

**BOROUGH OF PENNINGTON
RESOLUTION 2023-11.9**

**SECOND RESOLUTION AUTHORIZING THE REMEDIATION OF INFESTATION AND
CHARGING THE PROPERTY OWNER THE COSTS OF SUCH REMEDIATION PURSUANT
TO SECTIONS 136-7 AND 136-8 OF THE PENNINGTON BOROUGH CODE**

WHEREAS, as set forth in Resolution 2023-10.8, the residential property at 132 West Welling Avenue (Block 903, Lot8) in Pennington (“the Property”) is in violation of the Code of the Borough of Pennington, Section 136-1, et seq (Public Health Nuisance), in that food sources on the Property and debris in the rear and side yards providing harborage have led to a rat infestation constituting a nuisance in violation of Code Section 136-3;

WHEREAS, the Property is owned by Wells Fargo Home Mortgage (Wells Fargo) whose office address according to Tax Records is in Des Moines, Iowa and it is responsible for remediation and cleanup;

WHEREAS, on September 13, 2023 the Assistant Health Officer met at the Property with Wells Fargo’s real estate agent and two days later (September 15) followed this meeting with an e-mail confirming the existence of the infestation and the agreement by Wells Fargo that Essence Pest Control will return weekly to check and rebait and as needed add rodent feeding stations and provide ongoing oversight of a rodent eradication program, and the further agreement that Wells Fargo will immediately undertake a comprehensive clean-up of the Property, securing dumpsters and a waste removal company to complete the site clean-up while concurrently assuring that Essence Pest Control maintains its ongoing rodent extermination program;

WHEREAS, on September 21, 2023, the Borough Attorney wrote a letter directly to Wells Fargo via e-mail reciting the history and asking for its intentions;

WHEREAS, on September 26, 2023, the Health Officer posted on the Property a formal Notice of Nuisance Condition directing that the violation be abated within five (5) days of the notice;

WHEREAS, Wells Fargo has responded to the Health Officer in part, a rodent abatement program is ongoing and some of the yard debris was removed by a Wells Fargo contractor, but most of the debris in the front and side yards of the Property remains, providing harborage for the rodent infestation;

WHEREAS, Wells Fargo represents that it is prevented from further cleaning up the yard debris at this time as the result of pending litigation affecting the occupant of the Property, but Wells Fargo requests that the Borough do the cleanup and send Wells Fargo the invoice;

WHEREAS, the Health Officer has obtained a quotation for the needed work in the amount of \$2,720 from AMI Property Services, Inc. of Englewood, New Jersey, the entity hired by Wells Fargo to do what amounted to the initial partial cleanup;

WHEREAS, because the Property is presently occupied, the cost of the cleanup must include the presence of two Pennington Police Officers on Paid Detail at the rate of \$100 per hour for each officer, each with a 4-hour minimum, plus a \$25 administrative fee, as provided by ordinance;

WHEREAS, the Wells Fargo agreement to pay is secured by Chapter 136 of the Code of the Borough of Pennington, concerning Nuisances, Public Health, Vacant Property, which provides that whenever a nuisance is found on property and a violation notice has been given to the owner to remove or abate the nuisance, and the owner fails to respond to the notice within the time specified, the Health Officer or other enforcing official may remove and abate or cause the clean-up of the nuisance at the expense of the property owner (Sec. 136-7);

WHEREAS, in these circumstances the Borough may recover from the property owner the cost or expense of performing the clean-up and remediation by certifying its costs and expenses to the Tax Assessor for assessment as part of the taxes next assessed against the property (Sec. 136-8);

WHEREAS, time is of the essence for immediate remediation of the infestation and clean-up of the Property;

WHEREAS, the contractor AMI Property Services, Inc. is now scheduled to perform the work on Wednesday, November 29, 2023;

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

1. the Borough Clerk is hereby authorized to issue a Purchase Order to AMI Property Services, Inc. in the amount of \$2,720.00 for completion of the proposed cleanup of yard debris, at the direction of the Health Officer;
2. the Clerk and Administrator is hereby directed to take such steps as needed to recover from Wells Fargo Home Mortgage this and all other costs and expenses related to the cleanup, including the cost of Paid Detail police protection, invoking as needed the procedures for assessments against the Property in accordance with Chapter 136 of the Borough Code.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
Gnatt					Valenza				

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 November 27, 2023.

Elizabeth Sterling, Borough Clerk