

**PENNINGTON BOROUGH COUNCIL  
REGULAR MEETING  
AGENDA – June 6, 2022**

**Call to Order** – Mayor Davy

**Roll Call** – Borough Clerk – Betty Sterling

Angarone	Chandler	Gnatt	Gross	Marciante	Stern	Davy		
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**OPEN PUBLIC MEETINGS STATEMENT**

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

**CLOSED SESSION**

AT, **PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Potential Litigation – Cannique. LLC

AT, **PM**, Mayor and Council returned to open session.

**OPEN TO THE PUBLIC – AGENDA ITEMS ONLY**

Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Clerk acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

**MAYOR’S BUSINESS**

- Lewis – Accessory Apartment / Affordable Housing Administrative Agent
- Gas Powered Leaf Blowers
- Outdoor lighting in residential
- Borough Administrator Search
- Water Infrastructure Funding and Project Priorities Plans
- NJ DOT Application – Deadline July 1, 2022
- Resignation – Karl Muessig – Environmental Commission
- Proclamation – National Gun Violence

**Mayor’s Appointments**

**Economic Development**

- Erin Armendinger – unexpired term ending 12/31/2026

**Approval of Minutes**

- Regular Meeting – May 2, 2022

**Approval of Closed Session Minutes (for Content but not for Release)**

- Closed Session – March 7, 2022
- Closed Session – April 4, 2022
- Closed Session – May 2, 2022

**Committee Reports**

- **Planning & Zoning /Personnel/Parks & Recreation** – Mrs. Gnatt
- **Public Safety /Economic Development/Environmental** – Mrs. Chandler  
Borough Speed Limits
- **Public Works** - Mr. Marciante
- **Finance & Technology/ Board of Health** – Mr. Gross
- **Historic Preservation /Library** – Ms. Angarone
- **Open Space / Shade Tree** – Ms. Stern
- **Senior Advisory** – Mayor Davy

**Council Discussion**

- Hopewell Municipal Alliance – Kunkel Park – Waiver of Fee request
- Patrick Marchetti – Request to host event at Sked Street Park

**New Business**

**RESOLUTION #2022-6.1**

RESOLUTION AUTHORIZING REFUNDS

**RESOLUTION #2022 –6.2**

RESOLUTION AUTHORIZING PAYMENT OF BILLS

**RESOLUTION #2022-6.3**

RESOLUTION AUTHORIZING UNPAID LEAVE OF ABSENCE FOR  
CHRISTOPHER WEBB

**RESOLUTION #2022-6.4**

RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE CONSTRUCTION CORP. FOR WORK  
COMPLETED ON THE EAST WELLING AVENUE ROAD REHABILITATION PROJECT (VNHA #44348-210-71)

**RESOLUTION #2022-6.5**

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL  
CONSUMPTION LICENSE #1108-33-001-001 FOR 2022--2023

**RESOLUTION #2022-6.6**

RESOLUTION AUTHORIZING CONTRACT WITH BRT TECHNOLOGIES  
FOR TAX-ASSESSMENT SOFTWARE

**RESOLUTION #2022-6.7**

RESOLUTION AUTHORIZING PURCHASE OF AMMUNITION AND TARGETS FROM EAGLE POINT GUN / T.J.  
MORRIS & SON UNDER STATE CONTRACT 17-FLEET-00721

**RESOLUTION #2022-6.8**

RESOLUTION AUTHORIZING BLOCK PARTY ON JULY 9, 2022 FROM  
5 PM TO 9 PM ON VOORHEES AVENUE

**RESOLUTION #2022-6.9**

RESOLUTION AUTHORIZING EXPENDITURES FROM  
OPEN SPACE FUND TO PURCHASE A 6 x 8 PATRIOT QUAKER SHED TO BE PLACED AT KUNKEL PARK FOR  
STORAGE OF PARKS AND RECREATION SUPPLIES

**RESOLUTION #2022-6.10**

RESOLUTION AUTHORIZING EXPENDITURES FROM OPEN SPACE FUND TO PURCHASE EQUIPMENT  
TO ASSIST THE REDEVELOPMENT OF KUNKEL PARK AS ACTIVE OPEN SPACE IN THE  
BOROUGH OF PENNINGTON

**RESOLUTION #2022-6.11**

RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND ELIOT A. FEIBUSH  
AND JULIE S. FEIBUSH PERMITTING ENCROACHMENT OF FENCE ON ARBORETUM PROPERTY SUBJECT  
TO CONDITIONS

**RESOLUTION #2022-6.12**

RESOLUTION AUTHORIZING SERVICES BY VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH  
PREPARATION OF METES AND BOUNDS DESCRIPTION AND RELATED DOCUMENTS FOR REMOVAL OF  
THE FEIBUSH ENCROACHMENT AREA FROM THE ARBORETUM PROPERTY ELIGIBLE FOR  
GREEN ACRES FUNDING

**RESOLUTION #2022-6.13**

RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY, INC. THROUGH  
COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER  
COOPERATIVE PRICING SYSTEM

**Professionals Reports**

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

**Public Comment Period**

Please raise your hand so the Borough Clerk can acknowledge you. Please state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

**Adjournment**

**BOROUGH OF PENNINGTON  
RESOLUTION #2022 – 6.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to Wm. D & Susan E. Cirullo, 16 East Welling Avenue, Pennington, NJ 08534 for an overpayment of taxes for the 2<sup>nd</sup> quarter 2022 in the amount of \$119.89.

**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>
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 6, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.2**

**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 \$ 1,159,955.08 from the following accounts:

Current	\$ 1,054,623.86
W/S Operating	\$ 70,183.76
General Capital	\$ 16,811.78
Grant Fund	\$ 1,214.88
Open Space Fund	\$ 8,052.30
COAH Trust Fund	\$ 331.50
Animal Control Fund	\$ 137.00
Other Trust Fund	\$ 7,600.00
Developer’s Escrow	\$ 1,000.00
<b>TOTAL</b>	<b>\$ 1,159,955.08</b>

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2022-6.3**

**RESOLUTION AUTHORIZING UNPAID LEAVE OF ABSENCE FOR  
CHRISTOPHER WEBB**

**WHEREAS**, Public Works Laborer Christopher Webb has requested an unpaid leave of absence in conformance with the Borough’s Leave of Absence Policy (4.10);

**WHEREAS**, during this leave of absence Mr. Webb may elect to continue coverage under the State Health Benefits Plan for the first three months provided he pay the employee share of premium, with the Borough paying the balance;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Mr. Webb’s request for unpaid leave be granted, effective May 28, 2022.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.4**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO TOP LINE  
CONSTRUCTION CORP. FOR WORK COMPLETED ON THE EAST WELLING  
AVENUE ROAD REHABILITATION PROJECT (VNHA #44348-210-71)**

**WHEREAS**, Top Line Construction Corp. has completed work pursuant to the contract for the East Welling Avenue Road Rehabilitation Project (VNHA File #:44348-210-71); and

**WHEREAS**, Van Note Harvey Associates has reviewed Top Line Construction Corp’s attached application for payment and recommends payment of same pursuant to the Contractor’s Request for Payment No.1 in the amount of \$212,955.52 less 2% retainage in the amount of \$4,259.11; and

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

**WHEREAS**, funds are available through a grant from the NJDOT under Ordinance 2021-4 in the General Capital Fund;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to Top Line Construction Corp. in the net amount of \$208,696.41 pursuant to payment request No.1 is hereby authorized, upon receipt of fully executed documents and certified payrolls.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 6.5**

**RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL  
CONSUMPTION LICENSE #1108-33-001-001 FOR 2022--2023**

**WHEREAS**, renewal of Plenary Retail Consumption License #1108-33-001-001 is due for renewal on or before June 30, 2022; and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the application for renewal of License #1108-33-001-001 for the year 2022-2023 is hereby approved subject to the above conditions; and

**BE IT FURTHER RESOLVED** that the Borough Clerk of the Borough of Pennington, County of Mercer, is hereby authorized and instructed to issue and deliver said license when these conditions are satisfied and then notify the Division of Alcoholic Beverage Control accordingly, on or before June 30, 2022.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
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Elizabeth Sterling, Borough Clerk



**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.6**

**RESOLUTION AUTHORIZING CONTRACT WITH  
BRT TECHNOLOGIES FOR TAX-ASSESSMENT SOFTWARE**

**WHEREAS**, the Tax Assessor of the Borough of Pennington has recommended to Borough Council that it replace existing tax assessment software of the Borough to improve the efficiency and effectiveness of the tax assessment function;

**WHEREAS**, the Tax Assessor has further recommended that the Borough enter into a contract with BRT Technologies of Mantua, New Jersey, to provide the needed software and related services;

**WHEREAS**, BRT Technologies has provided the attached Proposal for software and related services calling for a 3-year contract at the rate of \$125 per month, subject to the availability of funds;

**WHEREAS**, the Proposal would provide among other things computer-aided mass appraisal software, patented sketching technology, certified New Jersey ModIV software and software to generate comparables, together with conversion, implementation and training;

**WHEREAS**, the proposed contract is not subject to public bidding under the Local Public Contracts Law, and the proposed three-year term is further authorized by the statute;

**WHEREAS**, the Chief Financial Officer of the Borough has certified the availability of funds for this contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor and the Borough Clerk are hereby authorized to issue such purchase orders and to take such additional steps as needed (a) to effect a contract between the Borough and BRT Technologies in accord with the attached Proposal, and (b) coordinate introduction of the new software and services with expiration of existing software agreements.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 6.7**

**RESOLUTION AUTHORIZING PURCHASE OF AMMUNITION AND TARGETS FROM  
EAGLE POINT GUN / T.J. MORRIS & SON UNDER STATE CONTRACT 17-FLEET-00721**

**WHEREAS**, the Chief of Police has identified the need to purchase ammunition and targets for the Pennington Borough Police Department; and

**WHEREAS**, the Chief of Police has determined that the required ammunition and targets are available under New Jersey State Contract State (17-FLEET-00721); and

**WHEREAS**, the Chief of Police has obtained a quote for ammunition and targets from Eagle Point Gun / T. J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086; and

**WHEREAS**, Eagle Point Gun / T. J. Morris & Son is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

**WHEREAS**, the proposed purchase of ammunition and targets from Eagle Point Gun / T.J. Morris & Son is subject to all the terms and conditions of the aforesaid State Contract; and

**WHEREAS**, a copy of the proposal from Eagle Point Gun / T. J. Morris & Son in the amount of \$8,696.18, is attached to this Resolution; and

**WHEREAS**, purchase of the ammunition and targets under State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the police budget, line item 2-01-25-240-000-242;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the acquisition of ammunition and targets for the Pennington Borough Police Department pursuant to the attached proposal from Lawmen Supply Company is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

**Record of Council Vote on Passage**

<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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.8**

**RESOLUTION AUTHORIZING BLOCK PARTY ON JULY 9, 2022 FROM  
5 PM TO 9 PM ON VOORHEES AVENUE**

**WHEREAS**, Charles Marciante has applied to the Borough of Pennington for permission to close the streets known as Burd Street and Sked Street in the Borough on July 9, 2022 beginning at 5 PM and ending at 9 PM for a block party on Voorhees Avenue for an estimated 30 people;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that this application by Charles Marciante is approved subject to the following conditions:

1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
3. There must be access for emergency vehicles at all times.
4. All local noise ordinances must be observed.
5. The hosts shall ensure compliance with all state and local regulations related to the Covid-19 Pandemic.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.9**

**RESOLUTION AUTHORIZING EXPENDITURES FROM  
OPEN SPACE FUND TO PURCHASE A 6 x 8 PATRIOT QUAKER SHED TO BE PLACED AT  
KUNKEL PARK FOR STORAGE OF PARKS AND RECREATION SUPPLIES**

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

**WHEREAS**, on the recommendation of the Parks and Recreation Committee in collaboration with the Borough Council’s Public Works Committee, Borough Council seeks to purchase a 6 x 8 Patriot Quaker Shed for storage of supplies and equipment at Kunkel Park; and

**WHEREAS**, the Superintendent of Public Works requested quotes from Rosedale Structures, LLC., Buxton Backyard Structures, LLC, and DeptCor; and

**WHEREAS**, Rosedale Structures provided Quote #1474 in the amount of \$3,250.00, Buxton Backyard Structures LLC provided Quote #BOP-QUOTE in the amount of \$4,613.00 and the third vendor responded that it was unable to provide a quote at this time; and

**WHEREAS**, the Superintendent of Public Works is recommending accepting the quote submitted by Rosedale Structures, LLC in the amount of \$3,250.00; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$3,250.00 and to take such additional steps as necessary to acquire the shed described and quoted in the attached proposal of Rosedale Structures, LLC dated 5/21/22.

**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>
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Elizabeth Sterling, Borough Clerk



**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.10**

**RESOLUTION AUTHORIZING EXPENDITURES FROM  
OPEN SPACE FUND TO PURCHASE EQUIPMENT  
TO ASSIST THE REDEVELOPMENT OF KUNKEL PARK  
AS ACTIVE OPEN SPACE IN THE BOROUGH OF PENNINGTON**

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

**WHEREAS**, as an initial step toward this goal, the Committees recommended purchase of picnic tables, benches, swings and other playground equipment which were authorized by Resolution 2021-9.7;

**WHEREAS**, as a next step, the Committees are recommending the purchase of new swings, which are available from General Recreation under New Jersey State Contract #16-FLEET-00130; and

**WHEREAS**, General Recreation has submitted the attached quote dated 5/26/22 for two (2) Full Bucket Seat swings with hardware in the amount of \$1,927.80 including shipping; and

**WHEREAS**, the attached quote is for the materials only and does not include installation; 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 Borough Clerk is hereby authorized to issue a purchase order in an amount not to exceed \$1,927.80 and to take such additional steps as necessary to acquire the equipment described and quoted in the attached proposal of General Recreation, Inc. under State Contract #16-FLEET-00130.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2022- 6.11**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND  
ELIOT A. FEIBUSH AND JULIE S. FEIBUSH PERMITTING ENCROACHMENT OF FENCE  
ON ARBORETUM PROPERTY SUBJECT TO CONDITIONS**

**WHEREAS**, by authority of Ordinance 2019-10, the Borough of Pennington has acquired from the Hopewell Valley Regional School District a tract of wooded land for preservation as active open space and the creation of an Arboretum;

**WHEREAS**, this acquisition has been financed by the Pennington Open Space Fund in anticipation of matching funding under the Green Acres Program of the New Jersey Department of Environmental Protection;

**WHEREAS**, the Arboretum Property, designated Block 1003, Lot 15.02 on the Borough Tax Map, consists of approximately 3.4 acres of land bounded on the west by the rear property line of Toll Gate Elementary School, on the north by Curlis Avenue, on the east by Baldwin Boulevard, and on the south by the rear property lines of residential dwellings on East Welling Avenue;

**WHEREAS**, the Borough has applied to Green Acres for funding of allowable costs with the understanding that in consideration of the State’s agreement to provide funding, the Arboretum Property shall be held exclusively for recreation and conservation purposes subject to the covenants, restriction and conditions prescribed by law;

**WHEREAS**, a survey made by Van-Note Harvey Associates, Inc. dated November 15, 2019 reveals mislocation of a six-foot post and wire fence (“the Fence”) at the rear of the adjacent East Welling Avenue property known as Block 1003, Lot 2 on the Borough Tax Map (hereafter “the East Welling Property”), resulting in an angular encroachment on the Arboretum Property ranging from approximately 0 to 4.5 feet in depth over the width of the East Welling property;

**WHEREAS**, Green Acres has advised the Borough that either the owners of the East Welling Property must move the Fence back to be entirely within the boundary of the East Welling Property or that part of the Arboretum Property encompassed by the Fence, delineated by a metes and bounds description, must be “excepted out” from the land area eligible for Green Acres funding;

**WHEREAS**, the East Welling Property and the Fence are owned by Eliot A. Feibush and Julie S. Feibush (“Neighboring Owners”), who have asked that they not be required to move the Fence and that instead they pay for preparation of a metes and bounds description of the encroachment area and agree to further conditions as set forth in the attached Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached Agreement on behalf of the Borough and to take such additional steps as needed to obtain the subject metes and bounds description at the expense of the Neighboring Owners and to except out the described area from the Arboretum Property eligible for Green Acres funding, in compliance with Green Acres requirements.

**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>
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Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2022 – 6.12**

**RESOLUTION AUTHORIZING SERVICES BY VAN NOTE-HARVEY ASSOCIATES IN CONNECTION WITH PREPARATION OF METES AND BOUNDS DESCRIPTION AND RELATED DOCUMENTS FOR REMOVAL OF THE FEIBUSH ENCROACHMENT AREA FROM THE ARBORETUM PROPERTY ELIGIBLE FOR GREEN ACRES FUNDING**

**WHEREAS**, by Resolution 2022-6.11, Borough Council has authorized an agreement with Eliot A. Feibush and Julie S. Feibush relating to the encroachment of the fence at the rear of their property (Block 1003, Lot 2) on the property of the adjacent Arboretum (Block 1003, Lot 15.02) (“Agreement”);

**WHEREAS**, the purpose of the Agreement is to permit the Feibush fence to remain on the Arboretum property provided, among other things, the area encroached upon is defined by metes and bounds at the Feibushes’ expense to permit it to be excluded from the land area of the Arboretum otherwise eligible for Green Acres funding;

**WHEREAS**, Van Note-Harvey Associates has submitted a proposal to perform the needed survey and related work as set forth in the attached one-page proposal titled “Fw: Feibush Fence Encroachment – 44345-100-11” and dated April 28, 2022;

**WHEREAS**, the estimated cost of the work is \$2,520 as set forth in the proposal;

**WHEREAS**, the Chief Financial Officer of the Borough certifies that the needed funds are available in account #: 2-01-20-100-000-255;

**WHEREAS**, the Feibushes have paid this amount to the Borough and the funds will be reimbursed to the account referenced above;

**NOW, THEREFORE, BE IT RESOLVED** by Borough Council of the Borough of Pennington that the Borough Clerk is hereby authorized to issue a purchase order to Van Note-Harvey Associates directing it to perform the work described in the attached proposal at a total contract price not to exceed \$2,250.

**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>
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 6, 2022.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk



**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 6.13**

**RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY, INC. THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Borough of Pennington has committed to the replacement of manual read meters with remote read meters; and

**WHEREAS**, the Superintendent of Public Works has submitted a request to purchase additional remote read meters; and

**WHEREAS**, Borough Council has included the replacement of meters in the plan for use of American Recovery Act funds; and

**WHEREAS**, the Superintendent has determined that the remote read meters are 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 #16040 dated May 26, 2022 for purchase of the equipment through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, the quote identifies the following types of meters:

ED2B11RPDG11 – 5/8” x 3/4” T-10 C/I 302 Pro-Coder)r9001 Gal., inside	\$297.50
ED2B11RPWG11 – 5/8” x 3/4” T-10 Pro-Coder)r9001, Pit Gal	\$314.50
ED2F11RPDG11 – 1” T-10 C/I 302 Pro-Coder)r900i inside	\$476.00
ED2F11RPWG11 – 1” T-10 C/I 302 Pro-Coder)r900i Pit Gal PVSC B270-11	\$493.00
.13749-200 – 6’ External Antenna	\$ 36.00

**WHEREAS**, the Superintendent of Public Works has requested the flexibility to order these meters as needed and cannot at this time identify how many of each type he will need to order; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of remote read meters from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System, is hereby authorized in an amount not to exceed a total of \$9,400.00 with pricing as per quote #16040 dated May 26, 2022.

**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>
Angarone					Gross				
Chandler					Marciante				
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This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 6, 2022.

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Elizabeth Sterling, Borough Clerk