

**Pennington Borough Council  
Work Session Meeting – February 26, 2024**

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.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Administrative Coordinator Mona Habiby, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Police Chief Doug Pinelli.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

**Open to the Public**

Mayor Davy read the following statement.

The meeting is now open to the public for comments. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Administrator acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

**Work Session Discussion Items**

**PFAS – Gazebo Donation** – Mayor Davy stated that Mr. Neal Blackwell is here to discuss a donation of a Gazebo to honor the many years of service of the Pennington First Aid Squad. Mayor Davy stated that Council also has a copy of an e-mail from Superintendent of Public Works Rick Smith who was asked to look at the site and the proposal and provide comments and concerns that he might have. Mayor Davy stated that Chief Pinelli had some concerns that he wanted to bring up as well. Mr. Blackwell stated that he presented this idea at a previous meeting and Council asked that he come back with a more detailed design showing sidewalks and other concerns that Council discussed. Mayor Davy stated that there is a safety concern that there are no sidewalks proposed on the one side and there may be a need to a crosswalk and some signage. Mayor Davy stated that if Council is satisfied that the concerns of Public Works and Public Safety have been addressed then they have to decide how to proceed with the project. Mrs. Chandler asked if they have considered any other locations or ideas because she does not love this location. Mrs. Chandler stated that she does not think that people will know it is there and it won't get the recognition that it deserves. Mr. Bliss stated that donation of the property would require an Ordinance. Mr. Marciante stated that he does not like the location either and maybe the AME Cemetery of the Arboretum would be a better location. Some discussion took place regarding different locations. Mr. Blackwell asked if Ms. Julie Aberger could be admitted to the meeting as she might have some thoughts. Ms. Aberger stated that she walks the location every day and there is no place to sit down and she thinks that the Gazebo would get used and in terms of honoring the First Aid Squad it is the perfect location. Mayor Davy stated that the AME site is Green Acres restricted and it might not be feasible as it is part of the ROSI report. Mr. Blackwell stated that he was asked to provide this drawing and that is what he has done and now it sounds like the location needs to change. Mayor Davy asked Council how they want to proceed with this idea and if Council wants to proceed we will need to consult the Borough Engineer regarding sidewalks. After some discussion regarding the Ordinance requirement and other items that need to be addressed and alternative ideas and locations it was decided that this item is not ready for the March Council Meeting. Mayor Davy asked Mr. Caminiti to look into other options that might be more beneficial.

Mayor Davy asked Mr. Jim Kyle, Borough Planner to comment on the following Resolution for consideration at the March 4<sup>th</sup> Council Meeting.

**Resolution 2024-3.4** - Resolution Authorizing and Redirecting the Planning Board of the Borough of Pennington to Undertake a Preliminary Investigation to Determine Whether a Certain Area Within the Borough (Block 205, Lots 2,3,4,5, and 6) is an Area in Need of Redevelopment

Mayor Davy explained that this resolution would authorize and direct the Planning Board to undertake a preliminary investigation of the properties owned by the Blackwell brothers. Mayor Davy stated that there has been some conversation with the owners and this is the first step in the process of declaring the area as an area in need of redevelopment. Mr. Kyle stated that this is the first step and would allow the Planning Board to direct Mr. Kyle to prepare a preliminary investigation report. Mr. Kyle stated that the Council is the final say and would ultimately adopt an ordinance to proceed once the report is done.

**Resolution 2024-3.5 - Accepting Planning Board Decision on Landfill**

Mayor Davy stated that the next item is also a Resolution related to an area in need of redevelopment, the Planning Board authorized a study on the Landfill, they held a Public Hearing and they have referred it back to the Borough Council with a recommendation to declare the property as an area in need of redevelopment. The Resolution proposed would accept the plan done by the Planning Board and lead into the next steps to declare the landfill as an area in need of redevelopment. Mayor Davy stated that more discussion is needed once the plan is accepted. Mayor Davy stated Council needs to work with the Borough Administrator to develop a plan that includes the public for input before a Request for Proposals is prepared. Mr. Kyle stated that Mayor and Council need to set the parameters for the proposal to present to and engage the community in the process.

**2024 Budget Introduction** - Mayor Davy asked Chief Financial Officer to make a presentation on the 2024 budget. Ms. Webb discussed a comparison of tax rates in Mercer County. Ms. Webb stated that some adjustments were made to the budget, some increases and some reductions and some reallocations to capital. Ms. Webb stated that one of the budget items that was cut was a line item to fund capital projects through the budget and she would ask the finance committee to comment because she does not agree with this reduction. Ms. Webb explained that having this item in the budget saves the Borough money when the time comes to borrow funds. Ms. Webb stated that in terms of revenues, the Borough canceled some funded capital balances and so we were able to bring some of those funds in as a revenue this year. Some discussion took place regarding the finance committee decision to cut the funding for pay as we go projects. Mr. Valenza expressed concerns because borrowing money is getting more and more expensive. Mrs. Chandler stated that she, Nadine, Sandy and Betty will be meeting with Sherry Tracey of Phoenix advisors to talk about capital planning and funding. Ms. Webb continued with her presentation and stated that she still has to work on the levy cap calculation and to finalize the budget for introduction but there are some decisions that Council needs to make and she outlined the items that need Council input. Ms. Webb stated that the budget as it stands is a 3.5 cent increase but in order to get within the levy cap she thinks that the rate needs to come down another penny or more. Mrs. Chandler stated that though our surplus is down this year, we know that we have an interfund with the grant fund that will get cleared this year once we receive DOT funding but the lag time with the DOT funding road projects is causing budget issues. Ms. Webb stated that an interfund is a direct hit to surplus. Mayor Davy reminded Council that the EMS negotiations are ongoing and the amount will likely go up. Mrs. Webb stated that to comply with the deadline for introduction we need to introduce the budget at the March meeting. Ms. Webb stated that she and Betty will work on this over the next couple days in consultation with the finance committee. Ms. Webb stated that in terms of the Water/Sewer Utility Budget that budget is in good shape and will be ready to go. Mayor Davy asked that in the discussion with Sherry Tracey the question be asked if it would make sense to do a small rate increase this year instead of skipping a year. Mr. Valenza stated that we can't continue the way we are going and at some point we will need to start looking at cutting expenses or increase revenues and it may not be this year, but it is coming.

**Resolution 2024-3.4 - Self Examination of the 2024 Budget** - Mayor Davy stated that the next few items are also budget related. Ms. Webb stated that several years ago the state instituted self-examination of the budget which means that municipalities only submit their budgets for State review every three years and provided that you approve a resolution that authorizes that the CFO can certify the budget and we submitted for State review last year so for 2024 and 2025 the CFO can certify the budget for Pennington Borough. .

**Resolution 2024-3.7 - Approving Engineering Projects for 2024** – Mrs. Sterling explained that each year Council approves a list of engineering projects submitted by the Borough Engineer so that purchase orders can be issued. There were no changes in the costs from last year.

**Ordinance 2024-3 - Cap Ordinance (Introduction)** – Ms. Webb stated that this Ordinance is our spending cap, the rate changes every year and this guides us in preparing the budget and each year we do this ordinance as part of the budget review and sets our spending cap.

**Ordinance 2024-2 - Salary Ordinance (Introduction)** – Mrs. Sterling stated that this ordinance covers employees not covered under a bargaining unit and the increase for this year reflects a 2% increase consistent with the Teamsters increase which is what Council has historically approved.

Ms. Webb reminded Council that they will also have a resolution related to Civil Rights that is also required as part of the budget process. Mrs. Chandler stated that Public Safety is looking into the need for crossing guards at certain locations and at certain times.

**Ordinance 2024-4 - Bond Ordinance - Baldwin St (Introduction)** – Mayor Davy explained that this ordinance sets up the funding for the DOT project so that the project can commence. Mrs. Sterling stated that the ordinance also includes the engineering costs. Ms. Webb stated that several years ago Council funded the engineering in the budget, but the finance committee at the time shifted the costs to capital.

Mrs. Sterling stated that Council agreed to pull the \$92,000 out of the budget for the asphalt for three roads that we are requesting the County to do the work. Ms. Webb stated that we will need a separate ordinance to fund that work. Ms. Stern stated that there were other capital items that were going to be included in an ordinance with the asphalt. Mrs. Chandler stated that she was the one person on the finance committee that

did not agree with funding the asphalt in 2024. After some discussion it was agreed to do another bond ordinance for the asphalt and other capital items for 2024.

**Ordinance - Tree Removal and Ordinance - Salt Storage** - Ms. Stern stated the draft ordinances that are requirements for the MS4 permit are prepared and ready for introduction at the March Meeting. Mr. Marciante stated that he is against the tree ordinance and he plans to vote no because the Borough should not be allowed to tell residents what they can do with trees on their own property. Some discussion took place regarding the cost to the resident to have a certified arborist evaluate a tree. Council discussed charging a fee to have Public Works certify the tree. Mr. Bliss stated that every tree does not have to be replaced, it has to be six inches in diameter or greater and the property owner would have had to remove four or more trees in the last five years. Mr. Bliss stated that the certified tree expert comes in only when the property owner wants an exemption from the count. Mr. Bliss stated that hazardous or diseased trees do not count and there are some other exemptions that require an expert. Mr. Bliss stated that a homeowner can take a tree down by filing a form with the Borough. Mr. Bliss stated that one of the things that needs to be resolved is whether Council wants to require a fee for registering to take a tree down. Mrs. Chandler stated that since there is no one in attendance from the public, we should be prepared for residents to object to this ordinance. Mayor Davy stated that this ordinance is required as part of the MS4 permit and what would happen if we don't do the ordinance. Mr. Smith stated that if we do not do it we will be in violation of several acts both federal and state and we will be fined. Mr. Smith also asked to go on record that he was not in favor of having a public works staff member certifying whether trees are hazardous or not for trees on private property. Mr. Valenza stated that this is much ado about nothing and we should do it because it is required and deal with things that come up when they come up. Ms. Stern and Mr. Smith briefly touched on the Salt Ordinance which regulates storage of salt on private property. Mr. Smith stated that this is not a real problem in Pennington but the ordinance is required for the MS4 permit.

**Document Repository - Nadine** – Ms. Stern stated that this is a feature on the Borough Website that Betty set up but only Public Works is using. Ms. Stern stated that it is similar to drop box, but it is regulated by the Borough so that volunteers and others that have access are not storing public documents on their personal devices. Ms. Stern stated that it is a little utilized feature and she is wondering if other committees should be reminded of the feature. Mrs. Sterling briefly explained how this works and stated that not many groups are utilizing the feature. Ms. Stern stated that she could do a demo for each Council Liaison or she could do it now. Mayor Davy stated that he would prefer to set up a separate date and time to demo this feature.

#### **Review of Tentative Council Regular Agenda**

Mayor Davy asked if there was any discussion on the following items which will be on the Agenda for the Regular Meeting on March 4, 2024. There were no comments or questions on the proposed agenda items listed below.

- Proclamation - Donato Nieman
- Ordinance 2024-1 - Amending Fees Ordinance (Public Hearing and Adoption)
- Resolution 2024-3.2 - Resolution Authorizing Payment of Bills
- Resolution 2024 -3.3 - Amendments to the Temporary Budget
- Resolution 2024-3.6 - Resolution Authorizing Shared Services Agreement Between Borough of Pennington and County of Mercer for EMS Dispatch Services for 2024

#### **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.

At:8:42 PM, Council Member Gnatt made a motion to convene in Closed Session, second by Council Member Valenza with all members present voting in favor.

Negotiations - Area In Need Of Redevelopment / Tax Appeal  
Negotiations - Use and Occupancy Agreement  
Negotiations - EMS Agreement  
Negotiations - Beigene

Council Member Valenza made a motion to convene in convene in Closed Session, second by Council Member Chandler with all members present voting in favor. Council did not return to open session.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk