

**Pennington Borough Council  
Regular Meeting – December 30, 2021**

Mayor Davy called the Regular Meeting of the Borough Council to order at 3:18 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 and Mills. Council Members Gnatt and Semple were absent.

Also present were Borough Administrator Eileen Heinzel, Public Works Superintendent Rick Smith, Sgt. Thomas and Sgt. Burroughs 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.**

Mr. Brian Rogosky of 30 Abey Drive stated that he wanted to comment on the medical marijuana facility. Mayor Davy stated that the cannabis discussion on the agenda will not be taking place, the applicant was not prepared to make their presentation.

**Mayor’s Business**

Mayor Davy announced the resignations of Officers Michael Crincoli and Jonathan Pauciullo both resigned from the Police Department.

Mayor Davy stated that the Borough received a letter from Green Acres stating that we have received a Green Acres Incentive Grant. Ms. Heinzel stated that the Borough is entitled to these incentive grants and we are then asked to come up with a project and apply for the funds. Mayor Davy asked Mrs. Heinzel to report further on this at the January meeting.

**Approval of Minutes**

Council Member Mills made a motion to approve the minutes of the Special Meeting held November 15, 2021, second by Council Member Marciante will all members present voting in favor.

Council Member Gross made a motion to approve the minutes of the Regular Meeting held December 6, 2021, second by Council Member Mills with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the Special Meeting held December 13, 2021, second by Council Member Gross with all members present voting in favor.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

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 Marciante made a motion to open the Public Hearing on Ordinance 2021-16, second by Council Member Mills. There were no comments from the public. Council Member Mills made a motion to close the Public Hearing, second by Council Member Gross with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2021-16, second by Council Member Gross with all members present voting in favor.

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~~<sup>07</sup>, beginning on the effective date of this ordinance, ~~\$85~~<sup>55</sup> for each hour of service by each Borough officer with a minimum payment of ~~\$340~~<sup>220</sup> per officer.
- B. In calendar year ~~2022~~<sup>08</sup>, ~~\$100~~<sup>65</sup> for each hour of service by each Borough officer with a minimum payment of ~~\$400~~<sup>260</sup> per officer.
- C. In calendar year ~~2023~~<sup>08</sup>, ~~\$100~~<sup>65</sup> for each hour of service by each Borough officer with a minimum payment of ~~\$400~~<sup>260</sup> 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 Gross made a motion to open the Public Hearing on Ordinance 2021-16, 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 Mills with all members present voting in favor. Council Member Gross made a motion to adopt Ordinance 2021-16, second by Council Member Marciante with all members present voting in favor.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.15**

**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 \$ 1,271,051.66 from the following accounts:

Current	\$ 352,296.55
W/S Operating	\$ 109,520.43
General Capital	\$ 3,840.00
Open Space Fund	\$ 4,418.00
Grant Fund	\$ 797,440.85
Developer’s Escrow	\$ 3,535.83
TOTAL	\$ 1,271,051.66

**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	S			
Gross	X				Semple				absent

Council Member Marciante made a motion to approve Resolution 2021-12.15, second by Council Member Mills. Mr. Marciante had questions on several of the bills on the bill list. Mr. Marciante stated that he has approved some repairs at Borough Hall including removal of a sink and toilet in Borough Hall and upgrades to lighting outside the building. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.16**

**RESOLUTION AUTHORIZING THE CANCELLATION OF  
CAPITAL ORDINANCES**

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

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

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

**General Capital**

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

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

**Record of Council Vote on Passage**

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

Council Member Mills made a motion to approve Resolution 2021-12.16, second by Council Member Gross with all members present voting in favor.

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

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

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

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

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

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

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

**Record of Council Vote on Passage**

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

Council Member Gross made a motion to approve Resolution 2021-12.17, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.18**

**RESOLUTION AUTHORIZING THE CANCELLATION OF RESERVE BALANCES**

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

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

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

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

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

Record of Council Vote on Passage

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

Council Member Mills made a motion to approve Resolution 2021-12.18, second by Council Member Marciante with all members present voting in favor.

Resolution 2021-12.19 was for Budget Transfers and there were no Budget Transfers needed.

BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.20

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

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

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

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

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

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

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

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

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

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

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

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

Record of Council Vote on Passage

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

Council Member Mills made a motion to approve Resolution 2021-12.20, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 - 12.21**

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

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

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

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

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

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

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

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

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

**Record of Council Vote on Passage**

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

Council Member Mills made a motion to approve Resolution 2021-12.21, second by Council Member Gross. Mrs. Heinzel briefly explained the process for this program with the goal being to get to Tier 3 compliance. Mrs. Heinzel explained that as we achieve each Tier there are savings on our insurance. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 - 12.22**

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

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

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

**WHEREAS**, the affected employees are identified in the attached Schedule together with their



respective Total Vacation Balance (in hours), Total Carryover of Right (in hours) and Extra Carryover Requested (in hours);

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

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

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

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

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

Council Member Mills made a motion to approve Resolution 2021-12.22, second by Council Member Chandler. There was some discussion of the right to carryover versus the additional carryover. Mrs. Heinzl stated that due to the understaffing issues there were employees who were unable to take their vacation time. Mrs. Chandler stated that it seems ridiculously unfair to expect employees to work because of understaffing and then take away vacation time. Mrs. Mills agreed with Mrs. Chandler. Mr. Marciante stated that this is a problem every year. Mrs. Chandler stated that in the Police Department steps have been taken to up the staffing and recently with the Administrative Review, steps will be taken to up the staffing in the office. Mrs. Chandler stated that we can’t expect people to work and then take away their vacation time. Mr. Gross asked if there were records of vacation requests that were denied due to understaffing. Mr. Gross stated that there is a provision that any extra carryover has to be used by June 30<sup>th</sup>. Mrs. Chandler stated that with the Police Department up to six officers this problem should be eliminated. Mrs. Heinzl stated that once we hire someone for the administrative office that should also help. Mrs. Heinzl stated that Mrs. Sterling attempted to schedule her days, but then things came up and they had to be cancelled. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2021-12.23**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON  
AUTHORIZING THE ADOPTION OF THE  
2021 MERCER COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Mercer County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Mercer County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Mercer County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

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

- 1) Adopts in its entirety, the 2021 Mercer County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that

pertain to this jurisdiction.

- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Record of Council Vote on Passage

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

Council Member Gross made a motion to approve Resolution 2021-12.23, second by Council Member Mills with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 12.24

RESOLUTION AUTHORIZING MAYOR’S CERTIFICATION OF BOROUGH COMPLIANCE  
WITH PUBLIC WATER REGULATIONS AND REQUIREMENTS IN COMPLIANCE WITH  
THE WATER QUALITY ACCOUNTABILITY ACT

**WHEREAS**, the Water Quality Accountability Act (“WQAA”), effective October 18, 2017, requires among other things that the mayor or chief executive officer of the municipality, if the public water system is publically owned, shall certify in writing each year to the Department of Environmental Protection that the public water system complies with all Federal and State drinking water regulations, including water quality sampling, testing and reporting requirements; the hydrant and valve requirements set forth in section 3 of the Act; the notice of violation mitigation plan requirements set forth in section 5 of this act, if applicable; and the infrastructure improvement investment required pursuant to section 7 of the Act;

**WHEREAS**, in an effort to comply with this requirement, the Mayor of the Borough in consultation with the Licensed Water Operator of the Borough and the Borough Attorney will complete and certify the attached questionnaire supplied by the New Jersey Department of Environmental Protection by the deadline of December 31, 2021;

**WHEREAS**, the Borough’s current Licensed Operator has served in that position since March 2017 and in preparing responses to the questionnaire has consulted with his predecessor, John Meier of Water Resource Management, who served in that capacity from August 2014 to March 2017 and currently serves as the Borough’s Water and Sewer Compliance Officer;

**WHEREAS**, the purpose of this Resolution is to authorize the Mayor’s responses to each of the questions asked pertaining to the Pennington Water Department (identified by the NJDEP as Pennington W Dept, NJ1108001);

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

- 1. On the advice of the Licensed Operator, the Mayor will certify that the Borough is in compliance with Federal and State Safe Drinking Water Regulations (questions 1 and 2). A printout from Drinking Water Watch ([www.waterwatch.usgs.gov](http://www.waterwatch.usgs.gov)), the water search system of the NJDEP, indicates that over the past year from October 1, 2020 to September 30, 2021, there have been three (3) reported violations involving administrative matters or late test result submittals. These violations have been remediated. None of these matters involve water quality.
- 2. On the advice of the Licensed Operator and the Borough Attorney, the Mayor will certify that the Borough is in compliance with required Licensing of Water Supply and Wastewater Operators (question 3). The Borough system requires a licensed operator with T2, W2 and C2 licenses and the Borough’s Licensed Operator has these three licenses.
- 3. On the advice of the Licensed Operator, the Mayor will certify that the Borough is in

compliance with Water Supply Allocation Permits (question 4). The Borough’s Water Allocation Permit expires in 2023.

4. In reliance on the advice of the Licensed Operator and the Borough Attorney, the Mayor will certify that the Borough is in compliance with Sections 3, 4, 5 and 7 of the Water Quality Accountability Act (question 5). Under Section 3 of the Act, the Borough has identified and located all valves 12 or more inches in diameter and has a plan for inspections as defined by the Act. All other valves have been located and mapped and have been inspected as defined by the Act. Further in accordance with Section 3 of the Act, every hydrant in the Borough has been mapped, inspected, tested and flushed. Valves integral to each hydrant have also been inspected. Going forward, the plan is to flush every hydrant as part of the required annual testing of all hydrants. The Borough has maintained and will continue to make a record of all such inspections, tests and flushings which will be scanned into an electronic data base and preserved for at least the six (6) years required by the Act. Each hydrant has been tagged indicating a unique identification number and ownership by the Borough of Pennington. Section 3 of the Act provides that to the extent possible the geographic location of each valve and fire hydrant shall be identified using a global positioning system based on satellite or other location technology.

5. Under Section 4 of the Act, requiring development of a cybersecurity system, the Borough currently does not have an internet-connected control system.

6. Under Section 5 of the Act, requiring a mitigation plan within 60 days after three notices of violation have been received, there were no water quality violations reported, therefore no remediation plan is required.

7. Under Section 7 of the Act, requiring at least once every three years the submission of a report on infrastructure improvements based on the asset management plan for the system, the Borough completed its asset management plan in April 2019 and it is being implemented.

8. Copies of this Resolution shall be maintained on file, together with the attached Certification, by the Borough Clerk and the Superintendent of Public Works.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2022-12.24, second by Council Member Marciante with all members present voting in favor.

**Council Work Session**

Mayor Davy stated that as he said at the start of the meeting, Sanctuary Medicinals LLC was scheduled to make a presentation but they have requested more time to present at the January 5<sup>th</sup>, 2022 meeting.

Mr. Marciante stated that he does not understand why the Teamsters employees have off the day after Christmas while other employees not in the union are working. Mr. Marciante stated that this caused a problem with garbage collection because the day after Christmas was a Monday. There was a brief discussion.

**Professional Reports**

There were no comments from Professionals.

**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.

Mr. Dan Pace of 9 Railroad asked if the Green Acres letter was referring to funds for the property adjacent to the cemetery. Mrs. Heinzl stated that she will be looking into this further.

At 3:55pm with no further business to discuss Council Member Marciante made a motion to adjourn, second by Council Member Gross.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk