

**Pennington Borough Council
Work Session Meeting – September 30, 2024**

Mayor Davy called the Work Session Meeting of the Borough Council to order at 7:09 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante and Stern in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Superintendent of Public Works 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.

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 - Redevelopment - 12 N. Main - Referral to the Planning Board - Mayor Davy stated that Borough Planning, Jim Kyle is here to brief Council on the first item. Mr. Kyle stated that this resolution would direct the Planning Board to conduct a preliminary investigation on the property known as 12 N. Main Street. Mr. Kyle stated that this request has come from the owner and the project would include converting an old office building that has been vacant for some time and the proposal is to convert the building to include residential units some of which would be affordable units. Mayor Davy stated a resolution will be on the agenda for the meeting on Monday.

Ordinance 2024-14 - Historic Preservation Amendments – Mayor Davy asked Eric Holtermann to highlight the changes to the current ordinance. Mr. Holtermann stated that a sub-committee of the Historic Preservation Commission worked on these proposed updates to the ordinance. Mr. Holtermann reviewed the various sections and language that is being proposed and the reason for some of the changes. Mr. Bliss stated that he would like some clarification of the changes that were made. Mr. Holtermann stated that he has a copy of the draft ordinance and he will review the changes. Mr. Bliss asked for clarification on the change from hearing to meeting because he wants to ensure that the applicants have a right to be heard. Mr. Bliss stated that it can still say meeting but add language indicating that the applicant will have the right to be heard. Ms. Angarone stated that she will make sure that the EDC is aware of the changes.

Mr. Holtermann briefly updated Council on two applications, one for the Pennington School and the other at 15-17 N Main Street.

Ordinance 2024-15 - Chapter 46 Revision - Police - Mr. Bliss explained that the sole objective is to take the Public Safety Committee out of the administrative chain and make it the Borough Administrator. Mr. Bliss explained that the ordinance does not change the chain of command in the department, the Chief is still in charge, and it defines the administrator as the link to Borough Council. Mr. Bliss explained that Borough Council remains the ultimate authority. Mr. Bliss stated that the existing ordinance refers to rules and regulations from 1995 and we need to figure out if we have more current rules and regulations. Ms. Angarone stated that she thinks we did adopt rules and regulations in 2023.

ZOOM meeting update – Mr. Caminiti updated Council on some fact finding that was done relating to a request from a resident to be able to make public the participants on a zoom Council meeting. Mr. Caminiti stated that we looked into it and reached out to other communities and see how they are dealing with this. Mr. Caminiti stated that others are running a hybrid meeting and requiring participants to register. Mr. Caminiti stated that this comes with another level of administrative work and some municipalities have hired part time staff to assist in the running of the meetings. Mr. Caminiti stated that we are not using the hybrid meeting or meeting in person due to the cost of upgrading the equipment in the Council room. Mr. Caminiti stated that aside from that we are hearing from other residents that they don't want their identity revealed or to be approached after the meeting. Mr. Caminiti stated under the Open Public Meetings Act, we are not compromising transparency or violating the law as we are only required to record in the minutes the comments of those who identify themselves and wish to be heard. Mr. Caminiti stated that active participants will be recorded in the minutes as required. Mr. Caminiti stated that he is recommending that we stay the course as we are in compliance. Some discussion took place with regard to requiring participants to

register. Mrs. Chandler stated that the current format of a webinar only allows the participants to view the meeting and she is curious if there is another way to hold the meeting so that the participants are in a more community oriented meeting. Mrs. Chandler stated that she would like to see the meetings be more inclusive to improve the sense of community. Mrs. Chandler stated that we should get rid of the panelist option and just hold a meeting with everyone included in the meeting. Mrs. Chandler asked if there is a way to let everyone into the meeting but mute them so that they cannot interrupt. Mrs. Sterling stated that some participants have indicated that they wish to remain unknown. Mayor Davy was concerned that if we had a large number of participants it would be difficult to manage. Mr. Valenza stated that there are two opportunities for people to speak at the meeting. Mrs. Chandler stated that only people who wish to speak need to identify themselves, but if someone is uncomfortable about disclosing their identity, they should put an alias and they will not be allowed to speak. Mrs. Chandler stated that she is suggesting that we run the Council Meetings at meetings and not as webinars. Mr. Caminiti stated that our meetings are a little different than private sector meetings as we are governed by the Open Public Meetings Act and we have to abide and comply with different regulations than the private sector. Following the discussion Council asked that Mr. Caminiti continue to look into this.

Stormwater Management Strategy Update – Mr. Caminiti stated that he e-mailed out the most recent of the document, version 6. Mr. Caminiti stated that this is a snapshot of where we are and what we are doing with regard to Stormwater Management. Mr. Caminiti stated that once this is finalized it will be posted on the website and distributed to residents in some format. Mr. Caminiti stated that this is a position paper that will at some point lead to an action plan and he will make that distinction. Mr. Caminiti stated that the problem areas involve the County and the State and he will make that distinction as well.

Letter from resident - Mr. Beyrouly - Land locked lot (Block 901 / Lot 2) – Mrs. Sterling explained that a former resident of Pennington owns a landlocked piece of property in Hopewell Township which went to tax sale quite a few years ago and is now in the foreclosure process. Mrs. Sterling stated that the owner of the property has written a letter offering to turn the property over to the Borough as open space. Mrs. Sterling stated that the owner would like a decision so that he can figure out what to do about the lien on the property. Mayor Davy stated the only benefit would be if it could be part of our Open Space inventory. Council discussed the location and if there was a benefit to the Borough. Ms. Angarone stated that on google earth it looks like there are tire tracks and the land has been disturbed. There was concern about if an environmental study would need to be done. Mayor Davy stated that we would not want to spend any money to do this but he would recommend that the owner just work it out with the lien holder.

Review of Tentative Council Regular Agenda

Mayor Davy stated that a couple of items are not listed and they are a presentation of the Best Practices Inventory by Sandy Webb and a request to close Broemel Place for a car show at the Pennington Fire Company. Chief Pinelli stated that he has spoken to the Fire Company and some changes have been made and he has made recommendations to have fire police manning where the barricades are placed and they will be monitoring the event.

Mayor Davy stated that the resolution for the Shared Services agreement is after the fact as the work has been done, but we need to do this in order to pay for the asphalt which came in under the amount that was budgeted in the capital budget.

Mayor Davy stated that the resolution to amend the Redevelopment Committee is just to correct an oversight that should have been picked up when the resolution was on for approval. Mayor Davy stated that it currently reads two members of the Planning Board, one of which could be the Mayor, but it should read two members of the Planning Board so that it is clear.

Nadine stated that she is very much in favor of the Stormwater study, however this resolution will commit us to an amount of money. Mr. Caminiti stated that we are waiting for a final proposal from One Water. Mrs. Chandler asked if this is a 2025 expense. Mr. Caminiti stated that he will distribute the proposal once he receives it. Mrs. Sterling stated that in order to do the resolution we need to figure out where the funds are coming from. Mrs. Chandler asked that this be referred to the Finance Committee first and defer the resolution to November.

Mayor Davy asked Mrs. Sterling to comment on the resolution requesting additional funds. Mrs. Sterling stated that as these Green Acres projects go we are always asked to revise documents that are submitted and these updates are required before we can get reimbursement for the purchase of the property.

Presentation - Board of Health - Steve Papenberg

Ordinance 2024-13 - Ordinance Updating Borough Stormwater Control Ordinance in Accordance with Current Regulations of New Jersey Department of Environmental Protection (Public Hearing & Adoption)

Resolution 2024-10.1 - Resolution Authorizing Refunds

Resolution 2024-10.2 - Resolution Authorizing Payment of Bills

Resolution 2024-10.3 - Chapter 159 - Community Energy Plan Grant

Resolution 2024-10.4 - Shared Service with Mercer County - Paving

Resolution 2024-10.5 - Resolution Amending Resolution Creating Redevelopment Committee

Resolution 2024-10.6 - Authorizing Advertisement for bids - Baldwin St/Baldwin Court

Resolution 2024-10.7 - Authorizing Participation in the Watershed Stormwater Study

Resolution 2024-10.8 - Additional Engineering - Green Acres - Cemetery Property

Open to the Public/ Public Comment

The Meeting is now open to the public for comment. 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 Clerk 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.

CLOSED SESSION

AT 8:29 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:

Negotiations - EMS Contract

Personnel - Police

Personnel - Open Space

At 8:29 pm, Council Member Angarone made a motion to convene in closed session and adjourn the work session meeting, second by Council Member Chandler with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk