

**Pennington Borough Council
Work Session Meeting – October 30, 2023**

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. Council Member Gnatt arrived after the roll call at 7:08 pm.

Also present were Borough Administrator Donato Nieman, Administrative Coordinator Mona Habiby, Chief Financial Officer, Sandra Webb, Public Works Superintendent, Rick Smith, Chief Doug Pinelli and Borough Attorney Walter Bliss.

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 meeting agendas and materials are available on the Borough Website and anyone interested in getting news alerts and announcements can subscribe by clicking on the “Subscribe to News and Announcements” button on the home page of the website.

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.**

Borough Resident Stewart Warren asked if the Stormwater Ordinance that was adjourned to the November meeting affects residents who have connections into the right-of-way that were in place prior to this Ordinance. Mr. Bliss stated that the Ordinance is written so that residents who have connections to the right-of-way prior to adoption of the Ordinance would be allowed to keep those connections with two exceptions. Mr. Bliss stated that if the Borough undertakes a road rehabilitation project or if the connection causes a hazardous situation they would have to be removed. Mr. Bliss stated that this is a modified grandfather clause subject to the two exceptions. Mr. Warren asked if the Ordinance would be voted on tonight. Mr. Bliss stated that this is a work session of Council to set the agenda for the regular meeting and tonight no action will be taken on the ordinance. Mr. Warren asked if the modifications that Mr. Bliss stated are included in the Ordinance for adoption and Mr. Bliss responded that they are included. Mr. Warren stated that Borough Council might want to consider addressing pool draining as many people drain their pools into the stormwater system and he does not think that is addressed in the Ordinance. Mr. Bliss stated that this Ordinance does not affect the existing swimming pool regulations and that might be something that Council could take a look at for future action.

Borough Resident Hilary Burke thanked Council for holding this work session. Ms. Burke asked who determines what is a public nuisance in the right of way and what triggers the exception to the Ordinance? Mr. Bliss stated that the pertinent language is hazardous condition. Ms. Burke stated that Eglantine Avenue has issues in the winter and so who would bring that to the attention of the Borough. Mr. Bliss stated that it is difficult to comment at this time and conditions will be addressed on a case by case basis. Mayor Davy stated that it could happen a number of ways, one would be a neighbor bringing it to our attention, the Police and Public Works are out and about all the time and they will be bringing issues to Council’s attention. Mayor Davy stated that we are working to address hazardous conditions for motorists and pedestrians. Ms. Burke stated that she has a copy of a request for a grant in 2017 and in that there is a breakout of costs that includes sump pump connections and she is assuming that means some sort of infrastructure to correct existing concerns. Ms. Burke asked why was the grant turned down and whether the reference in the grant refers to infrastructure. Mr. Valenza stated the he thinks that the ordinance allows payment to the Borough to connect to the storm water system. Mr. Smith stated that there is a permit involved and it would require review and approval from the Borough Engineer. Mr. Valenza stated that this ordinance is to protect the public but it is also to correct existing conditions going forward. Ms. Burke stated that there are existing issues on Abey Drive and she would like to know how the Borough will deal with issues that are not resident related but are problems that are the Borough’s problem that affect resident’s properties. Mr. Valenza stated that the Borough is always working on Stormwater Management. Mr. Nieman stated that the Borough will deal with all issues as they come up. Ms. Burke stated that she has pictures that she can share with Council. Mr. Valenza stated that he will look at the situation with Mr. Smith.

MAYOR’S BUSINESS

Mayor Davy stated that a Proclamation for Womanspace Communities of Light will be on the Regular Meeting Agenda for November 6th, 2023.

Mill and Overlay Recommendations – Ms. Stern stated that she will speak to this but first she would like to ask if Mayor Davy could briefly explain the purpose of the work session meeting and what Council is trying to achieve with these work sessions.

Mayor Davy stated that the purpose of the work session is to give Council Members the opportunity to discuss agenda items and have questions answered without any action occurring at the work session. Mayor Davy stated that in addition Council can discuss items that committees are working on that will be coming up for action at future meetings. Mayor Davy stated that this gives the public the opportunity to hear these discussion and we are also giving the public the opportunity to speak during the work sessions to maximize Council deliberations.

Ms. Stern stated that the reason that Mill and Overlay recommendations were listed on the agenda was to give Council an opportunity to review the recommendations before the November 6th meeting to allow any changes to be made prior to the November 6th meeting. Ms. Stern stated that the Public Works Committee is recommending the inclusion of the purchase of asphalt for mill and overlay work on roads that the Borough will requesting the County to assist with the labor to do the work. Ms. Stern stated that roads must be connected to County roads in order to qualify for the County to do the work. Ms. Stern stated that they will be requesting \$92,000 be added to the 2024 budget to cover the cost of the asphalt for the top three roads on the list including the Borough parking lot. Mrs. Chandler stated that we will have to see how it plays out with the budget for next year, we will include it in the preliminary numbers but it may have to be adjusted as we go through the budget process. Mayor Davy stated that we need to get this on record with the County as soon as possible so that we are on the radar for the County. Mayor Davy stated that he will send a letter to the County Engineer. Mayor Davy stated that no action will be required at the November meeting so this will be included in the budget discussions.

Best Practices Inventory – Mrs. Webb stated that at the November 6th meeting she will be making a presentation on the Best Practices Inventory where she will review any questions where our response was no, however she would like to note that we will be receiving 100% of our state aid again this year. Mrs. Webb stated that she would prefer to make her presentation at the regular meeting.

Security Fee for Use of Kunkel Park – Ms. Stern stated that when Art in the Park was held in the past, there has been damage to the tables and benches and so it has been discussed that groups that use the park without having to pay a fee should be charged a security fee of \$500 that would hopefully encourage groups to take more care. Mrs. Sterling stated that the fee ordinance would need to be amended to allow the charge. Mr. Bliss questioned who would be administering this program. Mrs. Sterling stated that the resolution authorizing the use of the park for Art in the Park was clear that they had to leave the park as they found it.

Fee for Yard Sale Registration – Mrs. Chandler stated that the Economic Development Commission provided signs and registration on a map for yard sale participants and what is being suggested is an optional fee for residents who want a sign and want to be on the map, the thought was to charge a fee of \$10 or \$20 to supplement the EDC budget. Mrs. Chandler stated that this would be optional and residents can still participate without paying the fee. After some discussion it was decided to address this in January and Mrs. Sterling suggested reviewing all of the fees at one time to do one amendment to the fee ordinance.

Halloween 2024 – Mayor Davy asked Chief Pinelli to update on what the plans for Halloween are for 2024. Chief Pinelli stated that we have been scaling back the past couple of years but he will have five officers on and two crossing guards and going forward he will see how it goes and evaluate for next year.

Mayor Davy stated that he will announce the resignation of Michael Briehler from the Economic Development Commission and the resignation of Toni Lewis from the Board of Health at the Regular Meeting.

Mayor Davy stated that he will appoint Ka’Neda Bullock to an unexpired term on the Economic Development Commission.

Mayor Davy stated that he will ask for approval from Council on the appointment of Katherine Fellman to the Board of Health for an unexpired term ending 12/31/23.

Mayor Davy stated that Ordinance 2023-14 – An Ordinance Prohibiting Certain Stormwater Discharges from Roof Leaders, Downspouts, Yard Drains and Other Pipes and Drains into the Storm Water System and Public Right-of-Way is scheduled for Public Hearing and Adoption at the November meeting.

Mayor Davy stated that Alan Hershey will be in attendance at the November 6th meeting to make a presentation for the Open Space Committee. Mrs. Sterling stated that the Board of Health will also be making a presentation.

NEW BUSINESS

Mayor Davy stated that the Borough will be introducing a Bond Ordinance for Additional Streetscape Design work which is fully funded by the Federal Government through the NJDOT.

Mayor Davy stated that the next item listed on the Work Session Agenda was amendment of the fee ordinance for Kunkel Park and a Yard Sale Registration fee which as previously discussed will be on for the January 2024 meeting.

Mayor Davy asked Mr. Bliss to discuss the next item which is an Ordinance to repeal the current Pay to Play Ordinance. Mr. Bliss stated that new legislation requires that any municipality that adopted their own Pay to Play Ordinance that was more restrictive must repeal it and comply with the State legislation on Pay to Play. Mr. Bliss stated that part of the new legislation removes the clause that allows municipalities to adopt their own ordinance. Mrs. Sterling pointed out that one of the questions on the Best Practices asks if the Municipality has repealed any pay to play ordinance in place.

Mayor Davy stated that the next item to be discussed is a request to repeal the requirement that Council Members sign off on purchase orders. Mrs. Sterling stated that there was some discussion about the fact that it was becoming difficult for Council Members to come in and sign off on purchase orders and that Council already approves the bill list anyway so she and Mrs. Webb checked with Walter and the Borough Auditor and both agreed that it would be fine to remove this requirement. Mrs. Sterling stated that because it is in the Borough Code an ordinance repealing this requirement is needed. Mrs. Sterling explained the process and stated that the auditors felt that we have enough levels of the approval process. Mrs. Chandler asked if the bill list could be printed by department and Mrs. Sterling stated that she would look into it.

Mayor Davy stated that there is a request to remove parking restrictions on Burd Street, coming from the Public Safety Committee. Chief Pinelli stated that this has come up several times over the past couple years and it has become a battle with the residents and with students from the school who park on Burd Street between Academy and West Delaware Avenue. Chief Pinelli stated that the Public Safety Committee supported his suggestion of removing the timed parking. Chief Pinelli stated that this would affect about 10 spaces and the residents along there will not be limited to two hour parking in front of their homes. Some discussion took place regarding the traffic and any prior incidents or accidents that have occurred.

Mayor Davy stated that the next two items are standard bill list and budget transfers. Mrs. Sterling stated that budget is in good shape so we might not need a budget transfer resolution.

Mayor Davy stated that Council will consider a resolution asking NJDOT for an extension to award the contract for Rockwell Green, Scudder Court and Chadwell Court which was requested by the Borough Engineer. Mayor Davy stated that with the holidays in November the Borough would not make the required date to award and it is permissible to request an extension.

Mayor Davy stated that the next item is a resolution in reaffirming support of the Crown Act which we have been asked to do and representatives will be in attendance to make a statement.

Mayor Davy stated that the Borough Administrator has interviewed for the Land Use Administrator position and he is recommending the appointment of Kaitlyn Macellaro who has municipal experience and is also interested in becoming certified as a Municipal Clerk.

Mayor Davy stated that next item is a Resolution awarding a contract to TruView to assist with compliance with the Borough's new Policy on the Safe Treatment of Minors. Mayor Davy stated that information was provided to Council in the packet. Mrs. Habiby spoke on the costs related which will be minimal.

Mayor Davy stated that the last Resolution that will be addressed on November 6th is renewal of the nutrition lease with Mercer County for 2024 and 2025. Mrs. Sterling explained that this is a two year renewal and the Borough receives payment from Mercer County to use the Senior Center to provide the nutrition program to seniors. Some discussion as to what will happen once the new facility is built in Hopewell Township.

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.

Borough resident Laura Warren stated that she walks all over town and some areas of town are very dark and she has concerns that there are quite a few sidewalks in disrepair and they are extremely dangerous and she would like to know who is responsible for repairing sidewalks. Mrs. Chandler stated that sidewalks are the homeowner's responsibility and in the past, the Borough has done a survey of sidewalks and sent letters to residents indicating that they need to make repairs to the sidewalk. Mrs. Warren asked if someone could look into adding more streetlights. Mrs. Marciante stated that PSE&G is in the process of replacing the current lights to LED and that will make a big difference. Mrs. Warren stated that sidewalks are being installed but nothing is being done to maintain them. Mrs. Chandler stated that Public Safety and Public

Works will work on a list of sidewalks in need of repair. Mrs. Warren stated that several times the blinking crossing light does not always work and she would like to know who is responsible for fixing this issue. Chief Pinelli stated that Mercer County is aware of the problem and they are looking into a solution.

CLOSED SESSION

AT, 8:07 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 Services

Status Update –First Aid Building

Mayor Davy stated that Borough Council will not be returning to open session to take further action.

At 8:07 pm with no further business to address, Mr. Marciante made a motion to adjourn the work session meeting, second by Council Member Chandler.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk