

**Pennington Borough Council
Regular Meeting – November 1, 2021**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:03 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, Public Works Superintendent Rick Smith, Chief Financial Officer Sandra Webb, Borough Attorney Walter Bliss and Borough Auditor Andy Hodulik.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board 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.**

Mr. Mark Blackwell of 74 North Main Street stated that he is very upset about Halloween. Mr. Blackwell stated that he generally gets around 100 trick or treaters but since the Borough has been closing Burd Street he is down to 5 to 10. Mr. Blackwell stated that he and his neighbors are feeling left out due to the closing of Burd Street. Mayor Davy stated that Council will be evaluating and reviewing this for next year. Mr. Marciante stated that he has gotten some complaints and maybe rotating different streets might work. Mr. Blackwell asked why it can't just go back to the way it was.

Mayor Davy stated that we would like to move three resolutions up and address them now.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.4**

**RESOLUTION APPOINTING SENIOR PATROL OFFICER NOVIN THOMAS TO SERGEANT
IN THE PENNINGTON BOROUGH POLICE DEPARTMENT**

WHEREAS, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

WHEREAS, Novin Thomas is now serving as Senior Patrol Officer of the Pennington Borough Police Department;

WHEREAS, upon the recommendation of Chief Douglas Pinelli, it is determined by Borough Council that Novin Thomas has qualified for appointment as Sergeant;

WHEREAS, this appointment will be probationary for a period of one (1) year;

WHEREAS, the salary for Sergeant shall be pursuant to the Police Bargaining Contract with the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Senior Patrol Officer Novin Thomas is hereby appointed to Sergeant in the Pennington Borough Police Department effective November 1, 2021.

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	X				Mills	X			
Gross	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-11.4, second by Council Member Chandler. Mayor Davy stated that Novin Thomas is a Senior Patrol Officer who was hired by the Borough in September of 1997 so he is a veteran of the department for 24 years. Mayor Davy stated that Officer Thomas had a positive and friendly attitude and as such he has been called “Mayor of Pennington”. Mayor Davy stated that throughout his tenure, Officer Thomas has earned the respect and gratitude of Pennington residents, he has received the Knights of Columbus Shield award and letters of appreciation. Mayor Davy stated that the Borough is proud to support his promotion to Sergeant of the Pennington Police Department. Upon a roll call vote all members present voted in favor.

Officer Thomas thanked Mayor and Council and many others who have supported him over the years. Officer Thomas was overwhelmed. Mrs. Chandler stated that she is sorry that this has to be done over Zoom and she has spoken to Chief Pinelli about doing something in person.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.5**

**RESOLUTION APPOINTING SENIOR PATROL OFFICER DARYL BURROUGHS JR TO
SERGEANT IN THE PENNINGTON BOROUGH POLICE DEPARTMENT**

WHEREAS, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

WHEREAS, Daryl Burroughs Jr. is now serving as Senior Patrol Officer of the Pennington Borough Police Department;

WHEREAS, upon the recommendation of Chief Douglas Pinelli, it is determined by Borough Council that Daryl Burroughs Jr. has qualified for appointment as Sergeant;

WHEREAS, this appointment will be probationary for a period of one (1) year;

WHEREAS, the salary for Sergeant shall be pursuant to the Police Bargaining Contract with the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Senior Patrol Officer Daryl Burroughs Jr. is hereby appointed to Sergeant in the Pennington Borough Police Department effective November 1, 2021.

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	X				Mills	X			
Gross	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.5, second by Council Member Marciante. Mayor Davy stated that Daryl Burroughs is a Senior Patrol Officer with the Borough who was hired in November of 2008, a long term veteran of the Department. Mayor Davy stated that Officer Burroughs has also received many letters of appreciation as well as the Knights of Columbus Shield award. Mayor Davy stated that Officer Burroughs received a Life Saving Award from the Borough of Pennington and in 2014 he was recognized once again by the Knights of Columbus as Officer of the year. Mayor Davy stated that in 2018 Officer Burroughs was recognized by the Mothers Against Drunk Driving for the most DUI's issued. Mayor Davy stated that Officer Burroughs is a valued Officer in the Police Department and the Borough is proud to support him in promotion to Sergeant. Upon a roll call vote all members present voted in favor.

Officer Burroughs was on the meeting, but he was unable to comment due to a technical difficulty.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.6**

**RESOLUTION AUTHORIZING THE HIRING OF MARK G. CARUSO AS PROBATIONARY
POLICE OFFICER IN THE PENNINGTON POLICE DEPARTMENT**

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

WHEREAS, four applications were received and two candidates were interviewed via Zoom on October 4, 2021, the Zoom panel consisting of Chief of Police Douglas Pinelli, Senior Patrol Officer Daryl Burroughs, Chad Bridges and Borough Administrator Eileen Heinzl;

WHEREAS, the Public Safety Committee has recommended the hiring of a sixth officer for the Pennington Police Department; and

WHEREAS, at a Special Meeting of Council held on October 18th, 2021, Borough Council authorized Chief Pinelli to initiate the process for hiring a qualified person; and

WHEREAS, one of the interviewed candidates recommended for hire by the interview committee was Mark G. Caruso of New Egypt, New Jersey;

WHEREAS, Chief Pinelli has recommended the appointment of Mr. Caruso, contingent upon successfully passing both a medical and psychological exam;

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

1. the hiring of Mark G. Caruso as Probationary Police Officer in the Pennington Police Department is hereby approved, contingent upon successfully passing both the medical and psychological exam;
2. Mr. Caruso’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and the Pennington Borough Police Association;
3. Mr. Caruso’s start date shall be determined by the Chief of Police.

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	X				Mills	X			
Gross	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.6, second by Council Member Marciante with all members present voting in favor.

Mr. Caruso was on the meeting and he expressed thanks to Mayor and Council.

Oaths of Office

Mr. Bliss administered the Oaths of Office to Sergeant Thomas, Sergeant Burroughs and Officer Caruso.

Officer Thomas spoke a few words, thanked his family and others who have been supportive over the years.

Mayor’s Business

Government Management Advisors Report – Mayor Davy introduced Greg Fehrenbech to present his findings on the personnel review. Mr. Fehrenbech stated that he hoped everyone had a chance to review the final report. Mr. Fehrenbech stated that he would not be reviewing the positions and functions and the interviews conducted but he summarized that he has over fifty years of municipal experience and he is very confident that the analysis that was conducted and the findings that he reports are appropriate for the Borough. Mr. Fehrenbech stated that the alternatives presented at the end of the report set forth ways to solve any problems that were found. Mr. Fehrenbech stated that that the Borough has tissue paper thin staffing for administrative services which currently operate on one leg and that is Ms. Sterling. Mr. Fehrenbech stated that staffing reductions to save money undermine the Borough’s organizational structure, there is a severe lack of succession planning and in sports terms, the Borough has no bench and at times cannot field a full lineup. Mr. Fehrenbech stated that from an HR perspective, the organization needs accurate, broad job descriptions at a minimum for the administrative positions that were part of the study but over time for all positions in the Borough. Mr. Fehrenbech stated that with job descriptions in place, performance evaluations could take place to accurately judge the performance of staff members. Mr. Fehrenbech stated that there are many ways that can be done and he has shared some helpful information with the Borough Administrator.

Mr. Fehrenbech stated that Borough Council Committees need to have Standard Operating Procedures along with a scope of responsibilities so that members understand their role and responsibilities.

Mr. Fehrenbech stated that he found that the Borough should not try to fix things that are not broken and so along those lines the recommendations come out to approximately eight. Mr. Fehrenbech stated that the full time complement in the administrative area should be brought back up to where it was five years ago. Mr. Fehrenbech stated that the Land Use Administrator position should be filled and that person could also serve as back up for the Technical Assistant to Construction. Mr. Fehrenbech stated that in addition there should be the hiring of a full time administrative assistant to provide receptionist, clerical and administrative support in the office. Mr. Fehrenbech stated that either position could also include Deputy Registrar to cover for vacations. Mr. Fehrenbech stated that the Administrative Assistant in Public Works should be thoroughly trained to provide backup for the water/sewer billing system. Mr. Fehrenbech stated that the Public Works Superintendent and his Assistant should continue to have electronic access to water accounts. Mr. Fehrenbech stated that regular informed communication should be established between the water operations and the water billing department. Mr. Fehrenbech stated that the current Technical Assistant to Construction should be retained as she possesses technical skills that are vital to the Borough. Mr. Fehrenbech suggested that instead of hiring inspectors on a part time basis, the Borough should consider a shared services agreement for inspection services. Mr. Fehrenbech stated that he mentioned before the importance of job descriptions and performance reviews to identify

strengths and weaknesses. Mr. Fehrenbech reiterated the need for succession planning. Mr. Fehrenbech stated that the water billing system should remain in the finance department as per required General Practices. Mr. Fehrenbech reiterated that need to establish standard operating procedures and policies for Council committees to communicate with Borough staff.

Mr. Fehrenbech stated that he provided several solutions at the end of the report.

Mrs. Heinzl thanked Mr. Fehrenbech for this work on the report. Mayor Davy stated that Mr. Fehrenbech reviewed the entire report with the Personnel Committee a couple weeks ago.

Mrs. Chandler asked what the process will be going forward and how will the recommendations be addressed. Mayor Davy stated that we are currently trying to find the best recommendation for the borough with the least budget impact. Mayor Davy stated that on the agenda later is a resolution authorizing the Borough Administrator to take steps necessary to fill the position of Land Use Administrator and Administrative Assistant. Mayor Davy stated that in talking to the Borough Administrator and the Borough Clerk the immediate need right now is to fill the Land Use Administrator position with backup capability and then consider an administrative assistant position next year if necessary.

Mayor Davy thanked Mr. Fehrenbech for his report.

Mayor Davy summarized the following Proclamation.

PROCLAMATION

WHEREAS, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 89,777 women, 15,279 children and 6,566 men. Additionally, Womanspace has assisted more than 290,782 hotline callers over the last 43 years; and

WHEREAS, the Borough of Pennington commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 6, 2021, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2021 will be used to fund vital services for victims of domestic violence, sexual assault and human trafficking.

NOW, THEREFORE, I, James Davy, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 6, 2021, as

COMMUNITIES OF LIGHT DAY

and hereby honor Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Pickle Ball – Temporary Arrangement – Mayor Davy stated that he has had conversations with the Pennington School and the Board has agreed to closing two of their tennis courts for use as pickle ball courts for Pennington residents only to play on. Mayor Davy stated that in the spring when tennis starts up they would have to take back the courts and possibly make them available in the summer. Mayor Davy stated that if Council is interested they would like a group set up to figure out the logistics. Mayor Davy stated that the Pennington School will not provide equipment or nets, but they will mark it out with assistance from the group. Mr. Marcianti volunteered to meet with the Pennington School.

NJDOT Grant Award – Mayor Davy announced that the Borough received word of a grant in the amount of \$545,000 for resurfacing of Rockwell Green Drive, Chadwell Court and Scudder Court.

NJUCF Stewardship Grant – Mayor Davy announced the award of a \$10,000 grant for reforestation

tree planting – phase 2. This is for twenty trees to be planted within the Borough.

East Welling Avenue – Mayor Davy stated that bids will be received on November 4, 2021 for the East Welling Avenue Road project. Letters will be going out to residents regarding a resident meeting on November 9, 2021 and the project will be awarded at a Special Meeting on November 15, 2021.

Presentations

Mayor Davy introduced Andy Hodulik who presented the audit report for 2020. Mr. Hodulik stated that they are happy to report that they have issued a clean unmodified report and that is a good thing for the Borough. Mr. Hodulik stated that they do not have any non-compliance issues to report. Mr. Hodulik stated that fund balance increased by \$184,000 at the end of 2020. Mr. Hodulik stated that bonds were sold in 2020 but there are significant funds that are expended but not funded. Mr. Hodulik stated that the Water/Sewer Utility was not self-liquidating in 2020 and what that means is the calculation of rent revenues as opposed to operating and debt service needs to be looked at and a rate increase might be in order. Mr. Hodulik stated that gap was about \$40,000. Mr. Hodulik stated that it is difficult to define the reason, but the rents collected were less than what was expended. Mr. Hodulik stated that there are fair amount of grants receivable that have not been collected and that should also be looked at. Mr. Hodulik stated that there were no major findings and no recommendations.

Mayor Davy asked Chief Financial Officer, Sandy Webb to present the Best Practices for 2021. Mrs. Webb thanked Mr. Hodulik for the audit report. Mrs. Webb stated that this is the eleventh year for the Best Practices and this year there were twelve questions less. Mrs. Webb stated that the goal is to answer enough questions to retain State Aid and we are once again not losing any of our State Aid. Mrs. Webb asked if there are any questions on the Best Practices.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt reported that the Planning Board met on October 11th and heard an application from the Pennington School regarding ball stops and that was approved. Mrs. Gnatt stated that Tollgate Grammar School submitted an application for an outdoor deck/classroom and that application was approved. Mrs. Gnatt stated that Frontier Development came in for a conceptual review for putting a Starbucks at the TD Bank location. Mrs. Gnatt stated that the Watershed Institute gave a report on impervious coverage.

Mrs. Gnatt stated that the Personnel Committee met and heard a report from Mr. Fehrenbech.

Mrs. Gnatt stated that she was unable to attend the Open Space meeting, Mr. Hershey is putting together a list of potential properties for consideration.

Public Safety/Economic Development/Environmental – Mrs. Chandler stated that the Environmental Commission also heard the presentation on impervious coverage from the Watershed Institute.

Mrs. Chandler gave a shout out to Chief Pinelli and the police department for the efforts on Halloween. Mrs. Chandler stated that it was a great event coordinated by Chief Pinelli.

Mrs. Chandler stated that Economic Development is working with the PBPA on the Holiday Walk which is coming back this year. Mrs. Chandler asked if there was a resolution on for use of Borough Hall for Santa since the Ocean First is closing and will not be available. Mr. Marciante stated that Mr. Bliss should have some input on this. Mr. Bliss stated that he agrees very much with Mr. Marciante and we should have a policy in writing and there should be a resolution for use of Borough Property. Mrs. Chandler stated that the PBPA is also looking at other sites so it may not be needed. Mrs. Chandler stated that the event will be the same as year's past.

Public Works – Mr. Marciante stated that water was tested for lead and copper and there were no issues, trees have been planted on Burd Street, leaf collection continues and automated garbage collection began today. Mr. Marciante stated that day the roll out of automated trash collection went smoothly. Mr. Marciante stated that trash carts are registered to each residence. Mr. Marciante stated that there were no flooding issues with the latest rain storm. Mayor and Council congratulated Rick Smith and the Public Works Department for a smooth roll out of the new trash collection system.

Finance / Board of Health – Mr. Gross had no reports for Finance or Board of Health.

Historic Preservation / Library – Mrs. Mills stated that she was unable to attend the Library Board Meeting and Historic Preservation did not meet in October. Mrs. Chandler stated that Historic Preservation did not meet, but they have new signs, there is one in her yard. Mrs. Chandler stated that the signs read Pennington Preserves its History and the idea is to put them in front of construction projects in the Historic District.

Parks and Recreation / Shade Tree – Ms. Semple stated that she was unable to attend the Shade Tree Meeting but Rick Smith attended and provided her with some notes. Ms. Semple stated that they are working on ideas for use of awarded grant funds. Ms. Semple stated that the budget was finalized and it

is very close to last year's request. Ms. Semple stated that there is some interest in having a bank of trees to be used for Memorial Trees.

Senior Advisory Board – Mayor Davy stated that the Senior Center open house will be November 10th at 2:00pm.

At 8:30pm, Mr. Gross excused himself from the remainder of the meeting.

Council Discussion

Mr. Marciante stated that he would like some clarification on use of open space funds. Mr. Marciante stated that he thought he read that funds could be used for development rights for recreation and conservation purchases. Mr. Bliss stated that it would be up to Borough Council. Mr. Marciante stated that pickle ball at the dump or the Senior Center would be recreational. Mayor Davy stated that a portion of the landfill would have to be designated as recreation, but it can't be done now because remediation is still underway.

Mr. Marciante stated that because of the discussion of noise related to pickle ball he looked at the noise ordinance and it needs to be updated. Mrs. Heinzel stated that she would work on getting some sample ordinances and she would reach out to the Board of Health.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2021-15 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 -15**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF BODY WORN CAMERAS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$72,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$56,196 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$72,500, including a grant from the State of New Jersey Department of Law and Public Safety in the amount of \$16,304 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement or purpose herein since the improvement or purpose is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$56,196 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of body worn cameras and related equipment for the Police Department, including all related costs and expenditures incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time

subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$56,196, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,396 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

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

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

Council Member Chandler made a motion to introduce Ordinance 2021-15, second by Council Member Gnatt. Mrs. Chandler stated that six cameras will be purchased with related equipment and this will be paid over the next four years. Some discussion took place regarding the four year financing and the intent to fund this in the budget over four years. Upon a roll call vote all members present voted in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2021-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021- 14**

**AN ORDINANCE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF
NEW JERSEY AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH
PENNINGTON BOROUGH POLICE ASSOCIATION**

WHEREAS, the Borough of Pennington and the Pennington Borough Police Association have negotiated the terms of a collective bargaining agreement for the years 2021, 2022, 2023 and 2024 (“Collective Bargaining Agreement Between the Borough of Pennington and the Pennington Borough Police Association, January 1, 2021 – December 31, 2024,” or “Collective Bargaining Agreement”); and

WHEREAS, the Collective Bargaining Agreement establishes salaries and other conditions of employment; and

WHEREAS, a copy of the Collective Bargaining Agreement is available for inspection at the office of the Clerk in Borough Hall; and

WHEREAS, the Borough desires to adopt this Collective Bargaining Agreement and authorize the salary payments contained therein;

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

1. The Collective Bargaining Agreement negotiated with the Pennington Borough Police Association for the years 2021, 2022, 2023 and 2024, a copy of which is on file in the Office of the Borough Clerk, is hereby incorporated herein by reference and adopted by the Borough of Pennington.
2. In the event that the terms and conditions of the Collective Bargaining Agreement are at variance with the Borough Employee Personnel Manual, the terms and conditions of the Collective Bargaining Agreement shall be controlling.
3. The Mayor and Clerk are hereby authorized to sign and seal the said Agreement on behalf of the Borough.
4. This Ordinance shall take effect upon final passage and publication according to law, provided however that the terms set forth in said Agreement shall be in effect retroactively to January 1, 2021, except as otherwise specifically provided in the agreement.
5. All ordinances or portions thereof inconsistent herewith are hereby repealed.

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2021-14, second by Council Member Mills. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2021-14, second by Council Member Marciante with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 11.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to James Reilly, 323 Sked Street, for overpayment of 4th Quarter property taxes for Block 705, Lot 4 in the amount of \$4,069.71.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2021-11.1, second by Council Member Mills with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.2

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 \$ 2,034,691.24 from the following accounts:

Current	\$1,639,098.74
W/S Operating	\$ 327,058.35
General Capital	\$ 36,857.84
Animal Control Fund	\$ 6.60
Open Space Fund	\$ 8,217.60
Other Trust Fund	\$ 200.00
Grant Fund	\$ 22,725.61
Developer’s Escrow	\$ 526.50
TOTAL	\$2,034,691.24

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	S				Mills	X			
Gross			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.2, second by Council Member Gnatt with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2021-11.3

RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO PROCEED WITH
RECRUITMENT TO FILL THE POSITIONS OF LAND
USE ADMINISTRATOR AND ADMINISTRATIVE ASSISTANT

WHEREAS, the Borough has retained Government Management Advisors LLC (GMA) to conduct an administrative review of front office staffing;

WHEREAS, vacancies in certain part-time administrative positions in the front office have provided an opportunity, prior to filling these positions, to conduct a third-party professional examination of current conditions and provide options for alternative configurations of benefit to the Borough;

WHEREAS, the goal of the review has been to identify staffing strategies that are as efficient as possible within the constraints of a small-town largely part-time administrative structure;

WHEREAS, GMA has now provided a report which finds that after years of reducing full-time positions to part-time or less in the Borough’s front office, more staff resources are needed to address adequately the needs for required administrative services, especially with respect to immediately available backup and successor personnel when needed;

WHEREAS, GMA includes among its recommendations the hiring of a full-time Land Use Administrator to perform in addition to Joint Planning and Zoning Board administration, administrative support for the Historic Preservation Commission, backup coverage for the Clerk, Registrar, Finance and Tax Collector, general office support as well as the responsibilities of the Court Recorder;

WHEREAS, GMA also recommends the hiring of a full-time Administrative Assistant for the front office to provide support for reception, clerical and other office functions and serve as account clerk and deputy registrar;

WHEREAS, the Personnel Committee of Borough Council has endorsed these recommendations

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to proceed with recruitment to fill the positions of Land Use Administrator and Administrative Assistant as here described and to take such steps as necessary to present suitable candidates for consideration by Borough Council.

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

Council Member Marciante made a motion to approve Resolution 2021-11.3, second by Council Member Gnatt. Mayor Davy explained that the Land Use Administrator position will be filled as soon as possible and the Administrative Assistant position will be held until next year to see if it can be worked into the budget. Mrs. Chandler stated that earlier in the spring Council increased a position in the public works department to full-time. Discussion took place regarding the position of Assistant to the Superintendent of Public Works. Mr. Smith stated that the employee was promised additional money and someone should get back to her if that is not the case. Mrs. Heinzl stated that was the understanding if the water/sewer billing was going to be moved to public works but as per the personnel report that is not likely to happen. Mr. Marciante stated that if she was promised a raise she should be given the raise. Mrs. Heinzl suggested that the Personnel Committee should meet on this. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.7**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE 2020 ANNUAL
AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe regulations pertaining to local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the sections of the Annual Audit entitled **General Comments and Recommendations**, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated

aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, does hereby certify to the Local Finance Board that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled **General Comments and Recommendations**, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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	X				Mills	X			
Gross			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.7, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-11.8**

**RESOLUTION AUTHORIZING AMENDMENT OF CONTRACT WITH
SCORPION OUTDOORS TO EXPAND THE DEER MANAGEMENT PROGRAM**

WHEREAS, pursuant to Resolution 2021-8.5, the Borough has entered into a contract for deer management with Brian Kubin d/b/a Scorpion Outdoors dated September 8, 2021 (“Agreement”) at a total contract cost of \$8,000 inclusive of all reimbursable expenses, to be drawn from the Borough Open Space Fund;

WHEREAS, Resolution 2021-9.10 thereafter authorized amendment of the Agreement to a total contract cost of up to \$10,500, representing the added not-to-exceed cost of disposing of harvested deer if same cannot be accomplished by donation;

WHEREAS, a breakdown of the amended \$10,500 amount includes: a Scorpion fee of up to \$7,500., representing up to 50 deer @ \$150; plus a reimbursable cost of up to \$2,500 for disposing of harvested deer that cannot be accomplished by donation, representing up to 50 harvested deer at \$50 per deer; plus a reimbursable cost of up to \$500 for the cost of bait as needed;

WHEREAS, Borough Council seeks to further amend the Scorpion Agreement by providing for the harvesting of up to 25 additional deer @ \$150 and any related increase in reimbursable costs, for an amended not-to-exceed amount totaling \$15,750;

WHEREAS, a breakdown of this newly amended amount, representing a 50% increase in the present contract, includes: 75 deer @ \$150 (\$11,250.) plus disposal of up to 75 harvested deer @ \$50 if payment is needed (\$3,750.), plus reimbursement of up to \$750 for bait as needed;

WHEREAS, the Chief Financial Officer has certified that funds are available for the additional amount from the Borough Open Space Fund;

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

1. The pertinent language of Section 3 on page 3 of the Agreement shall be further amended to read as follows:

“Fees for services and related costs will be charged as follows: * * *
(c) in the event donations of harvested deer cannot be accomplished without charge, a charge of up to \$50 per harvested deer for disposal by an appropriate non-profit organization or commercial vendor.”

2. Section 11 on page 5 of the Agreement shall be amended to read as follows:
- “The goal of this Agreement is 75 harvested deer. The total cost of services to be provided pursuant to this Agreement shall not exceed \$15,750, broken down as follows: up 75 deer @ \$150 (\$11,250.), plus reimbursement for cost of disposal of up to 75 harvested deer @ up to \$50 if donation without cost is not possible (\$3,750.), plus reimbursement of up to \$750 for needed bait.”
3. All provisions of the Agreement as amended by Resolutions 2021-8.5 and 2021-9.10 not inconsistent with these amendments shall remain in full force and effect.

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		X			Mills	X			
Gross			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-11.9**

**RESOLUTION AUTHORIZING EXPENDITURES FROM
OPEN SPACE FUND FOR TREE WORK AT KUNKEL PARK IN THE
BOROUGH OF PENNINGTON**

WHEREAS, on the recommendation of the Parks and Recreation Committee in collaboration with Borough Council’s Public Works Committee, Borough Council seeks to make improvements to Kunkel Park to enhance its enjoyment by Borough residents as active open space;

WHEREAS, as an initial step toward this goal, the Committees have recommended the removal of trees as described in the annexed quote from Tom’s Tree Service; and

WHEREAS, the trees to be removed have been identified and marked;

WHEREAS, the Public Works Superintendent has obtained three (3) quotes and recommends that the work be awarded to Tom’s Tree Service, 2514 Pennington Road, Pennington, NJ 08534 in the amount of \$4,500.00; and

WHEREAS, Tom’s Tree Service will provide a copy of his insurance certificate prior to starting the work; and

WHEREAS, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

WHEREAS, the funds are available in the Open Space Trust Fund for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to issue a purchase order in an amount not to exceed \$4,500 to Tom’s Tree Service for removal of trees in accordance with the annexed proposal by Tom’s Tree Service.

Record of Council Vote on Passage

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

Council Member Gnatt made a motion to approve Resolution 2021-11.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.10**

**RESOLUTION AUTHORIZING THE PROMOTION OF
CHRISTOPHER WEBB TO THE POSITION OF CREW MEMBER**

WHEREAS, pursuant to Article 28 of the agreement between the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35, promotion to the position of Crew Member in the Department of Public Works requires mastery of all Laborer 2 level responsibilities assigned with little or no supervision, direction or instruction; a demonstrated ability to lead, provide guidance and relay instruction to employees in the Laborer 1 and Laborer 2 positions; knowledge of proper practices and safety procedures; the ability to receive assignments, plan and direct the work of and be responsible for a field crew; coordinate work activities with others and perform independently all other duties as assigned; the ability to operate and use nearly every piece of equipment utilized by the Department; and an outstanding ability to communicate with the public, fellow employees and supervisors;

WHEREAS, the Superintendent of Public Works has determined that Christopher Webb, a Laborer 2, meets the qualifications for Crew Member and deserves promotion to that position;

WHEREAS, the Personnel Committee is in agreement with the recommendation of the Superintendent and approves the promotion;

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

1. The promotion of Christopher Webb from Laborer 2 to Crew Member is hereby approved effective at the start of the next pay period, November 11, 2021.
2. Mr. Webb’s hourly rate will be adjusted as set forth in the agreement between the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35;
3. Mr. Webb’s pay increase will be effective November 11, 2021.

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	X				Mills	S			
Griffiths			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.10, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-11.11**

**RESOLUTION AUTHORIZING LEASE OF PENNINGTON BOROUGH
SENIOR CITIZENS’ CENTER TO THE COUNTY OF MERCER
FOR THE YEARS 2022 AND 2023**

WHEREAS, the Borough of Pennington has leased the multi-purpose room and kitchen facilities of the Hopewell Valley Senior Citizens’ Center to the County of Mercer for use between the hours of 8:00 a.m. and 1:00 p.m., Monday through Friday, by the Mercer County Senior Citizens Nutrition Program;

WHEREAS, the aforesaid lease is now proposed to be renewed for the term of two years beginning January 1, 2022 and ending December 31, 2023 at the rate of \$14,000.00 for 2022 and \$14,500.00 for 2023, payable quarterly;

WHEREAS, the proposed renewal lease provides for termination by either party upon 90 days’ notice in writing, with rent to be adjusted on a per diem basis;

WHEREAS, pursuant to the proposed lease, the County agrees to indemnify and hold harmless the Borough from liability relating to the acts or omissions of the County as provided in the proposed lease;

WHEREAS, the proposed lease requires the Borough to pay for utilities and to arrange for snow removal as necessary, while requiring the County to be responsible for repairs and replacements relating to its activities on the premises as well as for the costs of a telephone installed specifically for its use;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into the aforesaid Lease, of

which a copy is attached, on behalf of the Borough, subject to approval by the Borough Attorney as to form.

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	S				Mills	X			
Gross			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-11.12**

**RESOLUTION AUTHORIZING PURCHASE OF RIFLES AND RELATED EQUIPMENT
UNDER STATE CONTRACT FOR POLICE DEPARTMENT**

WHEREAS, the Pennington Borough Police Department has a need for rifles and related equipment; and

WHEREAS, the Chief of Police has determined that the required rifles and related equipment 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 and related equipment 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 \$12,759.40, is attached to this Resolution; and

WHEREAS, purchase of the rifles and related equipment 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 and related equipment 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.
Chandler	M				Marciante	X			
Gnatt	X				Mills	S			
Gross			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.14, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION # 2021 – 11.13**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2021 budget appropriations:

Current Fund Appropriations:	To:	From:
Elections	\$2,500.00	
Group Insurance		\$2,500.00
Total Current Fund	\$2,500.00	\$2,500.00

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	X				Mills	X			
Griffiths			X		Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-11.13, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 11.14**

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

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

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

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

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

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

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

WHEREAS, there was “much interest” in the community in exploring wither an aesthetically design overpass or an underpass, if it could be well lit, safe and deal with drainage problems at this low intersection; and

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

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

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

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

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

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

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	X				Mills	X			
Gross			X		Semple		X		

Council Member Marciante made a motion to approve Resolution 2021-11.14, second by Council Member Chandler. Ms. Semple stated that the Borough might want to put some parameters on this. Upon a roll call vote all members present voted in favor with the exception of Ms. Semple who voted no.

Professional Reports

Chief Pinelli stated that he would like to thank Borough Council for their support of the Police Department. Chief Pinelli stated that he would like to thank DPW for their assistance with the recent fatal accident.

Rick Smith commended Chris Webb and Ken Smith for their hard work. Rick Smith also thanked Chief Pinelli and the Police Department for checking in and offering services in connection with the fatal accident.

Ms. Sterling reminded Council Members to stop in and sign the Group affidavit once they have read the comments and recommendations section of the audit.

Public Comment

Mayor Davy asked anyone wishing to address Council to 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.

Cecile Vidican of 220 South Main Street asked if Council received her e-mail with suggestions for possible solutions for the Air BNB house across the street from her. Mayor Davy stated that he got the e-mail and he is in the process of setting up a meeting with the Chief of Police and Borough Administrator and residents in the area. Ms. Vidican stated that the problem is ongoing, but there have been some improvements after Chief Pinelli spoke to the owner. Michelle Needham asked if she could be a part of the discussion on this issue. Ms. Needham stated that she feels it would be a great idea for the Borough to have an Air BNB ordinance for short term rentals.

Mrs. Chandler asked if Council could talk about going back to in-person meetings. Mayor Davy stated that he would hold a discussion at the December meeting.

At 8:55 P.M. with no further business to address Council Member Chandler made a motion to adjourn, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk