

**BOROUGH OF PENNINGTON
RESOLUTION 2023-10.8**

**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, the residential property at 132 West Welling Avenue 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 front 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 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 Inspector 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, the Assistant Health Officer has now further advised that a survey of surrounding properties is also required to determine whether the infestation has spread;

WHEREAS, the real estate agent for Wells Fargo subsequently advised the Assistant Health Officer that he could not commit on the proposed remediation on behalf of the bank;

WHEREAS, on September 21, 2023, the Borough Attorney wrote a letter directly to Wells Fargo Home Mortgage via e-mail reciting the history and asking for its intentions, and to date there has been no response directly from the bank;

WHEREAS, pursuant to Chapter 136 of the Code of the Borough of Pennington, concerning Nuisances, Public Health, Vacant Property, 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, Essence Pest Control, LLC has now submitted an estimate for the survey of seven (7) adjoining properties around 132 West Welling Avenue in the amount of \$400.00, as reflected in the attached estimate;

WHEREAS the formal position of Wells Fargo Home Mortgage on the payment for these services and its commitment to otherwise completing remediation and clean-up is uncertain;

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

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 Essence Pest Control, LLC in the amount of \$400.00 for conduct of the proposed survey of adjoining properties;
2. the Borough Administrator is hereby directed to retain such services as needed to expedite the remediation of infestation and clean-up of the Property, in accordance with the advice and direction of the Health Officer;
3. the Administrator is hereby further authorized to take such steps as needed to recover all of these costs and expenses from the property owner in conformance with Code Section 136-8.

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 October 2, 2023.

Elizabeth Sterling, Borough Clerk