

**PENNINGTON BOROUGH COUNCIL
REGULAR MEETING
AGENDA – December 30, 2021 @ 3:00 pm**

Call to Order – Mayor Davy

Roll Call – Borough Clerk – Betty Sterling

| | | | | | | | | |
|----------|-------|-------|-----------|-------|--------|------|--|--|
| Chandler | Gnatt | Gross | Marciante | Mills | Semple | Davy | | |
|----------|-------|-------|-----------|-------|--------|------|--|--|

OPEN PUBLIC MEETINGS STATEMENT

Notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board at Borough Hall at 30 North Main Street and on the Borough website according to the regulations of the Open Public Meetings Act.

OPEN TO THE PUBLIC – AGENDA ITEMS ONLY

Meeting open to 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 meeting host acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

MAYOR'S BUSINESS

Resignation – Officer Michael Crincoli
Resignation – Officer Jonathan Pauciullo
Letter – Green Acres Incentive

APPROVAL OF MINUTES

- Special Meeting – November 15, 2021
- Regular Meeting – December 6, 2021
- Special Meeting – December 13, 2021

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

**BOROUGH OF PENNINGTON
ORDINANCE #2021 – 16**

AN ORDINANCE FURTHER AMENDING 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 2021

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2021 - 17**

ORDINANCE CONCERNING PAID DETAIL POLICE SERVICES AND AMENDING CHAPTERS 46 (POLICE
DEPARTMENT) AND 98 (FEES) OF THE CODE OF THE BOROUGH OF PENNINGTON

NEW BUSINESS

**RESOLUTION #2021 - 12.15
(TO BE PROVIDED)**

RESOLUTION AUTHORIZING PAYMENT OF BILLS

RESOLUTION #2021 - 12.16

RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL ORDINANCES

RESOLUTION #2021 – 12.17

RESOLUTION AUTHORIZING THE CANCELLATION OF GRANTS RECEIVABLE AND GRANTS
APPROPRIATED

RESOLUTION #2021 – 12.18

RESOLUTION AUTHORIZING THE CANCELLATION OF RESERVE BALANCES

**RESOLUTION #2021 – 12.19
(TO BE PROVIDED)**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

RESOLUTION #2021 – 12.20

RESOLUTION AUTHORIZING CONTRACT WITH VISUAL COMPUTER SOLUTIONS, INC. FOR SERVICES
UNDER THE PROGRAM KNOWN AS JOBS4BLUE/VCS RELATING TO
PAID DETAIL BY PENNINGTON BOROUGH POLICE OFFICERS

RESOLUTION #2021 – 12.21

RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE
NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK MANAGEMENT
PLAN'S TIER ONE REQUIREMENTS

RESOLUTION #2021 – 12.22

RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED
VACATION TIME FOR NAMED EMPLOYEES

Council Work Session

Discussion of request from Sanctuary Medicinals LLC for Medical Cannabis Dispensary – **No action
will be taken at this meeting.**

Professionals Reports

Borough Administrator – Eileen Heinzl
Borough Attorney - Walter Bliss
Police Chief - Doug Pinelli
Superintendent of Public Works – Rick Smith
Borough Clerk – Betty Sterling
Chief Financial Officer – Sandra Webb

Public Comment Period

Please raise your hand so the Borough Administrator 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.

Adjournment

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 12.16**

**RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL
ORDINANCES**

WHEREAS, the Borough Council has authorized various capital ordinances throughout the years for capital projects within the Borough; and

WHEREAS, the Borough's Chief Financial Officer has reviewed all capital ordinances to verify which projects are complete, but have balances remaining; and

WHEREAS, it is the recommendation of the Chief Financial Officer that the following capital ordinances be cancelled:

General Capital

| | | |
|-------------------|---------------------------------|--------------|
| Ordinance 2014-13 | Road Repairs, Radios & Vehicles | \$ 23,423.29 |
| Ordinance 2016-03 | Generator | \$ 1,910.00 |
| Ordinance 2017-01 | Emergency Down Payment | \$ 14.36 |
| Ordinance 2017-07 | Generator | \$ 152.80 |
| Ordinance 2017-15 | Backhoe | \$ 1,167.33 |
| Ordinance 2018-14 | Senior Center | \$157,161.05 |
| Ordinance 2019-01 | Curlis / Weidel | \$326,096.67 |
| Ordinance 2019-4 | Eglantine | \$ 12,479.94 |
| Ordinance 2019-05 | Burd Street / Abey Drive | \$607,683.93 |
| Ordinance 2020-08 | Vehicles & Equipment | \$ 6,963.33 |

NOW, THEREFORE, BE IT RESOLVED BY Borough Council of the Borough of Pennington that the Borough Chief Financial Officer cancel the listed Ordinances and transfer the related funds to Deferred Charge to Future Taxation – Funded / Unfunded.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
| Gross | | | | | Semple | | | | |

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on December 30, 2021.

Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION #2021 –12.17**

**RESOLUTION AUTHORIZING THE CANCELLATION OF GRANTS
RECEIVABLE AND GRANTS APPROPRIATED**

WHEREAS, the Borough Auditor has recommended to Mayor and Council that old receivables for various grants be either moved to the Capital Fund or cancelled; and

WHEREAS, the Borough Auditor has recommended to Mayor and Council that appropriations for various grants that will not be spent also be cancelled; and

WHEREAS, it is the desire of the Mayor and Council to take action on the recommendations of the Auditor;

NOW THEREFORE BE IT RESOLVED, by Borough Council of the Borough of Pennington that the following Grants Receivable and Appropriated Grants in the amount of \$2,982,968.35 be either moved to the Capital Fund or cancelled as appropriate:

| | |
|----------------------------|--------------|
| Urban Forestry | \$ 2,800.00 |
| NJ DOT Burd Street Phase 2 | \$345,000.00 |
| NJ DOT Abey / King | \$693,900.00 |
| NJ DOT Burd Street Phase 3 | \$618,149.00 |
| NJ DOT East Welling | \$610,000.00 |
| NJ DOT Streetscape | \$713,119.35 |

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
| Gross | | | | | Semple | | | | |

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2021-12.18**

**RESOLUTION AUTHORIZING THE CANCELLATION
OF RESERVE BALANCES**

WHEREAS, there currently exist old reserves in the Current Fund; and

WHEREAS, the Chief Financial Officer recommends that these balances be cancelled; and

WHEREAS, it is the desire of the Borough Council to cancel Current Fund reserve balances totaling \$8,223.25 as follows:

| | |
|----------------------------------|-------------|
| Reserve for Master Plan | \$ 593.75 |
| Reserve for Property Revaluation | \$ 7,629.50 |

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Pennington that the Current Fund reserve balances be cancelled and that said totals be transferred to the proper statutory account.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2021-12.20**

**RESOLUTION AUTHORIZING CONTRACT WITH VISUAL COMPUTER SOLUTIONS, INC.
FOR SERVICES UNDER THE PROGRAM KNOWN AS JOBS4BLUE/VCS RELATING TO
PAID DETAIL BY PENNINGTON BOROUGH POLICE OFFICERS**

WHEREAS, the Borough of Pennington has entered into a contract with Visual Computer Solutions, Inc. ("VCS") of Freehold, New Jersey for the VCS POSS system, a scheduling platform now in use by the Borough Police Department;

WHEREAS, a feature of the scheduling platform, known as Jobs4 Blue, can be used to facilitate the scheduling and administration of Paid Detail Services provided by the Police Department;

WHEREAS, the functions performed by Jobs4 Blue would also facilitate the collection of fees for Paid Detail Services;

WHEREAS, Borough Council now seeks to enter into a contract with VCS in substantially the form attached providing for utilization of Jobs4Blue in performing services including but not limited to the following:

- a. scheduling of Paid Detail in coordination with the Chief of Police, in accordance with applicable rules and policies of the Department;
- b. confirmation of services performed and related invoicing;
- c. transfer of funds due the Borough via ACH or other funds transfer methods in time for next payroll, with VCS assuming all collection risk;

WHEREAS, the fee that may be charged by VCS directly to the recipients of Paid Detail Services for the administrative services of Jobs4Blue, as provided in the attached contract, shall not exceed eight percent (8%) in addition to the fees otherwise payable to the Borough;

WHEREAS, in accordance with Ordinance No. 2021-17 adopted by Borough Council on December 30, 2021, the Borough is authorized to use a third-party service provider to perform designated administrative functions in connection with paid detail services for a fee to be charged by the provider directly to the recipient of the services in addition to other Borough fees;

WHEREAS, the anticipated initial term of this contract is two (2) years commencing on January 1, 2022 and ending December 31, 2023, subject to extension for no more than one two-year term or two one-year terms by formal action of the parties, in accordance with N.J.S.A. 40A:11-15;

WHEREAS, there will be no cost to the Borough of Pennington for the Jobs4Blue services, same to be paid directly by the users of Paid Detail Services;;

WHEREAS, authorization of this contract without competitive bidding is further permitted by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(dd) as a contract for services in support of proprietary software;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the aforesaid contract with Visual Computer Solutions, Inc. on behalf of the Borough, subject only to approval as to form by the Borough Attorney.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
| Griffiths | | | | | Semple | | | | |

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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON
RESOLUTION 2021 - 12.21**

**RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN
COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS**

WHEREAS, the Borough of Pennington is a member of the Mid Jersey Municipal Joint Insurance Fund which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Mid Jersey Municipal Joint Insurance Fund, the Borough of Pennington enjoys cyber liability insurance coverage to protect the Borough of Pennington from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Pennington; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Pennington to claim a reimbursement of a paid insurance deductible in the event the member files a claim against the Borough of Pennington's cyber insurance policy, administered through the Mid Jersey Municipal Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough of Pennington does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan:

1. Minimum Backup Practices
2. Patch management Practices
3. Defensive Software
4. Security Awareness Training
5. Password Strength
6. Email Warning
7. Cyber Incident Response Plan
8. Technology Practices Policy
9. Government Cyber Security

AND, BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
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**BOROUGH OF PENNINGTON
RESOLUTION 2021 - 12.22**

**RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED
VACATION TIME FOR NAMED EMPLOYEES**

WHEREAS, the Chief of Police, four police officers and the Borough Clerk have submitted requests that they be permitted to carry into the year 2022 unused vacation hours that they will not have used as of the end of the calendar year;

WHEREAS, the shared basis for these requests is that vacation time could not be used due to extraordinary workload demands in a very difficult year;

WHEREAS, the affected employees are identified in the attached Schedule together with their respective Total Vacation Balance (in hours), Total Carryover of Right (in hours) and Extra Carryover Requested (in hours);

WHEREAS, the Employment Agreement Between The Borough of Pennington and Douglas M. Pinelli Covering His Services as Chief of Police, at Article IX, sec. 4, and the agreement between the Borough and the Pennington Borough Police Association, in Article XXI, par. 4, provide that up to one-half of one year's vacation allotment in a given year may be carried over into the next year and no more;

WHEREAS, the Borough Personnel Manual also provides, in Article V, Section E, par.2, that up to one-half of vacation time earned in a particular year may be carried over to the subsequent year and no more, except the Personnel Manual provides further that exceptions may be made in highly extraordinary circumstances upon approval of the full authorized membership of Borough Council;

WHEREAS, these requests have been reviewed by the Personnel Committee and it has been determined that the exceptions permitted by the Personnel Manual are in the best interest of the Borough and ought to be granted in each case, subject to the requirement that the additional carried-over vacation time be used by June 30, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough employees named in the attached Schedule are hereby authorized to carry-over into 2022, in addition to the carryover to which they are otherwise entitled, up to the unused Extra Carryover Requested as specified in the Schedule, provided they use up all such time on or before June 30, 2022 or forfeit the time.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|-------------------|------------|------------|-------------|-------------|-------------------|------------|------------|-------------|-------------|
| Chandler | | | | | Marciante | | | | |
| Gnatt | | | | | Mills | | | | |
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