

**Pennington Borough Council  
Regular Meeting – June 7, 2021**

Council President Catherine Chandler called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gross, Gnatt, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzel, Police Chief Doug Pinelli, Public Works Superintendent Rick Smith, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

Mrs. Chandler 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**

Mrs. Chandler 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.

**Mayor's Business**

Mrs. Chandler announced the resignation of Mayor Joseph Lawver effective June 6, 2021.

Mrs. Chandler also announced the resignations of Christina Nash and Kevin Ryan from the Economic Development Commission.

**Appointment to Fill Vacancy**

Mrs. Chandler stated that the Democratic Committee submitted the following names for consideration to fill the vacancy for Mayor:

Carol Cole  
James Davy  
Daniel Pace

Mrs. Chandler asked that each candidate be recognized and state in a few words why they would like to be Mayor. Mrs. Heinzel stated that James Davy was in attendance but the other two candidates were not on the meeting.

Council Member Marciante made a motion to nominate James Davy, second by Council Member Gnatt with all members present voting in favor.

Mr. Davy thanked Borough Council for the opportunity to serve as Mayor. Mr. Davy stated that he has been a resident of Pennington for many years, raised a family here and truly loves being a part of the community.

Borough Attorney Walter Bliss administered the Oath of Office to Mr. Davy.

**Mayor's Appointments**

Mayor Davy announced the following appointments:

Joseph Lawver as Mayor's Designee to the Planning Board for a term ending December 31, 2021.

William Cleave appointed to Economic Development for an unexpired term ending December 31, 2021.

**Mayor's Appointments (with Council Approval)**

Mayor Davy announced the appointment of Katrina Homel to Historic Preservation as a Class D Member for an unexpired term ending December 31, 2023. Council Member Marciante made a motion to approve the appointment, second by Council Member Gross with all

members present voting in favor.

### **Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the May 3, 2021 Regular meeting, second by Council Member Marciante with all members present voting in favor.

### **Committee Reports**

**Planning & Zoning / Open Space / Personnel** – Mrs. Gnatt stated that she had no report for Planning Board as she missed the last meeting and no report for Open Space as she was recused from that discussion due to a conflict.

**Public Safety/Economic Development/Environmental** – Mrs. Chandler reported that Economic Development met this evening at 6 and discussed the Cannabis Ordinance coming up later in the meeting.

Mrs. Chandler stated that the Environmental Commission is making excellent headway on the Environmental Resource Inventory.

Mrs. Chandler stated that the Police Department has one officer going out for surgery. Mrs. Chandler stated that they are collecting data regarding overtime.

**Public Works** – Mr. Marciante reported that the Public Works report shows a big savings in tipping fees now that the Borough is sending brush to Britton. Mr. Marciante stated that due to a delay in getting the trash carts, the automated trash collection schedule may need to be adjusted.

**Finance / Board of Health** – Mr. Gross stated that the Finance Committee did not meet. Mr. Gross reported that the Board of Health met April 19<sup>th</sup>. Mr. Gross reported that regular food inspections are resuming for 2021, COVID counts are at the lowest since September and they are still working on getting people vaccinated. Mr. Gross stated that Pennington is at 93% vaccinated. Mr. Gross announced that Stephanie Carey will be retiring in the fall.

**Historic Preservation / Library** – Mrs. Mills stated that Historic Preservation did not meet. Mrs. Mills stated that the Library is targeting opening in July. Mrs. Mills stated that they are continuing virtual programming and it is going well. Mrs. Mills stated that the Library received a Big Read grant, the book will be “The Best We Can Do” and there will be more information on that coming.

Mayor Davy stated that he circulated a plan for opening the Borough. Mayor Davy stated it will be a measured Phase approach. Mayor Davy asked Council Members to review the plan and submit comments to him. Mr. Marciante stated that he would like to return to in person meetings sooner than September. Mayor Davy stated that Council can revisit this in July.

**Parks and Recreation / Shade Tree** – Ms. Semple stated that Parks and Rec had a successful scaled down Memorial Day Parade. Ms. Semple stated that Shade Tree is working on a tree inventory. Ms. Semple stated that trees were planted for Arbor Day and Green Week.

**Senior Advisory Board** – Mayor Davy stated that he would be willing to be the liaison to the Senior Advisory Board unless someone else was interested.

### **COUNCIL DISCUSSION**

**Block Party – Sked Street – August 14, 2021** – There were no concerns raised regarding this request. Council Member Marciante made a motion to approve the request, second by Council Member Gnatt with all members present voting in favor.

**Block Party – Voorhees Avenue – July 10, 2021** – There were no concerns raised regarding this request. Council Member Mills made a motion to approve the request, second by Council Member Semple with all members present voting in favor with the exception of Mr. Marciante who recused himself.

**Ordinance – Trash Collection** – Mayor Davy stated that a draft amendment to the Trash Ordinance was circulated in the Council packages and he would like to have this referred to the Public Works Committee for finalizing.

**Ordinances for Introduction**

Mayor Davy read Ordinance 2021-8 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2021 - 8**

**AN ORDINANCE RESTRICTING THE NUMBER, LOCATION AND OPERATION OF  
CANNABIS RETAILERS, MEDICAL CANNABIS DISPENSARIES AND CANNABIS  
DELIVERY SERVICES AND PROHIBITING ALL OTHER CANNABIS BUSINESSES  
AND OPERATIONS IN THE BOROUGH, AMENDING THE CODE OF THE BOROUGH  
OF PENNINGTON**

**WHEREAS**, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et seq. (the “Personal Use Act”) legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial production, distribution and sale of cannabis items;

**WHEREAS**, the Personal Use Act establishes six marketplace classes of licensed cannabis businesses, including: Class 1, Cannabis Cultivator, involved in growing cannabis; Class 2, Cannabis Manufacturer, dedicated to the manufacture, preparation and packaging of cannabis items; Class 3, Cannabis Wholesaler, which obtains and sells cannabis items for later resale by others licensees; Class 4, Cannabis Distributor, involved in transporting cannabis plants in bulk from one licensed cultivator to another or cannabis items in bulk among licensed cannabis businesses; Class 5, Cannabis Retailer, licensed to sell cannabis items and related supplies to consumers; and Class 6, Cannabis Delivery Services, providing courier service for consumer purchases of cannabis items that are fulfilled by a cannabis retailer for delivery to the consumer, or taking orders from the consumer to be presented to a retailer for fulfillment and then delivered to the consumer;

**WHEREAS**, the Personal Use Act authorizes municipalities to adopt regulations by ordinance governing the number of cannabis establishments, distributors and delivery services allowed to operate within their borders, regulating the location, manner and times of operation of these establishments, distributors and delivery services, and establishing civil penalties for the violation of any such regulations, provided the time of operation of delivery services shall be subject only to regulation by the State Cannabis Regulatory Commission (N.J.S.A. 24:6I-45.a);

**WHEREAS**, the Personal Use Act further authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishment, cannabis distributor or cannabis delivery service anywhere in the municipality, provided the prohibitory ordinance be adopted by August 21, 2021, 180 days after the effective date of the Act (N.J.S.A. 24:6I-45.b);

**WHEREAS**, the failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment, cannabis distributor or cannabis delivery service within 180 days after the effective date of the Personal Use Act shall result in any class of cannabis establishment, cannabis distributor or cannabis delivery service not so prohibited being permitted as follows: the growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations to transport in bulk cannabis items by a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or as a cannabis distributor or cannabis delivery service, shall be permitted uses in all industrial zones of the municipality, and the selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance from one or more of those conditions in accordance with the Municipal Land Use Law, and the municipality shall be barred for at least five years thereafter from enacting an ordinance prohibiting these uses and any such prohibition may be prospective only;

**WHEREAS**, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, et seq., (the “Medicinal Use Act”) permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use, and consumption of medical cannabis and products created from or which include cannabis;

**WHEREAS**, the Medicinal Use Act authorizes the licensed operation of medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries and clinical registrants as defined in the Medicinal Use Act, N.J.S.A. 24:6I-3;

**WHEREAS**, a medical cannabis dispensary as defined in the Medicinal Use Act, means an organization issued a permit by the State Cannabis Regulatory Commission authorizing the dispensary, among other things, to sell and dispense medical cannabis and medical cannabis products and related supplies to qualifying patients and caregivers, N.J.S.A. 24:6I-3;

**WHEREAS**, a clinical registrant as used in the Medicinal Use Act means an entity that has a written contractual relationship with an academic medical center in the region in which it has its principal place of business, which includes provisions whereby the parties will engage in clinical research related to

the use of medical cannabis and the academic medical center or its affiliate will provide advice to the entity regarding patient health and safety, medical applications, and dispensing and managing controlled dangerous substances, among other areas, N.J.S.A. 24:6I-3;

**WHEREAS**, municipalities are authorized by the Personal Use Act and N.J.S.A. 40:481-1.a (1) to impose by ordinance a transfer tax of up to two percent (2%) on the sale of cannabis or cannabis items by a cannabis retailer located in the municipality;

**WHEREAS**, municipalities imposing a transfer tax are required by N.J.S.A. 40:481-1.b (1) to include in the ordinance a user tax, at the equivalent transfer tax rates, on any current license holder operating more than one cannabis establishment and transferring cannabis or cannabis items from the license holder's establishment in the municipality to any of the other license holder's establishment(s), whether located in the municipality or another municipality, based on the value of each such transfer or use not otherwise subject to the transfer tax;

**WHEREAS**, municipalities are authorized by the Medicinal Use Act, N.J.S.A. 24:6I-10i, to adopt an ordinance imposing a transfer tax not to exceed two percent (2%) on the purchase price of any medical cannabis dispensed by a medical cannabis dispensary located in the municipality;

**WHEREAS**, Borough Council determines that it is in the best interests of the Borough and the health, safety and welfare of its citizens that all cannabis establishments, cannabis distributors and cannabis delivery services, together with medical cannabis dispensaries, clinical registrants and other licensed medical cannabis entities, be prohibited from operating anywhere in the Borough except as expressly authorized and regulated by this ordinance;

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

1. The above recitals are repeated and incorporated herein by reference.

General Prohibition of Cannabis- and Medical Cannabis-  
Related Enterprises, with Exceptions

2. In accordance with the authority granted to municipalities by N.J.S.A. 24:6I-45, all classes and types of cannabis establishments (Class 1 cannabis cultivators, Class 2 cannabis manufacturers, Class 3 cannabis wholesalers and Class 5 cannabis retailers), as well as Class 4 cannabis distributors and Class 6 cannabis delivery services, are hereby prohibited from operating anywhere in the Borough of Pennington except as expressly provided herein with respect to a limited number of Class 5 cannabis retailers permitted as conditional uses in the BH-Business Highway and OB-Office Business zoning districts and Class 6 delivery services permitted as conditional uses in the BH-Business Highway, OB-Office Business and MU-1 Mixed Use 1 zoning districts. As used herein, cannabis establishments, cannabis distributors and cannabis delivery services are as defined at N.J.S.A. 24:6I-33.

3. These prohibitions extend as well to all medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, clinical registrants and other entities authorized to operate under N.J.S.A. 24:6I-1, et seq. (the "Medicinal Use Act), except as further provided in this ordinance with respect to medical cannabis dispensaries as defined in the Medicinal Use Act, N.J.S.A. 24:6I-3.

Amendments to Relevant Borough Zoning Provisions

4. Chapter 215 of the Code of the Borough of Pennington ("Code"), concerning Zoning, is hereby amended at Section 215-25, Prohibited Uses, to add to the list of prohibited uses in all zoning districts cannabis cultivators, cannabis manufacturers, cannabis wholesalers and cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers and clinical registrants, as follows:

215-25. Prohibited Uses.

Any use not specifically permitted in a zoning district established by this chapter is hereby specifically prohibited from that district, and further provided that the following uses and activities shall be specifically prohibited in any zone of the Borough of Pennington:

\* \* \*

Q. Cannabis cultivators, cannabis manufacturers, cannabis wholesalers and cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers and clinical registrants.

5. Chapter 215 of the Code is hereby amended at section 215-71, TC Town Center Zone, to add cannabis and medical cannabis uses to Prohibited Uses, as follows:

215-71. TC – Town Center Zone.

\* \* \*

D. Prohibited uses. Any use not hereby specifically permitted in the Town Center is prohibited. The following uses are hereby specifically prohibited:

\* \* \*

(6) Cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis retailers, cannabis distributors, cannabis delivery services, medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries and clinical registrants

\* \* \*

6. Chapter 215 of the Code is hereby amended at section 215-72, B-H Highway Business Zone, to restrict permitted wholesale business establishments to other than cannabis wholesalers and to add cannabis retailers, cannabis delivery services and medical cannabis dispensaries to the list of conditional uses, subject to operating hours exclusively from 9:00 a.m. to 8:00 p.m. daily and the other provisions of Article VIII, and to insert prohibited uses, as follows:

215-72. B-H Highway Business Zone.

A. Permitted primary uses. The permitted primary uses allowed in the B-H Highway Business Zone shall be as follows:

\* \* \*

(4) Wholesale business establishments other than cannabis wholesalers.

\* \* \*

C. Conditional uses. The conditional uses allowed in the B-H Highway Business Zone shall be as follows and shall be further subject to the provisions of Article VIII:

\* \* \*

(5) cannabis retailers  
(6) cannabis delivery services  
(7) medical cannabis dispensaries.

D. Prohibited uses. Any use not hereby specifically permitted in the BH-Business Highway zone is prohibited. The following uses are hereby specifically prohibited:

\* \* \*

(6) Cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers and clinical registrants

E. ~~- D.~~ Other Provisions and Requirements

\* \* \*

(5) As further provided in Article VIII, the operating hours of cannabis retailers and medical cannabis dispensaries shall be exclusively from 9:00 a.m. to 8:00 p.m. daily.

7. Chapter 215 of the Code is hereby further amended at section 215-73, O-B Office Business Zone, to add to Conditional Uses cannabis retailers, cannabis delivery services and medical cannabis dispensaries, subject to the provisions of Article VIII, and to insert Prohibited Uses, as follows:

215-73. O-B Office (Building) Business Zone.

\* \* \*

C. Conditional uses, subject to the provisions of Article VIII.

\* \* \*

- (5) cannabis retailers
- (6) cannabis delivery services
- (7) medical cannabis dispensaries

D. Prohibited Uses. Any use not hereby specifically permitted in the OB-Office Business zone is prohibited. The following uses are hereby specifically prohibited:

- (1) Cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers and clinical registrants

E ~~D~~. General Requirements \* \* \*

\* \* \*

F ~~E~~. Off-street parking requirements. \* \* \*

\* \* \*

G F. Off-street loading requirements \* \* \*

\* \* \*

H. As further provided in Article VIII, the operating hours of cannabis retailers and medical cannabis dispensaries shall be exclusively from 9:00 a.m. to 8:00 p.m. daily.

8. Chapter 215 of the Code is hereby amended at section 215-77, MU-1 Mixed Use Zone, to add a new subsection E for Conditional Uses and to include as conditional uses cannabis delivery services, subject to the provisions of Article VIII, and to add a new subsection F for Prohibited Uses as follows:

215-77. MU-1 Mixed Use Zone.

\* \* \*

E. Conditional Uses, subject to the provisions of Article VIII.

- (1) cannabis delivery services.

F. Prohibited uses. Any use not hereby specifically permitted in the MU-1 Mixed Use zoning district is prohibited. The following uses are hereby specifically prohibited:

- (1) Cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis retailers and cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries and clinical registrants

Conditions of Conditional Use and Restrictions on Location, Manner and Times of Operation

9. Chapter 215-79, Article VIII, concerning Conditional Uses, is hereby amended by the addition of a new Section 215-81 (previously reserved) to specify the conditions of approval for cannabis retailers, cannabis delivery services and medical cannabis dispensaries designated as conditional uses in the B H-Business Highway and OB-Office Business zoning districts, and cannabis delivery services designated as a conditional use in the MU-1 Mixed Use zoning district, as follows:

215-81 (New). Cannabis Retailers, Medical Cannabis Dispensaries and Cannabis Delivery Services

A. A total of no more than three (3) cannabis retailers and medical cannabis dispensaries may be permitted to operate in the BH-Business Highway and OB-Office Business zoning districts combined. At least one place in one of the two zones must be

reserved for a medical cannabis dispensary. If no medical cannabis dispensary seeks to locate in one of the two zones, the total combined number of cannabis retailers in the two zones shall not exceed two, however distributed.

- B. Cannabis delivery services shall not be limited in number but shall be permitted only in the BH-Business Highway, OB-Office Business and MU-1 Mixed Use zoning districts.
- C. Cannabis consumption areas as defined in N.J.S.A. 24:6I-33 shall be permitted in the BH-Business Highway and OB-Office Business zoning districts only if, in addition to complying with other applicable requirements of conditional use, any such cannabis consumption area is an indoor, structurally enclosed area of the cannabis retailer or medical cannabis dispensary. It may not be an exterior structure, whether separate from or connected to the retailer or dispensary.
- D. The floor area of a cannabis retailer or medical cannabis dispensary, inclusive of any cannabis consumption area, shall not exceed 2,500 square feet.
- E. The cannabis retailer and medical cannabis dispensary (hereafter referred to together as "licensed retail facility") shall comply with the following restrictions and performance standards affecting the location, manner and times of operation:
  - (1) The operating hours of the licensed retail facility shall be between 9 am and 8 pm daily. It shall be unlawful for any person to sell or dispense cannabis or cannabis products in any licensed retail facility at any time other than between these hours.
  - (2) The licensed retail facility shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress.
  - (3) No cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place.
  - (4) All cannabis products shall be stored securely indoors and onsite.
  - (5) Consumption of cannabis products, by any means of ingestion, shall not be permitted in the licensed facility or adjacent grounds unless within an approved cannabis consumption area.
  - (6) A licensed retail facility shall plan and implement odor control measures, including carbon-filtered ventilation, sufficient to mitigate cannabis-related odors emanating from the interior of the facility. The ventilation system must be approved by the Borough Board of Health.
  - (7) A licensed retail facility shall develop and implement security protocols sufficient to secure the facility and its contents and protect the safety of customers, employees and the public. These security protocols shall be reviewed by the Pennington Borough Police Department, which in its discretion may, after inspection of the location, recommend or require additional safety and security measures.
  - (8) At a minimum, the following security measures must be undertaken:
    - (a) A video recording security system shall be employed covering all areas of the facility and the exterior of the building with a 24/7 recording system that records for a minimum 30-day archive.
    - (b) The facility and adjacent right-of-way shall be monitored by staff and kept free of loitering, litter and other debris, and the sidewalks if applicable shall be swept and cleaned on a regular basis.
- F. A licensed cannabis delivery service shall comply with the following restrictions and performance standards affecting the location, manner and times of operation:
  - (1) Time of operation shall be limited to such times as prescribed by the Cannabis Regulatory Commission.

- (2) The cannabis delivery service shall comply with the restrictions and standards provided above for licensed retail facilities to the extent applicable to the operations and facilities of the delivery service.
  - (3) Cannabis items handled by or through a cannabis delivery service shall be securely packaged and properly labeled and tracked in accordance with regulations promulgated by the State Cannabis Regulatory Commission.
- G. Both licensed retail facilities and cannabis delivery services shall comply with the following requirements:
- (1) The design of any building or structure required by the licensed facility or service shall conform to the general character of the area in which it is located.
  - (2) The facility shall provide off-street parking adequate for the needs of its customers and employees, subject to the requirements for off-street parking facilities established by Article II General Regulations. In determining the total parking space requirement, the Planning Board may be guided by expert testimony and the plan of operation for the facility.
  - (3) Site access shall be located in order to direct primary traffic flow to nonresidential areas.
  - (4) The facility shall comply with all applicable zoning, signage and site plan requirements to the extent not inconsistent with the general and specific requirements of this Article, as same may be amended from time to time.
- H. Approval of an application by a cannabis retailer or medical cannabis dispensary for issuance or renewal of licensure or permitting shall require a resolution of Borough Council supporting the application and informing the Cannabis Regulatory Commission that the applicant complies with Borough restrictions on the number of such businesses and the location, manner and times of operation.
- I. Application for approval or endorsement of a cannabis consumption area shall also require a resolution of Borough Council supporting the application and confirming that the cannabis consumption area complies with Borough restrictions.

#### Penalty for Violations

10. (New) Any violation of the provisions of this ordinance or the conditions of the zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board shall be punishable by a civil fine of no less than \$1,000.00 and no more than \$2,500.00. Each day the violation continues shall be deemed a separate and distinct offense. Ongoing or repeat offenses may result in suspension of the certificate of occupancy for a period to be determined by the Zoning Officer, and may be cause for Borough Council revocation of approval, support or endorsement for continued licensure. All violations will be reported to the State Cannabis Regulatory Commission or other appropriate state authority.

#### Applications and Fees

11. (New) Applications shall be submitted to the Borough Clerk, who shall present them to the Business Administrator and Borough Council for further action.
12. Chapter 98 of the Borough Code, concerning Fees, shall be amended by the addition of a new Article XVIII, Fees Affecting Cannabis Enterprises, which shall read as follows:

98-\_\_ Applicants for Borough approval as cannabis retailer, medical cannabis dispensary or cannabis delivery service shall pay to the Borough an Application Fee of \$1,000.

98-\_\_ A. Cannabis retailers and medical dispensaries shall pay to the Borough an annual registration fee of \$5,000.

B. Cannabis delivery services shall pay to the Borough an annual registration fee in the amount of \$2,500.00.



Local Taxation

13. Chapter 180 of the Borough Code, concerning taxation, shall be amended by the addition of a new Article III, Local Cannabis Transfer and User Tax, and shall provide as follows:

188-\_\_\_ Sales of cannabis and cannabis items by a cannabis retailer located in the Borough shall be subject to a transfer tax payable to the Borough in the amount of two percent (2%) of gross receipts. The tax shall apply to receipts from the sale of cannabis and cannabis items to another cannabis establishment, cannabis distributor or cannabis delivery service as well as to retail customers who are 21 years of age or older, or any combination thereof.

188-\_\_\_ A cannabis retailer operating one or more cannabis establishments shall pay a user tax at a rate equivalent to the transfer tax on the value of each transfer or use of cannabis or cannabis items from the license holder's establishment in the Borough to or by any other establishment of the license holder whether located in the Borough or another municipality.

188-\_\_\_ All sales and transfers of cannabis products from a medical cannabis dispensary in the Borough shall be subject to a one percent (1%) transfer tax payable to the Borough. The tax shall be assessed on the purchase price of all medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver.

188-\_\_ The transfer and user taxes provided for in this Chapter shall be in addition to any other taxes imposed by law and shall be collected and transmitted to the Borough as provided by law.

Severability

14. If any part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall not impair or invalidate the remainder but shall be confined in its operation to the affected part.

Effective Date

15. This ordinance shall be effective upon its passage and publication as provided by law.

Mr. Bliss stated that a revised version was distributed to Council Members today via e-mail and he would like to outline the changes that were made to the original ordinance sent out in the packages. Mrs. Chandler stated that Economic Development is not in favor of locations in the Town Center. Mr. Marciante stated that allowing that would cause parking problems in the downtown area where there are already problems parking. There was some discussion regarding why the Borough is opting in no when the State Regulations have not yet been issued. Mrs. Chandler stated that the regulations are more for the applicants and not guidance for municipalities. Mrs. Chandler stated that there are many hurdles to this process. Mrs. Chandler stated that the law is 200 plus pages and she has read it and feels that the Borough should proceed. Mrs. Chandler stated that once Council introduces the ordinance it will be referred to the Planning Board for consistency with the Master Plan and then it will come back to Council for introduction at the August meeting. Mrs. Chandler stated that the deadline for municipalities to adopt an ordinance is August 25<sup>th</sup>. Council discussed several changes to the proposed ordinance. Council Member Chandler made a motion to approve the changes to the ordinance, second by Council Member Marciante. Mr. Bliss was asked to prepare an ordinance for re-introduction with the changes discussed.

Mrs. Gnatt stated that she had to leave the meeting.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 6.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to Katie & Trevor Reitz, 11 Applewood Drive, Hopewell, NJ for overpayment a refund of Kunkel Park reservation fee in the amount of \$100.00.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-6.1, second by Council Member Marciante with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 6.2

RESOLUTION 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 \$ 2,524,221.78 from the following accounts:

Current	\$ 2,423,285.05
W/S Operating	\$ 34,078.67
General Capital	\$ 1,072.50
Other Trust Fund	\$ 185.00
Animal Control	\$ 30.00
Grant Fund	\$ 59,058.01
Developer’s Escrow	\$ 6,512.55
TOTAL	\$ 2,524,221.78

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-6.2, second by Council Member Semple. Council Member had questions on specific bills on the bills list. Upon a roll call vote all members present voted in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2021 - 6.3

RESOLUTION AUTHORIZING CONTRACT WITH THE  
RODGERS GROUP LLC FOR REVIEW AND DEVELOPMENT  
OF POLICIES AND PROCEDURES FOR PENNINGTON  
POLICE DEPARTMENT

**WHEREAS**, Pennington Borough seeks to retain consulting services specialized in law enforcement policies and procedures to assist the Pennington Police Department in updating its policy and procedures manual to ensure compliance with all current legal requirements affecting Department operations and enforcement activities;

**WHEREAS**, the Chief of Police and the Public Safety Committee have recommended for these purposes The Rodgers Group, LLC of Island Heights, New Jersey, staffed by law enforcement professionals who are recognized experts in the state and national standards governing best practices in law enforcement;

**WHEREAS**, The Rodgers Group as an entity has been retained for law enforcement policy development, accreditation consulting and on-line in-service training projects by more than one hundred fifty municipal and county law enforcement agencies in New Jersey over the past 12 years, more than three

hundred public safety agencies overall, and it is currently performing on-line in-service training for Pennington police;

**WHEREAS**, under the project proposal and proposed contract, of which copies are attached, the Borough will be served by a team of four policy experts and a project manager drawn from The Rodgers Group personnel identified in the attached proposal, all of whom have extensive experience in law enforcement and specific expertise in policy development and department accreditation;

**WHEREAS**, the components of the project include a detailed assessment of current policies and practices with specific reference to the needs and resources of the department and the unique challenges it faces, preparation of customized policies and procedures compliant with the most current state and national standards, and dialogue with department leadership leading to finalizing these policy directives and making them operational;

**WHEREAS**, the subject matter of the system of written directives this process produces will be comprehensive in scope, ranging from use of force, motor vehicle stops and vehicular pursuit, to management of evidence and firearms, to domestic violence and sexual harassment, all as required to be addressed by contemporary legal standards, case law and constitutional mandate;

**WHEREAS**, Borough Council determines that the services required for this project are specialized and qualitative in nature and that The Rodgers Group is uniquely qualified by expertise and training to perform these services;

**WHEREAS**, the proposed contract, for a one year term, is exempt from advertising and public bidding under the Local Public Contracts Law because it relates to extraordinary unspecifiable services (EUS);

**WHEREAS**, the Chief Financial Officer of the Borough has certified that the funds required to pay for these services, in a total amount not to exceed \$27,500., is available in Account #1-01-25-240-000-250 (Police – Consultants);

**WHEREAS**, annexed to this Resolution are the proposed form of agreement, entitled “Contract for Consulting Services” (“Agreement”) and the underlying proposal entitled “Consulting Services to Assist the Pennington Police Department in Developing a Customized Policy Manual” to commence July 1, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the attached Agreement on behalf of the Borough for the term of one year in accordance with its terms and a total contract price not to exceed \$27,500, subject to approval in final form by the Borough Attorney.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	S			
Gnatt			absent		Mills	X			
Gross	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-6.3, second by Council Member Marciante. Council Member Chandler stated that this was recommended by the Public Safety Task Force. Mrs. Chandler stated that this is to update Standard Operating Procedures, the accreditation is on hold. Upon a roll call vote all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 6.4**

**RESOLUTION AUTHORIZING PURCHASE OF SCHAFER TRASH CARTS  
THROUGH SOURCEWELL (CONTRACT #041217-SFR)**

**WHEREAS**, by Resolution 2020-7.13 and 2020-7.14 the Borough authorized the purchase of a new automated garbage truck and related equipment for use in the collection of garbage; and

**WHEREAS**, the conversion to automated collection of garbage requires that all residents have appropriate trash carts with uniform features to be provided to residents but owned by the Borough; and

**WHEREAS**, the Public Works Committee has recommended that two cart sizes, (95 gallon and 35 gallon), be made available to residents; and

**WHEREAS**, the Superintendent of Public Works upon direction from the Public Works Committee has determined that the required trash carts are available from Sanitation Equipment Corp. through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, Sanitation Equipment Corp. (“Dealer”) located in Totowa, NJ is an authorized vendor under Sourcewell Contract #: 041217-SFR for the desired 95 gallon and 35 gallon trash carts as per the attached letter dated May 14, 2021 for a total price of \$68,029.74; and

**WHEREAS**, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) 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 for this purchase under General Capital Ordinance 2020-8;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that (a) the purchase of Schaefer trash carts pursuant to the attached proposal from Sanitation Equipment Corp. (Quote dated May 14, 2021 and related specifications) is hereby authorized; and (b) the Borough Administrator and Borough Clerk are directed to execute such purchase orders and other documents as are needed to effectuate this purchase.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	S				Marciante	M			
Gnatt			absent		Mills	X			
Gross	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-6.4, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 - 6.5**

**RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL  
CONSUMPTION LICENSE #1108-33-001-001 FOR 2021-2022**

**WHEREAS**, renewal of Plenary Retail Consumption License #1108-33-001-001 is due for renewal on or before June 30, 2021; and

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

**WHEREAS**, the Borough of Pennington Health Department and Police Department have consequently not yet inspected the licensed premises for compliance with requirements under their purview;

**WHEREAS**, these matters are being addressed and it is anticipated that they will be resolved shortly;

**WHEREAS**, it is therefore the intent of Borough Council to approve the owners application for renewal of licensure subject to receipt of Tax Clearance Certificate, payment of the Borough fee and satisfactory completion of all required inspections;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the application for renewal of License #1108-33-001-001 for the year 2021-2022 is hereby approved subject to the above conditions; and

**BE IT FURTHER RESOLVED** that the Borough Clerk of the Borough of Pennington, County of Mercer, is hereby authorized and instructed to issue and deliver said license when these conditions are satisfied and then notify the Division of Alcoholic Beverage Control accordingly, on or before June 30, 2021.

**Record of Council Vote on Passage**

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

Council Member Mills made a motion to approve Resolution 2021-6.6, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 6.6**

**RESOLUTION AUTHORIZING SUBMISSION OF GOVERNOR’S COUNCIL ON  
ALCOHOLISM AND DRUG ABUSE FISCAL GRANT JULY 1, 2021 TO JUNE 30, 2022**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse 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.

**WHEREAS**, the 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 among persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has established a Municipal Alliance Committee; and,

**WHEREAS**, Pennington Borough further recognizes that it is incumbent upon not only public officials but also upon the entire community to take action to prevent alcoholism and drug abuse in its community; and,

**WHEREAS**, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

**WHEREAS**, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for budget year of October 1, 2020 to June 30, 2021, subject to certification of available funds by the Chief Financial Officer of the Borough, in the amount of:

DEDR	\$ 8,908.00
Cash Match	\$17,800.00*
In-Kind	\$ 6,681.00

\*Hopewell Township: \$14,000.00, **Pennington Borough \$1,500.00**, Hopewell Borough \$2,300.00

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.
Chandler	M				Marciante		X		
Gnatt			absent		Mills	X			
Gross	X				Semple	S			

Council Member Chandler made a motion to approve Resolution 2021-6.6, second by Council Member Semple with all members present voting in favor with the exception of Mr. Marciante who voted no.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 6.7**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 7 TO LEVY CONSTRUCTION  
COMPANY, INC. FOR WORK COMPLETED ON THE PENNINGTON BOROUGH HALL  
RENOVATION PROJECT  
(VNHA #43829-210-71)**

**WHEREAS**, Levy Construction Company, Inc. has completed work pursuant to the contract for the Pennington Borough Hall Renovation Project (VNHA #: 43829-210-71); and

**WHEREAS**, Van Note Harvey Associates has reviewed Levy Construction Company, Inc’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.7 in the amount of \$42,060.50 less 2% retainage in the amount of \$841.21; and

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

**WHEREAS**, funds are available under Ordinances 2017-14 in the General Capital Fund;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Levy Construction Company, Inc. in the net amount of \$41,219.29 pursuant to payment request No. 7 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2021-6.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 6.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 2 TO TOP LINE CONSTRUCTION CORP. FOR WORK COMPLETED ON THE BURD STREET ROAD REHABILITATION PROJECT – STATION 0+00± TO STATION 15+50± & STATION 25+00± TO STATION 30+00±**

**WHEREAS**, Top Line Construction Corp. has completed work pursuant to the contract for the Burd Street Road Rehabilitation Project - Station 0+00± to Station 15+50± and Station 25+00± to Station 30+00± (VNHA File #:43827-210-71); and

**WHEREAS**, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.2 in the amount of \$,370,102.51 less 2% retainage in the amount of \$7,402.05; and

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

**WHEREAS**, funds are available through a grant from the NJDOT under Ordinance 2020-3 in the General Capital Fund;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$362,700.46 pursuant to payment request No.2 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2021-6.8, second by Council Member Chandler. Some discussion took place with regard to water main issues that were encountered during the construction. Mr. Smith stated that this is a result of aging water pipes and is not the fault of the contractor. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 -6.9**

**RESOLUTION AUTHORIZING THE AUCTION OF CERTAIN SURPLUS PROPERTY NO LONGER NEEDED FOR THE PUBLIC USE BY PENNINGTON BOROUGH UTILIZING THE SERVICES OF GOVDEALS, INC.**

**WHEREAS**, Pennington Borough is the owner of certain surplus personal property that is no longer needed for public use as specifically identified and described on the attached Exhibit A (“Surplus Property”); and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-36 and Local Finance Notice 2019-15, Pennington Borough is authorized to sell said Surplus Property through an approved online auction; and

**WHEREAS**, the required on line services are available from [www.GovDeals.com](http://www.GovDeals.com) through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, the Borough of Pennington intends to utilize the online auction services of GovDeals, Inc. located at [www.govdeals.com](http://www.govdeals.com) ; and

**WHEREAS**, in consideration of auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to Govdeals, Inc.; and

**WHEREAS**, all other terms and conditions of the auction of the Surplus Property and agreement with GovDeals, Inc. are available on the GovDeals, Inc’s website, [www.govdeals.com](http://www.govdeals.com) and in the office of the Borough Clerk;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that:

1. Pennington Borough, is authorized to sell the surplus personal property that is identified and described on the attached Exhibit A (“Surplus Property”).
2. The Surplus Property shall be sold by public auction without cost to the Borough, through the online auction site of [www.govdeals.com](http://www.govdeals.com), as more fully described in the “Whereas Clauses,” which are incorporated herein as if fully restated.
3. In consideration for auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to GovDeals, Inc.
4. Pennington Borough shall publish in its official newspaper notice of this approved online auction together with a description of the Surplus Property to be sold. The auction shall be held not less than 7 or more than 14 days after the latest publication of the notice.
5. A certified copy of this Resolution shall be sent to the Division of Local Government Services in the Department of Community Affairs in accordance with Local Finance Notice 2019-15.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2021-6.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 6.10**

**RESOLUTION AMENDING RESOLUTION 2021-1.11 OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF PENNINGTON DESIGNATING DEPOSITORY BANKS, OFFICIAL  
NEWSPAPERS AND OFFICIAL SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2021**

**BE IT RESOLVED:**

That The Bank of Princeton, Wells Fargo, PNC Bank, Bank of America, Northfield Bank, TD Bank, Ocean Bank, and Santander Bank, be declared official depositories of the Borough of Pennington for 2021 provided any such bank receiving Borough funds first submit a sworn statement that it has not made political contributions in violation of Chapter 15, Article 1 of the Code of the Borough of Pennington regarding pay-to-play;.

**BE IT RESOLVED:**

That the Hopewell Valley News be designated as the official weekly publication for the Borough of Pennington for 2021, and as is required by law.

**BE IT RESOLVED:**

That the Hopewell Valley News and Trenton Times be designated for notification purposes when required under the Open Public Meetings Act for the Borough of Pennington.

**BE IT RESOLVED:**

That Mayor James Davy and the Borough Clerk (and in the absence of the Mayor, the Council President) be and hereby are designated as the authorized representatives of the Borough of Pennington to sign for and on behalf of the Borough all applications to the Federal and State governments, as well as in any other matters.

**BE IT RESOLVED:**

That the following individuals are designated as official signatories for the Borough of Pennington:

- 1 Mayor – James Davy
- 2 Finance Officer - Sandra Webb
- 3 Borough Administrator – Eileen Heinzl
- 4 Council President – Catherine Chandler

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2021-6.10, second by Council Member Marciante with all members present voting in favor.

**Professional Reports**

Mr. Bliss reminded Council of the Closed Session following the meeting.

Chief Pinelli stated that due to the move back to Borough Hall he did not complete a monthly report. Chief Pinelli stated that Officers are attending training classes. Chief Pinelli stated that there was one incident with a dog bite. Chief Pinelli stated that the new car will be here in July or August.

Rick Smith thanked Chief Pinelli and the Police Department for their assistance with the Memorial Day Parade.

Ms. Sterling thanked the Police Department and Public Works crew for their help with moving back to the office.

Mrs. Heinzl stated that she is working with Shade Tree on the Community Forestry Grant that is due July 9<sup>th</sup>.

**Public Comment**

Suzanne Trautwein of 42 E. Welling Ave. thanked Chief Pinelli for putting out the speed trailer. Ms. Trautwein asked if there was any update on the concerns that she raised at the last meeting. Chief Pinelli stated that the temporary speed trailer was deployed and they are addressing the concerns as best they can. Ms. Trautwein stated that she has also reached out to Hopewell Township Mayor Blake and the Hopewell Township Police Department. Chief Pinelli stated that there are many parties that need to come together to



address this. It was stated that the Borough Engineers are working on preliminary design for road work in 2022 on East Welling Avenue. Mrs. Chandler stated that the speed bumps in town are not effective in slowing traffic. Mayor Davy stated that the Borough will continue to work on these concerns.

Ms. Janet Matson of 423 Burd Street expressed concern regarding speeding on Burd Street. Ms. Matson also stated that parking is a problem as she is having trouble getting out of her driveway between the cars parked on both sides of her driveway and both sides of the street. Ms. Matson stated that her garbage and brush have not been picked up because of the parked cars. Discussion followed regarding parking on alternate sides of the street or time limit parking. Mrs. Chandler suggested a review of parking throughout the Borough.

Mayor Davy asked if the Borough has a process for reviewing these types of situations. Ms. Semple suggested a collaboration between Public Works and Public Safety.

Ms. Shannon Erwin of 46 E. Welling Avenue also expressed concerns regarding speeding cars. Ms. Matson asked if there was any consideration of a stop sign or crosswalk enforcement as there are quite a few children who walk to Tollgate School.

Michelle Needham congratulated Mayor Davy. Mrs. Needham stated that as a realtor in town she appreciates the efforts that the Borough has put into the Cannabis ordinance. Mrs. Needham stated that she does not think that it is an appropriate business for downtown. Mrs. Needham gave a shout out to Public Works and to Public Safety for the Memorial Day Parade.

### **Closed Session**

**AT, 8:52 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:

- Discussion of Acquisition of Open Space at 417B South Main Street

AT, 9:15 PM, Mayor and Council returned to open session.

Mayor Davy read Ordinance 2021-6 by title.

### **BOROUGH OF PENNINGTON ORDINANCE NO. 2021-6**

#### **AN ORDINANCE PROVIDING FOR THE ACQUISITION OF THE PROPERTY KNOWN AS 417B SOUTH MAIN STREET FOR PRESERVATION AS OPEN SPACE**

**WHEREAS**, the Pennington Open Space Committee has recommended to Borough Council that it acquire by purchase the property known as 417B South Main Street, Lot 12.02 in Block 1002 in the Borough of Pennington, consisting of .57 acre of vacant land adjacent to the Pennington African Cemetery (hereafter “the Property”);

**WHEREAS**, the Open Space Committee has advised that the Property would provide an important undeveloped buffer between the historic African Cemetery and the neighboring property to the west which is a historic house known as the “Toll Gate House,” protected by a historic preservation easement as described in the Resolution of Memorialization of the Borough Planning Board adopted June 8, 2016, approving application for the subdivision of the Toll House lot, Lot 12, creating the Property for development purposes;

**WHEREAS**, if this lot can instead be preserved it therefore will be bookended by the historic Toll Gate House and the Pennington African Cemetery creating a continuous block of historic and natural areas;

**WHEREAS**, the Pennington African Cemetery is the final resting place for Black Civil War veterans and keeping the Property undeveloped would pay appropriate respect to their memory and to their important contribution to our common heritage;

**WHEREAS**, this historic space also provides habitat for birds and foxes and can potentially be included in a future walking route from Main Street to Baldwin Court, using the existing 417 South Main Street driveway and Borough and Board of Education land;

**WHEREAS**, purchase of the Property will permit the pursuit of stewardship and development options in partnership with the Pennington African Cemetery Association (PACA) including the possibility of partnership with PACA not only in preserving the land and restoring its natural resources but also in the conduct of educational programs on the significance of the Cemetery in American history,

**WHEREAS**, purchase of the Property for open space is also consistent with the conservation easement affecting the easterly end of the Property which serves to buffer the Cemetery;

**WHEREAS**, the Mayor and Borough Council have negotiated with the owners of the Property and secured their commitment to sell it for \$199,000.00 subject to the consent of PACA and Borough Council and negotiation of a mutually satisfactory contract of sale;

**WHEREAS**, PACA and the owners have agreed to adjust their respective obligations under a certain Driveway and Shed Easements Agreement dated November 1, 2019, relating to maintenance and improvement of the driveway owned by PACA leading to the cemetery, and on this basis PACA has consented to the purchase and sale of the Property as proposed;

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

1. The Mayor with the attestation of the Borough Clerk is hereby authorized to enter into a contract of sale and to purchase the Property on behalf of the Borough for the price of \$199,000.00, appropriating funds from the Borough Open Space Fund for this purpose.
2. This authorization is expressly contingent upon permanent preservation of the Property for open space.
3. This ordinance shall be effective upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2021-6, second by Council Member Marciante with all members present voting in favor.

Mr. Bliss asked for a Special Council Meeting on June 21<sup>st</sup> at 7:00pm to hold the public hearing and adoption on Ordinance 2021-6.

With no further business to address, Council Member Chandler made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk