

**Pennington Borough Council
Special Meeting – May 10, 2022**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:04 pm. The meeting was held via Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, and Marciante in attendance. Mr. Gross and Ms. Stern were absent.

Also present were Public Works Superintendent Rick Smith, Chief Doug Pinelli, 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.

PUBLIC HEARING ON BUDGET AMENDMENT AND ADOPTION OF 2022 BUDGET

Council Member Chandler made a motion to open the Public Hearing on the Budget Amendment (Resolution 2022-5.4) approved by Borough Council at a meeting held May 2, 2022, second by Council Member Marciante with all members present voting in favor. 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 the 2022 budget as amended, second by Council Member Marciante with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2022-5.7**

**RESOLUTION EXPRESSING CONCERNS OF A FULL TRAFFIC SIGNAL AT THE
INTERSECTION OF INGLESIDE AVENUE AND STATE ROUTE 31 AND REQUESTING A
TRAFFIC IMPACT STUDY ON THE BOROUGH OF PENNINGTON OF A FULL TRAFFIC
SIGNAL AT THE INTERSECTION OF INGLESIDE AVENUE AND STATE ROUTE 31**

WHEREAS, on April 4, 2022 Hopewell Township Mayor Courtney Peters-Manning sent a letter to Matthew Lawson, Principal Planner for the County of Mercer calling for a full traffic signal at the intersection of Ingleside Avenue and State Route 31 as part of the Great Western Bikeway Segment 1 in Hopewell Township, Mercer County, NJ; and,

WHEREAS, the Pennington Borough Council is supportive of the safe incorporation of the Great Western Bikeway into Pennington Borough and that biking and pedestrian access to recreational areas throughout Mercer County is consistent with the Pennington Borough Master Plan Open Space Element and is a public benefit to the residents of Pennington Borough;

WHEREAS, on August 3, 2015 the Pennington Borough Council unanimously adopted a resolution opposing full traffic light signalization at the intersection of Ingleside Avenue and State Route 31.

WHEREAS, traffic controls in the area have recently changed with the installation of traffic metering lights at the Route 31 circle, and with the installation of a roundabout at the intersection of Ingleside and Burd Avenues;

WHEREAS, the recommendation for the installation of the full traffic signal at this intersection appears to have been made without an expert evaluation of:

- current traffic controls;
- all possible alternatives for improving the intersection;
- the effectiveness of a full signal to address any safety concerns; or
- impacts to Pennington Borough traffic and safety;

WHEREAS, the Borough Council specifically notes the following concerns with regard to possible impacts from the installation of a full traffic signal at the Intersection of Ingleside Avenue and State Route 31:

- A full signal intersection may encourage drivers to use Ingleside Avenue as a detour bypass from and to Route 31 and to access Burd Street as a "cut-through" to avoid volume on Route 31.
- A full signal intersection may encourage drivers to use Ingleside Avenue as a detour bypass from Washington Crossing Road (Route 546) to access Burd Street and South Main to avoid the Pennington Circle.
- Potentially increased traffic at the left hand-turn on to South Main from Ingleside could create traffic back up on Ingleside Avenue.
- Both Ingleside Avenue and Burd Street are residential streets in the Borough and are not designed for capacity beyond residential use. An increase in traffic volume will pose a danger to children, pedestrians, and bicycle riders.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Pennington that it opposes the substitution of a full traffic signal for the flasher-type signal at the intersection of Ingleside Avenue and Route 31 until a traffic study demonstrates that the installation is the best possible alternative to improve the safety of the intersection and that it would have a neutral or de minimis effects to the traffic on borough streets and wants its concerns known by the NJ DOT, Mercer County, and Hopewell Township Committee;

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the New Jersey Department of Transportation, Mercer County Executive and Board of Commissioners, and the Hopewell Township Committee.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2022-5.7, second by Council Member Gnatt. Ms. Chandler stated that she and Ms. Angarone revised this resolution so that it is understood that the Borough is opposed to a full traffic signal until a full traffic study is done. Upon a roll call vote all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2022 – 5.24**

RESOLUTION AUTHORIZING PURCHASE OF ENCLOSED TRAILER FROM STEPHAN L. GREEN TRAILERS UNDER STATE CONTRACT 19-FLEET-00880

WHEREAS, the Superintendent of Public Works has submitted a request to purchase a T2622 Enclosed Cargo Trailer; and

WHEREAS, the Finance Committee of the Borough of Pennington approved this purchase as part of the Capital Plan for 2022; and

WHEREAS, the Superintendent has determined that the trailer is available under State Contract 19-Fleet-00880 from Stephan L. Green Trailers, located at 74 Squankum Yellowbrook Road, Farmingdale, New Jersey; and

WHEREAS, Stephan L. Green Trailers has provided the Borough with a price quotation dated April 20, 2022; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the General Capital Fund under Ordinance 2022-6;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of a T2622 Enclosed Cargo Trailer under State Contract 19-Fleet-00880 is hereby authorized in an amount not to exceed \$10,500.00 as per quote dated April 20, 2022 from Stephan L. Green Trailers.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2022-5.24, second by Council Member Chandler with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2022-5.25

**RESOLUTION AUTHORIZING PURCHASE OF DANIEL DEFENSE 5.56MM RIFLES FROM
LAWMEN SUPPLY COMPANY UNDER STATE CONTRACT 17-FLEET-00740**

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

WHEREAS, the Chief of Police has determined that the required rifles are available under New Jersey State Contract State (17-FLEET-00740); and

WHEREAS, the Chief of Police has obtained a quote for the required equipment from Lawmen Supply Company, 1484 E. Lebanon Road, Dover, DE 19901; and

WHEREAS, Lawmen Supply Company is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

WHEREAS, the proposed purchase of rifles from Lawmen Supply Company is subject to all the terms and conditions of the aforesaid State Contract; and

WHEREAS, a copy of the proposal from Lawmen Supply Company in the amount of \$7,332.66, is attached to this Resolution; and

WHEREAS, purchase of the rifles on State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the General Capital Account under Ordinance 2021-10;

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

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

Council Member Chandler made a motion to approve Resolution 2022-5.25, second by Council Member Marciante with all members present voting in favor.

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you. Please state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

Closed Session

AT, 7:10 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Pending Litigation - Perris

Council Member Chandler made a motion to convene in Closed Session, second by Council Member Gnatt with all members present voting in favor. Mayor Davy stated for members of the public in attendance that Council may come out of Closed Session and take action on the item being discussed in Closed Session.

AT, 7:40, Mayor and Council returned to open session.

RESOLUTION NO. 2022-5.26

RESOLUTION AUTHORIZING SETTLEMENT OF
PERRIS V. BOROUGH OF PENNINGTON, DOCKET NO. 667-22

WHEREAS, the action known as Perris v. Borough of Pennington and Pennington Borough Council, et al., Superior Court of New Jersey, Mercer County, Docket No. MER-L-667-22, was filed on April 12, 2022 seeking among other things to restrain the construction of certain sidewalks on East Welling Avenue previously approved by Borough Council Resolutions 2021-11.15 and 2022-2.5;

WHEREAS, following discussion among the parties and their respective representatives, plaintiffs have agreed to terms of settlement of the litigation subject to approval by Pennington Borough Council;

WHEREAS, the terms of settlement are described in the attached letter dated May 5, 2022 from Robert W. Slomicz, of the Spadaccini Law Firm LLC, to Walter R. Bliss, Jr., Esq., the Borough Attorney (hereafter “Settlement”);

WHEREAS, the effect of the Settlement would be to permit the East Welling Road Rehabilitation Project to proceed in accordance with the terms of Settlement, effectively amending Resolution 2021-11.15 and 2022-2.5 to the extent of any inconsistency;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Settlement is hereby approved and Resolutions 2021-11.15 (Base Bid) and 2022-2.5 (Add Alternate #2) are hereby amended to the extent of any inconsistency with the Settlement; and

BE IT FURTHER RESOLVED, that the Mayor and Council President are authorized to execute the Settlement on behalf of the Borough and Borough Council, respectively.

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

Mayor Davy read Resolution 2022-5.26 by title and asked Borough Attorney Walter Bliss to explain the resolution. Mr. Bliss stated that this resolution would approve a settlement agreement that ends litigation brought by the family at 41 East Welling Avenue seeking to constrain the construction of sidewalks in an easterly direction on both sides of East Welling Avenue east of Baldwin Boulevard. Mr. Bliss stated that the action also sought to eliminate what has been referred to as the “third crosswalk” which would have extended from the southeast corner of Baldwin Boulevard across the street linking to the sidewalk with a handicap ramp. Mr. Bliss stated that the underlying motivation for the lawsuit was concern over two trees in the Borough right of way in front of 41 East Welling and the argument by the resident was that construction would essentially kill the trees. Mr. Bliss explained that the design of the sidewalk as originally approved by Council tried to address the concern with the sidewalk curving around the two trees and dipping back down. Mr. Bliss stated that this settlement does the following, the residents at 41 East Welling have agreed to the removal of the two trees in the Borough right of way in front of their property and in exchange, the Borough would revise the plan of the sidewalk to provide a straight sidewalk from Baldwin Boulevard to the driveway of 41 East Welling Avenue and then on the other side of the driveway the sidewalk would curve slightly to avoid a utility pole. Mr. Bliss stated that the other thing that the settlement will do is eliminate the so called third crosswalk and the connecting handicap ramp so that there will simply be a straight sidewalk extending in front of 41 East Welling Avenue. Mr. Bliss stated that there is agreement that the straight sidewalk will be separated from the curb from the southerly edge of the sidewalk to the northerly edge of the curb with 10 to 11 feet, to be determined during construction that would create a “tree lawn” for planting of 4 to 6 new trees of a species selected by the owners of 41 East Welling Avenue and approval by the Borough with respect to limitation on height at maturity and with a maximum of 3 inch caliper at the time of planting. Mr. Bliss stated that is the essence of the settlement. Mr. Bliss explained that the effect of this settlement essentially amends the two resolutions passed by Council to the extent that the resolutions are inconsistent with the settlement. Mr. Bliss stated that Resolution 2021-11.15 included the third crosswalk, handicap ramp and a short extension of the sidewalk and Resolution 2022-2.5 is the resolution that created Add Alternate #2 which provide for sidewalks on both sides of East Welling Avenue. Mr. Bliss explained that this Resolution makes clear that any inconsistencies in the two resolutions previously approved would be amended. Upon a roll call vote, all members present voted in favor.

At 7:44 pm, with no further business to come before Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk