

**Pennington Borough Council
 Regular Meeting – May 2, 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 Chandler, Gross, Marciante, and Stern in attendance. Ms. Gnatt arrived after the roll call.

Also present were Public Works Superintendent Rick Smith, Sergeant Novin Thomas, Chief Financial Officer Sandra Webb 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.

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.**

There were no comments from the public.

Appointment / Oath of Office – Police Officer

Mayor Davy introduced Angelo Marone and gave a brief biography of his qualifications.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 5.14**

RESOLUTION AUTHORIZING THE HIRING OF ANGELO MARONE AS POLICE OFFICER IN THE PENNINGTON POLICE DEPARTMENT

WHEREAS, the Borough of Pennington has a need for a qualified person to fill the position of Police Officer in the Pennington Police Department; and

WHEREAS, Chief Douglas Pinelli recommended the hiring of Angelo Marone, a candidate from the last round of solicitations and interviews; and

WHEREAS, the Public Safety Committee met and approved the recommendation to hire Angelo Marone; and

WHEREAS, the appointment of Mr. Marone is contingent upon successfully passing both a medical and psychological exam;

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

1. the hiring of Angelo Marone as Police Officer (Class 7) in the Pennington Police Department is hereby approved, contingent upon successfully passing both the medical and psychological exam;
2. Mr. Marone’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Marone’s start date shall be May 3, 2022 provided that all required testing is successfully completed.

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 2022-5.14, second by Council Member Marciante with all members present voting in favor.

Borough Attorney, Walter Bliss administered the Oath of Office to Officer Marone.

Resolution of Support / Cannabis

Mayor Davy stated that this item is for reconsideration of issuance of a resolution of support. Mayor Davy stated that at the last meeting Council approved a resolution of support for Cannique, LLC with a stipulation that they file an application with the State of New Jersey by May 2nd, 2022. Mayor Davy stated that the condition was not met however they come before Council tonight with a new proposed location and they are seeking Council approval for the new location. Mayor Davy stated that in addition, Jersey Meds has also requested reconsideration of their application and to be fair, Fine Fettle was also offered the opportunity to come back for reconsideration. Mayor Davy stated that each entity was notified of this opportunity for reconsideration and all three expressed an interest. Mayor Davy stated that each applicant was presented with questions that they need to address tonight. Mayor Davy stated that documentation of lease or commitment for a lease for the proposed location, the location must be clearly identified as being in the B-H or O-B zone, commitment that proposed location will comply with all zoning requirements set forth in 215-81 and related provisions of the Code of the Borough of Pennington, description of location and identification of how it would be designed to protect our image and protect the youth of the Borough, demonstration of minimum distance to schools, building to building and property to property and explanation of methodology used, acknowledgement that any resolution of support will be subject to detailed review of plan of operation by Borough officials and acknowledgment that any resolution of support issued is subject to obtaining all zoning approvals as required by law. Mayor Davy stated that Council will have the opportunity to consider one resolution of support or multiple resolutions of support. Mayor Davy stated that each applicant will be afforded a ten minute period of time to address Council followed by questions from Borough Council. Mr. Bliss stated that the points identified by Mayor Davy were supplied to each of the applicants.

Mayor Davy invited Cannique, LLC the opportunity to make their presentations. Members of Cannique were admitted to the meeting. Janice Mintz stated that she along with Dr. Jill Farmer, Rachel Donington, Delroy Williams, and Dave Knowlton would be presenting this evening. Janice Mintz stated that Mr. Kilian Strong and Mr. Rob Moroni were also in attendance from alternate locations. Ms. Mintz thanked Mayor and Council for the opportunity to present their information. Ms. Mintz stated that they submitted their information and they will be supplementing that with some further comments. Ms. Mintz stated that Cannique was honored to be the unanimous choice of Borough Council and the awardee of Resolution 2022-3.4 and they believe their position and compatibility with the community to be even stronger now than the last time they appeared before Council and they believe that they should remain the sole choice for Council. Ms. Mintz stated that the focus for tonight is location and they will thoroughly address all questions related to location. Ms. Mintz stated that she would like to take a moment to talk about place. Ms. Mintz stated that Pennington is a special place and is home to the owners of Cannique. Ms. Mintz stated that it is fair to say that the owners of Cannique decided to pursue a license in Pennington because they care deeply about how this business will fit within this place. Ms. Mintz stated that Cannique is only seeking a license in Pennington Borough. Ms. Mintz stated that they believe that issuing multiple resolutions of support with a race to the finish line does not fit in with the goals for Pennington Borough. Ms. Mintz stated that Cannique is moving expeditiously to meet all requirements for application with the State and to be up and running as soon as possible. Ms. Mintz stated that allowing all applicants to participate in a race to the finish does not preserve the sense of place, nor does it address what our local residents want.

Ms. Rachel Donington stated that they were honored to receive Borough Council's support at the last meeting. Ms. Donington stated that they did not prepare a formal presentation because nothing has really changed other than their location. Ms. Donington stated that they believe that by securing a lease for a much improved site strengthens their application. Ms. Donington stated that they heard the concerns for timing and they have acting accordingly. Ms. Rachel Donington stated that they are ready to go and they have the best interest of the community at heart. Ms. Donington stated that they are hyperlocal, successful business owners and they have extensive experience in operating a cannabis operation. Ms. Donington stated that if Council goes down the road of issuing multiple resolutions of support, Cannique will withdraw and Pennington will lose them, the business that Borough Council supported. Ms. Donington stated that they have spent significant funds and will be soliciting funds from local people, but they will not waste their time or the funds of investors on a race to the finish. Ms. Donington stated that they are what Pennington wants, they are not big-boxed and they are in keeping with a long tradition of how Pennington does business.

Dr. Jill Farmer stated that she works in the building which houses the new proposed location for Cannique. Dr. Farmer stated that the building is beautiful and the location and signage are very discreet. Dr. Farmer stated that a small sign as part of the larger sign is all that would be seen. Dr. Farmer stated that the location would be on the second floor with a separate entrance and exit. Dr. Farmer stated that there is no convenient way for the youth of Pennington to access this location. Dr. Farmer stated that this building is the location for many medical professionals which would be beneficial. Mayor Davy asked for the address for the new site. Dr. Farmer stated that the address is 10 Route 31 North and the suite they would be using is less than 2,500 square feet and it is located in the proper zone for a cannabis business. Mayor Davy asked about distance to schools. Mr. Strong provided distance to schools which was also provided in the documentation that Council received in their packets. Some discussion took place regarding the method for measurement. Mrs. Chandler asked if Cannique is ready to submit their application tomorrow if they get the resolution of support tonight. Mr. Strong stated that there is another item that is required for

submission of the application and that is an affidavit of zoning approval and that would have to be provided by the Borough as well. Ms. Stern asked why they did not submit by the May 2nd deadline and Ms. Donington responded that the resolution was specific to their previous location.

Mayor Davy invited representatives from Fine Fettle into the meeting. Mr. Jeremy Perlman, Mr. Ben Zachs, Mr. Ryan Kennedy and Mr. Justin Singer were admitted to the meeting. Mr. Perlman thanked Mayor and Council for the opportunity. Mr. Zachs stated that none of their application has changed and they will hit on the specific requests outlined by the Mayor earlier. Mr. Zachs stated that they have an agreement in principle for the location they have chosen which is the same premises as the original presentation. Mr. Kennedy stated that the location is 100% in the B-H zone and that has always been the case. Mr. Kennedy stated that he has some concerns about the process. Mr. Kennedy stated that they have been consistent with their location since the "bid opening" submission. Mr. Kennedy stated that the appellate division has been clear that standard procurement procedures apply to this process as well and unfortunately it seems that the Borough is allowing applicants to cure material defects and their application has not changed since the beginning and their location is in an appropriate spot. Mr. Kennedy stated that they will get back to addressing the information requested for tonight, but unfortunately he has to bring this concern before Council.

Mr. Zachs stated that they are committed to compliance with all conditions and they have previously submitted all documents related to security, location and state regulations related to adult cannabis use. Mr. Zachs stated that they have their own parking area and in regards to protecting the youth of the area, they will be installing opaque glass and the only reason to enter the parking lot is to enter their business. Mr. Zachs stated that signage will be in compliance and will be approved by the Borough prior to installation. Mr. Zachs stated that they also partner with local substance abuse groups and volunteer in the community to protect the youth of the community. Mr. Zachs acknowledged the two items that Mayor Davy stated earlier and indicated that Fine Fettle would have no issues complying. Mr. Kennedy outlined the distance to local schools. Mr. Kennedy stated that this information was provided in the original submission.

Mr. Gross asked Mr. Bliss if this is considered a bid process or just a resolution of support. Mr. Bliss stated that we have treated it in part similar to the bid process in that our communications have been standardized and we have talked to everyone the same in writing and we have asked each applicant to provide the same information. Mr. Bliss stated that we have one location available and we want to make sure that we do this right. Mr. Bliss stated that the first time around we considered one and now we are taking a fresh look and he does not see this as a problem. Mrs. Chandler asked if Mr. Bliss is saying that the Borough is ok with regard to Mr. Kennedy's comments.

Mr. Zachs stated that he personally does not know the legal process, he leaves that to Ryan, but they feel confident and comfortable with their location first and foremost. Mr. Zachs stated that their location was their location in the first round but they want to see a fair process. Mr. Zachs stated that they understand that there is only one available and proper location is first and foremost but also having the confidence in the operator and the team is important and they hope that Pennington will have the confidence in them to provide this service to the Borough. Mr. Zachs stated that they have put a lot of time and effort into the package that they have presented and they appreciate the opportunity to participate in the process.

Ms. Stern asked if the Borough proceeds with issuing multiple resolutions of support would Fine Fettle stay in the process. Mr. Zachs stated that issuing multiple resolutions is allowed by the State, then yes, they would continue as they have all of the other aspects of the application ready to go. Mr. Zachs stated that the only two things they are missing is the Resolution of Support and the zoning affidavit which would both have to come from the Borough. Mr. Zachs stated that once their application is submitted they are prepared to begin the process of submitting the zoning application. Mr. Perlman briefly spoke about the signage that was on the original application.

Mr. Bliss asked what would be done with the additional 1,100 square feet that is part of the building. Mr. Zachs stated that the cannabis retail would be limited to 2,400 square feet.

Mayor Davy invited representatives from Jersey Meds into the meeting. Ms. Sheila Mints stated that she had other representatives with her. Ms. Mints thanked Mayor and Council for this opportunity and stated that they have already submitted their application for a conditional license and they are hoping that it will be turned into an annual license with the issuance of a resolution of support this evening. Ms. Mints introduced three owners of Jersey Meds. Ms. Mints stated that the people at Jersey Meds are local business owners and residents of the area. Ms. Mints stated that they have a unique team that can provide a good business with experience in the area. Ms. Mints stated that they have a new location at 7 Route 31 North and they have a lease that was provided. Ms. Mints stated that they have relocated because of the concerns raised regarding proximity to the Cambridge School. Ms. Mints stated that they are prepared to comply with all conditions related to use of the building. Ms. Mints discussed the floor plan of the proposed location and discussed security and protecting the youth of the community. Mayor Davy asked about square footage of the building. Ms. Mints stated that they will only be using 2,400 square feet as required by the ordinance. Ms. Mints stated that the extra space will be walled off. Ms. Mints reviewed the distance to schools for the new proposed location. Ms. Mints also reviewed the ingress and egress for the property related to traffic concerns. Some discussion took place with regard to whether the planning board would approve a left turn onto Route 31.

Ms. Stern stated that the distances provided by the three presenters are not consistent and it is difficult to compare the data presented. Ms. Mints stated that different methods were used by each participant and there may be some small discrepancies but all of the numbers are fairly accurate. Ms. Stern stated that she does not disagree, but she was just pointing out that it is difficult to make a comparison. Ms. Mints thanked Mayor and Council for the opportunity and she knows that there was some confusion about issuing more than one resolution, but realistically this is an initial hoop that they all have to jump through. Ms. Mints stated that issuing a resolution of support does not guarantee that any one of the applicants will get a license from the State.

Mayor Davy stated that at this time he would take comments from Council on how they wish to proceed. Mayor Davy stated that as Mr. Bliss indicated earlier Council has the option to award one, two or three resolutions of support. Mr. Bliss stated that if Council issues more than one resolution of support, the first applicant to get through the CRC process will be the local business.

Mrs. Chandler stated that two months ago she stated that she felt all three businesses were viable businesses for Pennington and she still feels the same. Mrs. Chandler stated everyone has done a remarkable job presenting their applications and she would be comfortable with one of these businesses in Pennington. Mrs. Chandler stated that she would recommend issuing three resolutions of support and letting the State decide. Mr. Marciante and Ms. Gnatt were also in favor of three resolutions. Ms. Gnatt asked for some clarification about the process. Mr. Bliss stated that if the Borough issues three resolutions of support the first one to get through the CRC process would be awarded the license. Mrs. Chandler stated that it should be communicated to the Zoning Officer that all three affidavits should be issued simultaneously.

Ms. Stern reminded Council that one of the applicants indicated that they would be withdrawing their application if Council proceeds with more than one resolution of support.

Mr. Gross stated that all three applicants made great presentations and all three are well prepared to operate a business in Pennington, but he thinks that Council has a responsibility to the residents of Pennington some who were in favor of cannabis and some who were not and we owe it to the residents to mitigate some of the concerns. Mr. Gross stated that Canniques location on the second floor of a building versus driving by a store front and thinking of all the residents of Pennington Cannique would be a better option for Pennington.

Ms. Angarone asked for clarification on the zoning approval. Mayor Davy stated that all that is needed is a letter stating that the proposed location is within the proper zoning, it is not a zoning board approval that would come later. Mayor Davy stated that so far he has Kit, Chico, Deb and Kati in favor of issuing three resolutions of support. Ms. Stern stated that she is conflicted and is having difficulty with the idea of turning the decision over to the State. Mrs. Chandler made a motion to approve the issuance of three resolutions of support, second by Mrs. Gnatt. Mayor Davy asked Mr. Bliss if he would like to issue separate resolutions or just one resolution. Mr. Bliss stated that he would like to use the sample resolution that was provided to Council and issue three separate resolutions. Mr. Bliss suggested taking them one at a time in order of presentation.

Mr. Bliss read language into the record to fill in the blanks on the sample resolution for each of the applicants. Mayor Davy asked if language should be included authorizing the Zoning Officer to issue a affidavit to each applicant. Ms. Mints stated that the legal name for Jersey Meds is Jersey Meds Management LLC. Mr. Springer of Cannique stated that as Mr. Bliss correctly stated, the first applicant to get through the process is essentially the one who would get the license to operate in Pennington. Mr. Springer stated that the State prioritizes applications and what he just heard tonight is that Jersey Meds filed a conditional application whereas Fine Fettle and Cannique would be filing annual applications. Mr. Springer stated that the way it works at the State is that conditional applications get priority over annual applications, meaning that the State will review all conditional applications before they even consider reviewing annual applications. Mr. Springer stated that Jersey Meds would submit their conditional application and immediately file a conversion application and the State would issue a license to Jersey Meds before they even reviewed the applications for Fine Fettle or Cannique. Mr. Springer stated that is the State process and if three resolutions of support are issued, then Jersey Meds will be the operator in Pennington Borough. Mr. Springer stated that he is Counsel for Fine Fettle, but he is bringing this up for clarity as there has not been a lot of communication from the CRC to municipalities. Mrs. Chandler asked why Jersey Meds is filing a conditional application and Fine Fettle is not. Mr. Springer stated that it is strategic on their part as the only qualifications for conditional approval relate to total earnings for the owners of the company. Mr. Springer stated that a conditional approval can be filed without a resolution of support or zoning letter so it is way to get a foot in the door if you meet the thresholds. Mr. Springer stated the Fine Fettle did not meet the qualifications and presumably neither did Cannique. Ms. Mints stated that this is inappropriate in this procedure as this was just to discuss the locations.

Mrs. Chandler asked if anyone on Council had concerns after hearing what was just presented and several Council Members expressed concern. Ms. Angarone stated that she is wondering what the State was thinking with the requirement for a resolution of support from the municipality. Ms. Angarone stated that if everything was consistent and everyone met the criteria then she is prepared to vote. Ms. Stern stated that this is the first time we are hearing about the conditional approval and it is probably in place to give opportunities to a diverse population who have not had the financial means to run businesses in the State,

but we have not heard about it before. Ms. Angarone stated that it may have a practical effect but it is not germane to the discussion.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.21**

**RESOLUTION IN SUPPORT OF APPLICATION OF CANNIQUE, LLC
FOR CLASS 5 CANNABIS RETAIL LICENSE**

WHEREAS, the Borough of Pennington has adopted an ordinance permitting as a conditional use the establishment of a single licensed retail store for the sale of personal-use cannabis in the Borough (“Ordinance”);

WHEREAS, in accordance with the Ordinance, that single retail store shall be permitted as a conditional use in either the B-H Highway Business Zone or the O-B Office (Building) Business Zone;

WHEREAS, the conditions of conditional use established by the Ordinance, as further set forth in Section 215-81 and related provisions of the Code of the Borough of Pennington, may be summarized as follows:

1. floor area shall not exceed 2,500 square feet;
2. operating hours shall be between 9 am and 8 pm daily;
3. the store shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress;
4. no cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place;
5. all cannabis products shall be stored securely indoors and onsite;
6. consumption of cannabis products by any means of ingestion shall not be permitted in the licensed facility or adjacent grounds;
7. the store must have odor control measures approved by the Borough Board of Health;
8. the store must have security protocols to protect the safety of customers, employees and the public, approved by the Borough Police Department;
9. the store must have a 24/7 video recording security systems covering both interior and exterior areas with a 30-day archive;
10. the store and adjacent right-of-way must be monitored and kept free of loitering, litter and other debris and any sidewalks shall be swept and cleaned on a regular basis;
11. the design of the structure required by the store shall conform to the general character of the area;
12. the store must have adequate off-street parking subject to Borough requirements for off-street parking, as determined by the Borough Planning Board;
13. site access shall direct primary traffic flow to nonresidential areas;
14. the store shall comply with all applicable zoning, signage and site plan requirements prescribed by Borough ordinances, as may be amended from time to time;

WHEREAS, the location and design of a proposed store must be compatible with its surroundings, protect the well-being of our youth and avoid unwelcome images to non-customers and passers-by;

WHEREAS, the Ordinance also establishes a local licensing requirement, to the full extent permitted by N.J.S.A. 24:6I-1, et seq. and N.J.S.A. 24:6I-31, et seq., including provisions for administration, enforcement and civil penalties and a requirement of ongoing compliance with Borough restrictions on the number, location, time and manner of operations of the store;

WHEREAS, the Ordinance further specifies that the responsibilities of Borough Council in promulgating and administering these restrictions shall be in addition to any required land use approvals within the jurisdiction of the Borough Planning Board.;

WHEREAS, Cannique, LLC (hereafter “Applicant”) has advised the Borough that it seeks to apply to the Cannabis Regulatory Commission (CRC) for a Class 5 Cannabis Retailer License in order to establish a retail store for the sale of personal-use cannabis products in the Borough of Pennington;

WHEREAS, under N.J.S.A. 24:6I-36.d.1(c)(iv), every applicant for a CRC license must submit as part of its application to the CRC “proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed” cannabis facility;

WHEREAS, for this purpose, Applicant has applied to Borough Council for a Resolution of Local Support to include with its CRC application for annual licensure;

WHEREAS, in support of this application to the Borough, Applicant has responded in writing to questions posed by the Borough seeking to document that the Applicant’s proposed location and related plan of operations complies in all respects or is intended to so comply with all conditions for conditional use and other applicable Borough requirements contained in the Ordinance;

WHEREAS, at a public hearing before Borough Council on February 28, 2022, Applicant appeared and made an oral presentation and responded to questions, and later supplemented its written materials in response to questions by members of Council and the public;

WHEREAS, on April 5, 2022, Council invited Applicant to apply for further consideration of its request for a Resolution of Support and at its regular meeting on May 2, 2022, Council heard Applicant on that application, with specific reference to the suitability of Applicant’s proposed location;

WHEREAS, following Applicant’s presentation at the public meeting of Mayor and Council on May 2, 2022, Council has approved this Resolution of Local Support in favor of Applicant, subject to the conditions set forth below;

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

1. The Applicant’s legal name under which it is registered to do business in the State of New Jersey is Cannique, LLC;
2. The Borough of Pennington has authorized by ordinance, as a conditional use, a cannabis retail store at 10 Route 31 North, the location proposed by Applicant, subject to satisfaction of the conditions for conditional use further set forth above;
3. Borough Council further finds, based on the information provided by Applicant to date, that Applicant complies or intends to comply with all conditions of use and other requirements contained in the Ordinance and set forth above;
4. Borough Council issues this Resolution of Local Support with Applicant’s acknowledgment that this Resolution is subject to a detailed review of Applicant’s proposed physical plant and plan of operations by applicable local authorities in accordance with the Ordinance as well as such zoning and land use approvals as required by law;
5. Although the Borough Ordinance limits to One (1) the number of licensed cannabis retail businesses authorized to sell personal-use cannabis in the Borough, Borough Council has approved more than one Resolution of Support, meaning that the applicant that receives CRC approval first in time shall be deemed approved by the Borough.

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	M				Marciante	X			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-5.21, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.22**

**RESOLUTION IN SUPPORT OF APPLICATION OF FFD NJ HOLDINGS, LLC D/B/A FINE
FETTLE FOR CLASS 5 CANNABIS RETAIL LICENSE**

WHEREAS, the Borough of Pennington has adopted an ordinance permitting as a conditional use the establishment of a single licensed retail store for the sale of personal-use cannabis in the Borough (“Ordinance”);

WHEREAS, in accordance with the Ordinance, that single retail store shall be permitted as a

conditional use in either the B-H Highway Business Zone or the O-B Office (Building) Business Zone;

WHEREAS, the conditions of conditional use established by the Ordinance, as further set forth in Section 215-81 and related provisions of the Code of the Borough of Pennington, may be summarized as follows:

1. floor area shall not exceed 2,500 square feet;
2. operating hours shall be between 9 am and 8 pm daily;
3. the store shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress;
4. no cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place;
5. all cannabis products shall be stored securely indoors and onsite;
6. consumption of cannabis products by any means of ingestion shall not be permitted in the licensed facility or adjacent grounds;
7. the store must have odor control measures approved by the Borough Board of Health;
8. the store must have security protocols to protect the safety of customers, employees and the public, approved by the Borough Police Department;
9. the store must have a 24/7 video recording security systems covering both interior and exterior areas with a 30-day archive;
10. the store and adjacent right-of-way must be monitored and kept free of loitering, litter and other debris and any sidewalks shall be swept and cleaned on a regular basis;
11. the design of the structure required by the store shall conform to the general character of the area;
12. the store must have adequate off-street parking subject to Borough requirements for off-street parking, as determined by the Borough Planning Board;
13. site access shall direct primary traffic flow to nonresidential areas;
14. the store shall comply with all applicable zoning, signage and site plan requirements prescribed by Borough ordinances, as may be amended from time to time;

WHEREAS, the location and design of a proposed store must be compatible with its surroundings, protect the well-being of our youth and avoid unwelcome images to non-customers and passers-by;

WHEREAS, the Ordinance also establishes a local licensing requirement, to the full extent permitted by N.J.S.A. 24:6I-1, et seq. and N.J.S.A. 24:6I-31, et seq., including provisions for administration, enforcement and civil penalties and a requirement of ongoing compliance with Borough restrictions on the number, location, time and manner of operations of the store;

WHEREAS, the Ordinance further specifies that the responsibilities of Borough Council in promulgating and administering these restrictions shall be in addition to any required land use approvals within the jurisdiction of the Borough Planning Board.;

WHEREAS, FFD NJ Holdings, LLC, d/b/a Fine Fettle (hereafter "Applicant") has advised the Borough that it seeks to apply to the Cannabis Regulatory Commission (CRC) for a Class 5 Cannabis Retailer License in order to establish a retail store for the sale of personal-use cannabis products in the Borough of Pennington;

WHEREAS, under N.J.S.A. 24:6I-36.d.1(c)(iv), every applicant for a CRC license must submit as part of its application to the CRC "proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality's governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed" cannabis facility;

WHEREAS, for this purpose, Applicant has applied to Borough Council for a Resolution of Local Support to include with its CRC application for annual licensure;

WHEREAS, in support of this application to the Borough, Applicant has responded in writing to questions posed by the Borough seeking to document that the Applicant's proposed location and related plan of operations complies in all respects or is intended to so comply with all conditions for conditional use and

other applicable Borough requirements contained in the Ordinance;

WHEREAS, at a public hearing before Borough Council on February 28, 2022, Applicant appeared and made an oral presentation and responded to questions, and later supplemented its written materials in response to questions by members of Council and the public;

WHEREAS, on April 5, 2022, Council invited Applicant to apply for further consideration of its request for a Resolution of Support and at its regular meeting on May 2, 2022, Council heard Applicant on that application, with specific reference to the suitability of Applicant’s proposed location;

WHEREAS, following Applicant’s presentation at the public meeting of Mayor and Council on May 2, 2022, Council has approved this Resolution of Local Support in favor of Applicant, subject to the conditions set forth below;

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

1. The Applicant’s legal name under which it is registered to do business in the State of New Jersey is FFD NJ Holdings LLC, d/b/a Fine Fettle;
2. The Borough of Pennington has authorized by ordinance, as a conditional use, a cannabis retail store at 5 Route 31 North, the location proposed by Applicant, subject to satisfaction of the conditions for conditional use further set forth above;
3. Borough Council further finds, based on the information provided by Applicant to date, that Applicant complies or intends to comply with all conditions of use and other requirements contained in the Ordinance and set forth above;
4. Borough Council issues this Resolution of Local Support with Applicant’s acknowledgment that this Resolution is subject to a detailed review of Applicant’s proposed physical plant and plan of operations by applicable local authorities in accordance with the Ordinance as well as such zoning and land use approvals as required by law;
5. Although the Borough Ordinance limits to One (1) the number of licensed cannabis retail businesses authorized to sell personal-use cannabis in the Borough, Borough Council has approved more than one Resolution of Support, meaning that the applicant that receives CRC approval first in time shall be deemed approved by the Borough.

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 2022-5.22, second by Council Member Marciante with all members present voting in favor with the exception of Mr. Gross who voted no.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.23**

RESOLUTION IN SUPPORT OF APPLICATION OF JERSEY MEDS MANAGEMENT, LLC FOR CLASS 5 CANNABIS RETAIL LICENSE

WHEREAS, the Borough of Pennington has adopted an ordinance permitting as a conditional use the establishment of a single licensed retail store for the sale of personal-use cannabis in the Borough (“Ordinance”);

WHEREAS, in accordance with the Ordinance, that single retail store shall be permitted as a conditional use in either the B-H Highway Business Zone or the O-B Office (Building) Business Zone;

WHEREAS, the conditions of conditional use established by the Ordinance, as further set forth in Section 215-81 and related provisions of the Code of the Borough of Pennington, may be summarized as follows:

- 1, floor area shall not exceed 2,500 square feet;
2. operating hours shall be between 9 am and 8 pm daily;
3. the store shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress;

4. no cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place;

5. all cannabis products shall be stored securely indoors and onsite;

6. consumption of cannabis products by any means of ingestion shall not be permitted in the licensed facility or adjacent grounds;

7. the store must have odor control measures approved by the Borough Board of Health;

8. the store must have security protocols to protect the safety of customers, employees and the public, approved by the Borough Police Department;

9. the store must have a 24/7 video recording security systems covering both interior and exterior areas with a 30-day archive;

10. the store and adjacent right-of-way must be monitored and kept free of loitering, litter and other debris and any sidewalks shall be swept and cleaned on a regular basis;

11. the design of the structure required by the store shall conform to the general character of the area;

12. the store must have adequate off-street parking subject to Borough requirements for off-street parking, as determined by the Borough Planning Board;

13. site access shall direct primary traffic flow to nonresidential areas;

14. the store shall comply with all applicable zoning, signage and site plan requirements prescribed by Borough ordinances, as may be amended from time to time;

WHEREAS, the location and design of a proposed store must be compatible with its surroundings, protect the well-being of our youth and avoid unwelcome images to non-customers and passers-by;

WHEREAS, the Ordinance also establishes a local licensing requirement, to the full extent permitted by N.J.S.A. 24:6I-1, et seq. and N.J.S.A. 24:6I-31, et seq., including provisions for administration, enforcement and civil penalties and a requirement of ongoing compliance with Borough restrictions on the number, location, time and manner of operations of the store;

WHEREAS, the Ordinance further specifies that the responsibilities of Borough Council in promulgating and administering these restrictions shall be in addition to any required land use approvals within the jurisdiction of the Borough Planning Board.;

WHEREAS, Jersey Meds Management, LLC (hereafter "Applicant") has advised the Borough that it seeks to apply to the Cannabis Regulatory Commission (CRC) for a Class 5 Cannabis Retailer License in order to establish a retail store for the sale of personal-use cannabis products in the Borough of Pennington;

WHEREAS, under N.J.S.A. 24:6I-36.d.1(c)(iv), every applicant for a CRC license must submit as part of its application to the CRC "proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality's governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed" cannabis facility;

WHEREAS, for this purpose, Applicant has applied to Borough Council for a Resolution of Local Support to include with its CRC application for annual licensure;

WHEREAS, in support of this application to the Borough, Applicant has responded in writing to questions posed by the Borough seeking to document that the Applicant's proposed location and related plan of operations complies in all respects or is intended to so comply with all conditions for conditional use and other applicable Borough requirements contained in the Ordinance;

WHEREAS, at a public hearing before Borough Council on February 28, 2022, Applicant appeared and made an oral presentation and responded to questions, and later supplemented its written materials in response to questions by members of Council and the public;

WHEREAS, on April 5, 2022, Council invited Applicant to apply for further consideration of its request for a Resolution of Support and at its regular meeting on May 2, 2022, Council heard Applicant on that application, with specific reference to the suitability of Applicant's proposed location;

WHEREAS, following Applicant's presentation at the public meeting of Mayor and Council on May 2, 2022, Council has approved this Resolution of Local Support in favor of Applicant, subject to the conditions set forth below;

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

1. The Applicant’s legal name under which it is registered to do business in the State of New Jersey is Jersey Meds Management, LLC;
2. The Borough of Pennington has authorized by ordinance, as a conditional use, a cannabis retail store at 7 Route 31 North, the location proposed by Applicant, subject to satisfaction of the conditions for conditional use further set forth above;
3. Borough Council further finds, based on the information provided by Applicant to date, that Applicant complies or intends to comply with all conditions of use and other requirements contained in the Ordinance and set forth above;
4. Borough Council issues this Resolution of Local Support with Applicant’s acknowledgment that this Resolution is subject to a detailed review of Applicant’s proposed physical plant and plan of operations by applicable local authorities in accordance with the Ordinance as well as such zoning and land use approvals as required by law;
5. Although the Borough Ordinance limits to One (1) the number of licensed cannabis retail businesses authorized to sell personal-use cannabis in the Borough, Borough Council has approved more than one Resolution of Support, meaning that the applicant that receives CRC approval first in time shall be deemed approved by the Borough.

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 2022-5.23, second by Council Member Gnatt with all members present voting in favor.

Mayor’s Business

Mayor Davy announced the resignation of Officer Daniel Hudspith from the Pennington Police Department and the resignation of Seong Kwak as a member of the Planning Board. Mayor Davy asked if anyone had suggestions for replacements to let him know.

Mayor Davy announced that a march will be held on May 7, 2022 which is the annual Mother’s Day March for Hope Rises Up.

Mayor Davy stated that we received a letter from the NJDOT regarding the resolution that the Borough approved after the fatality that occurred on Route 31. Mayor Davy stated that the letter indicates that they do not see a problem with the intersection. Mayor Davy stated that a resolution later tonight will be sent to the Governor’s office and others if approved. Mrs. Chandler stated that a study was done by Maser a while ago and things have only gotten worse.

Mayor Davy stated that the County of Mercer as part of the Great Western Bikeway Trail is calling for the full signalization at the intersection of Ingleside and Route 31 and the Mayor of Hopewell Township sent a letter endorsing the light, but the Borough has had a long standing opposition to a traffic light at that intersection believing that it will cause traffic problems on Main Street and Burd Street. Mayor Davy stated that a resolution is on for later in the meeting. Mrs. Chandler stated that when she first joined Council, this was one of the first things that she was told. Ms. Angarone asked if there is any data to support this or are we just making a decision based on a historical opposition. Mrs. Chandler stated that she would agree that a study is needed. Mrs. Chandler stated that the only reason that this is being discussed is to create a passageway for bikers and if a full signal is put in there, people who now go to the circle to avoid the flashing light will now use Ingleside to get to Route 31. Mayor Davy stated that requesting a full traffic study might be the way to go because opposition to a full traffic signal might kill the bikeway connection. Ms. Angarone stated that she would be opposed to vote for or against a resolution without data.

Mayor Davy stated that an issue has come up with regard to the Arboretum. Mayor Davy stated that we are in the process of working with Green Acres for reimbursement for the Arboretum and the cemetery property. Mayor Davy stated that during the process it has come to the Borough’s attention that a resident has a fence that is encroaching on the arboretum property and Green Acres has requested that the fence be removed or that the piece of property where the fence is be excepted from the reimbursement request. Mayor Davy stated that he spoke to the property owner and they are willing to cover the costs for doing the metes and bounds to except the property out of the agreement and Mr. Bliss will be working on an agreement with the owners to allow the fence encroachment.

Mayor Davy stated that he received a letter from a resident on East Welling regarding an accessory apartment. Mayor Davy explained that about 10 years ago the Borough authorized an accessory apartment

for a homeowner on East Welling. Mayor Davy stated that the Borough provided \$25,000 from the COAH fund and a deed restriction was done permitting the apartment to be used as an affordable unit. Mayor Davy stated that the 10 year period is coming to an end and the owner would like a new agreement going forward. Mayor Davy stated that when we reached out to Ed Schmierer who advised that we do not have a COAH Agent and a resolution is on the agenda to permit Mr. Schmierer to draft an agreement with the property owner.

Mayor Davy stated that a kick-off meeting was held for the Streetscape project which will extend the streetscape further down Main Street and further down Delaware Avenue. Mayor Davy stated that the minutes of the kick-off meeting were included in the packets. Mayor Davy stated that prior to any work starting a public meeting will be held. Mrs. Chandler stated that Chris Murphy was included in the meeting for the local businesses. Mr. Marciante stated that the clock needs to be included in the project. Ms. Stern stated that the Shade Tree committee should also be included as the minutes refer to tree removal. Mr. Smith stated that the trees are County owned. Mrs. Chandler suggested that someone from Shade Tree be included in the Streetscape meetings.

Mayor Davy stated that a letter came in from the NJDOT regarding the submission deadline for 2023 Municipal aid for road projects which is July 1, 2022.

Mayor Davy stated that a letter from the Executive Director of the Stonybrook Regional Sewer Authority was also received asking that all members of the Authority pay particular attention to infiltration and inflow of stormwater and the need to take precautions to limit stormwater from entering the system. Mrs. Chandler stated that the Borough has taken stormwater seriously and has taken steps to limit stormwater from getting into the system. Mr. Smith stated that he monitors and Stonybrook lets him know areas of concern.

Mayor Davy stated that Senator Bookers office sent a notice about Discretionary Grants. Mayor Davy stated that they did not give much notice so he put in for an infiltration and inflow study.

Approval of Minutes

Council Member Gross made a motion to approve the minutes of the Regular Meeting held April 4, 2022, second by Council Member Marciante with all members present voting in favor.

Ordinances for Public Hearing and Adoption

Mayor Davy read Ordinance 2022-2 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2022 - 2

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$102,470.06, said amount being \$29,277.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2022 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with

the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-2, second by Council Member Marciante. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing on Ordinance 2022-2, second by Council Member Angarone with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-3, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2022-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2022 – 3**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF
PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY
FOR THE YEAR 2022**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

Borough Administrator	\$88,204.86-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$46,080.04
Assistant CFO	\$78,729.52
Utility Collector	\$31,835.48
Chief Financial Officer (part time)	\$88.98/hour
Tax Collector (part time)	\$88.98/hour
Technical Assistant to Construction (part time)	\$26.53/hour
Tax Assessor (part time)	\$14,059.59
Zoning Officer (part time)	\$9,514.46
Land Use Admin/Admin Asst.	\$55,000.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$89,034.93
Licensed Water Operator	\$49,682.45
Assistant to Superintendent of Public Works	\$41,000.00
Foreman	\$78,668.75
Judge of Municipal Court	\$13,367.29
Court Administrator (part time)	\$18,570.69
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police (yearly clothing allowance \$1,500)	\$120,912.50
Administrative Assistant – Police Department	\$15.61/hour

Construction Official	\$29,082.87
Plumbing Sub-Code	\$51.25/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$42.80/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$51.25 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.00	\$ 26.53
Special Police	\$ 17.00 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2022 if appropriate.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-3, second by Council Member Gross. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Marciante with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-3, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2022-4 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2022 - 4**

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF
THE BOROUGH OF PENNINGTON**

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the

rates must be further differentiated for customers based on amount of usage;

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

1. **Section 98-41 of the Code, concerning base and usage charges for water and sewer customers, is hereby amended as follows (with language in brackets deleted, new language underlined and percentage changes indicated in parenthesis):**

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge [4,000] <u>2,000</u> Gallons or less	First Excess Usage Block Charge [4001] <u>2,001-</u> 20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons
Less than 1	[\$31.16] <u>\$49.86</u>	\$7.34	\$8.74	\$9.59	\$11.22
1	[47.57] <u>\$76.11</u>	\$7.34	\$8.74	\$9.59	\$11.22
2	[\$135.90] <u>\$217.44</u>	\$7.34	\$8.74	\$9.59	\$11.22
3	[\$303.17] <u>\$485.07</u>	\$7.34	\$8.74	\$9.59	\$11.22
4	[\$445.56] <u>\$668.34</u>	\$7.34	\$8.74	\$9.59	\$11.22
6	[\$832.55] <u>\$1,332.08</u>	\$7.34	\$8.74	\$9.59	\$11.22

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge [4,000] <u>2,000</u> Gallons or Less	First Excess Usage Block Charge [4,001] <u>2,001-</u> 20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[\$35.36] <u>\$56.58</u>	\$8.03	\$9.64	\$10.35	\$11.14

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on January 31, April 30, July 31, and October 31 [except in 2017 the billing date for the first quarter water/sewer bills is extended to April 3, 2017, and the due date for the first quarter water/sewer bills is extended to May 1, 2017].

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Angarone made a motion to open the Public Hearing on Ordinance 2022-4, second by Council Member Chandler. There were no comments from the public. Council Member Gnatt made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-4, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2022-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022 - 5**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WEST FRANKLIN AVENUE AND KNOWLES STREET IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$715,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$715,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$715,000, including a \$515,000 grant expected to be received from the New Jersey Department of Transportation (the "Grant"). Pursuant to N.J.S.A 40A:2-11(c), no down payment is provided as all or a portion of the cost of the improvement is to be funded from the above-referenced Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of the receipt of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$715,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to West Franklin Avenue and Knowles Street, including resurfacing, reconstruction and drainage and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this

bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$715,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-5, second by Council Member Angarone. Meredith Moore thanked Mayor and Council for their service and asked for a summary of what this ordinance is for. Mayor Davy stated that this is for a road project that will be done in the future but this ordinance will put the funding in place. Mayor Davy stated that the road project itself is funded by a grant from the NJ DOT. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-5, second by Council Member Gross with all members present voting in favor.

Mayor Davy read Ordinance 2022-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022 -6**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT
IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$150,000, and further including the aggregate sum of \$7,500 as the several down payments for the improvements or purposes

required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$142,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of a sport utility vehicle for the police department, including all related costs and expenditures necessary therefor and incidental thereto.	\$69,000	\$65,550	5 years
b) Acquisition of a sport utility vehicle for the Department of Public Works, including all related costs and expenditures necessary therefor and incidental thereto.	\$69,000	\$65,550	5 years
c) Acquisition of a landscape trailer, including all related costs and expenditures necessary therefor and incidental thereto.	<u>\$12,000</u>	<u>\$11,400</u>	15 years
Total	<u>\$150,000</u>	<u>\$142,500</u>	

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

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

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

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

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

- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 5.80 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$142,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Council Member Stern made a motion to open the Public Hearing on Ordinance 2022-6, second by Council Member Gross. There were no comments from the public. Council Member Angarone made a motion to close the Public Hearing on Ordinance 2022-6, second by Council Member Gnatt with all members voting in favor. Council Member Angarone made a motion to adopt Ordinance 2022-6, second by Council Member Stern with all members present voting in favor.

Mayor Davy read Ordinance 2022-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2022 - 7**

**ORDINANCE AMENDING SECTION 6(d) OF BOND ORDINANCE NUMBERED 2021-4 OF THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY
ADOPTED MAY 3, 2021, IN ORDER TO CHANGE THE SECTION 20 COSTS OF THE PROJECT.**

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

Section One. Section 6(d) of Bond Ordinance numbered 2021-4 of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"), finally adopted May 3, 2021, is hereby amended to change the Section 20 costs of the project to read as follows:

"(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement."

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-7, second by Council Member Gnatt. Ms. Beth Warren asked for an explanation of the ordinance. Mayor Davy stated that this ordinance approves additions to Section 20 costs for the engineering for the West Franklin and Knowles Road Project. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2022-7, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-7, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2022-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2022- 8**

**AN ORDINANCE REGULATING SHORT-TERM RENTALS
OF RESIDENTIAL PROPERTIES AND AMENDING THE CODE
OF THE BOROUGH OF PENNINGTON**

BE IT ORDAINED by the Borough Council of the Borough of Pennington that the Code of the Borough of Pennington is hereby amended by the addition of the following new chapter under General Legislation regulating short-term rentals of residential properties in the Borough and providing for enforcement and penalties, as follows:

I. Findings.

- A. The rental of residential dwellings for short-term occupancy is a community concern due to the potential for increased traffic, noise, litter, sanitation issues, high occupant turnover, and increased density in residential neighborhoods;
- B. The number of individuals occupying short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors, and nearby properties;
- C. The Borough is authorized by N.J.S.A. 40:52-1(d) to license and regulate by ordinance furnished and unfurnished rented housing or living units and all other places and buildings used for occupancy, sleeping and lodging purposes;
- D. The Borough is authorized by N.J.S.A. 40:52-1(n) to license and regulate by ordinance the rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and
- E. The Borough is further authorized pursuant to N.J.S.A. 40:48-2.12a to regulate by ordinance buildings and structures and their use and occupancy to prevent and abate conditions harmful to the health and safety of the occupants of these buildings and structures and the general public.

II. Definitions.

- A. *Rental* shall mean the exchange of any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, or other form of payment or thing of value for the use, occupancy or control of a dwelling unit.
- B. *Dwelling unit* shall mean any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes a house, an apartment, condominium, building, co-operative, converted space, or portions thereof, that is used or offered or made available for use for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupant(s) and/or guest(s).

- C. *Occupant* shall mean any individual using, inhabiting, living, gathering, entertaining, being present as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.
- D. *Owner* shall mean a Person who (1) by legally recorded Deed holds title to a property proposed for Short-Term Rental pursuant to this ordinance, and (2) shall be available to communicate with Borough authorities, in person or by Designated Representative, concerning the condition or use of the Short-Term Rental Property and related complaints, seven days per week and twenty-four hours per day during any such Short-Term Rental.
- E. *Owner's Designated Representative* means a person designated by the Owner who, in the Owner's absence, (1) shall have the Owner's authorization to take all actions necessary to effect Owner's compliance with the requirements of this ordinance and applicable laws, including but not limited to responding to complaints and resolving violations, and (2) shall be available to communicate with Borough authorities concerning the condition or use of the Short-Term Rental Property and related complaints, seven days per week and twenty-four hours per day during any such Short-Term Rental. The Owner's Designated Representative shall have a principal residence or principal place of business in Mercer County.
- F. *Person* shall mean an individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.
- G. *Primary Occupant* shall mean the Occupant who signs the agreement for the Short-Term Rental on behalf of all Occupants and assumes responsibility as host.
- H. *Principal Residence* means the residence (1) in which a person spends the majority of their non-working time, (2) which is the center of their domestic life, and (3) whose address is identified on their driver's license or State identification card as being their legal address.
- I. *Short-Term Rental* means Rental of a residential Dwelling Unit for up to 174 consecutive days by a person or persons having a Principal Residence elsewhere.
- J. *Short-Term Rental Property* means a residential Dwelling Unit which is advertised, held out or otherwise made available or used for Short Term Rentals. A Short-Term Rental Property shall not include a hotel or motel.
- K. *Short-Term Rental Permit* means a one-year renewable permit obtained from the Borough authorizing use of a Short-Term Rental Property for one or more Permitted Short-Term Rentals subject to compliance with the terms, conditions and requirements of this ordinance and other applicable laws.
- L. *Permitted Short-Term Rental* is a Short-Term Rental for no fewer than five consecutive days, provided the Rental is authorized by a Short-Term Rental Permit and the duration of the Rental does not exceed ninety consecutive days or a cumulative total of ninety days in a single calendar year.

III. Prohibitions; Restricted Authorization of Short-Term Rentals

- A. Short-Term Rentals are prohibited in the Borough of Pennington unless the Rental qualifies as a Permitted Short-Term Rental.
- B. Ownership and operation of a Short-Term Rental Property is prohibited in the Borough unless the property and the use and occupancy of it comply with all applicable requirements of this ordinance and other local, state and federal laws. A Short-Term Rental Permit shall be required for each Short-Term Rental Property even if multiple Short-Term Rental Properties, as in a duplex or otherwise, have common ownership.
- C. The Owner and the Owner's Designated Representative shall ensure the availability of one of them seven days per week and twenty-four hours per day during any Permitted Short-Term Rental, for the purpose of communicating with Borough authorities concerning the condition or use of the Short-Term Rental Property and related complaints. It shall be a violation of this ordinance if neither the Owner nor the Owner's Designated Representative responds to a Borough communication within two (2) hours.
- D. All Short-Term Rentals shall be effected by a written agreement between the Owner and the Primary Occupant identifying the dates and duration of the Rental and each of the people to occupy the property during the Rental. Copies of such agreements shall be subject to inspection upon request by the Borough.

IV. Short-Term Rental Permit, Application Fee

- A. Before renting or advertising for rent any Short-Term Rental, in addition to any zoning or land use approvals required by law, the Owner(s) of a Short-Term Rental Property shall obtain a Short-Term Rental Permit by application to the Borough Clerk.
 - B. An application fee of \$250 shall accompany the application for the Permit, which shall be non-refundable if denied. Fees for required inspections and re-inspections shall be payable separately to the inspecting agency with jurisdiction.
 - C. The Short-Term Rental Permit, if granted, shall be valid for a period of one year from the date of issuance.
 - D. Before a Short-Term Rental permit may be issued, the Owner of the Short-Term Rental Property shall be current with all tax and sewer charges, have resolved all code violations, closed all open construction permits and paid all fines and penalties relating to the property.
 - E. The person offering a property for Short-Term Rental must be the Owner of the property. A tenant of the property may not apply for a Short-Term Rental Permit, nor shall the property or any portion of it be sub-leased by the tenant on a short-term basis or otherwise operated as a Short-Term-Rental Property by the tenant.
 - F. A Short-Term Rental Permit shall be renewed annually upon application to the Borough Clerk subject to the same procedures, requirements and fees as the initial application process.
 - G. A Short-Term Rental Permit shall expire automatically upon revocation or a change of ownership of the Short-Term Rental Property. If the affected property is thereafter to be used again as a Short-Term Rental Property, a new application shall be required subject to the same procedures, requirements and fees as the initial application process.
- V. Application Process for Short-Term Rental Permit; Inspections
- A. Applicants for a Short-Term Rental Permit shall submit, initially and for each renewal, an application to the Borough Clerk on such forms as may be required by the Clerk. The Clerk shall approve or deny the application with the assistance of such other departments or individuals as she deems appropriate. The application shall be submitted under oath. Each such application shall include:
 - 1. The address of the property proposed to be used as a Short-Term Rental Property together with a photograph and description of the property, with specific reference to the spaces and facilities to be rented or used by Occupants, including bedrooms, kitchen, bathroom facilities and parking spaces.
 - 2. The name, address, telephone number and email address of the Person or Persons who are Owner(s) of record of the Short-Term Rental Property for which a Permit is sought. If such Owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them.
 - 3. The name, address, telephone number and email address of the Owner's Designated Representative.
 - 4. A written calculation and explanation of maximum permitted occupancy under the restrictions in this ordinance.
 - 5. The number and location of all parking spaces available to the proposed Short-Term Rental Property, including the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the property. The owner shall certify that best efforts will be made to avoid and/or mitigate shortage of parking and safety and circulation issues for residents in the surrounding neighborhood resulting from vehicles generated by any Short-Term Rental.
 - 6. The Owner's agreement to make best efforts to ensure that use of the premises by short-term renters and Occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
 - 7. The Owner's sworn acknowledgment that they have received a copy of this ordinance, reviewed it and understand its requirements, also certifying under oath that all information provided in the permit application is accurate.

8. A copy of the form of written agreement to be used in renting the property. Any such agreement shall be suitable for signing by the Owner and the Primary Occupant and shall contain a provision, as a condition of validity, promising that all Occupants under the agreement shall comply with applicable local, state and federal laws, rules and regulations.
 9. A copy of the 8.5 x 11" placard to be placed on the inside surface of the front door of the Short-Term Rental Property as required by this ordinance.
 10. Any other information that this Ordinance requires an Owner provide to the Borough in connection with an application for a Short-Term Rental Permit.
 11. The Clerk or her designee shall have the authority to obtain additional information from the Owner or amend the permit application to require additional information, as necessary, to achieve the objectives of this ordinance.
- B. Every application for a Short-Term Rental Permit shall require a fire-safety inspection and such further inspections as may be undertaken by agencies having jurisdiction. Failure to abate any outstanding violations prior to occupancy shall result in denial or revocation of the Permit.
- C. Attached to and concurrent with submission of the Permit application, the Owner shall provide:
1. proof of general liability insurance in a minimum amount of \$1,000,000; and
 2. written certification by the Owner's Designated Representative that they agree to perform all of the duties of the Owner's Designated Representative specified in this ordinance.

VI. Issuance of Permit and Appeal Procedure

- A. Once a complete application and fees are submitted, the Clerk shall ensure the conduct of such investigations and inspections as warranted to confirm the applicant's compliance and the compliance of the property with this ordinance and all applicable local, state and federal laws, rules and regulations.
- B. The Clerk shall thereafter issue or cause to be issued the Short-Term Rental Permit or deny it in writing with a statement of reasons. Each Short-Term Rental Permit shall be assigned an identifying number.
- C. If denied, the applicant shall have ten (10) business days to appeal in writing to Borough Council by filing the appeal with the Borough Clerk describing the basis for appeal. Within thirty (30) days thereafter, unless the time is extended in writing by mutual agreement of the parties, Borough Council or its designee will hear and decide the matter. If the appeal is not decided within the thirty days and any agreed upon extension, it shall be deemed denied.
- D. If granted, the owner shall publish the identifying number of the Short-Term Rental Permit in every print, digital or internet advertisement and any real estate agency listing or multiple listing service advertising the property for Permitted Short-Term Rental.

VII. Short-Term Rental Operational Requirements

- A. Owners shall (1) maintain a ledger for all Permitted Short-Term Rentals recording for each such Rental the name(s) and address(es) of all Occupants and the dates and duration of the Rental; and (2) retain the ledger and copies of all related rental agreements for at least two years. These documents shall be subject to inspection by the Borough upon request.
- B. All Permitted Short-Term Rentals and Short-Term Rental Properties shall comply at all times with applicable rules, regulations and ordinances of the Borough of Pennington and the State of New Jersey. Failure to so comply shall be grounds for revocation of the Short-Term Rental Permit.
- C. All Permitted Short-Term Rentals and Short-Term Rental Properties shall comply with the following occupancy limitations:
 1. Total occupancy shall be restricted to no more than one (1) Occupant for the first 150 square feet of habitable floor space and one (1) additional Occupant for every additional 100 square feet of habitable floor space, as further defined below.
 2. Every room occupied for sleeping purposes by one Occupant shall contain at least 70

square feet of habitable floor space, and every room occupied for sleeping purposes by more than one Occupant shall contain at least 50 square feet of habitable floor area per Occupant.

3. Habitable floor space means floor space having a ceiling height of at least five feet in a room in which at least half the floor area has a ceiling height of no less than seven feet.
 4. A room located in whole or in part below the level of the ground may be used for sleeping purposes provided the walls and floors in contact with the earth have been damp-proofed in accordance with State standards and all other requirements in these occupancy restrictions are satisfied.
- D. The Primary Occupant executing the agreement for the Permitted Short-Term Rental must be over the age of twenty-one (21) and be the party who will actually occupy the property and be responsible as a host. .
 - E. Both the Primary Occupant and the Owner of the Short-Term Rental Property shall be responsible for ensuring that Occupants comply with applicable provisions of this ordinance and all other laws pertaining to use and occupancy of the property. Compliance with applicable laws shall include but not be limited to compliance with ordinances and other laws regulating noise and nuisance conduct.
 - F. Any Occupant, Owner or Owner's Designated Representative violating this ordinance or other applicable laws shall be subject to prosecution in a court of competent jurisdiction.
 - G. A Short-Term Rental Property shall be limited to a single Permitted Short-Term Rental at a time.
 - H. The owner of a Short-Term Rental Property shall not install signs, lawn signs, mailbox signs or any other advertising or mechanism on the property identifying the property as available for Short-Term Rental.
 - I. In the event any complaint is received by the Borough Clerk, the Borough Police Department or other agency having jurisdiction concerning the use or occupancy of the Short-Term Rental Property or alleged violation of applicable laws and regulations by the Occupants, the Owner or the Owner's Designated Representative shall be responsible for taking action required to resolve the complaint. The response to all complaints shall be coordinated through the Borough Clerk.
 - J. Whenever the Short-Term Rental Property has Occupants, the Owner or the Owner's Designated Representative shall be available twenty-four hours per day and seven days per week for the purpose of responding to complaints regarding the condition, maintenance or operation of the property, the conduct of Occupants or excessive noise or the presence of a nuisance. The required response time shall be two (2) hours or less. The failure of both the Owner and the Owner's Designated Representative to respond within this time shall constitute a violation of this ordinance and be subject to the penalties and other remedies provided in this ordinance.
 - K. The Owner of the Short-Term Rental Property shall post and keep current an 8.5 x 11" placard at eye level on the inside surface of the front door of the property, providing the following information:
 1. Name and phone number of the Owner.
 2. Name and phone number of the Owner's Designated Representative;
 3. Phone numbers for the Pennington Borough Police Department and Borough Clerk;
 4. Maximum number of permitted Occupants.
 5. Trash and Recycling Pick-up Day and all applicable rules and regulations regarding trash disposal and recycling;
 6. Rules concerning parking;
 7. Notification that an Occupant, as well as the Owner and Owner's Designated Representative, shall be subject to prosecution for violations of Borough ordinances and applicable laws.

VIII. Enforcement; Violations and Penalties.

- A. The provisions of this ordinance shall be enforced by the Borough Police Department, the Zoning Officer, the Health Officer, the Construction Code Official, the Fire Official and the Borough Administration as appropriate for their jurisdiction,
- B. Any person violating any provision of this Ordinance shall, upon notice, immediately cease and desist the conduct or condition which is the reason for the violation.

- C. Any substantiated violation of this Ordinance that has continued for three days after notice to the Owner and the Owner's Designated Representative shall require administrative suspension of the Short-Term Rental Permit pending a final adjudication of the merits, which may include revocation of the Permit.
 - D. Violations of this Ordinance, without regard to knowledge or intent, shall be subject to a civil penalty up to \$2,000. Each day the violation has continued shall constitute a separate violation.
 - E. The fines and/or penalties for violation of this ordinance shall be in addition to any and all remedies available under applicable laws and this ordinance, including but not limited to revocation of the Short-Term Rental Permit and/or actions for injunctive relief in a court of competent jurisdiction. Judicial relief may include payment of the Borough's reasonable attorneys' fees and other fees and costs.
 - F. The penalties and other remedies prescribed in this ordinance shall be cumulative and not mutually exclusive.
- IX. The provisions of this Ordinance shall be in addition to and not in substitution for all zoning, planning, land use and building code regulations otherwise applicable.
- X. This Ordinance shall be construed in a manner consistent with State and Federal laws. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions of the Ordinance.
- XI. This Ordinance shall take effect upon final passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2022-8, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2022-8 with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2022-8, second by Council Member Gnatt with all members present voting in favor.

Public Hearing and Adoption – Budget 2022

Mayor Davy asked Chief Financial Officer, Sandra Webb to speak about the budget adoption. Mrs. Webb stated that tonight Council will be holding the Public Hearing on the Introduced Budget as advertised. Once all comments from the public have been heard, Council will close the public hearing. Mrs. Webb stated that Council cannot adopt the budget this evening because we have an amendment to the budget. Mrs. Webb stated that certain amendments if they meet one of the three requirements in the Statute require advertisement and public hearing and that is the case with this amendment. Mrs. Webb explained that interest on bonds in the utility is being increased and the change is 10% of the original amount so that requires advertisement and a public hearing. Mrs. Webb stated that once the public hearing is closed on the budget, we will introduce the amendment and we would like to schedule a special meeting on May 10th to hold the public hearing on the amendment and adopt the budget. Mrs. Webb stated that since we had to amend the interest, we also are adding two grants that would have required Chapter 159 resolutions, and a small change of .19 cents on the ARP funding is also being corrected.

Council Member Chandler made a motion to open the Public Hearing on the 2022 Budget, second by Council Member Gross. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Mayor Davy asked if Council Members are available on May 10th at 7:00 pm to hold the hearing on the amendment and adopt the budget.

PENNINGTON BOROUGH RESOLUTION 2022 – 5.4

RESOLUTION AMENDING THE BUDGET FOR 2022

WHEREAS, the local municipal budget for the year 2022 was approved on the 4th day of April, 2022, and

WHEREAS, the public hearing on said budget will be held as advertised, and;

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of Pennington, County of Mercer, that the following amendments to the approved budget of 2022 be made:

	Current Fund	FROM	TO
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations			
Clean Communities		0.00	5,676.07
NJ Urban Forestry Grant		0.00	10,000.00
Total - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government - Public and Private Revenues		681.57	16,357.64
Summary of Revenues			
3. Miscellaneous Revenues - Section F: Special Items of General Revenue			
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government - Public and Private Revenues		681.57	16,357.64
Total Miscellaneous Revenues		648,800.39	664,476.46
5. Subtotal General Revenues (Items 1, 2, 3 and 4)		1,291,099.72	1,306,775.79
7. Total General Revenues		4,113,947.59	4,129,623.66
8. General Appropriations (A) Operations - Excluded from "CAPS"			
Public and Private Programs Offset by Revenues			
Clean Communities		0.00	5,676.07
NJ Urban Forestry Grant		0.00	10,000.00
Total Public and Private Programs Offset by Revenues		681.57	16,357.64
Total Operations - Excluded from "CAPS"		381,869.34	397,545.41
Detail: Other Expenses		381,669.34	397,345.41
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"		771,245.97	786,922.04
(O) Total General Appropriations - Excluded from "CAPS"		771,245.97	786,922.04
9. Total General Appropriations		4,113,947.59	4,129,623.66
Summary of Appropriations			
(A) Public & Private Programs Offset by Revenues		681.57	16,357.64
Total General Appropriations		4,113,947.59	4,129,623.66
Dedicated Water / Sewer Utility Budget			
10. Dedicated Revenues from Water / Sewer Utility Operating Surplus Anticipated		222,976.00	234,429.74
Total Operating Surplus Anticipated		222,976.00	234,429.74
APR Funding – 2021		96,556.47	96,556.28
Total Water / Sewer Utility Revenues		1,378,532.47	1,389,986.02
11. Appropriations for Water / Sewer Utility			
ARP Funding		96,556.47	96,556.28
Interest on Bonds		14,046.26	25,500.00
Total Water / Sewer Utility Revenues		1,378,532.47	1,389,986.02

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for his certification of the 2022 local municipal budget so amended.

BE IT FURTHER RESOLVED THAT a public hearing on said amendment will be held at a Special Meeting to be held on May 10th, 2022 at 7:00 pm.

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	X				Marciante	X			
Gnatt	S				Stern	X			

Council Member Gross made a motion to approve Resolution 2022-5.4, second by Council Member Gnatt with all members present voting in favor.

Committee Reports

Planning & Zoning / Parks & Recreation/ Personnel – Mrs. Gnatt stated that she would send her report to the Borough Clerk tomorrow for distribution to Council Members.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that she has been attending the Master Plan Update meetings and they are doing a very thorough job.

Mrs. Chandler stated that the Police Department is working on looking at various intersections in town to see if crossing guards are needed. Mrs. Chandler stated that a Resolution is on for later regarding Vision Zero which is a concerted effort to eliminate traffic deaths relating to pedestrians and bikers. Mrs. Chandler stated that if Council approves this resolution we are essentially agreeing to establish a task force to work on this.

Mrs. Chandler stated that Economic Development is getting ready for the Borough Wide Yard Sale and signs have been placed throughout town. Mrs. Chandler stated that the EDC submitted an opinion regarding 1 North Main Street which they would like to see stay as restaurant/retail and not be approved for an office.

Mrs. Chandler stated that the Environmental Resource Inventory has been reviewed by the Watershed and they are working to incorporate the comments and they are hoping to submit the report to a professional for a quote to help with figuring out how to finish the report. Mrs. Chandler stated that they also discussed their booth at Pennington Day, Green Week and the Carbon Neutral. Mrs. Chandler stated that they discussed the EV Charger Grant which is due May 13th.

Mrs. Chandler reported that the Arboretum is moving along, she and Rick met with a fence contractor for a post and rail fence.

Mrs. Chandler reported that all the wells are in for the Landfill and we are waiting for data, things are moving along and she is hoping to have more information for the July meeting.

Public Works – Mr. Marciante reported that water main upgrades for the last couple of road projects have been ignored and we need to get back to consideration of water main upgrades when road projects are being planned. Mr. Marciante stated that the Asset Management Plan identifies projects in order of priority. Mr. Marciante stated that funding might be available through the I-Bank and we should look into that. Mr. Marciante stated that 300 inspections for lead lines have been completed, but there are a lot more that need to be done. Mr. Marciante reported that the department is still a man down. Mr. Marciante stated that renovations to Kunkel Park are scheduled to begin around May 9th. Mr. Marciante stated that he is still trying to coordinate a meeting with Parks and Rec to discuss Sked Street Park.

Finance & Technology / Board of Health – Mr. Gross stated that the Board of Health met. Mr. Gross stated that the rabies clinic was held on April 23rd and it was not well attended. Mr. Gross stated that the Health Officer reported that positive COVID cases went from 50 in February to 186 in March. Mr. Gross stated that the numbers could be off due to self-testing.

Mr. Gross stated that Ms. Stern reported to the Finance and Technology Committee that she looked into the charges for on-line payments and we seem to be in line with what other municipalities are charging. Mr. Gross stated that they also discussed getting the word out to more residents that on line payments are available. Mr. Gross stated that the newsletter will now be sent out to e-bill customers as well as customers who still get a bill in the mail. Mr. Gross stated that e-subscribe feature on the website is up and running and now when news items are posted on the website they are also sent out to anyone who is a subscriber. Mr. Gross stated that it is important to get the word out to residents to sign up if they haven't already done so. Mr. Gross stated that the requisition software is up and running so now departments can enter their own requisitions and we can eliminate paper copies. Mr. Gross stated that the digital agenda software program is up and running and we should be moving to digital agendas soon. Mr. Gross stated that the agendas will be archived on the website and easily searchable.

Historic Preservation / Library – Ms. Angarone stated that Historic Preservation met and they are reviewing the ordinance and they are looking at ways to get the word out to residents who purchase a property in the historic district.

Ms. Angarone stated that the Library did a tremendous job with programs related to The Big Read. Ms. Angarone stated that the library volunteers are invaluable with their assistance with programs. Ms.

Angarone stated that they are working on future programs.

Ms. Angarone stated that Mayor Davy has asked that she and Ms. Stern take on a new project that builds on some of the things that Mr. Gross reported on namely communication and e-mail alerts. Ms. Angarone stated that the goal is to work on better communication between residents, businesses and the Borough and to identify additional opportunities for communication. Ms. Angarone stated that she is excited about this idea and she is open to suggestions.

Open Space/ Shade Tree – Ms. Stern stated that Open Space has not met since the last meeting. Ms. Stern stated that Shade Tree met, Mr. Rheinhardt provided a draft of a bookmark that will be available for Pennington Day and beyond with information about Shade Tree and how to plant a tree. Ms. Stern stated that there was some discussion about Shade Tree’s presence at Pennington Day. Ms. Stern stated that Mr. Fabian reported that once again Pennington has been awarded Tree City status. Ms. Stern stated that the Borough received a grant to plant 20 trees and that work is close to getting started. Ms. Stern stated that a very successful Arbor Day was held with the Tollgate first graders. Ms. Stern gave a special shout out to Morris Fabian who led the event. Ms. Stern stated that a number of new members have attended CORE training and they are looking into the differences between a commission and a committee. Ms. Stern stated that minutes for the meeting will be submitted for posting on the website and she would encourage Council to remind all committee charges to submit minutes to Betty Sterling for posting on the website.

Senior Advisory Board – Mr. Davy had no report.

COUNCIL DISCUSSION

Mr. Marciante stated some concerns with the politics in Pennington Borough and the process for filling vacancies on Council. Mr. Marciante stated that he has been working to recruit residents to run for County Committee. Mr. Marciante stated that this week the Chair of the Open Space Committee sent an e-mail stating that only the current committee cares about open space and the others running are not in favor of open space. Mr. Marciante stated that he does not know what is going on but this is not how Pennington should be run, the nonsense of a party taking over and saying things that are untrue is a disgrace. Mr. Marciante expressed that he was very upset about how the names on the ballot were printed and he is prepared to play the game if that is how it is going to be.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2022 – 5.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Water/Sewer Utility Fund to Joseph Lawver, 58 Allison Road, Princeton, NJ 08540 for an overpayment of water/sewer bill in the amount of \$464.08.

BE IT RESOLVED that a refund be issued from the Developers Escrow Fund to Brian Rogosky, 30 Abey Drive, Pennington, NJ 08534 for an escrow fee collected in error (Application 22-002) in the amount of \$1,000.00.

BE IT RESOLVED that a refund be issued from the Current Fund to Brian Rogosky, 30 Abey Drive, Pennington, NJ 08534 for an application fee collected in error (Application 22-002) in the amount of \$250.00.

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	X			
Gnatt	M				Stern	X			

Council Member Gnatt made a motion to approve Resolution 2022-5.1, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,066,931.66 from the following accounts:

Current	\$ 909,793.33
W/S Operating	\$ 140,868.16
Grant Fund	\$ 908.07
Animal Control Fund	\$ 24.60
Other Trust Fund	\$ 14,362.50
Developer's Escrow	\$ 975.00
TOTAL	\$1,066,931.66

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 2022-5.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2022-5.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
 2022 TEMPORARY BUDGET**

WHEREAS, the 2022 Budget for the Borough of Pennington has not been adopted; and

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

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2022 Temporary Budget for the Current Account.

Municipal Clerk	Salaries	\$5,000.00
Finance	Salaries	\$5,000.00
Finance	Other Expense	\$2,000.00
Tax Assessment	Salaries	\$5,000.00
Construction	Salaries	\$5,000.00
Group Insurance	Other Expense	\$20,000.00
Recreation	Other Expense	\$2,000.00
Celebration of Public Events	Other Expense	\$500.00
Street Lighting	Other Expense	\$5,000.00
Total		\$49,500.00

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2022 Temporary Budget for the Water and Sewer Fund:

Water Operating	Salaries	\$50,000.00
TOTAL		\$50,000.00

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 2022-5.3, second by Council Member Gnatt with all members present voting in favor.

Resolution 2022 – 5.4 was voted on earlier in the meeting.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.5**

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR SPECIAL AFFORDABLE HOUSING COUNSEL

WHEREAS, the Borough of Pennington has an affordable housing obligation pursuant to the New Jersey Fair Housing Act of 1985, *N.J.S.A. 52:27D-301* et seq. and the New Jersey State Constitution; and

WHEREAS, pursuant to Chapter 98-1 et seq. of the “Code of the Borough of Pennington”, said Borough collects affordable housing development fees in order to provide funding for affordability assistance, accessory apartments, etc. in order to support and facilitate affordable housing for income-qualified households within said Borough; and

WHEREAS, legal services are required from time to time to address issues associated with the Affordable Housing Trust Fund, Spending Plan and other issues related to the Borough’s Affordable Housing Program; and

WHEREAS, the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1* et seq. requires that a resolution authorizing the award of a Contract for “Professional Services” without competitive bidding must be publicly advertised; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the COAH Trust Fund;

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

1. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to enter into an Agreement with the law firm of Mason, Griffin & Pierson, PC, 101 Poor Farm Road, Princeton, New Jersey 08540, for a sum not to exceed \$7,500.00 to provide professional legal services to said Borough concerning matters related to affordable housing. The Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.
2. This Agreement is being awarded without competitive bidding as a professional services contract under the provisions of the New Jersey Local Public Contracts Law because a service will be rendered or performed by a person or persons authorized by law to practice or recognize profession and his practice is regulated by law.
3. A notice of this action shall be published in a newspaper of general circulation within the Borough within 10 days of its passage.

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 2022-5.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.6**

RESOLUTION RECOGNIZING THE EFFORTS OF MEMBERS OF PARKS AND RECREATION

WHEREAS, Pennington Borough relies on its residents to volunteer and make our community thrive; and

WHEREAS, Pennington Borough is fortunate to have volunteers that go above and beyond to assist with all aspects of government and particularly with community events; and

WHEREAS, the past couple of years have been challenging for everyone and the pandemic has caused the cancellation of many gatherings and events; and

WHEREAS, on April 16th, 2022, the Parks and Recreation volunteers held a very successful Easter Egg Hunt at Kunkel Park, bringing the residents of Pennington Borough together after a long hiatus; and

WHEREAS, Mayor Davy and the Borough Council would like to recognize the efforts of all Parks

and Recreation volunteers who helped make the event a success, in particular, Heather Driscoll, Tom Flood, Ed Krupa, Kristyn Friedlich, and Elise Thompson; and

WHEREAS, Mayor Davy and the Borough Council also wish to recognize the volunteers from the Pennington AG Church, who assisted Parks and Recreation with the Easter Egg Hunt, in particular, Gavin Wheatley, Katlin Wheatley, Brian Lane, Maddie Kelly and Maddie Hansen;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Pennington that the Mayor and Council applauds with thanks all of these great community volunteers.

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 2022-5.6, second by Council Member Marciante with all members present voting in favor.

No Action was taken on Resolution 2022-5.7. Mrs. Chandler stated that the resolution should be revised and resubmitted for the Special Meeting on May 10th to stress the importance of a traffic study.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022-5.7**

**RESOLUTION OPPOSING INSTALLATION OF FULL TRAFFIC SIGNAL AT THE
 INTERSECTION OF INGLESIDE AVENUE AND STATE ROUTE 31**

**BOROUGH OF PENNINGTON
 RESOLUTION #2022 – 5.8**

**RESOLUTION AUTHORIZING A PROFESSIONAL
 SERVICES AGREEMENT WITH PARS ENVIRONMENTAL INCORPORATED FOR THE
 COMPLETION OF THE 2021 RIGHT TO KNOW SURVEY**

WHEREAS, the Borough Council of the Borough of Pennington seeks to retain the services of PARS Environmental, Inc., licensed engineers, to assist the Borough in completion of the 2021 Right To Know Survey;

WHEREAS, a copy of the PARS proposal, dated April 8, 2022, is annexed to this resolution;

WHEREAS, the contemplated services include inventory of areas that contain hazardous chemicals, completion of the 2021 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, PARS Environmental, Inc. 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, PARS Environmental, Inc. has agreed to perform Tasks 1 and 2 for the lump sum amount of \$2,275.00;

WHEREAS, the attached PARS proposal includes additional tasks (“Additional Tasks”) which may be optional, namely tasks 3, 3a, and 4, as described on pages 2,3 and 4 and priced on page 5 of the proposal;

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

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk of the Borough are hereby authorized to issue one or more purchase

orders or enter into one or more agreements with PARS to ensure performance of Tasks 1 and 2 at the cost of \$2,275.00 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.

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 2022-5.8, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022-5.9**

**RESOLUTION AUTHORIZING EXTENSION OF PAID INTERNSHIP
 FOR MONA HABIBY IN THE BOROUGH BUSINESS OFFICE**

WHEREAS, by Resolution 2022-2.12, Borough Council appointed Mona Habiby to serve in a project-based internship paying \$30 per hour for 15 hours per week with an expected duration through May 2022;

WHEREAS, Ms. Habiby has made the expected contribution to the workings of the Business Office and there is need to extend this paid internship through September 2022 while also increasing the hours to between 15 and 20 hours per week as needed;

WHEREAS, the Personnel Committee has approved this extension of Ms. Habiby’s internship;

WHEREAS, the Chief Financial Officer has certified that funds are available in 2-01-20-100-000-101;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the paid internship of Mona Habiby is hereby extended through September 2022 at the hours and compensation 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	X				Marciante	M			
Gnatt	S				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-5.9, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022-5.10**

**RESOLUTION IN SUPPORT OF THE ABILITY OF MUNICIPALITIES TO ADOPT
 REGULATIONS TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE FROM THREATS
 OF FLOODING**

WHEREAS, in recent years, residents have experienced more frequent and severe storms, which have caused increased flooding and flood damage in the municipality;

WHEREAS, the increase of flooding events and flood damage threatens the public health, safety, and welfare, imposes economic damages to residents, and taxes municipal services that are forced to respond to increased flooding;

WHEREAS, pursuant to N.J.A.C. 7:8-1.5(a), municipalities are permitted to impose additional or more stringent stormwater management requirements than the model ordinance promulgated by the New Jersey Department of Environmental Protection (“NJDEP”);

WHEREAS, each municipality has unique situations that may require additional or more stringent regulations in order to be in full compliance with the controlling state and federal statutes, regulations, and permits, and in order to protect their residents from threats of flooding and flooding related damage;

WHEREAS, the New Jersey Department of Community Affairs is considering proposed regulations that would further curtail a municipality’s ability to protect its residents from the threat of

flooding and flood related damage;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington that it supports regulations that provide flexibility to municipalities to adopt additional and/or more stringent stormwater regulations, in order to allow municipalities to protect its residents from threats of flooding and flood damage;

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington opposes the continuation of any Residential Site Improvement Standard regulations that would limit a municipality's ability to establish more protective flood prevention and stormwater management regulations than the model ordinances promulgated by the NJDEP; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington requests the Governor and the state legislature take action to ensure that the Residential Site Improvement Standards do not limit a municipality's ability to protect its residents from the threat of flooding; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington requests the NJDEP to take whatever legal action available to ensure that a municipality's ability to protect its residents from flooding is not in any way impeded or restricted.

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 2022-5.10, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Marciante who voted no.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.11**

RESOLUTION AUTHORIZING PURCHASE OF WELL CHART RECORDERS AND WATER STORAGE TANK RECORDER WITH PUMP WATCH EXPRESS PRETIUM RTU'S THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, the Superintendent of Public Works has identified the need to upgrade the equipment used to monitor and log well levels at well houses and to monitor water level of the water tower; and

WHEREAS, the Superintendent has determined that the required equipment is available from Pumping Services, 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, Pumping Services, Inc. located in Middlesex, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #SQ35820 dated October 14, 2021 for the equipment including set up and training; and

WHEREAS, the Borough has included this equipment in the plan for utilization of American Recovery Act funds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of equipment through the North Jersey Wastewater Cooperative Pricing System, including set up and training for the Public Works Department, is hereby authorized in an amount not to exceed \$19,935.00 as per quote #SQ35820 dated October 14, 2021 from Pumping Services, Inc.

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 2022-5.11, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.12**

RESOLUTION AUTHORIZING PURCHASE OF LEVEL TRANSMITTER AND RELATED ACCESSORIES FOR WELL 6 AND WELL 7 THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, the Superintendent of Public Works has identified the need to install level transmitters and related accessories at Well 6 and Well 7; and

WHEREAS, the Superintendent has determined that the required equipment is available from Pumping Services, 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, Pumping Services, Inc. located in Middlesex, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #SQ35640 dated September 23, 2021 for the equipment including installation and operation verification; and

WHEREAS, the Borough has included this equipment in the plan for utilization of American Recovery Act funds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of equipment through the North Jersey Wastewater Cooperative Pricing System, including installation and operation verification for the Public Works Department, is hereby authorized in an amount not to exceed \$3,360.00 as per quote #SQ35640 dated September 23, 2021 from Pumping Services, Inc.

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	X			
Gnatt	M				Stern	X			

Council Member Gnatt made a motion to approve Resolution 2022-5.12, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.13**

RESOLUTION AUTHORIZING THE BOROUGH OF PENNINGTON TO PARTICIPATE IN THE INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS IN THE COUNTY OF MERCER

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted, pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety, and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and,

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Governing Body of the Borough of Pennington deem it to be in the best interest of the Borough to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Mercer County and all of their departments, authorities, boards, commissions and other functions under the auspice of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, fire departments, emergency management, human services, hazardous materials response units, technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A 40A:14-26 and 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Governing Body of the Borough of Pennington and the Participating Units recognize the benefit of entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interest of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Intra-County Mutual Aid and Assistance Agreement between the Borough of Pennington and Participating Units be and same hereby is accepted.

BE IT FURTHER RESOLVED, that the Mayor, Emergency Management Coordinator, and Borough Clerk are authorized to execute the Intra-County Mutual Aid and Assistance Agreement.

BE IT FURTHER RESOLVED, that Municipal Clerk shall forward two (2) certified true copies of this resolution and accompanying agreement to the County of Mercer Office of Emergency Management.

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 2022-5.13, second by Council Member Marciante with all members present voting in favor.

Resolution 2022-5.14 was approved earlier in the meeting.

**BOROUGH OF PENNINGTON
 RESOLUTION 2022 – 5.15**

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

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

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

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

WHEREAS, McCloskey Mechanical Contractors is an authorized dealer for the desired HVAC preventative maintenance services and has provided the Borough with a quote dated 12/29/21 for Borough Hall in the amount of \$1,613.90, a quote dated 12/29/21 for Public Works in the amount of \$837.20 and a quote dated 12/29/21 for the Senior Center in the amount of \$1,093.10; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the 2022 Borough Property budget line 2-01-26-310-000-227 and 2-01-26-310-000-228;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid HVAC preventative maintenance agreements for Borough buildings through the Hunterdon County Educational Services Commission, are hereby authorized in an amount not to exceed \$3,544.20 as per the three quotes from McCloskey Mechanical Contractors dated 12/29/21.

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 2022-5.15, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2022-5.16**

RESOLUTION SUPERSEDING RESOLUTION 2022 -1.5, APPOINTING ALTERNATE PROSECUTORS FOR THE YEAR 2022

WHEREAS, on January 5, 2022, Borough Council approved Resolution 2022-1.5 appointing alternate prosecutors for the year 2022; and

WHEREAS, the Borough Court Administrator has identified the need to change the list of alternate municipal prosecutors; and

WHEREAS, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

WHEREAS, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor shall be designated and appointed by the municipality;

WHEREAS, Borough Council has appointed Craig Hubert as the Chief Municipal Prosecutor; and

WHEREAS, the Borough seeks to amend its appointment of first, second, third and fourth alternate prosecutors to substitute in that order for the Chief Municipal Prosecutor when the Chief Municipal Prosecutor is not able to cover a court session; and

WHEREAS, it is understood that the municipal prosecutor and alternate prosecutors designated and appointed herein are not representing criminal defendants in any municipal court or Superior Court in Mercer County as of January 1, 2022; and

WHEREAS, each alternate prosecutor has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither they nor their respective firms have made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that Resolution 2022-1.5 is hereby superseded and the following appointments of alternate municipal prosecutors are made for the year 2022, to substitute for the Chief Municipal Prosecutor in the order indicated:

1. Thomas Manzo is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Jeff Rubin is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Martin Hillman, Esq. is hereby appointed Third Alternate Prosecutor of Pennington Borough.
4. Alfred B. Vuocolo is hereby appointed Fourth Alternate Prosecutor of Pennington Borough.

BE IT FURTHER RESOLVED, that the alternate prosecutors shall be compensated for each court session in which they serve at the same rate as the Chief Municipal Prosecutor.

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 2022-5.16, second by Council Member Gnatt. Mrs. Sterling stated that in January Council appointed four alternates to fill in if the Chief Prosecutor could not attend court. Mrs. Sterling stated that Court Administrator has been having difficulty with finding alternate prosecutors to fill in so she asked for these changes. Mrs. Sterling stated that the two new appointments are number 3 and number 4. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.17**

RESOLUTION ENDORSING VISION ZERO TO ACHIEVE ZERO TRAFFIC DEATHS AND SERIOUS INJURIES ON NEW JERSEY STREETS AND HIGHWAYS

WHEREAS, traffic crashes are among the leading cause of deaths and injuries in the world and the United States; and

WHEREAS, traffic crashes in New Jersey have resulted in 3634 fatalities between 2016 and 2021; and

WHEREAS, 33% of these fatalities were pedestrians and bicyclists, almost twice the national average; and

WHEREAS, death and injury on our streets is unacceptable and serious crashes are preventable; and

WHEREAS, traffic deaths and serious injuries in the United States have disproportionately impacted people of color, low-income households, older adults and youth, people with disabilities, people with limited English proficiency, and households with limited vehicle access; and

WHEREAS, streets and transportation systems have traditionally been designed primarily for maximum vehicular capacity and mobility, rather than the safe accommodation of all modes and users; and

WHEREAS, Vision Zero provides a framework for reducing traffic deaths and serious injuries to zero, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, Vision Zero focuses on safety as a primary objective for our transportation systems; and

WHEREAS, Pennington Borough has shown a commitment to creating safe and accessible streets for people of all ages and abilities, by adopting a Complete Streets policy on June 2, 2014 in order to ultimately achieve a network of roadways that may safely accommodate pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to bicyclist and pedestrian safety; and

WHEREAS, Vision Zero encourages municipalities to adopt achievable goals to prevent traffic related severe injuries and fatalities based on the following fundamental Vision Zero principles:

1. Deaths and severe injuries caused by traffic deaths are preventable;
2. Human life and health should be prioritized in all transportation systems and in all aspects of transportation planning;
3. Human error is inevitable and transportation systems should be forgiving;
4. Transportation planning should focus on systems-level changes above influencing individual behavior; and
5. Speed is the single most important factor is crash severity

NOW THEREFORE BE IT RESOLVED that Pennington Borough adopts the goal of Vision Zero that no loss of life due to traffic crashes is acceptable;

BE IT FURTHER RESOLVED that Pennington Borough will establish a Vision Zero Task Force, which will include members of various Borough Departments and community organizations, to create a Vision Zero Action Plan tailored for Pennington.

BE IT FURTHER RESOLVED that the Vision Zero Action Plan will use data and best practices to outline concrete steps in planning, engineering, policy, enforcement, and education to reach Vision Zero goals.

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 2022-5.17, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.18**

RESOLUTION DESIGNATING THE MONTH OF MAY AS “BAG UP NJ” MONTH

WHEREAS, P.L.202, c.117, signed into law on November 4, 2020 is the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey; and

WHEREAS, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work, and recreate in; and

WHEREAS, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort; and

WHEREAS, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents to "Bag Up" before the ban on single-use plastic bags goes into effect on May 4, 2022; and

WHEREAS, the comprehensive "Bag Up NJ" campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities; and

WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that it is critical to begin educating the public about this new law; and

BE IT FURTHER RESOLVED, that one way to gain important recognition is to deem the month of May each year as “Bag Up NJ” month in Pennington Borough, as a further reminder that all residents

should bring their own reusable bags to the store; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the NJ Clean Communities Council, and the New Jersey State League of Municipalities.

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 2022-5.18, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 –5.19**

RESOLUTION REAFFIRMING RESOLUTION 2021-11.14, URGING NJDOT TO RE-VISIT THE 2002 STUDY OF THE ROUTE 31 AND WEST DELAWARE INTERSECTION IN PENNINGTON BOROUGH.

WHEREAS, in November 2021, Borough Council approved Resolution 2021-11.14, urging NJDOT to re-visit the 2002 study of the Route 31 and West Delaware Intersection in Pennington Borough; and

WHEREAS, in December of 2021, the Borough received a letter from the Commissioner of the New Jersey Department of Transportation, a copy of which is attached; and

WHEREAS, the Borough Council of the Borough of Pennington wants to reaffirm their concerns regarding the intersection of Route 31 and West Delaware Avenue; and

WHEREAS, in 2002, Hopewell Township and Pennington Borough received a Smart Growth Planning Grant to study the intersection; and

WHEREAS, the purpose of the study was to develop a shared community vision for the future character and “look and feel” of the Route 31 Corridor; and

WHEREAS, a series of three public meetings were held and participated in by hundreds of area residents and stakeholders; and

WHEREAS, consultants, and officials from Mercer County, NJDOT, Hopewell Township and Pennington Borough developed a set of guidelines and specific short and long term recommendations for dealing with growing congestion and safety issues along critical areas of the corridor, including the Route 31 and West Delaware Avenue intersection in Pennington Borough; and

WHEREAS, a major conclusion of the study was that “it is imperative to create a safe crossing at the Route 31 and Delaware Avenue intersection”; and

WHEREAS, the final report identifies several options including on grade crosswalks: and

WHEREAS, there was “much interest” in the community in exploring whether an overpass or an underpass can be designed that is aesthetically pleasing, well lit, safe and deal with drainage problems at this low intersection; and

WHEREAS, Crosswalks were ultimately installed at the intersection with pedestrian activated walk light buttons at every corner; and

WHEREAS, on October 6, 2021, an 84 year old pedestrian was fatally struck by a box truck as she tried to cross Route 31 in the intersection; and

WHEREAS, since completion of the Route 31 report, several new commercial and residential developments have been either expanded or constructed, including the Global Neurosciences Institute at 10 Route 31 North and Heritage at Pennington, an 84 unit residential community adjacent to Route 31; and

WHEREAS, the Route 31 study observed that “increasing development pressure in the area will inevitably lead to increasing pressure on the Route 31 corridor leading to additional congestion and safety issues; and

WHEREAS, rain storms routinely flood the intersection up to the Pennington Quality Market, resulting in dangerous conditions for vehicle drivers;

NOW THEREFORE BE IT RESOLVED THAT Pennington Borough officials urge the NJDOT to re-visit the Route 31 and West Delaware intersection to better address the critical issues of pedestrian safety and intersection flooding and drainage, and

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senator Shirley Turner, Assemblywoman Verlina Reynolds-Jackson, Assemblyman Anthony S. Verrelli, and Mercer County Executive Brian Huges.

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	X			
Gnatt	X				Stern	M			

Council Member Stern made a motion to approve Resolution 2022-5.19, second by Council Member Chandler. Mr. Gross suggested that all incidents at this intersection be reported. Ms. Angarone stated that some pictures from the flood should also be included. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.20**

RESOLUTION AUTHORIZING SUBMISSION OF GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF MERCER

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

WHEREAS, The Pennington Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Pennington Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Pennington Borough Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Mercer;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Pennington, County of Mercer, State of New Jersey hereby recognizes the following:

1. The Pennington Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Hopewell Valley Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:

DMHAS Grant Funding \$4,330.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-5.20, second by Council Member Stern with all members present voting in favor.

Professional Reports

Borough Attorney – Mr. Bliss reminded Mayor and Council of the Closed Session following the meeting.

Sergeant Thomas – Sergeant Thomas stated that he completed leadership training. Sergeant Thomas stated that he is meeting with Rick Smith to coordinate efforts for Pennington Day and the force is back to six

officers with the appointment tonight.

Superintendent of Public Works – Mr. Smith had no report.

Borough Clerk – Mrs. Sterling reminded everyone to file their Financial Disclosure Forms. Mrs. Sterling stated that she will be working with Rick and Doug to get the requisition program up and running.

Chief Financial Officer – Mrs. Webb stated that she and Betty have been busy posting tax payments. Mrs. Webb reminded everyone that taxes were due May 1st with a grace period to May 10th.

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.

Mr. Stewart Warren of 12 East Welling Avenue stated that he understands that the sidewalks on East Welling are going forward, but he would encourage the Borough to do whatever they can to protect the large 100 year old trees. Mr. Warrant suggested placing the sidewalk at the curb it could be done without damaging the trees.

Dr. Beth Warren stated that she has lived on East Welling for over 30 years and she has never felt unsafe not having sidewalks. Dr. Warren stated that if the sidewalks go forward she would encourage that it be done in a way so that the trees can be saved.

Closed Session

AT, 9:59 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Litigation – Hopewell Township PILOT
- Pending Litigation - Perris

Council Member Gnatt made a motion to convene in Closed Session, second by Council Member Gross with all members present voting in favor.

AT, 10:26 PM, Mayor and Council returned to open session.

With no further business to come before Council Member Chandler made a motion to adjourn the meeting, second by Council Member Stern.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk