

**Pennington Borough Council
Regular Meeting – April 1, 2024**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:03 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Marciante, Stern and Valenza in attendance. Ms. Angarone was absent.

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

Mr. Dan Pace of 9 Railroad Place stated that he is in favor of Council returning to in person meetings because he could speak with others in attendance and see what concerns they had but having virtual meetings does not allow him to do that and in addition members in attendance as participants cannot see the names of other participants in the meeting. Mr. Pace asked if Council could look into this.

Ms. Reba Holley of 200 South Main Street thanked Council for the newsletter that comes with the Water/Sewer bills but in the current newsletter the explanation of the taxes was incorrect and incredibly confusing. Ms. Holley stated that she would be willing to volunteer to edit/proofread the newsletter before it goes out. Mayor Davy stated that part of the confusion was that the budget is not yet adopted and there is more information that is needed in order to explain both the budgets and the tax rate.

Ms. Marjorie Kaplan of 15 Baldwin Street stated that she would like information on proposed improvements to Baldwin Street as she thought that the road would be resurfaced but now she is hearing that the project might be more involved and she would also like to know if any trees or sidewalks will be involved. Mayor Davy stated that the Borough received funding from the NJDOT and the Borough Engineer will work to keep the project within the dollar amount awarded which may be just a resurfacing of the road. Mayor Davy stated that as we get closer to the design phase of the project he will be holding a resident meeting to discuss the design and then another meeting will be held prior to the award of the project. Mayor Davy stated that residents will have several opportunities to have input in the project.

MAYOR'S BUSINESS

Mayor Davy announced the resignation of Mona Habiby as Administrative Coordinator in the Borough Office.

Mayor Davy read the following Proclamation honoring Donato Nieman for his service as Borough Administrator for the past year.

**Mayor's Proclamation in Appreciation of
Donato Neiman's Service to the Borough of Pennington**

Whereas, Donato Nieman has served with distinction as a municipal administrator in towns across New Jersey for over 35 years; and

Whereas, upon retirement he generously offered his expertise to the Borough of Pennington on a part-time interim basis as Borough Administrator for a period of one-year; and,

Whereas, during his tenure with Pennington Borough, he provided invaluable guidance and leadership through his wealth of knowledge and experience in local governance; and,

Whereas, Mr. Nieman specifically is credited with assisting the Borough Council in negotiating a one-year shared services agreement for EMS services; negotiating and administering various other shared services with the Township, namely the Public Health Services agreement; and stabilizing the operations of the municipal government; and,

Whereas, it is now time for Mr. Neiman to step away as the Borough has hired a new, full-time administrator, which Mr. Nieman was instrumental in assisting the Borough Council with the search and selection of said administrator; and

Whereas, he can now fully retire from public service to enjoy more time with his family and pursue personal interests; and,

Whereas, the residents and taxpayers of Pennington Borough are profoundly grateful for his many contributions and wish him the very best in his retirement;

Now, Therefore, I, James M. Davy, Mayor of the Borough of Pennington, on behalf of the Borough Council, municipal employees, and residents, do hereby recognize the honorable service and career of Donato Nieman and celebrate his retirement after more than three and a half decades of distinguished public service to communities across New Jersey. We extend our deepest appreciation for his dedicated efforts on behalf of Pennington Borough and offer our heartfelt best wishes for many happy and healthy years ahead.

In Witness Whereof, I hereunto set my hand and cause the Seal of the Borough of Pennington to be affixed this 1st day of April, 2024.

Mr. Nieman complemented Mayor and Council and the Borough Staff for their support and for welcoming him to the team for his time as interim Borough Administrator. Mr. Nieman will be leaving to enjoy his well-deserved retirement.

Mayor Davy announced that Arbor Day will be held on April 26th this year. Mayor Davy read the following Proclamation in summary.

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, James Davy, Mayor of the Borough of Pennington do hereby proclaim Friday, April 26th, 2024 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

OATH OF OFFICE

Mayor Davy read a brief introduction of newly appointed Police Officer Gerard Sinnott. Borough Attorney Walter Bliss administered the Oath of Office to Officer Sinnott. Officer Sinnott had some technical difficulties so the swearing in took place after the Shade Tree presentation.

PRESENTATIONS

Mayor Davy introduced Kate Fullerton, Chair of the Shade Tree Committee who gave a brief report of the Shade Tree Committee and what they are working on including Arbor Day and their participation in Pennington Day. Ms. Fullerton stated that they have a commitment to education and there is useful information on the Borough website to assist residents with caring for and understanding trees in the Borough. Ms. Fullerton stated that they are working their Community Forestry Plan which requires updating in 2025.

MAYOR’S APPOINTMENTS

Mayor Davy announced the appointment of Gian-Paolo (GP) Caminit as Borough Representative to the Planning Board for a term ending December 31, 2024.

APPROVAL OF MINUTES

Council Member Marciante made a motion to approve the minutes of the January 29, 2024 Work Session Meeting, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the January 30, 2024 Budget Work Session meeting, second by Council Member Valenza with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the February 12, 2024 Special Council Meeting, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the February 26, 2024 Work Session Meeting, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who abstained.

Council member Chandler made a motion to approve the minutes of the March 4, 2024 Regular Meeting, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the March 11, 2024 Special Council Meeting, second by Council Member Valenza with all members present voting in favor.

APPROVAL OF CLOSED SESSION MINUTES (FOR CONTENT BUT NOT RELEASE)

Mayor Davy stated that if Council Members have comments on any of the Closed Session Minutes we will hold them until the next Closed Session for discussion.

Council Member Chandler made a motion to approve the Closed Session Minutes of December 4, 2024, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the Closed Session Minutes of January 29, 2024, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the Closed Session Minutes of February 5, 2024, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the Closed Session Minutes of March 4, 2024, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the Special Closed Session Minutes of March 18, 2024, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who abstained.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2024-8 by title.

**BOROUGH OF PENNINGTON
COUNTY OF MERCER**

ORDINANCE NO. 2024 - 8

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF
THE BOROUGH OF PENNINGTON**

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington as follows:

1. **Section 98-41 of the Code, concerning base and usage charges for water and sewer customers, is hereby amended as follows (with language in brackets deleted, new language underlined and percentage changes indicated in parenthesis):**

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge [4,000] <u>2,000</u> Gallons or less	First Excess Usage Block Charge [4001] <u>2,001</u> -20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons
Less than 1	[\$49.86] <u>\$50.85</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
1	[\$76.11] <u>\$77.63</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
2	[\$217.44] <u>\$221.79</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
3	[\$485.07] <u>\$494.77</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
4	[\$668.34] <u>\$681.70</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
6	[\$1,332.08] <u>\$1,358.72</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge [4,000] <u>2,000</u> Gallons or Less	First Excess Usage Block Charge [4,001] <u>2,001</u> -20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[\$56.58] <u>\$57.71</u>	[\$8.03] <u>\$8.19</u>	[\$9.64] <u>\$9.83</u>	[\$10.35] <u>\$10.56</u>	[\$11.14] <u>\$11.36</u>

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on January 31, April 30, July 31, and October 31.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2024-8, second by Council Member Valenza. Mr. Marciante stated that his is not in favor of raising rates at the same time as we are transferring surplus from the utility to balance the regular budget and he will no longer vote for rate increases if that continues. Upon a roll call vote all members present voted in favor.

Mayor Davy read Ordinance 2024-9 by title.

**BOROUGH OF PENNINGTON
 ORDINANCE 2024-9**

**AN ORDINANCE AMENDING CHAPTER 67 OF THE
CODE OF THE BOROUGH OF PENNINGTON
CONCERNING ANIMAL BITES**

WHEREAS, Borough Council, on the recommendation of the Board of Health, seeks to amend Chapter 67 of the Code of the Borough of Pennington, at Section 67-9, to ensure that the obligation of a person who owns or is in charge of an animal that bites someone shall be the same whether the pet is a dog or some other animal;

NOW, THEREFORE, BE IT ORDAINED, by Borough Council of the Borough of Pennington, as follows:

1. Section 67-9 of the Code of the Borough of Pennington is hereby amended as follows (with new language underlined):

67-9. Reporting of animal bites.

- A. Whenever any person is bitten by a dog or other animal, the owner or person in charge of the animal shall immediately secure the same and keep it alive and confined until receipt of a notice or order from the local Board of Health.
- B. Whenever any person is bitten by any animal or dog suspected of having rabies, the owner or person in charge, the victim or his/her guardian, the physician attending and any person having knowledge of the occurrence shall forthwith make a report to the local Board of Health or to the Police Department and shall comply in all respects with the provisions of N.J.S.A. 4:19-15.16.

2. This ordinance shall take effect upon passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2024-9, second by Council Member Valenza with all members present voting in favor.

Mayor Davy read Ordinance 2024-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2024-10**

**ORDINANCE ACCEPTING GIFT OF MEMORIAL GAZEBO AND RELATED IMPROVEMENTS
ON LAND OWNED BY THE BOROUGH AT THE CORNER OF BROEMEL PLACE AND
KNOWLES STREET, IN HONOR OF THE YEARS OF
SERVICE TO THIS COMMUNITY BY THE VOLUNTEERS
OF THE PENNINGTON FIRST AID SQUAD**

WHEREAS, volunteers of the Pennington First Aid Squad, Inc. (PFAS) provided emergency medical services to the Pennington Community for many years until they were forced to discontinue operations in 2023;

WHEREAS, PFAS, a 501c3 corporation, at its sole cost and expense, seeks to construct and donate to the Borough of Pennington a memorial gazebo (“Gazebo”) and related improvements (“Improvements”) on land owned by the Borough at the northeasterly corner of Broemel Place and Knowles Street, Block 202, Lot 6 on the Borough Tax Map (“the Property”);

WHEREAS, the purpose of this donation is to commemorate the years of service to this Community by PFAS volunteers, an expression of respect and gratitude in which the Borough joins;

WHEREAS, the proposed Gazebo and Improvements are described in the attached sketch entitled “Open Space on Corner of Broemel place and Knowles Street,” drawn by Carrie Stanker, Feb 2024, revised March 2024 (“Sketch”);

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, as follows:

- 1. The Borough of Pennington accepts with gratitude the donation of the Gazebo and Improvements subject to the requirements further set forth below.
- 2. The Gazebo as now envisioned shall be a 12-foot octagon vinyl gazebo with a metal roof, enclosed by a railing on seven sides, and positioned on a concrete slab in the approximate location shown in the Sketch. The Gazebo is planned to be “clay” in color with an “evergreen” roof and decking covering its floor surface in a “black walnut” color, available from a local

vendor. The PFAS donation will include four benches for the interior of the Gazebo. Overall, the Gazebo is intended to resemble the gazebo recently constructed by the Borough in Sked Street Park.

3. As shown on the Sketch, donated Improvements to the site shall include construction of a 4-foot wide concrete walkway along the perimeter of the Property extending from the existing sidewalk on Broemel Place to a point on Knowles Street at which the walkway will turn toward the center of the Property and follow a winding course to the Gazebo. The new walkway, when following the street, shall have a turf strip 18 inches wide between its street-side edge and the existing curb. Along the inside edge of the walkway a landscape-block retaining wall shall be constructed as needed.
4. Substantial variations on this project design may be accomplished only with the approval of Borough Council, by resolution. Donations of trees and other landscaping to the site as well as placement of a suitable plaque on the Gazebo or elsewhere on site shall also be subject to one or more resolutions of approval by Borough Council.
5. PFAS shall obtain all permits required for the work. All such work shall be performed by appropriately licensed and insured contractors retained by PFAS, which shall be entirely responsible for the costs and quality of the work. PFAS also shall ensure to the satisfaction of the Borough that appropriate liability insurance covers the project.
6. All work shall be subject to oversight and approval by the Superintendent of Public Works or his designee ("Superintendent"). However, no such approval shall diminish the responsibility of PFAS or its contractors for the quality of the work.
7. Upon completion of the work and approval by the Superintendent, the Gazebo and Improvements shall become the sole property of the Borough. Thereafter, the Borough alone shall be responsible in its sole discretion for maintenance and preservation of the Gazebo and Improvements as well as maintenance and control of the site. The ownership rights of the Borough shall include, for example, the right in its sole discretion to remove the Gazebo and/or Improvements and re-design or re-use the site or restore it to its unimproved condition.
8. This ordinance shall be effective upon its passage and publication as provided by law.

Council Member Marciante made a motion to introduce Ordinance 2024-10, second by Council Member Chandler. Mr. Valenza stated that he has some questions and he would like to request that Neal Blackwell be invited to respond. Mr. Valenza asked if he could have an explanation on the source of the funding for this project. Mr. Blackwell stated that the source of funding is money that was in the treasury at the time the doors were closed. Mr. Valenza asked if the funds were from donations or other sources and Mr. Blackwell stated that the squad did not receive tax funds. Mr. Valenza asked if it was appropriate to be using charitable donations for this purpose and does the squad have a Board of Directors that is on board to make decisions about how the funds are spent. Mr. Blackwell stated that there are 10 members on the Board and it was a unanimous decision to make this donation. Mrs. Chandler asked if once this gazebo is installed it is a gift and the Borough will have control over maintenance and ownership of the gazebo. Mrs. Chandler asked if the gazebo could be moved if the land was needed for another purpose. Mr. Bliss stated that the Borough would own the gazebo and it is spelled out in Section 7 of the Ordinance that the Borough would have control of the gazebo once it is installed. Mr. Bliss reviewed a question raised by Mr. Blackwell regarding the grass strip and the curb with relation to the sketch. Mr. Bliss clarified that the turf strip would be 12 inches not including the curb which brings it to 18 inches in Section 3. Mr. Valenza stated that he was concerned that charitable donations that were accepted for the purpose of supporting the First Aid Squad are being used for this purpose. Ms. Stern stated that raises a bigger questions of other disbursements that are being made but she believes that the Board of Directors is handling the funds in a acceptable manner. Upon a roll call vote all members present voted in favor with the exception of Mr. Valenza who voted no.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2024-2 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2024 - 2

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$113,751.31, said amount being \$32,500.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2024 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Stern made a motion to open the Public Hearing on Ordinance 2024-2, second by Council Member Chandler. Ms. Stern asked for an explanation of the Ordinance for those in the public who might not understand what the Ordinance means. Chief Financial Officer Sandra Webb explained that this Ordinance is done each year to bank additional spending amount for two additional years so that in the next two years if we have a cap problem we will have this bank to draw down on. Ms. Webb stated that this is not actual funds it is the amount of unused cap in this year's budget that can be used in the next two years. Ms. Webb stated that it does not mean we are spending more. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-2, second by Council Gnatt. Council Member Chandler made a motion to adopt Ordinance 2024-2, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2024-3 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2024-3**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BALDWIN STREET AND BALDWIN COURT 11 IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$182,270 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$700,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$517,730 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement or purpose herein since the improvement or purpose is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$182,270 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Baldwin Street and Baldwin Court 11, including, but not

limited to, the rehabilitation of roadways and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$182,270, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$10,770 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough.

The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-3, second by Council Member Stern. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing on Ordinance 2024-3, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2024-3, second by Council Member Valenza with all members present voting in favor with the exception of Mr. Marciante who abstained.

Mayor Davy read Ordinance 2024-4 by title.

**BOROUGH OF PENNINGTON
 ORDINANCE #2024 – 4**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
 COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF
 PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY
 FOR THE YEAR 2024**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
 PENNINGTON AS FOLLOWS:**

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

- a. The following officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

Borough Administrator	\$125,000.00
Administrative Coordinator (part time)	\$33.66/hour
Borough Clerk	\$48,176.68
Assistant CFO	\$115,595.72
Chief Financial Officer (part time)	\$93.02/hour
Tax Collector (part time)	\$93.02/hour
Technical Assistant to Construction (part time)	\$27.73//hour
Tax Assessor (part time)	\$14,699.30
Zoning Officer (part time)	\$9,947.37
Land Use Admin/Admin Asst.	\$51,000.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$93,086.02
Licensed Water Operator	\$51,943.00
Assistant to Superintendent of Public Works	\$42,865.50
Foreman	\$82,248.18

Judge of Municipal Court	\$13,975.50
Court Administrator (part time)	\$19,415.66
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$75.00
Chief of Police (yearly clothing allowance \$1,500)	\$141,141.00
Administrative Assistant – Police Department	\$48.23/hour
Construction Official	\$30,406.14
Plumbing Sub-Code	\$53.58/ hour
Fire Sub-Code	\$44.55/ hour
Electric Sub-Code	\$53.58/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$53.58 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.13	\$ 28.44
Crossing Guard – Special Events	\$ 40.00 per hour	
Special Police	\$ 17.00 per hour	
 Part Time Employees – All Departments:		
Part Time or Temporary	\$ 15.13	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

SECTION II: Employee/Personnel Manual.

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

SECTION III:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV:

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2024 if appropriate.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-4, second by Council Member Stern. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-4, second by Council Member Gnatt with all members present voting in favor. A brief discussion took place. Mrs. Sterling explained that the ordinance covers non-contractual employees but the increase of 2% is consistent with the Teamsters Contract. Council

Member Marciante made a motion to adopt Ordinance 2024-4, second by Council Member Chandler with all members present voting in favor.

Mayor Davy read Ordinance 2024-5 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2024-5**

**AN ORDINANCE REGULATING REMOVAL OF
TREES ON PRIVATE PROPERTY AND
AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, trees play a critical often overlooked role in the water cycle and in the mitigation of storm water runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects;

WHEREAS, the New Jersey Department of Environmental Protection, as part of the 2023 Tier A MS 4 permit renewal process, requires permittees to adopt and enforce a community-wide ordinance to control tree removal and replacement on all types of properties where the municipality has jurisdiction;

WHEREAS, the within ordinance is based on the model ordinance promulgated by NJDEP;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the Code of the Borough of Pennington, is hereby amended by the insertion of a new Chapter 197 concerning Tree Removal and Replacement, which shall read as follows:.

SECTION I. Purpose.

The purpose of this ordinance is to establish requirements for tree removal and replacement on private property in the Borough of Pennington.

This ordinance shall be construed in conjunction with Article I of Chapter 13 of the Borough Code, which establishes a Shade Tree Committee and provides standards and procedures affecting the planting, care and removal of shade and ornamental trees and shrubbery upon and in the streets, highways, public rights-of-way and public property of the Borough.

This ordinance incorporates by reference the Community Forestry Management Plan of the Borough, as approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forestry Service.

SECTION II. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Approving Authority" means the official or agency of the Borough responsible for review and approval of applications for building permits and land-use applications.
- B. "Diameter at Breast Height" or "DBH" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4½ foot height, the DBH shall be measured at the highest point before any division.
- C. "Department" means the Borough Department of Public Works.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not Hazard Trees.
 - 1. Has an infectious disease or insect infestation as determined by a Licensed Tree Expert;
 - 2. Is dead or dying as determined by a Licensed Tree Expert;

3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 5. Is determined to be a threat to public health, safety, and/or welfare by a Licensed Tree Expert, or is otherwise subject to removal in accordance with Section 13-5C and 13-6D of the Borough Code.
- E. “Licensed Tree Expert” means a person licensed to provide tree expert services in New Jersey pursuant to N.J.S.A. 45:15C-11, et seq.
- F. “Person” means any individual, resident, corporation, utility company, partnership, firm or association owning or residing on property where a tree regulated by this ordinance is removed or proposed to be removed. Person also includes any contractor hired by the individual or entity owning or residing on the property.
- G. “Tree” means a woody perennial plant, typically having a single stem or trunk bearing lateral branches a distance from the ground.
- H. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

SECTION III. Regulated Activities.

A. Regulated Tree Removals.

1. No Person shall remove or cause or permit the removal of any tree having a DBH of 6 inches or more unless the removal has been registered with the Department of Public Works in accordance with this ordinance. Replacement of removed trees shall be required unless the removal is exempt from replacement under Section IV of this ordinance.
2. Any planned removal of a tree in connection with construction or other development of land requiring a building permit, site plan, subdivision or other land use application must also be approved by the approving authority and registered with the Department of Public Works as part of a tree removal and replacement plan compliant with this ordinance.

B. Tree Replacement Requirements

1. Any person who removes one or more trees with a DBH of six inches (6”) or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. The species, type and diversity of replacement trees shall be in accordance with Appendix A and as otherwise required by this ordinance. Deviation from requirements governing species, types and diversity of replacement trees shall require prior written approval of the Department of Public Works.
3. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than the tree removed or meet the Tree Replacement Criteria in the table below.
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Department of Public Works.
 - c. Be monitored by the owner or resident as applicable for a period of two (2) years to ensure the tree(s) survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count toward tree replacement requirements.

4. Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	
1	DBH of 6” to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	

2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” for each tree removed	
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	

C. Replacement Alternatives.

If the Department or Approving Authority determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the owner or resident as applicable shall plant replacement trees in separate area(s) approved by the Department or Approving Authority.

SECTION IV. Exemptions.

All Persons shall comply with the tree registration and replacement standards outlined above except the following tree removals shall be exempt from requirements pertaining to replacements:

- A. Removal of trees in categories 1, 2 and 3 in the Tree Replacement Table on properties that within a five-year period have had fewer than a rolling count of four (4) such trees removed per acre, prorated in accordance with acreage. In maintaining the rolling count, for example, if 3 trees from category 1 are removed in July 2023 and there are no further tree removals in the next five years, the count resets to zero in July 2028. However, if one tree from category 1 is removed in July 2023 and another in July 2025, the first tree will come off the count in July 2028 and the second in July 2030. Replacement requirements shall apply beginning with the first tree over the exempt maximum for the property.
- B. Removal of trees on tree farms in active operation, nurseries, fruit orchards, and garden centers, with respect to activity on those properties only. . .
- C. Removal of trees on properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough.
- D. Removal of trees as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Removal of trees pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- F. Removal of trees in accordance with approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.
- G. Removal of Hazard Trees.

SECTION V. Enforcement.

This ordinance shall be enforced by the Borough of Pennington Police Department.

SECTION VI. Violations and Penalties.

Any person(s) found to be in violation of this ordinance, upon conviction thereof, shall be subject to a fine not exceeding \$1,000. Such person also shall be required to pay for the costs of acquiring and planting replacement trees as necessary to comply with applicable specifications and requirements. These costs may be charged to the property owner as appropriate pursuant to Section 13-6F of the Borough Code.

SECTION VII. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be independent, such that a finding or holding that any such portion of the Ordinance is unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date.

This Ordinance shall be in full force and effect upon adoption and publication as required by law.

Council Member Stern made a motion to open the Public Hearing on Ordinance 2024-5, second by Council Member Gnatt. Ms. Meredith Moore stated that she is a member of the Shade Tree Committee

and she has a question regarding a section of the ordinance that requires the Planning Board to review and approve the ordinance before it becomes official. Ms. Moore stated that she is very glad to have this ordinance but she would like the process to be clear. Mayor Davy stated that this Ordinance is being required under the Stormwater Management Program and all municipalities are being required to adopt ordinances. Ms. Moore stated that the State is offering three training sessions to assist with this process. Ms. Moore stated that she understands wanting to make the May 1 deadline, but perhaps the ordinance could be reviewed later to see if any amendments are needed. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Valenza with all members present voting in favor. Council Member Stern made a motion to adopt Ordinance 2024-5, second by Council Member Chandler. Mr. Marciante stated that he is voting against this ordinance as it is an infringement on his rights and he does not feel that anyone should tell him whether or not he can take a tree down on his own property. Ms. Stern stated that the ordinance has limits on what can be removed and actually the Ordinance focuses on replacement of trees. Council Member Stern made a motion to adopt Ordinance 2024-5, second by Council Member Chandler with all members present voting in favor with the exception of Mr. Marciante who abstained.

Mayor Davy read Ordinance 2024-6 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2024-6**

**AN ORDINANCE REGULATING PRIVATELY-OWNED
SALT STORAGE**

WHEREAS, the Borough of Pennington seeks to regulate privately-owned salt storage to protect the environment in accordance with the directives of the New Jersey Department of Environmental Protection and its proposed model ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 155 of the Code of the Borough of Pennington is hereby amended to regulate Privately-Owned Salt Storage, as follows:

SECTION I. Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Borough (privately-owned), including residences in the Borough, to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the context of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled with a door or other means of sealing the access way from wind driven rainfall. A "permanent structure" shall include a fabric frame structure if it meets the following specifications:
 - 1. concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. the design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. the structure shall be erected on an impermeable slab;
 - 4. the structure cannot be open sided; and

5. the structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, or association subject to municipal jurisdiction. Persons subject to the prohibitions contained in this ordinance shall include the owner of the affected property and any tenant or other person in control of the property.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements.

- A. No person shall store de-icing materials outdoors in the Borough except from October 15th through April 15th in compliance with the requirements below:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents storm water run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible.
 - b. The cover shall extend to the base of the pile(s).
 - c. The cover shall be free from holes or tears.
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind.
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets, provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use.
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. Storage of de-icing materials in a permanent structure, including storage of loose de-icing materials in such a structure is not restricted to October 15th through April 15th.
- C. All temporary and permanent structures must comply as well with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the Borough upon request.
- E. Residents who operate businesses from their homes that utilize de-icing materials are also required to perform weekly inspections.

SECTION IV. Exemptions:

Residents other than those described in Section III.E. above may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

The storage and inspection requirements in Section III above shall not apply if the de-icing materials are containerized (in bags or buckets) and stored within a permanent structure. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Pennington Borough Police Department and the Department of Public Works during the course of ordinary enforcement duties. Enforcement shall be in the municipal court having jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provision of this article. The proceedings shall be summary and in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). Process shall be in the nature of a summons or warrant and shall be issued by those authorized by the Borough Police Department.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:

A. Maximum penalty. Any person who shall violate any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: a fine not exceeding \$2,000 or imprisonment for a period not exceeding 90 days or to a period of community service not exceeding 90 days at the discretion of the Judge of the Municipal Court.

B. Separate violations. Except as otherwise provided, every day in which a violation of any provision of this article or any other ordinance of the Borough exists shall constitute a separate violation.

C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

D. Minimum penalty. A minimum penalty shall be imposed equal to \$100 for each day a violation continues.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and ~~any~~ publication as may be required by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-6, second by Council Member Marciante. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-6, second by Council Member Stern with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2024-6, second by Council Member Stern with all members present voting in favor.

Mayor Davy read Ordinance 2024-7 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2024-7**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE
BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$308,750
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$325,000, and further including the aggregate sum of \$16,250 as the several down payments for the improvements or purposes required by the

Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$308,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a dump truck, including all related costs and expenditures incidental thereto.	\$168,000	\$159,600	10 years
b) The acquisition of a leaf vacuum, including all related costs and expenditures incidental thereto.	\$37,000	\$35,150	15 years
c) Improvements to Fitzcharles Drive, North Riding Drive and Walking Purchase Drive, including, but not limited to, milling, paving and asphalt work and further including all work and materials necessary therefor and incidental thereto.	\$104,000	\$98,800	10 years
d) The acquisition of an administration server, including all related costs and expenditures incidental thereto.	\$16,000	\$15,200	5 years
Total:	<u>\$325,000</u>	<u>\$308,750</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent

that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.32 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$308,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$19,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-7, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2024-7, second by Council Member Stern with all members present voting in favor.

PUBLIC HEARING AND ADOPTION OF 2024 BUDGET

Mayor Davy asked Chief Financial Officer Sandy Webb to highlight the budget for the public in attendance. Mrs. Webb shared a power point presentation and explained the budget process that the Borough undertakes. Mrs. Webb stated that the proposed budget reflects a 1 cent increase over last year and that means for the average tax payer an increase for the local share only is \$49.00 per year and \$15.00 for the Library. Mrs. Webb stated that we did not put much information in the newsletter that just went out because we don't have all of the information yet. Mrs. Webb stated that we don't have numbers from the County or the School as to what those budgets will be. Mrs. Webb reviewed changes and adjustments that were made within the budget to get to the 1 cent tax increase. Mrs. Webb reviewed statutory line items

that the Borough has no control over which is about 40 percent of the budget. Mrs. Webb briefly reviewed the water/sewer budget.

Council Member Chandler made a motion to open the Public Hearing on the 2024 Budget, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on the 2024 Budget, second by Council Member Marciante with all members present voting in favor. Council Member Chandler made a motion to approve Resolution 2024-4.3 adopting the budget for 2024, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-4.3**

RESOLUTION TO ADOPT BUDGET FOR 2024

BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount:

- (a) \$ 2,905,427.25 - for municipal purposes, and
- (b) - for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation, and
- (c) - to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 52,825.95 - Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) - Arts and Culture Trust Fund Levy
- (f) \$ 224,307.00 - Minimum Library Tax

SUMMARY OF REVENUES

1.	General Revenues	
	Surplus Anticipated	\$ 578,752.93
	Miscellaneous Revenue Anticipated	\$ 683,085.34
	Receipts from Delinquent Taxes	\$ 116,000.00
2.	Amount to be Raised by Taxation for Municipal Purposes	\$2,905,427.25
3.	Amount to be Raised by Taxation for Schools in Type I School Districts Only:	
4.	To be added to the Certificate for Amount to Be Raised by Taxation in Type II School Districts Only:	
5.	Amount to be raised by taxation minimum library tax	\$ 224,307.00
	Total Revenues	\$4,507,572.52
6.	General Appropriations:	
	Within "CAPS"	
	(a&b) Operations Including Contingent	\$2,919,911.00
	(e) Deferred Charges and Statutory Charges – Municipal	\$ 424,101.60
	(f) Cash Deficit	
	Excluded from "CAPS"	
	(a) Operations – Total Operations Excluded from "CAPS"	\$ 508,559.92
	(c) Capital Improvements	\$ 15,000.00
	(d) Municipal Debt Service	\$ 330,000.00
	(e) Deferred Charges – Municipal	\$ 30,000.00
	(f) Judgements	
	(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	
	(g) Cash Deficit	
	(k) For Local District School Purposes	
	(m) Reserve for Uncollected Taxes (Include other Reserves)	\$ 280,000.00
7.	School Appropriations – Type I School Districts Only (N.J.S. 40A:4-13)	
	Total Appropriations	\$4,507,572.52

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone was absent.

Public Work / Planning Board / Historic Preservation – Ms. Stern reported that the Public Works Committee met on March 20th, Rick Smith did not attend, but the Borough Administrator was in attendance. Ms. Stern reported that the Public Works Committee work load is changing thanks to the hiring of the Borough Administrator.

Ms. Stern stated that the Planning Board is focused on the Master Plan and they will be finalizing the different elements to be introduced and endorsed by the Planning Board and ultimately once all the elements are endorsed we will have a complete new Master Plan.

Ms. Stern stated that Historic Preservation met on March 18th, but she was unable to attend.

Finance & Technology / Public Safety / Open Space / Arboretum / Landfill – Mrs. Chandler stated that the Finance Committee did not meet but they will be meeting in April to discuss the communication of budget and tax information to the residents.

Mrs. Chandler stated that Public Safety did not meet, but we welcome our new officer who was sworn in tonight. Mrs. Chandler stated that the Arboretum Committee will be meeting this Thursday to discuss the 2nd enclosure that will be installed this summer. Mrs. Chandler stated that there is nothing new to report on the Landfill.

Ms. Stern stated that she was happy to see the Police report and Statistics in the packet and she is also happy to see that the website has been updated as well.

Library / Shade Tree – Ms. Gnatt stated that Kate handled the Shade report earlier in the meeting and she has nothing further to add. Ms. Gnatt reported that the Library Board met and she reviewed some highlights from the meeting.

Parks & Recreation – Mr. Marciante reported that the Easter Egg Hunt was a great success. Mr. Marciante stated that mulch was installed at Sked Street Park and people are using the park.

Board of Health / Environmental Commission – Mr. Valenza stated that the Board of Health met on March 12th and the Ordinance from earlier was discussed and they discussed CDC recommendations for the COVID boosters. Mr. Valenza stated that Environmental Commission met and discussed their presence at Pennington Day and they will be working with the Borough Administrator on the Carbon Footprint work.

Senior Advisory Board – Mayor Davy had no report.

COUNCIL DISCUSSION

Local Government Week – Ms. Stern stated preparations are underway for a week of programs related to Local Government Week. Ms. Stern stated that information can be found on the Borough Website and she is hoping for a great turnout.

CONSENT AGENDA

Mayor Davy asked for a consent agenda on for Resolutions 2024-4.4, 2024-4.5, 2024-4.6, 2024-4.7, 2024-4.8, 2024-4.9, 2024-4.10, 2024-4.12 and 2024-4.16. Council Member Chandler made a motion to approve by consent agenda Resolutions 2024-4.4, 2024-4.5, 2024-4.6, 2024-4.7, 2024-4.8, 2024-4.9, 2024-4.10, 2024-4.12 and 2024-4.16, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 4.4**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT FOR
OPERATION OF THE HOPEWELL VALLEY MUNICIPAL ALLIANCE**

WHEREAS, the Hopewell Valley Municipal Alliance (“Alliance”) is part of a state-wide network aimed at the prevention of alcoholism and drug addiction, primarily for youth;

WHEREAS, the Alliance supports and administers over 20 programs and activities in the three municipalities of Hopewell Valley geared toward drug and alcohol awareness, positive youth development and overall public safety including the Healthy Communities Healthy Youth Program which since 1996 has created a partnership with all sectors of the community including municipal governments, businesses,

schools, police, clergy, civic organizations, senior citizens, health professionals, recreation organizations, parents and students, working together to make Hopewell Valley healthier and safe for its youth;

WHEREAS, a principal source of funding for the Alliance has been monies received annually by Hopewell Township through the Governor’s Council on Alcoholism and Drug Abuse Grant (“GCADA Grant”), subject to adjustment over fiscal cycles of the grant program;

WHEREAS, future funds will also be provided from an agreement among Hopewell Township, Hopewell Borough and Pennington Borough to make annual “Cash Match” contributions in the respective amounts of \$14,000 from Hopewell Township, \$2,300. from Hopewell Borough, and \$1,500. from Pennington Borough;

WHEREAS, the three municipalities, Hopewell Township, Hopewell Borough, Pennington Borough, together with the Hopewell Valley Regional School District (“School District”), with the qualification further set forth below, seek to enter into the attached shared services agreement (“Shared Services Agreement”) that would: (1) continue to center Alliance operations in the School District with the District hiring the necessary personnel; (2) make the School District responsible for hiring, training, supervising, compensating with salary and benefits and providing office and instruction space for the personnel needed to run the Alliance, who will be employees of the District; and (3) provide that the three municipalities, Hopewell Township, Hopewell Borough and Pennington Borough shall reimburse the District for the cost of personnel hired by the District to run the Municipal Alliance Program by turning over to the School District the full amount of their respective shares of the Cash Match;

WHEREAS, Pennington agrees to the Shared Services Agreement with the understanding that the current version of the agreement (attached) be amended to make clear that the financial obligation of Pennington is limited to its Cash Match, which is \$1,500.00;

WHEREAS, the term of the Shared Services Agreement shall be three (3) years from the start of services but may be terminated by any party upon sixty (60) days written notice;

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., authorizes local units to enter into agreements with each other for shared services;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of The Borough of Pennington, that the Mayor is hereby authorized to enter into the attached Shared Services Agreement as amended in accordance with this Resolution.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 4.5**

**RESOLUTION AUTHORIZING SUBMISSION OF GOVERNOR’S COUNCIL ON ALCOHOLISM
 AND DRUG ABUSE FISCAL GRANT JULY 1, 2024 TO JUNE 30, 2025**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has an established Municipal Alliance Committee; and,

WHEREAS, Pennington Borough further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Pennington, County of Mercer, State of New Jersey hereby recognizes the following:

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance grant for the budget year of July 1, 2024 to June 30, 2025 in the amount of:

DEDR	\$17,058.00
Cash Match	\$4,264.50
In-Kind	\$12,793.50*

***Pennington Borough Share - \$1,500.00**

The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 4.6**

**RESOLUTION RECOGNIZING NJ LOCAL GOVERNMENT WEEK,
APRIL 7TH TO APRIL 13TH, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE
CELEBRATION AND CORRESPONDING ACTIVITIES.**

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY the Borough of Pennington as follows:

1. That Pennington Borough encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.
2. That Pennington Borough encourages educational partnerships between local government and schools, as well as civic groups and other organizations.
3. That Pennington Borough supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.7**

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT A GRANT
 APPLICATION TO PENNINGTON DAY**

WHEREAS, Borough Council desires to make Government more accessible, encourage the flow of information, share ideas and encourage volunteerism within the community; and

WHEREAS, Borough Council and Committee volunteers participate in Local Government Week, Pennington Day and other opportunities to interact with the residents of Pennington Borough; and

WHEREAS, Pennington Parks and Recreation hosts a variety of events throughout the year which present opportunities for Council interaction with the public; and

WHEREAS, Borough Council seeks to purchase canopies, tables and chairs to be used at events in Pennington Borough as well as flags to hang from poles on Main Street; and

WHEREAS, each year Pennington Day awards grants to non-profits, civic organizations, schools and municipalities for specific projects that will serve Pennington and the Hopewell Valley;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Administrator with the attestation of the Borough Clerk are hereby authorized to submit a grant to Pennington Day in the amount of \$2,000.00 to facilitate the purchase of the items noted above so that Borough Council can share information and interact with residents of the community and keep the tradition of lining Main Street with flags.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 4.8**

**RESOLUTION AUTHORIZING CANCELLATION OF
 OUTSTANDING CHECKS**

WHEREAS the Chief Financial Officer has requested permission to cancel certain outstanding checks from the Current Fund; and

WHEREAS, said outstanding checks should be cancelled and transferred to the proper statutory accounts – Current Fund - Miscellaneous Revenue Not Anticipated; and

WHEREAS, it is the desire of the Borough Council to cancel said outstanding checks in the Current Fund totaling \$2,052.49; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington that the Chief Financial Officer is hereby authorized to cancel outstanding checks of the Borough as set forth on the attached listing.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 4.9**

**RESOLUTION AUTHORIZING BLOCK PARTY ON JULY 6, 2024 FROM
 4 PM TO 8 PM ON VOORHEES AVENUE
 (BETWEEN SKED STREET & BURD STREET)**

WHEREAS, Alan Hockenjos has applied to the Borough of Pennington for permission to close the street known as Voorhees Avenue (between Sked Street and Burd Street) in the Borough on July 6, 2024 beginning at 4 PM and ending at 8 PM for a block party on Voorhees Avenue for an estimated 40 to 50 people;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Alan Hockenjos is approved subject to the following conditions:

1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
3. There must be access for emergency vehicles at all times.
4. All local noise ordinances must be observed.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.10**

**RESOLUTION APPOINTING GIAN-PAOLO CAMINITI AS
 JOINT INSURANCE FUND COMMISSIONER FOR THE
 REMAINDER OF 2024**

WHEREAS, Borough Council approved Resolution 2024-1.9 appointing Mona Habiby as Joint Fund Commissioner for the year 2024; and

WHEREAS, Mrs. Habiby has resigned from her position with the Borough; and

WHEREAS, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

WHEREAS, it is the desire of the Mayor and Council to appoint Gian-Paolo Caminiti to that position, for the remainder of the year;

NOW, THEREFORE, BE IT RESOLVED, that Gian-Paolo Caminiti is hereby appointed as Joint Insurance Fund Commissioner for the remainder of 2024; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington that Mr. Caminiti shall serve in this capacity without additional compensation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.12**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PENNINGTON AND
 CLAUDIA ZEIN PERMITTING CONSTRUCTION
 OF FENCE IN DRAINAGE EASEMENT AT 22 BALDWIN STREET**

WHEREAS, Claudia Zein is the sole owner of real property known as 22 Baldwin Street in the Borough of Pennington, also known as Lot 2, Block 1002 on the Borough Tax Map (“Property”);

WHEREAS, a 20-foot wide drainage easement owned by the Borough of Pennington (“Borough Drainage Easement”) runs along the easterly boundary of the Property as shown on the attached plan of survey;

WHEREAS, Ms. Zein wishes to construct a fence in the Borough Drainage Easement along the easterly boundary of the Property with fence also crossing the Easement at right angles in the front and rear as shown on the attached plan of survey;

WHEREAS, the proposed fence will be a six-foot cedar fence intended to contain pets in the yard;

WHEREAS, Ms. Zein therefore seeks to enter into an agreement with the Borough permitting the fence to be constructed in the Drainage Easement as proposed, subject to conditions;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, as follows:

1. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached agreement on behalf of the Borough of Pennington granting permission to Claudia Zein to install and maintain the proposed fence in the Borough Drainage Easement as substantially described in the annexed plan, subject to the following conditions:

- (a) The proposed fence shall not obstruct the Borough Drainage Easement.
- (b) If for any reason in its sole judgment the Borough must remove all or any portion of the fence to address any obstruction or otherwise gain access to the Drainage Easement, or the Borough otherwise damages the fence, the Borough shall not be responsible for replacing, repairing or rebuilding the fence. Any such removal of the fence by the Borough shall not require prior approval by Ms. Zein.
- (c) The Borough shall be held harmless by Claudia Zein from all costs and other liabilities (including reasonable attorneys' fees) arising from the presence of the fence in the Drainage Easement.
- (d) This agreement permitting the fence in the Borough Drainage Easement shall be personal to Claudia Zein, shall not be transferable by her, shall be revocable at will by the Borough, shall not run with the land, shall not be recorded, and shall expire upon change in ownership of the Property.

2. Notwithstanding authorization of the aforesaid agreement by Borough Council, construction of the fence shall be subject to applicable zoning and related approvals.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.16**

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT TWO (2)
 PROJECTS FOR CONGRESSIONALLY DIRECTED FUNDING**

WHEREAS, Borough Council desires to submit two (2) projects for consideration under Senator Booker's FY25 Congressionally Directed Spending program; and

WHEREAS, two projects have been identified for consideration; and

WHEREAS, Project One identified as Aging Water Line Replacement would be for replacement of a 100 year old water line, fire hydrants, and security measures for an adjacent well house to ensure continuity of service and efficient distribution of safe drinking water; and

WHEREAS, Project Two would focus on Emergency Services including updates and modernization of outdated technology and equipment utilized by the Pennington Police Department including radios, data terminals, training equipment, cameras, security measures and architectural fees for design of an Emergency Services Center; and

WHEREAS, the total estimated cost for Project One is \$2,058,750 and for Project Two is \$536,800; and

WHEREAS, Mayor and Council are aware that if funding for these projects is awarded Pennington Borough would be responsible for a twenty percent (20%) match;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough Administrator is hereby authorized to submit two applications for Congressionally Directed Funding for the two projects referenced above in the order indicated.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

NEW BUSINESS

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 4.1**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
 MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 3, 2021, a lien was sold on Block 801, Lot 5, also known as 9 Kings Court, Pennington, NJ, for 2020 delinquent tax payments; and

WHEREAS, this lien, known as Tax Sale Certificate #20-00003, was sold to US Bank Cust / Pro Cap 8 / Pro Cap, 50 S. 16th Street, Suite 2050, Philadelphia, PA 18102 for 0% and a \$96,000.00 premium; and

WHEREAS, Guihua Zheng Kimmel, 9 Kings Court, Pennington, New Jersey 08534 has effected redemption of Certificate #20-00003 in the amount of \$70,467.24;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$70,467.24 payable to US Bank Cust / Pro Cap 8 / Pro Cap, 50 S. 16th Street, Suite 2050, Philadelphia, PA 18102 for the redemption of Tax Sale Certificate #20-00003; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$96,000.00 (Premium) from the Other Trust Fund to the aforementioned lienholder.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-4.1, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 4.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,195,817.49 from the following accounts:

Current	\$ 1,060,399.13
W/S Operating	\$ 108,349.61
General Capital	\$ 13,489.25
Grant Fund	\$ 400.70
Developer’s Escrow	\$ 3,440.50
Unemployment Trust	\$ 849.50

Other Trust Fund	\$	8,500.00
Animal Control Trust	\$	16.80
COAH Trust	\$	372.00
TOTAL	\$	1,195,817.49

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-4.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.11**

**RESOLUTION AUTHORIZING SETTLEMENT
 OF TAX APPEALS CONCERNING BLOCK 201,
 LOT 6, BOROUGH OF PENNINGTON**

WHEREAS, Chill Properties LLC (“CP”) is the owner of commercial real property known as Block 201, Lot 6, also known as 2 Route 31 North, in the Borough of Pennington (“the Property”);

WHEREAS, CP has brought successive tax appeals contesting the amount of the assessment of the Property in tax years 2022, 2023 and 2024, and these tax appeals are presently pending in New Jersey State Tax Court under docket nos. 006072-2022, 004298-2023 and 001943-2024, respectively;

WHEREAS, CP and the Borough wish to resolve these tax appeals amicably without the expense, delay and uncertainty of further litigation, and CP and the Borough Tax Assessor have tentatively agreed upon a settlement as further set forth below;

WHEREAS, pursuant to the terms of this settlement, CP will withdraw its 2022 appeal (docket no. 006072-2022), its 2023 appeal (docket no. 004298-2023) and its 2024 appeal (docket no. 001943-2024) and CP’s total assessment for 2024 will be reduced from \$2,000,000 to \$1,000,000, with the agreement that this assessment will be continued in 2025 and the Property will be re-assessed in 2026.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the proposed settlement is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante	M			
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-4.11, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.13**

**RESOLUTION GOVERNING USE OF THE
 BOROUGH MESSAGE BOARD**

WHEREAS, the Borough’s mobile electronic message board (“Message Board”) is intended for use in promoting events and activities for public purposes;

WHEREAS, Borough Council seeks to establish a policy that governs access to the Message Board to ensure that it serves these purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the following policy shall govern use of the Message Board:

1. Use of the Message Board shall be limited to publicizing (a) governmental messages and (b) events and activities sponsored by governmental and 501c3 non-profit organizations.
2. Access to the Message Board will be granted upon application to the Superintendent of Public Works, on a first-come first-served basis, with the exception that governmental messages and Borough events and activities will be given priority.
3. Except in the case of public emergencies, as determined by the Mayor or Administrator, all posts on the Message Board shall require approval by Borough Council. An application for approval must be delivered to Borough Hall, 30 North Main Street, at least five (5) business days before the first Monday of the month (the date of the regular monthly meeting of Borough Council) in advance of the requested posting.
4. An acceptable post consists of three (3) displays of up to three (3) lines each with a maximum of nine to ten (9-10) characters per line. The post will be displayed up to seven (7) consecutive days. All proposed postings are subject to editing to accommodate space limitations.
5. The location of the Message Board shall vary to suit conditions at the discretion of the Superintendent. Typically, the Board will be illuminated from 7 am to 10 pm.
6. Non-governmental organizations shall be charged an application fee of \$100 to cover the cost of processing the application. Each post will require a separate application.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				absent	Marciante		S		
Chandler	M				Stern		X		
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-4.13, second by Council Member Marciante. Mr. Bliss stated that when the Resolution was drafted he left a blank with a question and he would like that deleted from the Resolution. Mr. Marciante questioned the \$100 fee and asked if it applies to Pennington Organizations. Mr. Bliss stated that the only 501c3 organizations would be eligible to request use of the message board and they would be charged a fee of \$100. Mr. Bliss stated that governmental entities would not be charged a fee. Mr. Marciante was concerned that the Fire Company which is a 501c3 organization would have to pay a fee. Some discussion took place about events that the Fire Company holds. Mr. Marciante became very upset that the Fire Company would be charged. Mrs. Chandler stated that the Fire Company does their own advertising and have not asked before. Mr. Marciante stated that the message board is new and the Fire Company might be interested but they should not have to pay a fee. There was discussion about waiving the fee and Mr. Bliss had concerns about discretionary judgment with regard to other entities that might request to use the message board. Upon a roll call vote Mrs. Chandler, Ms. Gnatt and Mr. Valenza voted in favor and Mr. Marciante and Ms. Stern voted no. Mr. Bliss stated that with the absence of Ms. Angarone that produced a vote in favor of only three votes and the Council By-Laws require four votes.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2024-4.14**

**RESOLUTION AUTHORIZING ISSUANCE OF PERMIT (S) TO
 HOPEWELL TOWNSHIP RECREATION DEPARTMENT FOR
 USE OF KUNKEL PARK FOR ART IN THE PARK**

WHEREAS, the Hopewell Township Recreation Department (“HTRD”), having offices at 201 Washington-Crossing Pennington Road, has applied to Pennington Borough for permits authorizing use of Kunkel Park for the program known as Art in the Park (“Program”);

WHEREAS, the dates and times sought to be reserved for use by the Program are during the following weeks from 8:30 AM to 12:30 PM: June 24, 2024 through June 28, 2024, July 8, 2024 through July 12, 2024, July 15, 2024 to July 19, 2024 and July 22, 2024 through July 26, 2024;

WHEREAS, pursuant to Ordinance 2024-1, adopted March 4, 2024, users of the Park issued permits without fee must provide a refundable security deposit in the amount of \$500 chargeable for costs of cleanup and property damage;

WHEREAS, a copy of the proposed permit (“Permit”) is attached and incorporated herein by reference;

WHEREAS, Borough Council seeks to authorize issuance of the Permit subject to the following conditions:

1. HTRD shall comply with the requirements for use set forth in the Permit, including the regulations specified in Borough Code Sec. 143-3.
2. HTRD shall ensure in particular that the tables, benches and other park furniture and equipment in the Park are kept clean and left in the same condition they are found.
3. HTRD shall charge Pennington and Hopewell Township residents the same fee for participation in the Program.
4. HTRD shall provide a \$500 refundable security deposit as provided by Ordinance 2024-1.

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Permit is hereby approved for issuance to the HTRD subject to the conditions set forth above.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	X			
Gnatt	X				Valenza	S			

Council Member Chandler made a motion to approve Resolution 2024-4.14, second by Council Member Valenza. Mr. Marciante stated that they need to put up the security deposit or they cannot use the park. Upon a roll call vote all members present voted in favor.

Mr. Marciante asked to go back to the Resolution about the message board and if the Fire Commissioners can request then he would change his vote. Ms. Stern stated that the Resolution should come back at the next meeting and in the meantime the Borough Administrator and Mr. Bliss should put their heads together to come up with a creative solution so that the Fire Department can request use of the message board. Mayor Davy stated that the Resolution was voted down and if there was a way to do it the Resolution would have been drafted in that manner.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.15**

**RESOLUTION AUTHORIZING USE OF OUTDOOR SPACE BY
 JERSEY MEDS MANAGEMENT LLC**

WHEREAS, Jersey Meds Management, LLC (“Jersey Meds”) is the licensed proprietor of a cannabis retail store located at 7 Highway 31 North in the Pennington Square shopping center owned by Pennington Square LLC;

WHEREAS, Jersey Meds has submitted to the Borough an Application for Temporary Use of Outdoor Space to hold a grand opening event in the parking lot in front of the Jersey Meds store on Saturday, April 13, 2024 from noon to 4 pm;

WHEREAS, the set-up for the event will include a tent for a glass blower, a covering for a disc jockey, a free-standing sign, a red carpet and the use of five (5) parking spaces otherwise assigned to Jersey Meds for two food trucks, all as described in the attached sketch;

WHEREAS, the event will likely affect adjoining tenants, including a restaurant and service establishment sharing the same parking lot at the southerly end of the shopping center, as well as a larger retail store adjacent to the north;

WHEREAS, the event will also affect the circulation of pedestrians and vehicles through and around the site;

WHEREAS, authorization of the event by Borough Council will require prior approvals by the property owner, the Police Department, the Fire Official and Public Works, in addition to prior written notice to the other tenants of the shopping center;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the application for temporary use of outdoor space by Jersey Meds Management LLC as described above and in the attached sketch is hereby conditionally approved subject to the following:

1. Prior approval by the Pennington Borough Police Department, with specific attention to pedestrian and vehicular circulation and required safety measures and assurance of compliance with Police recommendations.
2. Prior approval of the Fire Official with respect to potential fire hazards and related safety issues;

3. Prior approval by the Superintendent of Public Works with reference to required barriers and involvement by that department.
4. Prior written approval of the event by Pennington Square, LLC, including but not limited to the proposed use of the parking lot and parking spaces, the impact on pedestrian and vehicular circulation, any adverse impact on tenants, and the adequacy of insurance covering the event.
5. Proof that every tenant in the Pennington Square Shopping Center and adjoining properties has been notified in writing at least a week prior to the event concerning the date, time and nature of the event and details concerning pedestrian and vehicular circulation that may affect them.
6. Access for emergency vehicles must be maintained at all times.
7. All noise ordinances must be observed.
8. A determination by the Borough Administrator that the above conditions 1 through 5 have been satisfied and that Jersey Meds has provided adequate assurances that conditions 6 and 7 will also be met.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	X			
Gnatt	X				Valenza	S			

Council Member Chandler made a motion to approve Resolution 2024-4.15, second by Council Member Valenza. Council briefly discussed the event including security and traffic. Mr. Caminiti stated that he has met with the owners and the Chief of Police to be sure that the event goes without incident. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-4.17**

**RESOLUTION RATIFYING APPOINTMENTS OF EMERGENCY MANAGEMENT
 COORDINATOR AND DEPUTY EMERGENCY MANAGEMENT
 COORDINATORS**

WHEREAS, New Jersey Revised Statute Appendix A:9-40.1 (2013) provides that in every municipality of the State, except in those having a commission form of government, the mayor shall appoint a municipal emergency management coordinator;

WHEREAS, the Mayor of Pennington, as announced at the October 2, 2023 meeting of Mayor and Council, has appointed Douglas M. Pinelli, Chief of Police, the Emergency Management Coordinator for Pennington;

WHEREAS, Chief Pinelli, in accordance with State OEM Directive No. 102 (1990), has appointed or seeks to appoint as Deputy Emergency Management Coordinators Eugene M. Schooley, Jr. (to take command in Chief’s absence), Richard W. Smith, Jr. (Public Works/Water) and Robert D. Ingram (Fire), each with defined responsibilities;

WHEREAS, with State OEM permission, Pennington Borough is part of a joint agreement with Hopewell Township and Hopewell Borough creating a Joint Emergency Management Council;

WHEREAS, Pennington is now advised by the office of the County Emergency Management Coordinator that pursuant to OEM Directive No. 104 (1988) each municipality in a Joint Council must appoint an Emergency Management Coordinator by resolution, and the County is requesting a copy of such resolution;

WHEREAS, Pennington Borough Council therefore now seeks to approve and ratify by resolution the appointment of Chief Douglas M. Pinelli as Emergency Management Coordinator for the Borough of Pennington as well as the appointments of each of the named Deputy Coordinators;

WHEREAS, Chief Pinelli as Emergency Management Coordinator and each of his appointed Deputy Coordinators shall serve without compensation for three year terms and until their successors are appointed and qualified;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, as follows:

1. The appointment of Douglas M. Pinelli as Emergency Management Coordinator for the Borough of Pennington is hereby approved and ratified.
2. The appointments of Eugene M. Schooley, Jr., Richard W. Smith, Jr. and Robert D. Ingram as Deputy Emergency Management Coordinators are hereby approved and ratified.
3. The Borough Clerk is requested to forward copies of this Resolution to the State Office of Emergency Management and the office of the County Emergency Management Coordinator, respectively.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				Absent	Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-4.17, second by Council Member Gnatt. Mayor Davy briefly explained that need for this Resolution. Upon a roll call vote all members present voted in favor.

Professional Reports

Borough Administrator – Mr. Caminiti briefly reported on issues that he has been addressing including Jif Safety Requirements, Cyber Security upgrades, Carbon Neutral initiatives and Local Government Week, the PFAS Building and Water upgrades. Mr. Caminiti stated that he sent an e-mail regarding the Borough Social Media Policy which is pretty important and the idea is, in a nutshell, that any Borough business should be disseminated through the Borough Website alone and not on Social Media Platforms. Mr. Caminiti stated that there are reasons for this but mainly that we don't have control over social media posts and managing public documents would require that any social media accounts have to be monitored and archived in the event that an OPRA request is filed and we do not have the staff to manage this. Mr. Valenza asked if a disclaimer could be drafted to be used when posting on social media. Mr. Caminiti stated that he would work on it. Mr. Caminiti stated that there needs to be a fire wall between Borough business and personal opinion.

Borough Attorney – Walter Bliss – Mr. Bliss had nothing further to report.

Borough Clerk – Betty Sterling – Mrs. Sterling had nothing further to report.

Chief Financial Officer – Sandy Webb – Mrs. Webb had nothing further to report.

Chief of Police – Doug Pinelli – Chief Pinelli reported on a working fire at Eglantine and Franklin and offered accolades to Detective D'Ascoli who was on site and went above and beyond to try to save the owners pets. Chief Pinelli stated that the new vehicle has been picked up and is currently being up fitted. Chief Pinelli invited everyone to Coffee with a Cop on April 8th as part of Local Government Week.

Superintendent of Public Works – Rick Smith – Mr. Smith was not in attendance.

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.

Mayor Davy stated that the participant GLP would be invited to speak if they provided a full name, the Borough policy does not permit admittance to speak unless you enter your name.

Mr. Dan Pace of 9 Railroad Place asked if someone would be getting back to him regarding his question from earlier in the meeting regarding seeing the participants in the zoom meetings. Mr. Caminiti stated that would look into and get back to Mr. Pace directly.

At 8:51 PM with no further business to address, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Valenza.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk