in that context we can receive other applicants and confer other Resolutions of Support.

Mr. Singer read from the Ordinance regarding conditions for a license. Mayor Davy stated that we are not issuing a license at this time, the Borough has always treated this as an application for a letter of support and that letter of support is needed along with a letter from the Zoning Officer to apply to the State for a license. Mayor Davy stated that the Borough does not have jurisdiction to issue a license. Mr. Bliss stated that Mr.

Singer is referring to the Borough Ordinance where it does establish a license process once an applicant comes back with a license from the State. Mr. Bliss stated that it has to do with a regulatory scheme after a license is issued by the State. Mr. Zachs stated that he would like to be a good neighbor in town and he would like to step in front of his lawyers and say that their understanding of the process was that it was a competitive process and it becomes difficult to engage in a process if we know that someone has a head start in the process and they could have made the same changes and gotten the same head start but for a misunderstanding of the process by them or an inconsistency in the process. Mr. Zachs stated that ultimately it is what it is but it is clear from the letters from both Fine Fettle and Cannique that there was inconsistency in the process.

Mayor Davy asked if there were any further questions from Council Members. Mr. Gross stated that he would like to point out that a summary of a meeting in Hopewell Township on Central Jersey.com indicates that a question was raised to Jersey Meds that if they were to get approval in the Township would they open in Pennington Borough and Ms. Mints indicated that they would commit to Hopewell Township. Mr. Gross asked if that is accurate. Mrs. Chandler asked what happens if Pennington and Hopewell both issue Resolutions of Support how does that work and it is really not up to Council to decide where they open. Mrs. Chandler stated that the process for issuing the Resolution of Support doesn't change. Mrs. Chandler stated that if Jersey Meds goes with Hopewell Township it then opens the door for the other applicants. Mrs. Stern stated that he is concerned that the information in the news is the opposite of what was just stated here at this meeting. Mrs. Chandler stated that originally the ordinance was for two locations so there is always that conversation.

Mayor Davy stated that the question for Council is whether to affirm the decision to issue three Resolutions of Support or whether to do something other than that. Mr. Bliss stated that to revoke an existing Resolution of Support on the basis of these letters and this record would run afoul of the rule of reasonableness. Mr. Bliss stated that it would be arbitrary and capricious on this record. Mr. Bliss stated that if Council wants to affirm this issue it would not be inappropriate to defer further action. Mr. Bliss stated that for whatever it is worth, the letter was addressed to him and if he had responded he would have responded that the letter does not show any factual, legal basis for doing what is proposed to be done.

Mrs. Chandler stated that based on legal counsel she would like to make a motion that Council affirm the decision from the May 2nd Council meeting and issue three Resolutions of Support and further authorize the Zoning Officer to provide the required letter related to zoning for the locations. Council Member Marciante seconded the motion. Upon a roll call vote all members present voted in favor with the exception of Ms. Gnatt who abstained.

Open to the Public – Agenda Items Only

Mayor Davy read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. 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 your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

Mr. Dan Pace of 9 Railroad Place briefly commented on the two resolutions later in the meeting related to use of Open Space funds for improvements to Kunkel Park. Mr. Pace stated that as a member of the Open Space Committee he is confident that all members of the committee including himself are 100% in favor of these improvements. Mr. Pace stated that the committee was formed to support the objectives of the Open Space Trust Fund and while the committee makes recommendations for using the funds to preserve open space, the committee has always been supportive of using the funds for recreational improvements as allowed by the trust fund ordinance.

Ms. Donington stated that the focus of the Resolution of Support has been on location, but she believes that the focus should be on the operator. Ms. Donington stated that as a neighbor and a resident and a mother of four kids, she asks that Pennington do the right thing and work very closely with the ultimate operator of this business to ensure that it is in keeping with the high standards of this community and the traditions of the town.

Mayor's Business

Mayor Davy recognized Pennington Parks and Recreation for their work on the Memorial Day festivities and parade.

Mayor Davy recognized Rick Smith and the employees of the Public Works Department who have been dealing with three emergencies over the weekend and into today.

Mayor Davy read in brief the following Proclamation.

2022 PROCLAMATION

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

WHEREAS, every day, more than 110 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are nearly 16,000 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, in New Jersey, there are an average of 439 gun deaths every year, with a rate of 4.9 deaths per 100,000 people. New Jersey has the 47th highest 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 and towns across the nation, including Pennington, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is the 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 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 the COVID-19 pandemic continues to exacerbate gun violence after more than two years of increased gun sales, increased calls to suicide and 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 3, 2022, to recognize the 25th 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 3rd, the first Friday in June in 2022, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 3, 2022 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 wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Mayor Davy of the Borough of Pennington declares the first Friday in June, June 3, 2022, 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.

Mayor Davy stated that the Lewis' at 41 East Welling Avenue have had an accessory apartment over their garage as affordable housing for the last ten years and they had asked for an extension for the apartment, but they have since rescinded that request. Mayor Davy stated that Mr. Ed Schmierer had started the process to extend the agreement and he will now prepare documents to remove the deed restriction. Mayor Davy stated that no one will be able to use the apartment without seeking a variance from the Planning Board. Mayor Davy stated that as part of the discussion Mr. Schmierer recommended that the Borough seek to appoint an Administrative Agent to handle COAH matters for the Borough to include the accessory apartment and the affordable units at Heritage and Pennington Point. Mayor Davy stated that he solicited quotes for these services and that will be coming before Council once the quotes are reviewed. Mrs. Chandler suggested working with Hopewell Borough and whoever they are using for these services.

Mayor Davy stated that a local resident expressed concern related to gas powered leaf blowers and the hours that they can be used. Mayor Davy stated that he also got some concerns last year and he would like to hear from Council if they are in favor of restricting the hours that these types of equipment can be used. Mr. Marciante stated that he thinks Council should look at the hours, contractors come in and start early in the morning. Mrs. Chandler suggested rewriting the noise ordinance to cover this. Mrs. Chandler stated that Princeton has a very restrictive ordinance and from an environmental standpoint it might be worth looking at something more than the noise ordinance. Mr. Gross stated that the problem will still exist unless it is enforced. Mrs. Chandler stated that the police would be the enforcement. Ms. Angarone stated that the days of gas powered leaf blowers are numbered anyway, but she does think the noise ordinance needs to be reviewed.

Mayor Davy stated that another concern he received related to outdoor lighting. Mayor Davy asked if Council wanted to address this issue. There was some discussion as to how this could be enforced. Mr.

Gross stated that lighting would be harder to enforce than noise. Ms. Angarone stated that the sample ordinance provided in the packet was well done. Mayor Davy stated that he would form a small group to look at this and that gas powered blower concern.

Mayor Davy stated that the search has begun for a Borough Administrator, so far we have three applications and he is hoping to get more in the next couple weeks.

Mayor Davy stated that some information came in regarding water infrastructure funding and the Public Works Committee will be working on a project priorities list. Mayor Davy stated that NJ DOT road project grants are due July 1, 2022. Ms. Stern had questions about how the Borough handles grant applications and how the process works. Mr. Smith stated that it is important to involve the Borough Engineer in the Public Works meetings for this reason.

Mayor Davy announced the resignation of Karl Muessig from the Environmental Commission and he will work on filling the vacancies for the next meeting.

MAYOR'S APPOINTMENTS

Mayor Davy announced the appointment of Erin Armendinger to the Economic Development Commission for an unexpired term ending December 31, 2026. Mayor Davy explained the process for the appointment. Ms. Armendinger was in attendance and thanked Mayor and Council for the opportunity.

APPROVAL OF MINUTES

Council Member Marciante made a motion to approve the minutes of the Regular Meeting held May 2, 2022, second by Council Member Chandler with all members present voting in favor.

APPROVAL OF CLOSED SESSION MINUTES (for content but not for release)

Council Member Chandler made a motion to approve the Closed Session minutes of March 7, 2022, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the Closed Session minutes of May 2, 2022, second by Council Member Gnatt with all members present voting in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Ms. Gnatt stated that she had no report for Planning Board. Ms. Gnatt thanked Parks and Recreation for a great job on Memorial Day. Ms. Gnatt stated that three concerts are planned for the summer and there is talk of organizing a ski trip. Ms. Gnatt stated that they are looking into the possibility of hiring a temporary laborer for public works.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that Economic Development did not meet. Mrs. Chandler stated that some of the committees have alternate members and some do not and so in order to add members it would require an ordinance. Mrs. Chandler asked Council Members to pose the question at all committees so that the changes can be made at one time.

Mrs. Chandler stated that Environmental met and discussed the booth for Pennington Day. Mrs. Chandler stated that the Carbon Neutral group is getting back up and running. Mrs. Chandler stated that they are participating in the Master Plan Review to see if any ordinance changes are needed related to environmental issues.

Mrs. Chandler reported that the police department is doing a total inventory of speed limits and stop signs throughout town. Mrs. Chandler stated that they have found that the speed limit on West Delaware by ordinance is 35 mph and that should be corrected to 25 mph. Mrs. Chandler stated that the police department is also looking at all stop signs and no turn on red signs to make sure that they are correct in the ordinance and enforceable. Mrs. Chandler stated that side street parking is also being looked at because emergency vehicles can't get through so the police department will also be looking at that. Mrs. Chandler stated another thing they are looking at is crosswalks. Mrs. Chandler stated that residents of East Delaware reached out requesting a crosswalk on East Delaware. Mrs. Chandler stated that she is going to try to pull together a resident meeting to discuss a possible location of a crosswalk on East Delaware. Mrs. Chandler stated that the police continue to look at crosswalks and locations for crossing guards for schools.

Mrs. Chandler stated that last month a Vision Zero Resolution was approved which requires the formation of a Vision Zero Task Force and the Public Safety Committee would like to propose that rather than form a new committee, Public Safety would also be the Vision Zero Task Force.

Ms. Angarone stated that she might not live in the area of East Delaware but as a walker throughout town she would be interested in attending a meeting about crosswalks. Mrs. Chandler stated that the crosswalk would be at Abey or Eglantine. Mrs. Chandler stated that Mercer County is very interested in this and they would be willing to do the work so there would be no cost to the Borough.

Public Works – Mr. Marciante stated that the East Welling Avenue road project is completed. Mr. Marciante stated that Public Works discussed the ongoing drainage issue on Abey Drive and the bottom line is that there was a court decision and Borough is not involved. Mr. Marciante stated that design of the West Franklin and Knowles road project is underway. Mr. Marciante stated that funding for lead line replacement is available. Mr. Marciante stated that Public Works will meet tomorrow to try to determine what the next road project will be. Mayor Davy stated that it is important to apply for funds every year so we don't lose out in the future. Mr. Marciante stated that Public Works did a great job with the recent emergency situations. Mayor Davy asked if Public Works would be discussing the circumstances of the recent water main break on Delaware Avenue. Mayor Davy stated that a policy is needed to deal with these issues going forward.

Mr. Marciante stated that improvements to Kunkel Park are underway, there are a few more things to address. Mr. Marciante stated that hopefully he will be meeting with Parks and Recreation regarding Sked Street Park.

Finance & Technology / Board of Health – Mr. Gross stated that Board of Health did not meet. Mr. Gross stated that Finance and Technology did meet and discussed the road projects, projects identified in the asset management plan and lead line replacement. Mr. Gross stated that there are some high costs projects over the next ten years. Mr. Gross stated that the first step is to prioritize the projects and then discuss funding sources.

Historic Preservation / Library – Ms. Angarone stated that the Historic Preservation page of the website looks great and she hopes that all committees take a look at their pages on the website and update them. Ms. Angarone stated that Historic Preservation is working on an unauthorized work notice with standardized language to address when residents undertake unauthorized work and they are also working on the ordinance. Ms. Angarone stated that the library has a lot of upcoming programs for the summer.

Open Space/ Shade Tree – Ms. Stern stated that Open Space met on May 18th and they continue to review and edit two documents that will be brought to Council at an upcoming meeting. Ms. Stern stated that Shade Tree met and discussed Pennington Day, they discussed and reviewed the East Welling Road project and the related trees. Ms. Stern stated that they also discussed the Streetscape project and trees related to that project.

Senior Advisory Board – Mr. Davy had no report.

COUNCIL DISCUSSION

Mayor Davy stated that the Municipal Alliance is requesting a waiver of the fee for use of Kunkel Park for an event they are having. Council Member Marciante made a motion to waive the fee, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy stated that a resident has requested use of Sked Street Park for an end of school year barbeque. Council Member Marciante made a motion to approve the request, second by Council Member Gnatt with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
 RESOLUTION #2022 – 6.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Wm. D & Susan E. Cirullo, 16 East Welling Avenue, Pennington, NJ 08534 for an overpayment of taxes for the 2nd quarter 2022 in the amount of \$119.89.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.1, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 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 \$ 1,159,955.08 from the following accounts:

Current	\$ 1,054,623.86
W/S Operating	\$ 70,183.76
General Capital	\$ 16,811.78
Grant Fund	\$ 1,214.88
Open Space Fund	\$ 8,052.30
COAH Trust Fund	\$ 331.50
Animal Control Fund	\$ 137.00
Other Trust Fund	\$ 7,600.00
Developer's Escrow	\$ 1,000.00
TOTAL	\$ 1,159,955.08

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.2, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2022-6.3**

**RESOLUTION AUTHORIZING UNPAID LEAVE OF ABSENCE FOR
 CHRISTOPHER WEBB**

WHEREAS, Public Works Laborer Christopher Webb has requested an unpaid leave of absence in conformance with the Borough's Leave of Absence Policy (4.10);

WHEREAS, during this leave of absence Mr. Webb may elect to continue coverage under the State Health Benefits Plan for the first three months provided he pay the employee share of premium, with the Borough paying the balance;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Mr. Webb's request for unpaid leave be granted, effective May 28, 2022.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-6.3, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 6.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION
 CORP. FOR WORK COMPLETED ON THE EAST WELLING AVENUE ROAD
 REHABILITATION PROJECT (VNHA #44348-210-71)**

WHEREAS, Top Line Construction Corp. has completed work pursuant to the contract for the East Welling Avenue Road Rehabilitation Project (VNHA File #:44348-210-71); 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 \$212,955.52 less 2% retainage in the amount of \$4,259.11; and

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

WHEREAS, funds are available through a grant from the NJDOT under Ordinance 2021-4 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 \$208,696.41 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.4, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 - 6.5**

**RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL
 CONSUMPTION LICENSE #1108-33-001-001 FOR 2022--2023**

WHEREAS, renewal of Plenary Retail Consumption License #1108-33-001-001 is due for renewal on or before June 30, 2022; and

WHEREAS, the Borough has received an application for renewal but that application is yet unaccompanied by presentation of the required Tax Clearance Certificate and payment of Borough renewal fee;

WHEREAS, the Borough of Pennington Health Department and Police Department have 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 Tax Clearance Certificate, 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 2022-2023 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, 2022.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-6.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 6.6**

**RESOLUTION AUTHORIZING CONTRACT WITH
 BRT TECHNOLOGIES FOR TAX-ASSESSMENT SOFTWARE**

WHEREAS, the Tax Assessor of the Borough of Pennington has recommended to Borough Council that it replace existing tax assessment software of the Borough to improve the efficiency and effectiveness of the tax assessment function;

WHEREAS, the Tax Assessor has further recommended that the Borough enter into a contract with BRT Technologies of Mantua, New Jersey, to provide the needed software and related services;

WHEREAS, BRT Technologies has provided the attached Proposal for software and related services calling for a 3-year contract at the rate of \$125 per month, subject to the availability of funds;

WHEREAS, the Proposal would provide among other things computer-aided mass appraisal software, patented sketching technology, certified New Jersey ModIV software and software to generate comparables, together with conversion, implementation and training;

WHEREAS, the proposed contract is not subject to public bidding under the Local Public Contracts Law, and the proposed three-year term is further authorized by the statute;

WHEREAS, the Chief Financial Officer of the Borough has certified the availability of funds for this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and the Borough Clerk are hereby authorized to issue such purchase orders and to take such additional steps as needed (a) to effect a contract between the Borough and BRT Technologies in accord with the attached Proposal, and (b) coordinate introduction of the new software and services with expiration of existing software agreements.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 - 6.7**

RESOLUTION AUTHORIZING PURCHASE OF AMMUNITION AND TARGETS FROM EAGLE POINT GUN / T.J. MORRIS & SON UNDER STATE CONTRACT 17-FLEET-00721

WHEREAS, the Chief of Police has identified the need to purchase ammunition and targets for the Pennington Borough Police Department; and

WHEREAS, the Chief of Police has determined that the required ammunition and targets are available under New Jersey State Contract State (17-FLEET-00721); and

WHEREAS, the Chief of Police has obtained a quote for ammunition and targets from Eagle Point Gun / T. J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086; and

WHEREAS, Eagle Point Gun / T. J. Morris & Son is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase of ammunition and targets from Eagle Point Gun / T.J. Morris & Son is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the proposal from Eagle Point Gun / T. J. Morris & Son in the amount of \$8,696.18, is attached to this Resolution; and

WHEREAS, purchase of the ammunition and targets 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 police budget, line item 2-01-25-240-000-242;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the acquisition of ammunition and targets for the Pennington Borough Police Department pursuant to the attached proposal from Lawmen Supply Company is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 6.8**

**RESOLUTION AUTHORIZING BLOCK PARTY ON JULY 9, 2022 FROM
 5 PM TO 9 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 9, 2022 beginning at 5 PM and ending at 9 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.
5. The hosts shall ensure compliance with all state and local regulations related to the Covid-19 Pandemic.

Record of Council Vote on Passage

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

Council Member Stern made a motion to approve Resolution 2022-6.8, second by Council Member Gross with all members present voting in favor with the exception of Mr. Marciante who abstained.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 6.9**

**RESOLUTION AUTHORIZING EXPENDITURES FROM
 OPEN SPACE FUND TO PURCHASE A 6 x 8 PATRIOT QUAKER SHED TO BE PLACED AT
 KUNKEL PARK FOR STORAGE OF PARKS AND RECREATION SUPPLIES**

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 Kunkel Park to enhance its enjoyment by Borough residents as active open space;

WHEREAS, on the recommendation of the Parks and Recreation Committee in collaboration with the Borough Council’s Public Works Committee, Borough Council seeks to purchase a 6 x 8 Patriot Quaker Shed for storage of supplies and equipment at Kunkel Park; and

WHEREAS, the Superintendent of Public Works requested quotes from Rosedale Structures, LLC., Buxton Backyard Structures, LLC, and DeptCor; and

WHEREAS, Rosedale Structures provided Quote #1474 in the amount of \$3,250.00, Buxton Backyard Structures LLC provided Quote #BOP-QUOTE in the amount of \$4,613.00 and the third vendor responded that ite was unable to provide a quote at this time; and

WHEREAS, the Superintendent of Public Works is recommending accepting the quote submitted by Rosedale Structures, LLC in the amount of \$3,250.00; 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 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 \$3,250.00 and to take such additional steps as necessary to acquire the shed described and quoted in the attached proposal of Rosedale Structures, LLC dated 5/21/22.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-6.9, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 6.10**

RESOLUTION AUTHORIZING EXPENDITURES FROM OPEN SPACE FUND TO PURCHASE EQUIPMENT TO ASSIST THE REDEVELOPMENT OF KUNKEL PARK AS ACTIVE OPEN SPACE IN THE BOROUGH OF PENNINGTON

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 Kunkel Park to enhance its enjoyment by Borough residents as active open space;

WHEREAS, as an initial step toward this goal, the Committees recommended purchase of picnic tables, benches, swings and other playground equipment which were authorized by Resolution 2021-9.7;

WHEREAS, as a next step, the Committees are recommending the purchase of new swings, which are available from General Recreation under New Jersey State Contract #16-FLEET-00130; and

WHEREAS, General Recreation has submitted the attached quote dated 5/26/22 for two (2) Full Bucket Seat swings with hardware in the amount of \$1,927.80 including shipping; and

WHEREAS, the attached quote is for the materials only and does not include installation; 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 \$1,927.80 and to take such additional steps as necessary to acquire the equipment described and quoted in the attached proposal of General Recreation, Inc. under State Contract #16-FLEET-00130.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022- 6.10, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022- 6.11**

RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND ELIOT A. FEIBUSH AND JULIE S. FEIBUSH PERMITTING ENCROACHMENT OF FENCE ON ARBORETUM PROPERTY SUBJECT TO CONDITIONS

WHEREAS, by authority of Ordinance 2019-10, the Borough of Pennington has acquired from the Hopewell Valley Regional School District a tract of wooded land for preservation as active open space and the creation of an Arboretum;

WHEREAS, this acquisition has been financed by the Pennington Open Space Fund in anticipation of matching funding under the Green Acres Program of the New Jersey Department of Environmental Protection;

WHEREAS, the Arboretum Property, designated Block 1003, Lot 15.02 on the Borough Tax Map, consists of approximately 3.4 acres of land bounded on the west by the rear property line of Toll Gate Elementary School, on the north by Curlis Avenue, on the east by Baldwin Boulevard, and on the south by the rear property lines of residential dwellings on East Welling Avenue;

WHEREAS, the Borough has applied to Green Acres for funding of allowable costs with the understanding that in consideration of the State’s agreement to provide funding, the Arboretum Property shall be held exclusively for recreation and conservation purposes subject to the covenants, restriction and conditions prescribed by law;

WHEREAS, a survey made by Van-Note Harvey Associates, Inc. dated November 15, 2019 reveals mislocation of a six-foot post and wire fence (“the Fence”) at the rear of the adjacent East Welling Avenue property known as Block 1003, Lot 2 on the Borough Tax Map (hereafter “the East Welling Property”), resulting in an angular encroachment on the Arboretum Property ranging from approximately 0 to 4.5 feet in depth over the width of the East Welling property;

WHEREAS, Green Acres has advised the Borough that either the owners of the East Welling Property must move the Fence back to be entirely within the boundary of the East Welling Property or that part of the Arboretum Property encompassed by the Fence, delineated by a metes and bounds description, must be “excepted out” from the land area eligible for Green Acres funding;

WHEREAS, the East Welling Property and the Fence are owned by Eliot A. Feibush and Julie S. Feibush (“Neighboring Owners”), who have asked that they not be required to move the Fence and that instead they pay for preparation of a metes and bounds description of the encroachment area and agree to further conditions as set forth in the attached Agreement;

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 attached Agreement on behalf of the Borough and to take such additional steps as needed to obtain the subject metes and bounds description at the expense of the Neighboring Owners and to except out the described area from the Arboretum Property eligible for Green Acres funding, in compliance with Green Acres requirements.

Record of Council Vote on Passage

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

Council Member Gross made a motion to approve Resolution 2022-6.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2022 – 6.12**

RESOLUTION AUTHORIZING SERVICES BY VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH PREPARATION OF METES AND BOUNDS DESCRIPTION AND RELATED DOCUMENTS FOR REMOVAL OF THE FEIBUSH ENCROACHMENT AREA FROM THE ARBORETUM PROPERTY ELIGIBLE FOR GREEN ACRES FUNDING

WHEREAS, by Resolution 2022-6.11, Borough Council has authorized an agreement with Eliot A. Feibush and Julie S. Feibush relating to the encroachment of the fence at the rear of their property (Block 1003, Lot 2) on the property of the adjacent Arboretum (Block 1003, Lot 15.02) (“Agreement”);

WHEREAS, the purpose of the Agreement is to permit the Feibush fence to remain on the Arboretum property provided, among other things, the area encroached upon is defined by metes and bounds at the Feibushes’ expense to permit it to be excluded from the land area of the Arboretum otherwise eligible for Green Acres funding;

WHEREAS, Van Note-Harvey Associates has submitted a proposal to perform the needed survey and related work as set forth in the attached one-page proposal titled “Fw: Feibush Fence Encroachment – 44345-100-11” and dated April 28, 2022;

WHEREAS, the estimated cost of the work is \$2,520 as set forth in the proposal;

WHEREAS, the Chief Financial Officer of the Borough certifies that the needed funds are available in account #: 2-01-20-100-000-255;

WHEREAS, the Feibushes have paid this amount to the Borough and the funds will be reimbursed to the account referenced above;

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 to Van Note-Harvey Associates directing it to perform the work described in the attached proposal at a total contract price not to exceed \$2,250.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-6.12, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 6.13**

RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY, INC. THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough of Pennington has committed to the replacement of manual read meters with remote read meters; and

WHEREAS, the Superintendent of Public Works has submitted a request to purchase additional remote read meters; and

WHEREAS, Borough Council has included the replacement of meters in the plan for use of American Recovery Act funds; and

WHEREAS, the Superintendent has determined that the remote read meters are available from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System; and

WHEREAS, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

WHEREAS, Rio Supply, Inc. located in Sicklerville, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #16040 dated May 26, 2022 for purchase of the equipment through the North Jersey Wastewater Cooperative Pricing System; and

WHEREAS, the quote identifies the following types of meters:

ED2B11RPDG11 – 5/8” x 3/4” T-10 C/I 302 Pro-Coder)r9001 Gal., inside	\$297.50
ED2B11RPWG11 – 5/8” x 3/4” T-10 Pro-Coder)r9001, Pit Gal	\$314.50
ED2F11RPDG11 – 1” T-10 C/I 302 Pro-Coder)r900i inside	\$476.00
ED2F11RPWG11 – 1” T-10 C/I 302 Pro-Coder)r900i Pit Gal PVSC B270-11	\$493.00
.13749-200 – 6’ External Antenna	\$ 36.00

WHEREAS, the Superintendent of Public Works has requested the flexibility to order these meters as needed and cannot at this time identify how many of each type he will need to order: and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase under the American Recovery Act Funds;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of remote read meters from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System, is hereby authorized in an amount not to exceed a total of \$9,400.00 with pricing as per quote #16040 dated May 26, 2022.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022- 6.13, second by Council Member Chandler with all embers present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022-6.14**

**RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF A FLYGT PUMP FOR USE
 AT BOROUGH PUMP STATION**

WHEREAS, the Superintendent of Public Works for the Borough of Pennington has identified an emergency circumstance as defined by N.J.S.A. 40A:11-6 involving the need to immediately contract with Pumping Services, Inc. to supply a new Flygt pump;

WHEREAS, the above referenced provision of the New Jersey Local Public Contracts Law permits the award of a contract without competitive bidding (or competitive contracting) provided that an emergency affecting the public health, safety or welfare exists; and

WHEREAS, in accordance with the New Jersey Local Public Contracts Law the Superintendent has prepared and filed with the Borough Clerk written notification of the emergency; and

WHEREAS, Pumping Services, Inc. has provided Quote #SQ37179 for the purchase of a new pump in the amount of \$18,946.35; and

WHEREAS, the Chief Financial Officer finds that the foregoing constitutes an emergency affecting the public safety and welfare and necessitates the immediate purchase of a new pump from Pumping Services, Inc. pursuant to the New Jersey Local Public Contracts Law; and

WHEREAS, the Public Works Superintendent has been in contact with Pumping Services, Inc. and requests that a purchase order be issued immediately in an amount not to exceed \$18,946.35 to cover the acquisition of the new pump including any additional materials needed during installation; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Water/Sewer Capital Ordinance 2007-9;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey that a purchase order be issued to Pumping Services, Inc., in the amount not to exceed \$18,946.35 as described above.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-6.15, second by Council Member Chandler with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Attorney – Mr. Bliss had nothing further. Mayor Davy stated that in the Cannique letter, they requested the \$2,500 fee be returned. Mr. Bliss stated that the fee was only going to be refunded if a Resolution of Support was not issued and Cannique received a Resolution of Support.

Chief Doug Pinelli – Chief Pinelli stated that Sergeant Burroughs did a great job running Pennington Day and Sergeant Thomas did a great job running the Memorial Day Parade.

Superintendent of Public Works – Mr. Smith stated that repair on East Welling is still underway and he is working with Van Note Harvey and Top Line to make sure the road is restored properly.

Borough Clerk – Mrs. Sterling thanked Rick Smith for his assistance with picking up election supplies and getting the Senior Center ready for Election Day tomorrow.

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. Please limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

AT, 9:38 PM, with no further business to come before Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gross.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk