

**Pennington Borough Council  
Work Session Meeting – March 31, 2025**

Mayor Davy called the Work Session Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante, Stern and Valenza in attendance. Mr. Rubinstein arrived after the roll call.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Pennington Police OIC Sergeant Daryl Burroughs. Also present were Borough Planner, Jim Kyle and Planning Board Attorney Ed Schmierer.

**Mayor Davy announced that notice of this meeting was provided to the Hopewell Valley News, Trenton Times, and Trentonian and was posted on the bulletin board 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.**

Dan Pace thanked Borough Council for changing the format of the meeting.

**NEW BUSINESS**

Mayor Davy asked for Council consideration of Resolution 2025-3.21.

**BOROUGH OF PENNINGTON  
RESOLUTION 2025 – 3.21**

**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 \$ 40,000.00 from the following accounts:

Current \$ 40,000.00

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubenstein	S			
Chandler	X				Stern	X			
Marciante	M				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2025-3.21, second by Council Rubenstein with all members present voting in favor.

**WORK SESSION DISCUSSION ITEMS**

Mayor Davy stated that the first two items Resolutions 2025-4.4 and 2025-4.8 both have to do with the Boroughs Affordable Housing 4<sup>th</sup> Round Plan and Borough Planner Jim Kyle and Borough Attorney Ed Schmierer are in attendance to give Council Members an update and answer any questions. Mr. Kyle explained that the next step in the process is to prepare the Housing Element and Fair Share Plan and file it by June 30<sup>th</sup>. Mr. Kyle stated that 3<sup>rd</sup> Round Plan that was never adopted will be incorporated into the 4<sup>th</sup> Round Plan. Mr. Kyle stated that he is working with the Planning Board and once approved it will come to Council for approval. Mr. Kyle stated that his proposal is to cover the costs which can be charged to the Affordable Housing Trust Fund. Mr. Kyle stated that he will work with Mr. Schmierer to ensure compliance with the filing requirements. Mr. Schmierer stated that earlier this year he was authorized to file a Declaratory Judgment Suit which we did and which the Court has accepted. Mr. Schmierer stated that this was the first step in preparing the 4<sup>th</sup> Round and now going forward he will work with Mr. Kyle to file the 4<sup>th</sup> Round Plan by the deadline. Mr. Schmierer stated that the Declaratory Judgment set forth the present need

of 4 and the prospective need of 58 which goes out over the next ten years. Mr. Schmierer that those are the numbers that the Department of Community Affairs have put out and that he and Mr. Kyle have reviewed and found to be reasonable. Mr. Schmierer stated that following this process ensures that the Borough is not open to a Builder's Remedy Suit. Mr. Schmierer briefly reviewed the Rules and Regulations related to COAH requirements and how the Borough will be able to comply with the requirements that will be identified in the plan. Council had some questions for Mr. Kyle and Mr. Schmierer. Mayor Davy stated that the two resolutions will be on the agenda for April 7<sup>th</sup>.

Resolution 2025 - 4.4 - Authorizing Agreement with Borough Planner for COAH 4th Round

Resolution 2025-4.8 - Resolution Increasing Fees for Declaratory Judgement (COAH)

**Open Public Meetings Act / Boards, Commissions & Committees** – Mr. Walter Bliss provided an overview of the Open Public Meetings act and to what extent it applies to the Borough's Boards, Commissions and Committee meetings. Mr. Bliss stated that the key identifier is whether a Board, Commission or Committee is advisory and/or has governmental powers. Mr. Bliss stated additionally if they are collectively empowered to spend Borough funds or affect person's rights. Mr. Bliss stated that the latter language regarding affecting person's rights can be construed broadly or narrowly. Mr. Bliss stated that he could get into it on a committee basis, but on his review all but three are directed by Ordinance to comply with the Open Public Meetings Act. Mr. Bliss stated that the three that are not are Parks and Recreation, Economic Development and the Environmental Commission. Mr. Bliss stated that the legislative question is what is good practice and do we want to require all of our committees to comply or less than all of them. Mr. Bliss stated that the argument could be made that the committees are advisory in nature but on the other hand you could argue that their recommendations affect a person's rights. Mr. Bliss stated that we have to choose between the broad and the narrow interpretation of the law. Ms. Angarone stated that she would like to set the issue of the application of OPMA aside for this discussion and she would like all committee meetings to be open to the public for transparency. Mr. Bliss stated that Council cannot choose which meetings are subject to the OPMA but if they meet the criteria then they are subject to the OPMA. Mr. Bliss stated that the Ordinance should define whether a committee is advisory in nature but he thinks that all committees should be keeping records of their activities. Some discussion took place as to whether all meetings should be open to the public even if they are advisory in nature. Mr. Rubenstein stated that he thinks that the committees perform a valuable service and they provide recommendations to the Council and those recommendations are either acted on, modified or rejected. Mr. Rubenstein stated that he would suggest not locking into official mandates. Mr. Rubenstein stated that simply put, links would be posted and attendance by the public would be allowed, minutes would be taken but they would still be advisory. Mr. Bliss stated that Council should keep in mind that conservative advice would be to say why open up the Borough to the question of whether a committee is properly constituted and whether it is following proper procedures under the Open Public Meetings Act if following the process can be effectuated without undue burden. Mr. Bliss went on to say that the Parks and Recreation Commission Ordinance does incorporate State Law and that has some powers in and of itself. Mayor Davy stated that the Boards and Commissions should be noticed and take minutes, but administratively, particularly with Zoom is asking a lot of the Borough staff and he would like to have the conversation about going back to in person at Borough Hall. Mayor Davy stated that asking committee members to manage Zoom meetings and monitor who comes in and whether they can be seen or heard during the meeting is crazy. Mayor Davy stated that he would like to see all of our meetings including Council go back to in person and stop all the time and energy that is involved in managing all of these Zoom meetings. Mr. Caminiti stated that the Open Public Meetings Act and the Open Public Records Act go hand in hand and he would like to caution Council that this is a larger discussion as there are requirements for the records custodian who is typically the Municipal Clerk and non-compliance with OPRA opens the Clerk up to fines. Mayor Davy stated that we have taken up so much staff time and energy on this discussion and we are way past the COVID emergency and it is time to go back to in person meetings. Mr. Marcianti stated that meetings dates need to be set and not changed because it is too much to keep track of when meeting dates and locations are changed. Ms. Angarone stated that going back to in person would restrict the type of people who can be on Council and attend meetings and she does not think we would have the same participation. Mayor Davy stated that people will come if there is a topic on the agenda that they have interest in participating in the discussion. Mayor Davy stated that some of the committees are already back in person and asking the Chair or the Council liaison to manage the meeting is too much to ask. Mr. Valenza stated that he prefers seeing people in person but he could go either way. Some discussion took place with regard to returning to in person meetings. Mr. Rubenstein stated that he would not be able to attend in person meetings as he travels. Council Members discussed whether the Council committees should also be noticed as they are also advisory. Council Members were not in favor of that and Mayor Davy stated that in the interest of transparency, you can't pick and choose which meetings are open and which are not. Mrs. Chandler stated that the initial request was to share the links for the meetings but it seems to be way more involved than just posting the links. Further discussion took place with regard to the Open Public Meetings Act and meetings being held by Borough committees and commissions.

**Website Upgrade - Timeline / Proposal Update** – Mr. Caminiti and Mrs. Sterling briefly updated Council on the upgrades to the website and stated that the proposal in the packets will be on the April 7<sup>th</sup> agenda for approval.

**Pennington Day** – Ms. Stern stated that Council will be having a table at Pennington Day again this year and she would like to have Council Members sign up to man the table for hour shifts.

**REVIEW OF TENTATIVE COUNCIL AGENDA**

Mayor Davy went through each of the items listed below and asked if Council Members had any questions. Council Members briefly discussed a couple of the items. Mr. Bliss gave an update on the sewer connection for 115 Lewis Brook Road.

Appointments

Historic Preservation Commission - Craig Wallace

Shade Tree Committee - James Meader

Resignation - Emma Rosenberg - Economic Development

Resignation - Chris Webb - Public Works Department

Proclamation - Food Pantry

Presentation - Shade Tree Committee

Ordinance 2025-7 - 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 **(Public Hearing and Adoption)**

2025 Budget Adoption

Ordinance 2025-8 - 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 2025 **(Introduction)**

Ordinance 2025-9 - Amend Mechanical Fees **(Introduction)**

Resolution 2025-4.1 - Lien Redemption

Resolution 2025-4.2 - Resolution Authorizing Payment of Bills

Resolution 2025-4.3 - Amending Remote Meeting Policy

Resolution 2025-4.6 - Block Party Request

Resolution 2025-4.7 - Purchase of Bulk Salt - Cooperative Purchasing

Resolution - Jersey Meds - Use of Outdoor Space

Resolution - Amending Neary Agreement (Walter )

**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.

There were no comments from the public.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk