

**Pennington Borough Council
Regular Meeting – March 6, 2023**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante, Stern and Valenza in attendance. Council Member Gnatt was absent.

Also present were Borough Administrator Donato Nieman, Public Works Superintendent Rick Smith, Chief Doug Pinelli, Chief Financial Officer Sandra Webb 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 door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mayor Davy announced that meeting agendas and materials are available on the Borough Website and anyone interested in getting news alerts and announcements can subscribe by clicking on the “Subscribe to News and Announcements” button on the home page.

Open to the Public

Mayor Davy read the following statement.

The meeting is now open to the public for comments. 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 you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

Mayor’s Business

Mayor Davy updated Council on EMS Services for the Borough. Mayor Davy stated that on February 28th at the Budget Work Session meeting Borough Council passed a Resolution entering into a Shared Services Agreement with Hopewell Fire District for EMS services in the Borough. Mayor Davy stated that he wants to assure Pennington residents that ambulance services are available as of March 1, 2023 and those services will continue until April of 2024. Mayor Davy stated that for the first month March 1, 2023 to April 1, 2023, the services will be provided by Titusville and Union First Aid Squads and then beginning April 3, 2023, Capital Health will take over those services going forward.

Mayor Davy announced that Mercer County has granted the Borough COVID Relief Funds in the amount of \$7,000 that is supposed to be Pennington’s contribution to the Hopewell Valley Senior Center project.

Mayor Davy announced that NV5 will be hosting a Public Information Session on March 28, 2023 from 6 to 8. Mayor Davy stated that Betty will be handling notifications to the residents and businesses in the project area and the session will be advertised in the paper for anyone interested to attend.

Mayor Davy stated that he wanted to acknowledge a letter that was received from the Pennington Fire Company requesting that they be allowed to use the building when the building is returned back to the Borough. Mayor Davy stated that initially he had referred this to the Public Safety Committee but he would like to appoint a sub-committee of Kit Chandler, Kati Angarone and John Valenza along with a local Real Estate agent to look at the long term possibilities for the building. Mayor Davy stated that he is requesting this so that there will be no Police or Fire Company bias as there are several parties interested in the building. Mrs. Chandler stated that they have not met yet, but they will be looking for all parties to submit requests which will be reviewed by the committee and ultimately submitted to Council for a decision. Mrs. Chandler stated that we have some time to do this as the building will not revert back to the Borough for at least six months.

APPOINTMENTS (WITH COUNCIL APPROVAL)

Mayor Davy announced the appointment of Mariya E. Brown to the Board of Health for the unexpired term ending December 31, 2025. Council Member Marciante made a motion to approve the appointment, second by Council Member Valenza with all members present voting in favor. Mayor Davy invited Mariya Brown into the meeting and she thanked Mayor and Council for the appointment.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes February 6, 2023 Regular Meeting, second by Council Member Marciante with all members present voting in favor with the exception of Mr. Valenza who abstained.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2023-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE # 2023 - 8**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$107,719.56, said amount being \$30,777.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2023 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Chandler made a motion to introduce Ordinance 2023-8, second by Council Member Stern with all members present voting in favor. Mr. Neiman briefly explained the Ordinance for those residents in attendance.

Mayor Davy read Ordinance 2023-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2023 – 9**

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 2023

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON that the Borough Salary Ordinance (Ordinance 2022-3) is hereby amended at Section Ic to provide for payment of Crossing Guards at special events at the rate of \$40.00 per hour:

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	\$80,000.00-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$47,232.04
Assistant CFO	\$80,697.76
Utility Collector	\$32,631.37
Chief Financial Officer (part time)	\$91.20/hour
Tax Collector (part time)	\$91.20/hour
Technical Assistant to Construction (part time)	\$27.19/hour
Tax Assessor (part time)	\$14,411.08
Zoning Officer (part time)	\$9,752.32
Land Use Admin/Admin Asst.	\$56,375.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$91,260.80
Licensed Water Operator	\$50,924.51
Assistant to Superintendent of Public Works	\$42,025.00
Foreman	\$80,635.47
Judge of Municipal Court	\$13,701.47
Court Administrator (part time)	\$19,034.96
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 (yearly clothing allowance \$1,500)	\$134,754.00
Administrative Assistant – Police Department	\$16.00/hour
Construction Official	\$29,809.94
Plumbing Sub-Code	\$52.53/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$52.53/ 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 \$52.53 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
Police Department:		
Crossing Guards	\$ 15.00	\$ 27.19
Crossing Guard – Special Events	\$ 40.00 per hour	
Special Police	\$ 17.00 per hour	
Part Time Employees – All Departments:		
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, 2023 if appropriate.

Council Member Chandler made a motion to introduce Ordinance 2023-9, second by Council Member Marciante with all members present voting in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2023-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2023 - 7**

**ORDINANCE INCREASING BOROUGH ADMINISTRATIVE FEES IN CONNECTION WITH
PAID DETAIL POLICE SERVICES AND AMENDING CHAPTER 98 (FEES) OF THE CODE OF
THE BOROUGH OF PENNINGTON**

WHEREAS, Paid Detail Services are services provided by off-duty employment of Borough police officers in police-related services for private persons and entities;

WHEREAS, intends by this Ordinance to revise the hourly rate for administrative services performed by the Borough in connection with Paid Detail Services;

NOW THEREFORE BE IT 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, in particular Section 98-24, sub-section E, is hereby amended (with deleted language crossed out and new language underlined) to increase from \$10.00 to \$25.00 the hourly rate for Borough administrative services:

98-24. Fees.

*** E. In addition to the hourly rates specified, ~~\$10~~ \$25 per hour shall be charged by the Borough as an administrative fee.

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2023-7, second by Council Member Angarone. There were no comments from the public. Mrs. Chandler briefly explained the Ordinance for those in attendance. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Stern with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2023-7, second by Council Member Angarone with all members present voting in favor.

Mayor Davy read Ordinance 2023-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2023-3**

**AN ORDINANCE APPROVING RULES AND REGULATIONS
FOR THE PENNINGTON POLICE DEPARTMENT AMENDING
AND SUPERSEDING “RULES AND REGULATIONS OF THE
POLICE DEPARTMENT OF THE BOROUGH
OF PENNINGTON DATED 1995.”**

WHEREAS, in accordance with Section 46-3 of the Code of the Borough of Pennington, Rules and Regulations for the Pennington Police Department were codified by Borough Council in 1995 as the “Rules and Regulations of the Police Department of the Borough of Pennington dated 1995;”

WHEREAS, Borough Council now seeks to amend and supersede the 1995 document by adoption of the codification of Rules and Regulations attached to this Ordinance and incorporated herein by reference as if set forth at length (hereafter “2022 Rules and Regulations”;

WHEREAS, the attached 2022 Rules and Regulations are proposed on the recommendation of the Chief of Police with the endorsement of the Public Safety Committee;

WHEREAS, the 2022 Rules and Regulations consist of 35 pages including an Introduction with Code of Ethics and Mission Statement, a description of the General Duties and Responsibilities of the members of the Department, Rules of Conduct and Disciplinary Regulations;

WHEREAS, the 2022 Rules and Regulations revoke and supersede any rule or regulation previously issued to the extent of any conflict or inconsistency;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the attached 2022 Rules and Regulations of the Pennington Police Department are hereby adopted and approved, with the direction that copies be distributed electronically to all members of the Department and that a copy be maintained by the Borough Clerk and made available as a public document; and

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon passage and publication as required by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2023-3, second by Council Member Angarone. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Angarone with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2023-3, second by Council Member Angarone with all members present voting in favor.

BUDGET INTRODUCTION

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 3.10**

RESOLUTION TO INTRODUCE BUDGET FOR 2023

Section 1.

Municipal Budget of the Borough of Pennington, County of Mercer for the Fiscal Year 2023.

BE IT RESOLVED, that the attached statement of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

BE IT FURTHER RESOLVED that said Budget be published in The Hopewell Valley News in the issue of March 10, 2023.

The Governing Body of the Borough of Pennington does hereby approve the attached as the Budget for the year 2023.

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Pennington, County of Mercer, on March 6, 2023. A hearing on the Budget and Tax Resolution will be held on April 3, 2023 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	M				Stern	S			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to introduce the 2023 Budget, second by Council Member Stern. Mayor Davy asked Chief Financial Officer Sandy Webb to highlight key areas of the budget. Mrs. Webb stated that on February 28th, she presented a power point presentation at the Budget Work Session and to recap that presentation, budget appropriations are up about \$300,000, which includes \$58,000 in salaries and wages, other expenses are up roughly \$242,000, related to health benefit costs, liability insurance costs, pension costs, gasoline and first aid services. Mrs. Webb stated that some other items that drive this budget are a decrease in revenue from Uniform Construction Code Fees and a decrease in receipts from delinquent taxes. Mrs. Webb stated that as we go through the budget process the Finance Committee discusses costs that are out of the Borough’s control and those items total roughly \$1.7 million which includes items such as utilities, debt service, provision for the Library, insurance and pension costs. Mrs. Webb stated that these items that we have no control over go up consistently every year. Mrs. Webb stated that this budget reflects a 4 cent tax increase for the average property owner with an assessed value of \$487,000 that amounts to roughly a \$200.00 increase. Mrs. Webb stated that the Water/Sewer budget is up about \$333,000 and we are using some more surplus and anticipating a little more in water/sewer rents. Mrs. Webb stated that this budget faces the same challenges with salary, pension and insurance costs. Mr. Marciante stated that he does not like the 4 cent tax increase, but there is really no option when insurance and pension costs go up and they are out of our control. Mr. Marciante stated that other than cutting personnel which the Borough can’t do, there are no other options. Mr. Neiman stated that we are looking into some alternatives to reduce costs but unfortunately they will likely not impact the 2023 budget. Mr. Neiman stated that this is a prudent budget and the committee worked hard to get to this point, but given the long range financial planning this is a good budget. Mr. Valenza supported looking into reducing costs, but suggested that we also look at ways to generate more revenue. Upon a roll call vote all members present voted in favor of introduction.

Committee Reports

Planning & Zoning / Personnel / Economic Development – Ms. Gnatt was absent – no report.

Public Works/Open Space/Shade Tree – Ms. Stern reported that Open Space and Shade Tree did not meet in February, but Open Space will meet on March 15th and Shade Tree will meet on March 14th. Ms. Stern reported that Public Works discussed Sked Street Park Renovations and several members met at the park for an on-site visit. Ms. Stern stated that there will be further discussion later in the meeting. Ms. Stern stated that Dan Beach from Water Resource Management provided a presentation on a service that they provide to assist with the Lead Line Replacement Program for a very reasonable cost. Ms. Stern stated that we will not be going any further with 120 Water. Ms. Stern stated that in Mr. Smith’s report you will see decreased water usage which comes from the Public Works crew identifying leaks and replacing old meters. Ms. Stern stated that Public Works is making good progress on the Lead Line Inventory and she will report further on that at the next meeting. Ms. Stern stated that the committee approved the installation of a water sampling port at Kunkel Park.

Public Safety /Finance & Technology / Arboretum / Landfill – Mrs. Chandler reported that the Finance Committee has been working on the budget that was introduced earlier. Mrs. Chandler stated that with regard to technology, we are always looking for ways to reduce administrative time and the latest upgrade is the use of Microsoft Outlook Calendar invites for scheduling meetings.

Mrs. Chandler reported that Public Safety met and discussed staffing issues due to one officer still out on Worker’s Comp. Mrs. Chandler stated that all Officers continue with training but the stress of overtime is starting to take a toll.

Mrs. Chandler reported that the Arboretum group met and she would like to thank Mr. Smith for providing information on the exclosures. Mrs. Chandler stated that two estimates were received for two exclosures and the committee is planning to meet on site to see if they could get away with one exclosure instead of two.

Mrs. Chandler stated that Excel is working on the steps towards the additional testing that is needed at the Landfill.

Mrs. Chandler stated that the Deer Management Program for this year has ended with a successful hunt of 76 deer harvested. Mrs. Chandler stated that she has reached out to a company to provide an updated drone study of deer in the Borough now that the deer management program has been in effect for three years.

Historic Preservation / Library / Construction – Ms. Angarone reported that the Library Board voted unanimously to continue to ask the Borough to include their flyers in the water/sewer bills that go out. Ms. Angarone reported on upcoming library events for March.

Ms. Angarone stated that Historic Preservation met and discussed the bakery at 15 West Delaware Avenue and they continue to work with the applicant to ensure compliance with the Certificate of Appropriateness. Ms. Angarone stated that minutes for 2022 for Historic Preservation have been updated on the Borough website. Ms. Angarone stated that Historic Preservation continues to work with the Master Plan Update committee with regard to review of their Ordinance. Ms. Angarone stated that they will be working on updates for the website.

Parks & Recreation – Mr. Marcianti stated that Parks & Recreation met, Brett Margulis was appointed President and they would like support from Council on the proposed improvements to Sked Street Park which will be discussed later. Mr. Marcianti stated that the schedule of events will be submitted for the website and he is happy to see the sign that was requested as part of the Capital Budget. Mr. Marcianti reported that members were reminded to review the volunteer handbook. Mr. Marcianti stated that the Easter Egg Hunt will be held on April 8th at Kunkel Park.

Board of Health / Environmental Commission – Mr. Valenza reported that the Environmental Commission met February 27th and discussed the Environmental Resource Inventory, the Carbon Neutral group is working on initiatives for Borough equipment and also plans for composting in the Borough.

Mr. Valenza stated that the Board of Health met on March 1st. Mr. Valenza stated that COVID cases are fading, the focus of vaccinations is on long term care and assisted living facilities and the PCR testing site at Montgomery Township is shutting down. Mr. Valenza stated that contact tracing will be ending sometime in May. Mr. Valenza stated that the handoff between Montgomery Township and Hopewell Township seems to be going very smoothly. Mr. Valenza stated that Steve Papenberg brought up pending legislation to support public health and asked for Council support. Mr. Valenza stated that Public Health Officer Dawn Marling is working on a Mental Health flyer to be posted on the website.

Mayor Davy stated that we are in the final month of Health Services with Montgomery and effective April 1 we will be getting Health Services from Hopewell Township. Mayor Davy stated that Animal Control Services transitioned to Hopewell Township effective February 1st.

Mr. Valenza stated that he is working with Betty to post a Community Wellness tab on the Borough Website where important information can be posted for residents.

Mr. Valenza stated that we will be hearing from the Director of Emergency Management, Dave Berez, at the April meeting to hear about what they are doing with regard to train derailments given that there is a train that runs through Pennington.

Senior Advisory Board – Mayor Davy reported that Hopewell Township and Hopewell Borough also received COVID Relief Funds from Mercer County and those funds are to be used for the design phase of the project.

COUNCIL DISCUSSION

Communications Plan Update – Ms. Stern stated that they are continuing to work on communication within the Borough and she would first like to thank Betty and Donato for responding to the numerous requests they have made. Ms. Stern stated that another meeting is scheduled for March 13th with Donato and Betty. Ms. Stern stated that they have another meeting scheduled with committee chairs to keep the lines of communication open. Ms. Stern stated that they would like to remind Council Members as liaisons to encourage review and update of the website. Ms. Stern stated that the Volunteer Handbook has been distributed and is being discussed by each committee. Ms. Stern stated that they provided instructions for an “official signature” and they are asking that Council Members use this signature as it includes an invitation to subscribe to e-alerts. Ms. Stern stated that e-alert participation is up and they would like to continue to get the word out to subscribe. Ms. Stern stated that the Mayor will be mentioning the e-alerts at the beginning of each meeting and for the next few months Betty will be sending a notice out to let residents know the agenda is posted and encourage participation in the Council Meetings. Ms. Stern stated that the document repository has been set up and some committees are utilizing this for internal documents. Ms. Stern reported that use of the Outlook Calendar will make it easier to keep track of meetings and zoom links and she would encourage Council Members to use the calendar if they are not already doing so. Ms. Stern stated that they are exploring the idea of posting videos on the website, more to come on that. Ms. Stern stated that they are also exploring the possibility of recurring zoom links so that each meeting has one zoom link for all meetings. Ms. Stern stated that she and Ms. Angarone meet routinely to discuss their notes and keep things moving along.

Sked Street Park Plan Update – Mr. Marcianti reported that a meeting was held with Parks and Recreation and Public Works at Kunkel Park to identify what needs to be done to improve the park, including tree removal, equipment updates and landscaping. Ms. Stern stated that the plan has been developed and they have estimated the costs at \$116,681 to complete the proposed upgrades. Ms. Stern

stated that the funds for the work will be coming from Open Space funds. Ms. Stern stated that this is not a final cost and they are not ready to ask for approval yet, but they would like to get a sense from Council as to how much the budget for the project should be. Ms. Stern stated that before anything is formally approved, Mayor Davy would be holding a meeting with residents in the area of Sked Street Park to inform them of the project. Mr. Smith stated that he is still working on finalizing the numbers and waiting for additional quotes, but the proposed number is pretty close to what it will come out to. Mr. Smith stated that Shade Tree needs to weigh in on the trees that are proposed to be taken down. Mr. Marciante stated that the trees are dead and need to come down for safety reasons, in fact the entire project is centered on safety. Mrs. Chandler asked how many pieces of equipment are being added to the park. Ms. Stern stated that the equipment and benches are replacements and not additions. Ms. Stern stated that they tried not to add anything new other than the gazebo. Mrs. Chandler stated that she spoke to Kurt Pedersen who was the Chair of Recreation a while ago and he indicated that the gazebo was part of the original plan, but was eliminated due to cost. Mr. Valenza stated that though it seems expensive he feels that this is a good use of Open Space Funds. Mr. Marciante reminded Council of an encroachment on the property as the park is a flag lot. Mr. Bliss responded that this will need to be addressed through legal measures and should be discussed in closed session. Some discussion took place with regard to use of Open Space Funds and Ms. Stern stated that the Open Space Committee is in favor of using Open Space Funds for this project.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 3.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued from the Current Fund to CoreLogic Centralized Refunds, P.O. Box 9202, Coppel, TX 75019-9760, for refund of overpayment of 2022 fourth quarter taxes, Block 1002, Lot 24, also known as 22 East Welling Avenue, in the amount of \$3,417.40.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Marciante	M			
Chandler	X				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-3.1, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 3.2**

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 \$ 2,164,654.72 from the following accounts:

Current	\$ 1,905,253.46
W/S Operating	\$ 163,879.71
General Capital	\$ 64,420.93
W/S Capital	\$ 1,905.00
Grant Fund	\$ 202.55
Developer’s Escrow	\$ 6,968.50
Other Trust Fund	\$ 12,102.12
Animal Control	\$ 76.20

Unemployment	\$	705.00
Open Space	\$	2,560.00
COAH Trust	\$	6,281.25
TOTAL	\$	2,164,654.72

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	M			
Chandler	S				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-3.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023–3.3**

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
2023 TEMPORARY BUDGET**

WHEREAS, the 2023 Budget for the Borough of Pennington has not been adopted; and

WHEREAS, additional funds are necessary to meet various obligations of the Borough of Pennington;

NOW, THEREFORE, BE IT RESOLVED, that the following additional appropriations be made in the 2023 Temporary Budget for the Current Account.

Administration	Other Expense	\$15,000.00
Finance	Salaries	\$15,000.00
Planning Board	Salaries	\$10,000.00
Planning Board	Other Expense	\$10,000.00
Borough Property	Other Expense	\$15,000.00
Shared Services - Health	Other Expense	\$36,900.00
Shared Services – Animal Control	Other Expense	\$9,200.00
Shared Services – First Aid	Other Expense	\$25,230.00
Street Lights	Other Expense	\$4,000.00
Gas/Fuel/Lubricants	Other Expense	\$5,000.00
Total		\$145,330.00

BE IT FURTHER RESOLVED, that the following additional funds be appropriated for the 2023 Temporary Budget for the Water and Sewer Fund:

Water / Sewer Operating	Other Expense	\$50,000.00
PERS	Other Expense	\$100.00
TOTAL		\$50,100.00

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	M				Stern	X			
Gnatt				absent	Valenza	S			

Council Member Chandler made a motion to approve Resolution 2023-3.3, second by Council Member Valenza with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023-3.4**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.23 FOR
THE HOPEWELL VALLEY CHORUS**

WHEREAS, the Hopewell Valley Chorus submitted raffle application RA: 2.23 on February 23, 2023 for a raffle to take place on May 13, 2023 and a copy of that application is attached to this resolution; and

WHEREAS, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

WHEREAS, the required waiting period was satisfied on March 2, 2023; and

WHEREAS, the Hopewell Valley Chorus meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

WHEREAS, the Hopewell Valley Chorus, in accordance with law, has submitted the required fees forthwith;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that raffle license RA: 2.23 for the Hopewell Valley Chorus be approved; and

BE IT FURTHER RESOLVED that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.23 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Marciante	M			
Chandler	X				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-3.4, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 3.5**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 2, 2019, a lien was sold on Block 503, Lot 18, also known as 28 South Main Street, Pennington, NJ, for 2018 delinquent water/sewer payments; and

WHEREAS, this lien, known as Tax Sale Certificate #18-00005, was sold to US Bank Cust/Pro Cap 8/Pro Cap for 0% and a \$900.00 premium; and

WHEREAS, Douglas Merritt, 28 South Main Street, Pennington, NJ 08534, has effected redemption of Certificate #18-00005 in the amount of \$10,446.30;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$10,446.30 payable to US Bank Cust/Pro Cap 8/ProCap, 50 S. 16th Street, Suite 2050, Philadelphia, PA 18102 for the redemption of Tax Sale Certificate #18-00005.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$900.00 (Premium) from the Other Trust fund to the aforementioned lienholder.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	S			
Chandler	M				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-3.5, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 - 3.6**

**RESOLUTION APPOINTING MICHAEL W. PITTS, JR OF PITTS AND
SONS, LLC AS QUALIFIED PURCHASING AGENT FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, the Borough of Pennington is subject to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A 40A:11-1 et. Seq.; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold up to \$44,000 if a Qualified Purchasing Agent is appointed and granted the authorization to negotiate and award contracts below the bid threshold; and

WHEREAS, as a result, the quote threshold for a municipality with a Qualified Purchasing Agent permits an increase up to \$6,600; and

WHEREAS, N.J.A.C. 5:34-5 et seq establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, the Borough of Pennington desires to take advantage of the increased bid threshold by the retention of a Qualified Purchasing Agent; and

WHEREAS, Michael W. Pitts, Jr. has received certification from the Division of Local Government Services that he has qualified as a Qualified Purchasing Agent and

WHEREAS, the Borough Administrator has recommended the retention of Michael W. Pitts, Jr. of the firm of Pitts and Sons, LLC; and

WHEREAS, the Borough is authorized by law to retain a Qualified Purchasing Agent by contracting with an individual who possesses a QPA Certificate; and

WHEREAS, Mr. Pitts shall comply with Pay to Play regulations and will complete and submit a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

WHEREAS, Mr. Pitts shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, Mr. Pitts shall be compensated as Qualified Purchasing Agent for a yearly amount of \$5,000 payable by purchase order, as set forth in his annexed Proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Administration Budget account #3-01-20-100-000-252;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that Michael W. Pitts, Jr of the firm of Pitts and Sons, LLC is hereby retained as the Qualified Purchasing Agent for the Borough of Pennington to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a contract with Mr. Pitts consistent with the term of his annexed Proposal, subject to approval as to form by the Borough Attorney; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough hereby increases its bid and quote thresholds to the maximum amount permitted by law; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Mr. Pitt’s Certification to the Division of Local Government Services.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B
Angarone	M				Marciante	X			
Chandler	S				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Angarone made a motion to approve Resolution 2023-3.6, second by Council Member Chandler. Mr. Bliss asked for a couple of revisions in the language of the resolution provided to Council Members. Some discussion took place with regard to ensuring that quotes and bids are offered to diverse businesses and not just local businesses. Mayor Davy stated that the Local Public Contracts Law governs purchasing in New Jersey. Upon a roll call vote all members present voted in favor of the Resolution as amended.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 3.7**

**RESOLUTION AUTHORIZING MAINTENANCE AND REPAIR SERVICES FOR PUBLIC
WORKS VEHICLES THROUGH ON-SITE FLEET SERVICES, INC. UNDER STATE
CONTRACT T-2108 AND T-0126**

WHEREAS, the Superintendent of Public works has submitted a request for vehicle maintenance and repair services for all public works vehicles for the year 2023; and

WHEREAS, the Superintendent of Public Works has determined that these services are available under State Contract T-2108 for heavy duty vehicles (Class 5 or higher, over 15,000 LB GVWR) and under State Contract T-0126 for light/medium duty vehicles from On Site Fleet Services, Inc. located at 36 Edgeboro Road, East Brunswick, NJ 08816; and

WHEREAS, the Superintendent of Public Works has estimated the cost of maintenance at a total of \$6,000; and

WHEREAS, because estimating the cost of repairs that may arise during routine maintenance is difficult, the Superintendent of Public Works requested that an additional \$6,000 be authorized so that necessary repairs can be addressed in a timely manner; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services in the following line items of the 2023 budget:

Streets – 3-01-26-290-000-277
Trash – 3-01-26-305-000-277
Water – 3-05-55-501-000-277

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of vehicle repair and maintenance services from On-Site Fleet Services, Inc. under State Contracts T-2108 and T-0126 are hereby authorized in an amount not to exceed \$12,000.00 for the year 2023.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	M				Stern	S			
Gnatt				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-3.7, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2023-3.8**

**RESOLUTION AUTHORIZING ISSUANCE OF PERMIT (S) TO
HOPEWELL TOWNSHIP RECREATION DEPARTMENT FOR
USE OF KUNKEL PARK FOR ART IN THE PARK**

WHEREAS, the Hopewell Township Recreation Department (“HTRD”), having offices at 201 Washington-Crossing Pennington Road, has applied to Pennington Borough for permits authorizing use of Kunkel Park for the program known as Art in the Park (“Program”);

WHEREAS, the dates and times sought to be reserved for use by the Program are the following Saturdays from 9 AM to 12:45 PM: April 15, April 22, April 29, May 6, May 13, May 20, June 3 and June 10, 2023; and during the week from 8:30 AM to 12:30 PM: June 26, 2023 through June 30, 2023 and July 10, 2023 through August 4, 2023;

WHEREAS, a copy of the proposed permit (“Permit”) is attached and incorporated herein by reference;

WHEREAS, Borough Council seeks to authorize issuance of the Permit subject to the following conditions:

1. HTRD shall comply with the requirements for use set forth in the Permit, including the regulations specified in Borough Code Sec. 143-3.
2. HTRD shall ensure in particular that the tables, benches and other park furniture and equipment in the Park are kept clean and left in the same condition they are found.
3. HTRD shall charge Pennington and Hopewell Township residents the same fee for participation in the Program.

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Permit is hereby approved for issuance to the HTRD subject to the conditions set forth above.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Marciante	M			
Chandler	X				Stern	X			
Gnatt				absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-3.8, second by Council Member Angarone with all members present voting in favor.

Mayor Davy stated that Resolution 2023-3.9 will be addressed after the Closed Session.

PROFESSIONAL REPORTS

Borough Attorney – Mr. Bliss reminded Council of the Closed Session.

Chief Doug Pinelli – Chief Pinelli stated that the Department is working with Pennington Day, Sergeant Burroughs will be in charge of the event.

Superintendent of Public Works – Mr. Smith stated that the forecast for tonight has changed a little and he and his crew are ready to go if bad weather occurs.

Borough Clerk – Mrs. Sterling had nothing to report.

Chief Financial Officer – Mrs. Webb thanked Mayor and Council for the budget meeting last week, it was very helpful in putting the budget together.

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

CLOSED SESSION

AT, 8:19 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:

Contract Negotiations – First Aid

Tax Appeal – 2 Route 31 North

AT, 8:47 PM, Mayor and Council returned to open session.

**BOROUGH OF PENNINGTON
RESOLUTION NO. 2023 – 3.9**

**RESOLUTION AUTHORIZING ASSESSOR’S APPEAL, AT
DISCRETION OF ASSESSOR, REGARDING 2 ROUTE 31
NORTH, BLOCK 201, LOT 6, BOROUGH OF PENNINGTON**

WHEREAS, the owner of the commercial property known as 2 Route 31 North, Block 201, Lot 6 in the Borough of Pennington, has filed a tax appeal in the New Jersey Tax Court contesting the 2022 assessment for that property, and resolution of the appeal is still pending;

WHEREAS, the appropriateness of an Assessor’s Appeal seeking some reduction of the assessment of the property in 2023 cannot be determined at this time and the Borough’s deadline for filing such an appeal is April 1, 2023;

WHEREAS, Borough Council seeks to authorize the Tax Assessor to file such an appeal if in her best judgment, based on further information, such appeal is necessary to protect the Borough’s interests;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Tax Assessor is hereby authorized to file an Assessor’s Appeal reducing in some amount the 2023 assessment of the property known as 2 Route 31 North, Block 201, Lot 6 in the Borough of Pennington, based on the Assessor’s professional evaluation of available relevant information.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	M				Stern	X			
Gnatt				absent	Valenza	S			

Mayor Davy asked Mr. Bliss to read into the record a change to the Resolution that was discussed in Closed Session. Mr. Bliss asked for a change in the second Whereas clause. Council Member Chandler made a motion to approve Resolution 2023-3.9, second by Council Member Valenza with all members present voting in favor.

AT, 8:49 PM, with no further business to come before Council, Council Member Stern made a motion to adjourn the meeting, second by Council Member Chandler with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk