

**Pennington Borough Council  
Work Session Meeting – July 29, 2024**

Mayor Davy called the Work Session 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. Ms. Gnatt was absent.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Public Works Superintendent Rick Smith and Police Chief Doug Pinelli.

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 he was amending the agenda to include a discussion of the traffic signal at Ingleside and Route 31.

**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.

**Work Session Discussion Items**

**Resolution - Designating an Area In Need of Redevelopment / Blackwell Property – Jim Kyle**

Mayor Davy asked that Borough Planner Jim Kyle be invited into the meeting to report on a Resolution that will be on the agenda at the Regular Meeting next Monday. Mayor Davy stated that the Resolution concerns the area known as the “Blackwell Property”. Mayor Davy stated that the Borough made a recommendation to the Planning Board to conduct a Preliminary Investigation which was completed by the Borough Planner and reviewed and approved by the Planning Board. Mayor Davy stated that the Resolution that Council will consider next week would be to designate the Blackwell Property as an area in need of redevelopment.

Mr. Kyle reviewed the process that has led up to this since letters went out to neighbors of the property inviting them to attend this meeting, though that is not a requirement under the Redevelopment Law. Mr. Kyle stated that the Preliminary Investigation Report which involved site visits and inspection of the properties. Mr. Kyle shared the basis for determining that the properties do meet the conditions and criteria under the Redevelopment law to qualify as an Area in Need of Redevelopment. Mr. Kyle explained that one of the properties was included because it will aid in a plan for the redevelopment area due to a stream that runs through the property. Mr. Kyle stated that once the Resolution is approved by Council it will be submitted to the DCA for approval and certified mail notices will be mailed to the property owners.

Mr. Kyle stated that going forward the Resolution will state that a Redevelopment Plan will be designed for these properties taking into account the permitted uses for the property. Mr. Kyle stated that Mayor Davy plans to have the public included as the process unfolds and a plan is developed. Mr. Kyle stated that at this point we do not know what the plan will be as this is just the preliminary phase.

Mr. Kyle shared the report and showed exhibits of pictures of the properties and maps indicating the area that will be included in the Area in Need of Development and pointing out some of the conditions of the property and the buildings that meet the requirements under the Redevelopment law.

Mayor Davy stated that the letter that was mailed out to residents and posted on the website offered the opportunity for residents to participate in a public hearing and address any questions they may have regarding the redevelopment process or with regard to the properties. Mayor Day asked that anyone wishing to speak state their name and address for the record and limit comments to a maximum of two minutes.

Hilary Burke of Abey Drive had a question about the report and the links that were included in the report. Ms. Burke pointed out a typo in the report regarding condemnation. Ms. Burke stated that on page 7 there is a statement of no known contaminated sites... and she is concerned if there has been any testing on the property and if there is contamination she wants to be sure that the property owners and not the residents

are responsible for any remediation. Mr. Kyle stated that his understanding is that a Phase 1 study was completed and there were limited areas that might need further study, but they were mostly surface concerns. Mr. Kyle explained that a Phase 2 study would happen next. Mr. Kyle stated that a Phase 1 identifies areas of concern and a Phase 2 investigates those areas further. Mr. Kyle gave a brief explanation of a Phase 1 and a Phase 2 study and what would be involved with each. Mr. Kyle stated that he understands that a Phase 2 study will be done. Ms. Burke asked who pays for these studies and Mayor Davy stated that the property owner is responsible.

Mr. Dan Rubinstein asked when a discussion will take place regarding how the redevelopment will take place and would there be a contractor or could the Borough undertake the redevelopment. Mr. Kyle stated that in this case, the Borough through the process has deemed that the area is a non-condemnation area and that means the Borough will not use eminent domain but rather would let the normal market forces drive the assemblage of land and the project that ensues. Mr. Rubinstein stated that this would be an ideal spot for Affordable Housing possibly with some shops. Mr. Rubinstein asked if the public would be asked to participate in the process for the development plan for the property. Mayor Davy stated that they will be formulating a committee that has Council and Planning Board members, the Borough Administrator and Borough Professionals to meet and develop a plan for the properties. Mayor Davy stated that the committee would hold public meetings and residents will be welcome to attend as the plan unfolds. Mayor Davy stated that committee would work to formulate a plan that would then come back to Council for their input and approval. Mayor Davy stated that he and the Borough Council plan to have this be a very open process for these properties and for other properties in the Borough.

Susan Bristol from the Stonybrook Watershed spoke in detail regarding this property and the impacts on the area watershed including constraints that might be present on this property. Ms. Bristol stated that this is a great opportunity to reverse some of the things that have impacted the stream historically. Mayor Davy stated that they would include the Watershed in plans going forward, but we are in the very preliminary stages in the process.

Several members of the public asked questions regarding the plan and the process and whether certain buildings on the property that may hold historic value. Some residents were concerned as to whether the property owners were aware of this and Mayor Davy stated that the property owners have been engaged in the entire process.

Mr. Peter McDonough of 111 N. Main Street stated that this is a great idea and asked what the time frame is for the redevelopment plan. Mr. Kyle stated that once the Resolution is approved by Council and the committee is formed he would anticipate that process could be underway quickly. Mr. Kyle stated that the plan itself is an ordinance that involves two meetings.

#### **Resolution - Referral to Planning Board / Area in Need of Redevelopment/ Chill Properties LLC - 2 Route 31 - Jim Kyle**

Mr. Kyle stated that this property has been for sale for quite some time and the owner has been unable to lease the space out so under the Redevelopment law, once you have vacancies in 50 percent of the building for a period of two years or more the property automatically qualifies as an Area in Need of Redevelopment under the law. Mr. Kyle stated that the law was changed due to the large number of commercial space throughout the State and that is what we have here. Mr. Kyle stated that a Resolution will be presented to ask the Planning Board to start the process by initiating a Preliminary Investigation which will eventually come back to Council for designation similar to the Blackwell property that was just discussed.

#### **Resolution Establishing Redevelopment Committee**

Mayor Davy stated that Borough Council is the Redevelopment body though in some cases Borough Council will direct the Planning Board to develop a Redevelopment Plan and in recent conversations the idea of a hybrid plan was presented where a sub-committee would be formed to undertake the process of developing a redevelopment plan. Mayor Davy stated that the committee would be comprised of two members of Council, two members of the Planning Board, the Mayor, Borough Administrator and Borough Planner. Mayor Davy stated that the committee would work with the property owners to develop a plan for their property, take public comments and input, work with the Watershed and other bodies that might be involved. Mayor Davy stated that once a plan is developed it would go to the Planning Board for public input and approval and then would come back to Council for public input and adoption. Mayor Davy stated that plan is to maximize public input at every stage. Mayor Davy stated that the meetings will be public meetings, they will be noticed with the papers and the public will be welcome to attend. Mayor Davy stated that this was an interesting idea and if Council agrees they will consider a Resolution at the Regular meeting. Mr. Kyle stated that he has found that he has done this in many communities that he works with and has found it to be very successful.

**Landfill - HDSRF Application** - Mayor Davy invited Lawra Dodge from Excel Environmental to update Council on revisions to the HDSRF application that was submitted for additional remediation work on the Landfill site. Ms. Dodge stated that a Supplemental Application for Funding was submitted to the DEP and they have come back and scaled back the work that was requested and the application was then

revised. Ms. Dodge stated that the revised application is ready to go and the only thing that DEP removed from the original application was the deep bedrock investigation. Ms. Dodge explained that after the work is done under the revised application if it is found that the deep bedrock work is necessary, there is funding in place and the Borough can apply for that funding. Ms. Dodge reviewed that work that was approved under the revised application and explained that the funding will cover the work that is necessary and there is additional funding in place if more work is needed. Ms. Dodge stated that the DEP is behind this project and they want this work to take place.

**Ordinance - Stormwater Amendments** – Mayor Davy asked the Borough Administrator and Rick Smith to report on this. Mr. Smith stated that the County has requested some minor changes related to calculations. Mayor Davy stated that an Ordinance will be on the Regular meeting agenda for introduction.

**Resolution - Professional Services Agreement - CGPH - COAH** – Mayor Davy stated that this agreement is the same fee structure as last year's agreement and will be a Resolution for consideration at the Regular meeting.

**Purchase of Bike Rack for Sked Street Park and the Arboretum** – Some discussion took place with regard to waiting to purchase a bike rack for the Arboretum now as long as Public Works can store it until they are ready to install it.

**Future of Water Utility Committee:**

**Phoenix Advisors - Water Utility Valuation Analysis** – Mayor Davy stated that the Future of the Water Utility Committee would like to enlist Phoenix Advisors to do an analysis on the Water Utility to assist with the committee's work on evaluating the future of the water utility.

**Water Resource Management/Remington Vernick Engineering - Resolution Pursuing Third Party Claims for PFAS Contamination/Treatment** - Mr. Valenza stated that there are major Class Action Law Suits against the companies that have produced the chemicals that are now showing up in our groundwater supply and Municipalities who have their own Water Utility can participate to help mitigate the costs of treatment measures for remediation of these chemicals.

**Resolution - Mercer at Play Grant** – Mr. Caminiti stated that this came from Hopewell Township and they are spearheading the application, funds will be put towards the new Senior Center.

**Bond Ordinance - Well 8 Repairs (AC Schultes)** – Chief Financial Officer Sandy Webb stated that she was asked to request a Bond Ordinance to fund the repairs needed at Well 8. Superintendent of Public Works, Rick Smith stated that the main pump at Well 8 went down and needs to be replaced. Mr. Smith stated that the old pump is close to 50 years old and is definitely in need of repairs. Mrs. Webb stated that the idea would be to include this in permanent funding if that is the route the Finance Committee decides but if not we can fund it in next year's budget. Some discussion took place with regard to including funding for other pumps or repairs that might come up so that funding is in place if a repair is needed. Mr. Smith stated that he is working on an analysis of what might be needed in the future.

**Resolution - Deer Management Agreement 2024-2025** – Mrs. Chandler stated that we are working on the agreement for 2024-25 and working on locations for hunting and she is hoping to have this in place for the August meeting as deer season starts in September. Mr. Marciante stated that he does not like drawing deer to a property adjacent to the Borough so that they don't enter Pennington because then we are paying for deer that the Township should be responsible for. Mr. Marciante stated that there is a form available that property owners can fill out which requires signatures from neighbors. Mr. Caminiti stated that the forms are available at Borough Hall. Mrs. Chandler stated that they are looking into a program with Mercer County to allow culling of more than one buck.

**Resident Meeting - Walking Purchase, Fitzcharles Place, N. Riding Drive - July 30<sup>th</sup>** – Mayor Davy stated that the Borough was notified last week that Mercer County will be milling and resurfacing Walking Purchase, Fitzcharles Place and North Riding Drive beginning August 5<sup>th</sup>. Mayor Davy stated that we sent out a letter to the residents of those streets advising them and also inviting them to a meeting on July 30<sup>th</sup> at 7:00 pm so that they can address any questions or concerns. Mayor Davy stated that we noticed the meeting in case Council Members are interested in attending and County Executive Dan Benson might be in attendance.

Mayor Davy stated that a discussion of the traffic light at Ingleside and Route 31 was added to this agenda at the request of Ms. Stern and Mr. Marciante. Ms. Stern stated that a Resolution as approved in 2022 that she feels that the Borough comes across as being opposed to a light at that intersection when the reality is that Council was pushing for a study to show the traffic impact to Pennington. Ms. Stern stated that she feels that we are on record with an opinion that does not reflect the current point of view that Council is in favor of finding a solution to the traffic concerns at that intersection. Ms. Angarone agreed with Ms. Stern and she stated that she was concerned in 2022 and she remains concerned and in 2022 we asked for data because solutions are data driven and to this date we have not heard from any professionals that can answer the questions on impact and two years is a long time to respond to our request. Ms. Angarone stated that hasty decisions like the removal of the turn lane on Main Street prove that hasty decisions do not produce good results. Mr. Marciante stated that 40 accidents have occurred at that intersection and it is our responsibility

to address the safety concerns at that intersection and then to control that traffic coming into Pennington. Mr. Marciante stated that this should not be dragging on a decision needs to be made, it is time to act. Mayor Davy asked Ms. Stern, Mr. Marciante and Ms. Angarone to provide the Borough Attorney with their thoughts for a resolution. Mr. Valenza stated that he feels that the resolution in 2022 does not read that Pennington is not in support of a traffic light. Ms. Stern stated that she does not know if another resolution is needed but maybe reaching out to officials is needed. Ms. Stern stated that something more needs to be done. Mrs. Chandler stated that she is fine with doing another resolution but we don't have any say in a light at this intersection. Mr. Caminiti stated that he can reach out to officials and make our case, but he has dealt with this before and DOT is not going to act because we are making the request. Mr. Caminiti stated that he will reach out to see if anything is being done on the County and State levels with regard to this intersection. Mayor Davy stated that the intersection is in Hopewell Township and involves a County Road intersection with a State road and we do not have any jurisdiction. Council Members decided that they would like a resolution for the next meeting and that the Borough Administrator would reach out to see if he can get any information on the intersection.

**Review of Tentative Council Regular Agenda** – Mayor Davy stated that the following items will be on the agenda for the August 5<sup>th</sup> meeting and he asked if Council would like to discuss any of the items.

- **Ordinance 2024-11 - Ordinance Amending Chapter 98 of the Code of the Borough of Pennington (Fees) to Clarify When a Refundable Security Deposit is Required for use of Borough Parks (Public Hearing and Adoption)**
- **Resolution - Bill List**
- **Resolution - Purchase of Meters - ARP Funds**
- **Resolution - Updated Title - Cemetery Property**
- **Resolution - Approving Bingo Application**
- **Resolution - Approving Raffle Application**

Mr. Smith briefly spoke about the Resolution for the purchase of meters which is the final purchase with ARP funding. Mr. Smith stated that we are about half way through getting to the goal of reading meters as we collect garbage.

Mayor Davy briefly explained the Resolution regarding the cemetery property and explained that this should be the final item left to address in order to get Green Acres reimbursement.

Mr. Marciante stated that he would like to see the application for the Senior Freeze program posted on the website so that residents are aware of the program. Mrs. Sterling stated that the link to the program and other programs are on the website as per the Best Practices requirements.

#### **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.

Several members of the public spoke regarding the traffic light at that intersection of Ingleside and Route 31 and expressed their support and safety concerns.

Council Members agreed that the concerns are for the entire community and that is why Pennington is pushing to get a traffic study. Mr. Valenza stated that Pennington is in favor of a traffic signal but it is important to have the traffic study done to see what the impact will be on neighboring communities. Council Members encouraged residents to also reach out to County and State representatives to express their concerns.

Lee Herman stated that the perception on social media is that Pennington is not in favor of a traffic light and she is happy that this discussion is taking place but she would like to encourage the Borough to get the word out to residents so that the public can have a better understanding of this issue. Ms. Herman stated that educating the public is key to change the perception that Pennington is opposed.

Mr. Valenza agreed and stated that the public can help with getting the word out that the perception is not accurate.

**Closed Session**

At 9:33 PM, Mayor Davy announced that Council will now convene in Closed Session to discuss a subject or subjects not permitted in Open Session. Mayor Davy stated that no action will be taken during or after the Closed Session.

Hopewell PILOT Litigation Status  
Police Arbitration Status

At: 9:33 PM, Council Member Marciante made a motion to adjourn the Regular Meeting and convene in Closed Session, second by Council Member Chandler with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk