

**Pennington Borough Council  
Regular Meeting – December 6, 2021**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:01 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gross, Marciante, Mills and Semple in attendance. Council Member Gnatt was absent.

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

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

There were no comments from the public.

**Mayor's Business**

Mayor Davy announced receipt of a letter from the NJ DOT relative to resurfacing of Fitzcharles Drive, North Riding Drive and Walking Purchase Drive and the Borough will not be receiving grant funds for this project. Mayor Davy indicated that the Borough will either reapply for this project or possibly include funds in the budget for part of the work.

Mayor Davy stated that there was some discussion about returning to in person meetings in January but with the rise in cases due to the Omnicrom variant he would like to revisit that discussion for the February meeting and remain remote for the January meeting. Council Members agreed.

Mayor Davy announced the need for a special meeting on December 13<sup>th</sup>. Mayor Davy stated that we recently lost two of our police officers to Hopewell Township and Chief Pinelli will have two recommendations for replacements at that time.

Mayor Davy announced that the Reorganization Meeting and Regular Meeting will be held on Wednesday, January 5<sup>th</sup>, 2022 beginning at 7:00pm.

**Approval of Minutes**

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held October 4, 2021, second by Council Member Marciante will all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the Special Meeting held October 18, 2021, second by Council Member Mills with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the Regular Meeting held November 1, 2021, second by Council Member Mills with all members present voting in favor with the exception of Mr. Gross who abstained.

**Committee Reports**

**Planning & Zoning / Open Space / Personnel** – No report.

**Public Safety/Economic Development/Environmental** – Mrs. Chandler stated that she missed the Environmental Commission meeting. Mrs. Chandler stated that the Police Department is losing two officers, one will be using accrued time and the other will work his remaining shifts. Mrs. Chandler stated that Public Safety met with a company called Jobs 4 Blue to assist with Paid Detail services. Mrs. Chandler stated that this service is included with a package that we are already paying for and will free up a lot of time spent by Chief Pinelli and Betty Sterling related to scheduling and billing and collection. Mrs. Chandler asked if a resolution will be ready by year end. Mrs. Sterling stated that the Ordinance that is on for introduction tonight is the first step and we anticipate have a resolution authorizing the agreement for the December 30<sup>th</sup> meeting. Mrs. Chandler stated that there is also another option available that would free up time spent inputting payroll and we will be looking at that as well.

Mrs. Chandler stated that the Holiday Walk was held this past Friday and it was a huge success. Mrs.

Chandler stated that she would like to express appreciation to the Police Department and the Public Works Department for pitching in to make the event a success. Mrs. Chandler stated that speaking of pitching in, the Pennington Business and Professional Association has requested assistance in paying for Police services provided during the event. Mrs. Chandler stated that the services include time worked by the Pennington Police and the Mercer County Sheriff's Department. Mrs. Chandler stated that the total cost is about \$4,000 and there are funds in various accounts, library, Economic Development and Celebration of Public Events. Mr. Marciante stated that \$4,000 is a lot of money. Mrs. Gross asked why this request did not come in sooner, as this request came in two or three days before the event. Mrs. Chandler stated that the PBPA scrambled to get donations to cover some of the expenses. Mrs. Chandler stated that any help would be appreciated. There was some discussion regarding the rates for Paid Detail based on the new contract. Mr. Marciante stated that this was not budgeted. Mrs. Chandler stated that the PBPA decided quickly to hold the Holiday Walk. Mr. Marciante was concerned about doing this without it being budgeted. Mayor Davy stated that if Council agrees to this, it will likely become a yearly request. Mrs. Chandler stated that is part of a bigger discussion because the PBPA cannot afford the snowflakes in town or the costs of the Holiday Walk. Mayor Davy suggested submitting a bill for the difference between the costs and the funds that are in the budget and bill the PBPA for the difference. Mayor Davy stated that he would circle back with Chief Pinelli tomorrow regarding the rates in the new contract. Mrs. Chandler stated that in January she will be meeting with the PBPA to go over the costs for the Borough assuming some of the events that the PBPA sponsors including the Holiday Walk and the Snowflakes.

Mayor Davy stated that there is a discussion item later in the meeting regarding the snowflakes and he would like to talk about that now as part of this discussion. Mayor Davy stated that there are some issues related to insurance for the snowflakes mounted on the poles in town. Mayor Davy asked Mr. Bliss to comment on this. Mr. Bliss stated that it was the Borough's understanding that the PBPA entered into an agreement with PSE&G to indemnify PSE&G for any damages caused by the snowflakes. Mr. Bliss stated that the Borough reached out to the Joint Insurance Fund to find out if the PBPA coverage were not enough would the Borough insurance come in on top to keep PSE&G whole and the answer was yes. Mr. Bliss stated that a couple of days ago we discovered that there wasn't an agreement with PSE&G and the PBPA and also that their insurance agent was recommending against an agreement and they were also recommending that there be no agreement with the Borough where the Borough insurance would kick in if the PBPA insurance were not enough because that would effectively make the PBPA insurance the primary and make their insurance too expensive or they might even lose it. Mr. Bliss stated that we left that conversation and spoke to the Joint Insurance Fund and they assured us that we can live without the agreement with PBPA and PSE&G. Mr. Bliss stated that the Joint Insurance Fund's main concern was the loss of immunity to suit because the event is not a Borough sponsored event. Mr. Bliss stated that this does not shine a beacon on the situation. Mr. Bliss stated that it should be revisited after this year.

Mrs. Chandler stated that she will have a better picture of costs after the January meeting. Ms. Semple stated that she thinks that if funds are allocated, is the Holiday Walk the best place to spend these funds. Ms. Semple stated that the PBPA might want any funds budgeted to go more towards helping the businesses downtown.

**Public Works** – Mr. Marciante stated that automated garbage is going well and leaf pickup is happening twice a week continuing to December 31<sup>st</sup> at which time leaves will be required to be in bags.

**Finance / Board of Health** – Mr. Gross stated that the Board of Health did not meet. Mr. Gross stated that the Finance Committee will be meeting in December as per the new budget schedule.

**Historic Preservation / Library** – Mrs. Mills stated that Historic Preservation did not meet. Mrs. Mills stated that the Library is adhering to safety measures with regard to hours of operation and scheduling. Mrs. Mills stated that programs are ongoing and they are working on their strategic plan and the Big Read program.

**Parks and Recreation / Shade Tree** – Ms. Semple stated that she has nothing to report though there are two resolutions on for discussion related to Kunkel Park.

**Senior Advisory Board** – Mayor Davy had nothing to report for Senior Advisory.

### **Council Discussion**

Mayor Davy stated that the Holiday Walk/Snowflake discussion already took place.

**Capehart/Scatchard – Cannabis Letter** – Mayor Davy stated that Council received copies of a letter from an attorney related to a license for a retail cannabis establishment in the zone along Route 31. Mr. Davy suggested a discussion on how to address the letter. Mayor Davy stated that they are seeking a letter of support from the Borough. Mr. Bliss stated that he has not been in contact with the Attorney but the letter does indicate that an application has not been filed. Mr. Bliss stated that one of the elements needed for the application is a proof of local support which is defined as a resolution of Borough Council. Mr. Bliss stated that our ordinance provides that all official actions taken must come from Borough Council. Mr. Bliss stated as part of the deliberation by Council, the applicant should provide all

relevant documentation for consideration. Mr. Bliss stated that as he reads the letter, their attorney would like a resolution where the applicant could come and answer any questions concerning the details of the proposal. Mr. Bliss stated that would also satisfy the requirement for a public meeting.

Mr. Marciante asked if the Borough could oppose an application once a license is issued. Mr. Marciante stated that if a license is issued we should not be able to deny it. Mr. Bliss stated that an applicant can't file an application with the State for a license without a proof of support from the municipality.

Mr. Bliss stated that the ordinance has general guidelines, but the application process allows the Borough to set conditions and be part of the process. There was some discussion about the process. Mr. Bliss stated that it is important that any applicants submit to the Borough as much information as possible in order for the Borough to issue proof of support. Mayor Davy stated the law has requirements that we have to follow.

**Hallgren – Water Meter Leak** – Mayor Davy stated that a letter was received from a resident regarding a meter replacement that leaked and caused some damage to improvements in the basement and asking for reimbursement for an insurance deductible. Mayor Davy stated that we don't really know what happened other than what is in the letter. Mr. Marciante stated that he would recommend that we pay for the reimbursement of the deductible. Mayor Davy stated that a resolution will be prepared for the December 30<sup>th</sup> meeting.

**ORDINANCES FOR INTRODUCTION**

Mayor Davy read Ordinance 2021-16 by title.

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

**AN ORDINANCE FURTHER AMENDING AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2021**

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

**SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION**

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

Borough Administrator	[84,781.79] \$86,053.52
Borough Clerk	[44,291.76] \$44,956.14
Assistant Chief Financial Officer	[75,674.18] \$76,809.29
Utility Collector	[30,600.00] \$31,059.00
Chief Financial Officer (part time)	[85.53] \$86.81/hour
Tax Collector (part time)	[85.53] \$86.81/hour
Technical Assistant to Construction (part time)	[25.50] \$25.88/hour
Tax Assessor (part time)	[13,513.96] \$13,716.67
Zoning Officer (part time)	[9,145.22] \$9,282.40
Land Use Admin/Admin Asst. - (Full Time Eff. 4/13/21)	[53,301.77] \$54,101.30
Deputy Registrar	[2,303.19] \$2,337.74
Supt. of Public Works	[ 85,579.66] \$86,863.35
Licensed Water Operator	[47,754.36] \$48,470.68
Assistant to Superintendent of Public Works (to 6/30/21)	[15.30] \$15.53/hour
<b>Assistant to Superintendent of Public Works (eff 7/1/21)</b>	<b>\$40,000.00</b>
Foreman	\$76,750.00
Judge of Municipal Court	[12,848.53] \$13,041.26
Court Administrator (part time)	[17,850.00] \$18,117.75

Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police (effective May 4, 2021)	\$115,000.00
Administrative Assistant	[15.00] \$15.23/hour
Construction Official	\$28,373.53
Plumbing Sub-Code	\$41.98/ hour
Fire Sub-Code	\$42.61/ hour
Electric Sub-Code	[41.14] \$41.76/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$50.00 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Police Department:</b>		
Crossing Guards	\$ 15.00	[26.51] \$ 26.91
Special Police	\$ 16.92 per hour	
<b>Part Time Employees – All Departments:</b>		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

**SECTION II: Employee/Personnel Manual.**

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

**SECTION III:**

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

**SECTION IV:**

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

**SECTION V:**

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2021 if appropriate.

Council Member Chandler made a motion to introduce Ordinance 2021-16, second by Council Member Gross. Mrs. Semple asked why the change. Mrs. Chandler stated that a promise was made to the Assistant to the Superintendent of Public Works six months ago, but it was never done. Upon a roll call vote all members present voted in favor with the exception of Ms. Semple who abstained.

Mayor Davy read Ordinance 2021-17 by title.

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

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

**WHEREAS**, Borough Council seeks to supplement and further codify the policies of the Borough of Pennington with respect to the off-duty employment of Borough police officers in police-related services for private persons and entities, commonly known as paid detail services;

**WHEREAS**, Borough Council also intends by this Ordinance to revise and update fees to be charged by the Borough for these paid detail services;

**WHEREAS**, the further purpose of this Ordinance is to authorize the use of a third-party service provider to perform designated administrative functions in connection with paid detail services for a fee to be charged by the provider directly to the recipient of the services in addition to other Borough fees;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington that Chapter 46 of the Code of the Borough of Pennington is hereby amended by the addition of a new Article IV, Paid Detail Service, which shall read as follows:

1. Paid Detail Services shall be defined as services in the nature of special or private police duty provided by Borough Police officers in their off-duty hours to individuals, groups, clubs, institutions and other entities which make payments for such services because they are services the Borough is not obligated to provide as normal police services.
2. Borough police officers shall be permitted to perform paid detail services during each officer's respective off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.  
All such work assignments shall be made by the Chief of Police or designee consistent with the collective negotiations agreement with the officers' majority representative and the standard operating procedures of the Department, as applicable.
3. All requests for paid detail service shall be submitted through the Chief of Police in writing.
4. Off-duty police officers performing paid detail services shall provide such services in a manner consistent with the standard operating procedures of the Police Department.
5. **All persons or entities receiving paid detail services shall make payments to the Borough, in the manner it directs, according to a schedule of fees provided in Chapter 98 of the Borough Code.**
6. The Borough may elect to utilize a third-party service provider to perform administrative functions related to paid detail service. These functions include but need not be limited to communicating with the person or entity to schedule paid detail service in coordination with the Department, invoicing the person or entity, and receiving escrow and payments from the person or entity in a manner consistent with the provider's agreement with the Borough. The third-party service provider may charge the person or entity an additional fee for its services that is above and in addition to the fees payable to the Borough as set forth in Chapter 98. Any such additional fee shall comply with the provider's contract with the Borough.
7. **A third party service provider collecting amounts due from a person or entity receiving paid detail services shall make payments to the Borough via ACH or other funds transfer methods in the amount of the fees due to the Borough, whether or not the provider has yet received payment from that person or entity. These payments shall be made in a timely manner coinciding with the payroll periods in which the paid detail services are provided.**

**BE IT FURTHER ORDAINED** by the Borough Council of the Borough of Pennington that Article IV of Chapter 98 of the Code of the Borough of Pennington, concerning Fees Required for Paid Detail Police Services, is hereby amended (with deleted language crossed out and new language underlined) as follows:

98-23. Procedures.

"All recipients of paid detail services shall pay a fee to the Borough for these services as required by Article IV of Chapter 46 of the Borough Code. 'Paid detail services' are  
~~services in the nature of special or private police duty provided by Borough police officers in their off duty hours which the Borough is not obligated to provide as normal~~

~~police services. These services are provided to individuals, groups, clubs, institutions and others who make payments for such services. All requests for such services shall be made to the Director of Public Safety and all payments for such services shall be made to the Borough.”~~

98-24. Fees.

“The fee paid to the Borough for paid detail services shall be as follows **except as further provided in Sections 98-25 and 26.**

- A. In calendar year ~~2021~~197, beginning on the effective date of this ordinance, ~~\$85~~ 55 for each hour of service by each Borough officer with a minimum payment of ~~\$340~~ 220 per officer.
- B. In calendar year ~~2022~~08, ~~\$100~~ 65 for each hour of service by each Borough officer with a minimum payment of ~~\$400~~ 260 per officer.
- C. In calendar year ~~2023~~08, ~~\$100~~ 65 for each hour of service by each Borough officer with a minimum payment of ~~\$400~~ 260 per officer.
- D. In calendar year 2024, \$100 for each hour of service by each Borough officer with a minimum payment of \$400 per officer.
- E. ~~D-E.~~ In addition to ~~Of~~ the hourly rates specified, \$10 per hour shall be charged ~~retained~~ by the Borough as an administrative fee.
- F. In accordance with Article IV of Chapter 46, any third-party providing administrative services to the Borough related to paid detail services may charge an additional fee directly to the person or entity receiving services, in addition to the above fees due to the Borough, to compensate the provider for its services. Any such fee shall be consistent with the agreement between the Borough and the third-party provider.

98-25 (no change) – Administrative fee waived for certain events.

The Borough waives its administrative fee in connection with paid detail service for any event which promotes and supports community programs and civic pride in Pennington and is sponsored by a local school or local nonprofit organization. As used herein, “local school or local nonprofit organization” shall mean a local school or local nonprofit organization which confines its activities to the Hopewell Valley.

**98-26 (new) – Fees for persons who are Borough residents.**

**Paid detail services within the Borough for persons who are Borough residents shall be billed at an hourly rate equal to time and a half of each of the affected officer’s rate of pay.**

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication as provided by law.

Council Member Mills made a motion to introduce Ordinance 2021-17, second by Council Member Chandler. Mr. Bliss stated that between when the packets went out and today some editorial changes are necessary and an amended ordinance was distributed to Council. Upon a roll call vote all members present voted in favor.

#### **ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

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 open the Public Hearing on Ordinance 2021-15, second by Council Member Mills. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2021-15, second by Council Member Mills with all members present voting in favor.

#### **NEW BUSINESS**

#### **BOROUGH OF PENNINGTON RESOLUTION #2021 – 12.1**

#### **RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to R.P. Hughes Land Development, c/o Beth Bannan, 144 Brown Street, Yatesville, PA 18640 for an overpayment of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Taxes for 2020 for Block 203, Lot 3 in the amount of \$1,614.59.

**BE IT RESOLVED** that a refund be issued from the Current Fund to R.P. Hughes Land Development, c/o Beth Bannan, 144 Brown Street, Yatesville, PA 18640 for an overpayment of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Taxes for 2020 for Block 203, Lot 4 in the amount of \$1,444.35.

**BE IT RESOLVED** that a refund be issued from the Current Fund to R.P. Hughes Land Development, c/o Beth Bannan, 144 Brown Street, Yatesville, PA 18640 for an overpayment of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Taxes for 2020 for Block 203, Lot 5 in the amount of \$173.87.

**BE IT RESOLVED** that a refund be issued from the Current Fund to 171921 Burd St., LLC 1101 East 19<sup>th</sup> Street, Brooklyn, NY 11230 for an overpayment of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Taxes for 2020 for Block 503, Lot 3 in the amount of \$4,796.84.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Umberto Nini, 203 Pennington Rocky Hill Road, Pennington, NJ 08534 for an overpayment of 3<sup>rd</sup> and 4<sup>th</sup> Quarter Taxes for 2020 for Block 503, Lot 8 in the amount of \$7,181.54.

**BE IT RESOLVED** that a refund be issued from the Developer's Escrow Fund to Brian Markison, c/o Robert Ridolfi, 26 Harbourton-Woodsville Road, Pennington, NJ 08534, for the unexpended balance for Planning Board Application #21-002 for 107 King George Road, Block 302, Lot 5 in the amount of \$51.43.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Katie Curran & Maria

Gomez, 13 Chadwell Court, Pennington, NJ 08534 for an overpayment of 4<sup>th</sup> Quarter Taxes 2021 for Block 403, Lot 29 in the amount of \$400.00.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Stewart Title, 303 W. Main Street, Freehold, NJ 07728 for an overpayment of 4<sup>th</sup> Quarter Taxes 2021 for Block 403, Lot 7, Thomas & Christine Dorsett, 18 Park Avenue in the amount of \$3,546.44.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic Tax Service, Attn; Refunds, P.O. Box 9202, Coppell, Texas for an overpayment of 2<sup>nd</sup> Quarter Taxes 2021 for Block 304, Lot 10, Michael & Holly A. Fay, 33 Eglantine Avenue in the amount of \$5,051.42.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic Tax Service, Attn; Refunds, P.O. Box 9202, Coppell, Texas for an overpayment of 1<sup>st</sup> Quarter Taxes 2021 for Block 503.02, Lot 3, Gregory Watson, 19 Academy Court in the amount of \$1,546.77.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic Tax Service, Attn; Refunds, P.O. Box 9202, Coppell, Texas for an overpayment of 4<sup>th</sup> Quarter Taxes 2021 for Block 904, Lot 4, Jeffrey & Elizabeth Coats, 411 Hale Street in the amount of \$3,030.37.

**BE IT RESOLVED** that a refund be issued from the Current Fund to Corelogic Tax Service, Attn; Refunds, P.O. Box 9202, Coppell, Texas for an overpayment of 1<sup>st</sup> Quarter Taxes 2021 for Block 403, Lot 20, Christopher & Andrea Slajchert, 8 Scudder Court in the amount of \$4,895.03.

**BE IT RESOLVED** that a refund be issued from the Water/Sewer Utility to Empire Title and Abstract, LLC, 4573 South Broad Street, Suite 300, Yardville, NJ 08620 for an overpayment of Water and Sewer Rents for Account #: 700-0, Nicholas Kappy and Cara Paoli, 404 Sked Street in the amount of \$394.70.

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	S				Semple	X			

Council Member Chandler made a motion to approve Resolution 2021-12.1, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.2**

**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 \$ 465,077.87 from the following accounts:

Current	\$ 232,872.47
W/S Operating	\$ 38,208.99
General Capital	\$ 97,621.92
Water/Sewer Capital	\$ 69.27
Animal Control Fund	\$ 525.42
Open Space Fund	\$ 6,436.80
Grant Fund	\$ 66,727.42
Developer’s Escrow	\$ 21,933.00
Recreation Trust	\$ 4.46

Trust Other \$ 678.12

TOTAL \$ 465,077.87

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				absent	Mills	M			
Gross	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2021-12.3, second by Council Member Chandler with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION # 2022 – 12.3

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:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Planning Board – OE	\$1,200.00	
Planning Board – S&W		\$1,200.00
Group Insurance	\$ 500.00	
Liability Insurance		\$ 500.00
Gasoline	\$6,000.00	
Administration – S&W		\$6,000.00
Telephone	\$1,000.00	
Administration – S&W		\$1,000.00
<b>Total Current Fund</b>	<b>\$8,700.00</b>	<b>\$8,700.00</b>

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				absent	Mills	X			
Gross	S				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-12.3, second by Council Member Gross with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.4

RESOLUTION RECOMMENDING SALARY INCREASE FOR CONFIDENTIAL ASSISTANT  
TO SUPERINTENDENT OF PUBLIC WORKS

**WHEREAS**, by Resolution 2021-4.8, Borough Council promoted Gabrielle Canavera to full-time Confidential Assistant to the Superintendent of Public Works with her compensation to continue at the hourly rate established by the Borough salary ordinance;

**WHEREAS**, Ms. Canavera has since trained to take over water utility account management and perform other duties as the Confidential Assistant to the Superintendent;

**WHEREAS**, this training and increase in responsibilities was undertaken with the expectation that Ms. Canavera’s salary would be increased to \$40,000 per year effective July 1, 2021;

**WHEREAS**, the Personnel Committee of Borough Council has recommended that Ms. Canavera receive such increase forthwith, retroactive to July 1, 2021, and an amended Salary Ordinance has been introduced on this date to achieve that purpose;

**WHEREAS**, the Chief Financial Officer of the Borough advises that the required funds for this increase in salary are in the 2021 Borough budget;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Gabrielle Canavera, Confidential Assistant to the Superintendent of Public Works, shall receive an increase in annual salary to \$40,000. retroactive to July 1, 2021, subject only to final adoption of a corresponding amendment of the Borough Salary Ordinance now pending.

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				absent	Mills	X			
Gross	S				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-12.4, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.5**

**RESOLUTION AUTHORIZING EXPENDITURES FROM OPEN SPACE FUND TO REPLACE  
AND INSTALL HANDICAP PARKING AREA AND WALKWAY AT KUNKEL PARK**

**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; and

**WHEREAS**, as part of the improvements the Committees recommended that the handicap parking area and walkway to the pavilion and playground be replaced; and

**WHEREAS**, three quotes were obtained for these services from Wagner Land Expansion, Inc., Edgar Construction Group, and Nick Andreoli; and

**WHEREAS**, the Superintendent of Public Works has reviewed the quotes and recommends that the Borough issue a Purchase Order to Wagner’s Land Expansion, Inc. in the amount of \$15,660.00 to replace and install handicap parking area and walkway to the pavilion and playground equipment at Kunkel Park; 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 Chief Financial Officer has certified that 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 \$15,660.00 to Wagner’s Land Expansion; and

**BE IT FURTHER RESOLVED** that once the Purchase Order is issued the Superintendent of Public Works is authorized to take additional steps as necessary to facilitate the installation of the handicap parking area and walkway at Kunkel Park.

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				absent	Mills	M			
Gross	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2021-12.5, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.6**

**RESOLUTION AUTHORIZING EXPENDITURES FROM  
OPEN SPACE FUND TO INSTALL PLAYGROUND EQUIPMENT  
AT KUNKEL PARK**

**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; and

**WHEREAS**, as an initial step toward this goal, the Committees recommended purchase of picnic tables, benches, swings and other playground equipment as described in the annexed proposal by General Recreation, Inc. authorized by Resolution 2021-9.7.; and

**WHEREAS**, the playground equipment is required to be installed by a certified installer; and

**WHEREAS**, three quotes were obtained for these services from General Recreation, Inc., Greenline Contractors and Landscape Architectural Services; and

**WHEREAS**, the Superintendent of Public Works has reviewed the quotes and recommends that the Borough issue a Purchase Order to General Recreation, Inc. in the amount of \$7,800.00 to install playground equipment at Kunkel Park; 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 Chief Financial Officer has certified that 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 \$7,800; and

**BE IT FURTHER RESOLVED** that once the Purchase Order is issued the Superintendent of Public Works is authorized to take additional steps as necessary to facilitate the installation of playground equipment at Kunkel Park.

**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 2021-12.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 - 12.7**

**RESOLUTION AUTHORIZING FURTHER 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**, by Resolution 2021-11.8, Borough Council authorized further amendment of 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**, Borough Council now seeks to further amend the Scorpion Agreement by providing for the harvesting of yet another 25 additional deer @ \$150 plus related increases in reimbursable costs, for an amended not-to-exceed amount totaling \$21,000;

**WHEREAS**, a breakdown of this newly amended amount, representing a one-third increase in the present contract, includes: 100 deer @ \$150 (\$15,000.) plus disposal of up to 100 harvested deer @ \$50 if payment is needed (\$5,000), plus reimbursement of up to \$1,000 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. Section 11 on page 5 of the Agreement shall be amended to read as follows:  
  
“The goal of this Agreement is 100 harvested deer. The total cost of services to be provided pursuant to this Agreement shall not exceed \$21,000, broken down as follows: up 100 deer @ \$150 (\$15,000.), plus reimbursement for cost of disposal of up to 100 harvested deer @ up to \$50 if donation without cost is not possible (\$5,000.), plus reimbursement of up to \$1,000 for needed bait.”
2. All provisions of the Agreement as amended by Resolutions 2021-8.5, 2021-9.10 and 2021-11.8 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Gross	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2021-12.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.8**

**RESOLUTION AUTHORIZING PURCHASE OF NEPTUNE SOFTWARE FOR METER  
READING FROM RIO SUPPLY, INC. THROUGH COOPERATIVE PRICING SYSTEM  
AGREEMENT WITH THE NORTH JERSEY WASTEWATER  
COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Superintendent of Public Works has identified the need to upgrade the equipment used to read water meters in the Borough; and

**WHEREAS**, the Superintendent has determined that the required equipment is available from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

**WHEREAS**, Rio Supply, Inc. located in Sicklerville, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #15516 dated September 22, 2021 for the equipment including set up and training; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of equipment through the North Jersey Wastewater Cooperative Pricing System, including set up and training for the Public Works Department, is hereby authorized in an amount not to exceed \$10,700.00 as per quote #15516 dated September 22, 2021 from Rio Supply, Inc.

**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 2021-12.8, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.9**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR  
BURD STREET ROAD REHABILITATION PROJECT – STATION 0+00± TO STATION 15+50±  
& STATION 25+00± TO STATION 30+00±  
(VNHA #43827-210-71)**

**WHEREAS**, Borough Council has entered into a contract with Top Line Construction Corp. for Burd Street Road Rehabilitation Project – Station 0+00± to Station 15+50± & Station 25+00± to Station 30+00± (VNHA #43827-210-71) at the total contract price of \$647,289.34; and

**WHEREAS**, Top Line Construction Corp. has submitted the attached Change Order No. 1 (Final) to adjust quantities as necessary for the completion of the project for a reduction of \$64,586.75 in contract price;

**WHEREAS**, Van Note Harvey Associates has reviewed Change Order #1 (Final) and recommends approval; and

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the aforesaid Change Order No. 1 (Final) authorizing adjustments to contract quantities, thereby reducing the net contract price by \$64,586.75 to \$582,702.59, is hereby approved.

**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				absent	Mills	X			
Gross	M				Semple	X			

Council Member Gross made a motion to approve Resolution 2021-12.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.10**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 4 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 pay application #4 (Final) for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.4 in the amount of \$23,399.35 including 2% retainage previously withheld.

**WHEREAS**, this is a final 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 amount of \$23,399.35 pursuant to payment request No.4 (Final) is hereby authorized, upon the following conditions:

1. Borough receipt of fully executed documents and certified payrolls;.
2. Submission of a Maintenance Bond acceptable to the Borough.

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 2021-12.10, second by Council Member Chandler with all members present voting in favor.

Professional Reports

Mrs. Heinzel stated that there is a holiday lights contest going on sponsored by residents and she would like to put information on the Borough website regarding this contest.

Mrs. Heinzel stated that a Special Activities Permit developed in 2020 is in need of updating, but she would like Council to be aware that this permit is being updated before it goes up on the website.

Mr. Bliss stated that he had no further comment, but the closed session scheduled for this evening is postponed as he still has some preparing to do.

Chief Pinelli stated that the process for hiring has started, the new vehicle, the new license plate reader and the new finger print machine are up and running. Chief Pinelli stated that he received training on the fingerprint machine today and will be training the officers throughout the week.

Mr. Smith stated he had nothing further to add to his report.

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.

Mrs. Susan Perris of 41 East Welling Avenue read some comments regarding the location and number of large trees that would be adversely affected by new sidewalks. Mrs. Perris stated that there are four trees in total and very large. Mrs. Perris stated that installing sidewalks would likely result in the death of these trees and they would dead end at Hopewell Township and she feels that it is unlikely Hopewell Township will continue the sidewalks. Mrs. Perris requested that if Pennington is going to proceed with sidewalks she would like assurances from Hopewell Township that they will continue the sidewalks and she would like assurance that the trees will not be damaged or killed.

Mr. Elias Perris of 41 East Welling Avenue stated that at the resident meeting the outcome was just to approve the paving, but when the contract was awarded a speed table was added and he would like to request that the speed bump be removed and if not removed then moved to another location.

Maria Brown stated that she wrote a letter indicating that traffic has not changed on East Welling and in fact with BMS gone, COVID and working from home the traffic is less. Ms. Brown started to go after other residents on East Welling and the Mayor cautioned her that it was no appropriate. Ms. Brown stated that there are Cooper Hawks nesting in the trees on the Perris property and they should be considered when decisions are being made.

Todd MacDonald of 22 East Welling stated that he is not sure why this is still being discussed and it is not about neighbors it is about improving the street and no one said they wanted trees removed it is about safety and continuing the walkable community. Mr. MacDonald stated it is not about trees, birds or any other thing but it is about safety.

Kyle Wood of 36 East Welling at the corner of Baldwin and Welling and unfortunately he missed the last meeting when a speed table was added and he will be most affected by it as it will be in front of his house. Mr. Wood stated that it doesn't make sense to install sidewalks that will end at the Township line, that doesn't contribute to a safe or more desirable community.

Erik Trautwein of 42 East Welling stated that the overall thing is that he agrees with most of the comments. Mr. Trautwein stated that they thought it would be the right thing to do to include everyone in the discussion. Mr. Trautwein stated it is not about taking down trees, they love the trees, but this is becoming a neighbor against neighbor thing and that is not what this is about. Mr. Trautwein stated that safety is the primary issue.

Mrs. Laura Warren stated that she has lived here for 40 plus years and she walks all over town and traffic has not gotten worse. Mrs. Warren stated that she walks in the street because it is safer than walking on the uneven sidewalks throughout town. Mrs. Warren stated that there are cars going through stop signs all throughout town and it is not just East Welling Avenue. Mrs. Warren stated that children are not using sidewalks or crosswalks all throughout town. Mrs. Warren stated that the speed bumps throughout town are aesthetically unappealing and the signage is ridiculous. Mrs. Warren stated that the addition of striping

and signs is very unappealing. Mrs. Warren stated that she would like the speed table removed from the plan for the project as it was not part of the discussion at the resident meeting. Mayor Davy stated that Borough Council approved the speed table in the interest of safety. Mayor Davy stated that he was clear at the resident meeting that Council would decide at the meeting what the project would include.

Chief Pinelli briefly reviewed the steps that were taken to monitor traffic and he explained that the speed trailer with the blinking speed indicator works to slow cars down, but it does not accurately record data on speeding.

Mrs. Heinzl stated that Mr. Wood would like to speak again. Mayor Davy stated that we have heard the comments of residents and we will not be going back and forth any longer. Council Members agreed.

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

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk