

**BOROUGH OF PENNINGTON
RESOLUTION 2025-4.17**

**RESOLUTION AUTHORIZING AMENDED USE AND OCCUPANCY
AGREEMENT WITH PENNINGTON BOROUGH FIRE DISTRICT NO. 1**

WHEREAS, by Resolution 2024-12.15, Borough Council authorized a Use and Occupancy Agreement to permit temporary use of the Pennington First Aid Building by Pennington Borough Fire District No. 1 (“Fire District”);

WHEREAS, the Fire District did not execute that Use and Occupancy Agreement because it objected to the insurance clause at paragraph 12 which in addition to requiring the Fire District to own various insurance coverages and to name the Borough an additional insured, the insurance clause provided that: “No policy of insurance shall contain an exclusion for sexual abuse or molestation or limit the insured indemnification of Pennington for this purpose”;

WHEREAS, the parties have since arrived at a compromise by the terms of which the Fire District shall comply in full with paragraph 12 of the Use and Occupancy Agreement and the Borough will agree to extend the term of the Agreement to twelve (12) months rather than six (6);

WHEREAS, Borough Council now seeks to approve an Amended Agreement with the following changes and no other: (1) on page 1 of the Agreement, in the second line of the sixth recital or whereas clause, “six (6) months” is changed to “twelve (12) months”; (2) on page 2 of the Agreement, in the first and second lines of the paragraph numbered 3 (Term), “six months” is changed to “twelve (12) months; and (3) in the second line of that paragraph numbered 3, the dates “March 18, 2025 through March 17, 2026” are inserted in the blanks and the reference to “[Dates TBD]” is deleted;

WHEREAS, the attached form of Use and Occupancy Agreement supersedes all others earlier approved by Borough Council;

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 Use and Occupancy Agreement on behalf of the Borough provided that the signed Agreement shall be held in escrow and shall not be operative until the Fire District delivers to the Borough Clerk a Certificate of Insurance certifying that all insurance coverages provided for in paragraph 12 of the Agreement are in full force and effect and providing explicitly that “In accordance with paragraph 12 of the Use and Occupancy agreement, no policy of insurance identified above contains an exclusion for sexual abuse or molestation or limits the insured indemnification of Pennington for this exposure.”

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Marciante					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 April 7, 2025.

Elizabeth Sterling, Borough Clerk