

**Pennington Borough Council  
Special Meeting – January 13, 2025**

Mayor Davy called the Regular Meeting of the Borough Council to order at 5:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante and Stern in attendance. Mr. Rubinstein and Mr. Valenza were absent.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Borough Planner Jim Kyle and Sergeant Daryl Burroughs and Sergeant Novin Thomas.

Mayor Davy announced that notice of this meeting has been given 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.**

There were no comments from the public.

**ORDINANCES FOR INTRODUCTION**

Mayor Davy read Ordinance 2025-2 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2025-2**

**ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY  
5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE  
HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2,  
BOROUGH OF PENNINGTON**

**WHEREAS**, 5 Pennington LLC, located at 2950 S.W. 27<sup>th</sup> Avenue, Suite 300, Miami Florida is the owner of real property located at 5 State Highway 31, Borough of Pennington, County of Mercer, State of New Jersey, and more particularly known as Block 206, Lot 2 on the Official Tax Map of the Borough of Pennington (the “Property”); and

**WHEREAS**, the Grantor was previously granted Preliminary and Final Site Plan approval by the Borough of Pennington Planning Board (the “Board”) to convert a former bank building to a Starbucks Restaurant, as memorialized by the Board’s adoption of a Resolution on February 8, 2023 on Application No. PB22-009 (“Approval”); and

**WHEREAS**, the Property is the site of a public fire hydrant and a water main serving the hydrant in accordance with an agreement with the prior owner for which, as a condition of Board approval, grant of an easement is required, to be recorded prior to issuance of the Certificate of Occupancy;

**WHEREAS**, as set forth in the attached form of Utility Easement, the required easement is a 20-foot wide non-exclusive easement extending from the easterly boundary of the Property to the fire hydrant near Route 31 to the west:

**WHEREAS**, consideration for the easement is One Dollar and the promises and representations described in the document;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that the attached Utility Easement is hereby approved and accepted, and the Mayor, with the attestation of the Borough Clerk, is authorized to execute the Utility Easement and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

Mayor Davy asked Mr. Bliss to explain the Ordinance. Mr. Bliss stated that this ordinance is an easement required by the Planning Board Site Plan Application as a condition of approval related to renovations to the TD Bank by Starbucks. Mr. Bliss stated that the Borough has a water line existing underground from the Public Works property to the fire hydrant in front of this property and this will memorialize with is already there. Mr. Bliss stated that the agreement contemplates that the Borough will restore the property if access to the line is needed.

Council Member Chandler made a motion to introduce Ordinance 2025-2, second by Council Member Stern with all members present voting in favor. Mrs. Chandler stated that the detention basin was never managed with the TD Bank was there and it was the Borough’s intention to include that the detention basin be property maintained as part of this agreement. Mayor Davy stated he spoke to the Borough Engineer and that is a separate issue and property maintenance of the basin was required before any work could commence on the property, but it is not connected to this agreement. Mr. Valenza stated that with regard to an easement it has been the practice that if improvements are made on the easement there are agreements that state that the Borough will not restore a fence or other improvement on the easement. Mr. Bliss stated that this agreement does not say that it says the Borough will restore the property. Mr. Valenza asked if this was a planning board decision and the Borough should not assume responsibility for restoration. Mr. Bliss stated that Council can refuse approval of this easement and revise the agreement, but this is what he was given and that is why it is written this way. Mr. Bliss stated that the business terms have been reviewed with the Borough Engineer and the Superintendent of Public Works with the exception of the restoration. Mr. Bliss stated that he is familiar with the easement restoration requirements that have been stated on other agreements in town but this is different because the pipe was there, but the easement was not. Mr. Valenza stated that he will vote no on this because this is big corporation and they should be responsible for restoration. Mr. Bliss stated that another option is to introduce the ordinance tonight and then try to negotiate the business terms prior to adoption. Discussion took place regarding why this was on the agenda for a special meeting. Mr. Bliss explained that an Ordinance requires two readings and in order to expedite this so that the opening is not delayed it was put on this agenda. Mr. Bliss stated that this is a condition of the Planning Board and it is required in order for the Starbucks to get their Certificate of Occupancy. Some discussion also took place regarding how this was not addressed when the application was submitted or when the permits were issued. Mr. Caminiti stated that this is an example of exactly what is needed with regard to Code Enforcement and that is on the radar going forward. Upon a roll call vote all members present voted in favor of introduction.

**BOROUGH OF PENNINGTON  
RESOLUTION 2025-1.31**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR SPECIAL  
AFFORDABLE HOUSING COUNSEL**

**WHEREAS**, the Borough of Pennington has an affordable housing obligation pursuant to the New Jersey Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq.* and the New Jersey State Constitution; and

**WHEREAS**, pursuant to Chapter 98-1 et seq. of the “Code of the Borough of Pennington”, said Borough collects affordable housing development fees in order to provide funding for affordability assistance, accessory apartments, and the like in order to support and facilitate affordable housing for income-qualified households within said Borough; and

**WHEREAS**, legal services are required from time to time to address issues associated with the Affordable Housing Trust Fund, Spending Plan and other issues related to the Borough’s Affordable Housing Program, including at the present time the Borough’s Fourth Round obligations; and

**WHEREAS**, the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* requires that a resolution authorizing the award of a Contract for “Professional Services” without competitive bidding be publicly advertised; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Affordable Housing Trust Fund for the present purpose up to \$3,000.00;

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

1. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to enter into an Agreement with the law firm of Mason, Griffin & Pierson, PC, 101 Poor Farm Road, Princeton, New Jersey 08540, for a sum not to exceed \$3,000 to provide professional legal services to said Borough concerning matters related to affordable housing and potential litigation relating to the Borough’s Fourth Round obligations. The Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.
2. This Agreement is being awarded without competitive bidding as a professional services contract under the provisions of the New Jersey Local Public Contracts Law because a service will be rendered or performed by a person or persons authorized by law to practice or recognize profession and that practice is regulated by law.
3. A notice of this action shall be published in a newspaper of general circulation within the Borough within 10 days of its passage.

Record of Council Vote on Passage

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

Mayor Davy stated that this Resolution is on the agenda because we have a deadline of January 31<sup>st</sup> to accept the Affordable Housing numbers and there is work that needs to be done by the Borough Planner, Jim Kyle and our Affordable Housing attorney, Ed Schmierer. Mayor Davy asked Borough Planner Jim Kyle to explain the process. Council Member Chandler made a motion to approve Resolution 2025-1.31, second by Council Member Stern with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2025-1.32

RESOLUTION AUTHORIZING CONDITIONAL OFFER  
OF EMPLOYMENT TO NEW POLICE OFFICER IN THE  
PENNINGTON POLICE DEPARTMENT

**WHEREAS**, the Pennington Police Department seeks to hire an additional police officer;

**WHEREAS**, the Department advertised for applicants from August to September in 2024 and received 87 applications;

**WHEREAS**, after an initial screening of applications for compliance with minimum requirements, remaining candidates not already holding a valid NJ PTC BCPO Certification were required to pass a physical fitness examination as a condition for proceeding further in the hiring process;

**WHEREAS**, 37 candidates were selected to participate in the next process phase involving a pass/fail physical fitness examination, and all but 5 passed the exam;

**WHEREAS**, 40 candidates, including the 32 that passed the physical and 8 already holding a valid BCPO certification proceeded to the interview stage and were interviewed by Chief Douglas Pinelli and officers of the Department, and candidate Kenneth Abey was determined to be the best qualified candidate;

**WHEREAS**, Chief Pinelli has recommended Kenneth Abey (“Candidate”) for a conditional offer of employment in accordance with the form of offer (“Conditional Offer”) attached to this Resolution;

**WHEREAS**, the Public Safety Committee has reviewed and approved this recommendation;

**WHEREAS**, the conditions to which the Conditional Offer is subject are described in the attached document and include successfully passing required medical, physical, psychological and drug tests, the pre-academy physical fitness assessment and such other conditions as described in the document;

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

1. The Chief of Police is hereby authorized to offer conditional employment to the identified Candidate and, for this purpose, execute on behalf of the Borough the attached Conditional Offer of Employment, provided determination that the conditions of the offer have been satisfied and that hiring is appropriate shall be made by Borough Council.
2. The Candidate’s salary and other terms and conditions of employment, if the Candidate be ultimately hired, shall be governed by the contract between the Borough and the Pennington Borough Police Association.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2025-1.32, second by Council Member Stern with all members present voting in favor.

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.

**ADJOURNMENT**

At: 5:40 PM, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Stern with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk