

**Pennington Borough Council
Regular Meeting – December 30, 2024**

Mayor Davy called the Regular Meeting of the Borough Council to order at 3:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante, Stern and Valenza in attendance.

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

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 PUBLIC MEETINGS STATEMENT

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.**

Paul Garcia Torres of 11 East Curlis Avenue stated that he would like to speak about an Ordinance related to keeping of swine etc. Mr. Torres stated that he has two mini pigs on his property and Officer Friedman has told him that he would have to remove them from his property as he is in violation of the Ordinance. Mr. Torres stated that his pigs are emotional support animals and he would like some consideration so that he can keep them. Mayor Davy stated that he recalls that the Health Department has looked into this previously. Mr. Torres stated that he has installed a fence and he is now in the process of installing a privacy fence. Mayor Davy stated that he thought this was resolved already, but he will have Mr. Caminiti the Borough Administrator look into this to see if Council needs to take action. Mr. Valenza stated that our current Health Officer should be given access to the prior complaint. Mr. Caminiti stated that he would follow up with the Police. Mrs. Chandler stated that if there is a complaint then it needs to be addressed. Mrs. Chandler also suggested a total review of this and other ordinances.

NEW BUSINESS

Mayor Davy stated that Resolution 2024-12.6 will be considered after the Closed Session.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-12.6**

**RESOLUTION AUTHORIZING CONNECTION OF 115 LEWIS
BROOK ROAD IN HOPEWELL TOWNSHIP
TO THE PENNINGTON SEWAGE COLLECTION SYSTEM**

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.9**

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 \$1,032,416.49 from the following accounts:

Current	\$ 545,825.20
W/S Operating	\$ 325,762.27
General Capital	\$ 132,114.45
Water/Sewer Capital	\$ 1,524.72
Other Trust	\$ 8,685.66
Unemployment Trust	\$ 10,790.00

Developer’s Escrow	\$	3,238.00
Animal Control Fund	\$	84.49
Grant Fund	\$	4,277.95
Recreation Trust	\$	13.75
TOTAL		\$1,032,416.49

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-12.9, second by Council Member Angarone with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.10

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2024 budget appropriations:

Current Fund Appropriations:	To:	From:
Construction – Salaries	\$ 3,000.00	
Planning/Zoning – Salaries	\$ 150.00	
Legal – Other Expense	\$ 7,500.00	
Trash – Other Expense	\$10,000.00	
Celebration of Public Events	\$ 500.00	
Tax Collection – Salaries		\$ 7,000.00
Streets – Other Expense		\$10,000.00
Admin. – Salaries		\$ 4,150.00
Total Current Fund	\$21,150.00	\$21,150.00

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2024-12.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.11**

**RESOLUTION FURTHER INCREASING AUTHORIZED EXPENDITURES FOR
SPECIAL LABOR COUNSEL**

WHEREAS, by Resolution 2023-6.9 Borough Council authorized retention of Special Labor Counsel, in a pending employee disciplinary matter at the rate of \$200 per hour for attorneys and \$125 per hour for paralegals and a projected total cost of \$30,000; and

WHEREAS, by Resolution 2024-2.15, Borough Council authorized an additional \$35,000 for the services and expenses of Special Labor Counsel, increasing projected total cost to \$65,000;

WHEREAS, by Resolution 2024-5.11, Borough Council authorized an additional \$7,300 for attorney and other professional services relating to this matter; and

WHEREAS, Council is advised by the Special Counsel that its budget should now be increased an additional \$3,520.00 for attorney and other professional services relating to this matter; and

WHEREAS, the Chief Financial Officer of the Borough has certified that \$3,520.00 is available for this purpose in the Legal Consultants line #4-01-20-155-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the authorized expenditures for Special Labor Counsel in 2024 shall be increased by \$3,520, with all other provisions of the Borough’s professional services agreement with Special Labor Counsel remaining unchanged.

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

Council Member Chandler made a motion to approve Resolution 2024-12.11, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-12.12**

**RESOLUTION AUTHORIZING THE HIRING OF NICHOLAS BROOKER MANELA AS LABORER IN
THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough of Pennington has need for a qualified person to fill the position of Laborer in the Department of Public Works;

WHEREAS, the position was advertised and the Superintendent of Public Works, the Foreman of the Department of Public Works and the Borough Administrator reviewed applications for the position, interviewed two of the applicants, and recommended the hiring of the one person believed to be qualified for this position;

WHEREAS, that person subsequently declined the offer of employment;

WHEREAS, the Superintendent of Public Works has now identified Nicholas Brooker Manela as having the qualifications for the position; and

WHEREAS, Mr. Manela has been interviewed by the Superintendent, the Foreman and the Borough Administrator, and they have recommended that Mr. Manela be hired to fill the vacancy;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that Nicholas Brooker Manela be hired as Laborer I in the Department of Public Works, subject to successful completion of all pre-employment procedures including verification of pre-employment information, employment physical and satisfactory background check in accordance with Borough Personnel Policy 1.21;

BE IT FURTHER RESOLVED, that Mr. Manela’s salary and other terms and conditions of employment shall be governed by the contract between the Borough and Teamsters Local 35, and his start date shall be determined by the Superintendent of Public Works.

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

Council Member Stern made a motion to approve Resolution 2024-12.12, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-12.13**

**RESOLUTION AWARDING CONTRACT TO TOP LINE CONSTRUCTION CORP. FOR BALDWIN STREET AND BALDWIN COURT ROAD REHABILITATION PROJECT
(VNHA #PEN-BOOFP24202)**

WHEREAS, request for bids was advertised in accordance with the Local Public Contracts Law and on November 15, 2024 and bids were received from four (3) contractors for the project known as “Baldwin Street and Baldwin Court Road Rehabilitation Project; and

WHEREAS, the low bidder for the project is Top Line Construction Corp. Sommerville, New Jersey, with a total bid of \$568,073.03; and

WHEREAS, the submittals by Top Line Construction Corp. in support of its bid have been reviewed by the Borough Engineer and award of the contract to Top Line Construction Corp. is recommended; and

WHEREAS, award of the contract is contingent upon the Borough’s receipt of the NJDOT Authorization to Award; and

WHEREAS, the funds required for this project are available through a NJDOT Municipal Aid Grant and under General Capital Ordinance #2024-3;

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

- (1) the contract for the project known as “Baldwin Street and Baldwin Court Road Rehabilitation Project” shall be and is hereby awarded to Top Line Construction Corp. of Sommerville, New Jersey in the amount of \$568,073.03, contingent upon receipt of the NJDOT Authorization to Award; and
- (2) the Mayor, with the attestation of the Borough Clerk, is further authorized to execute and enter into such contract on behalf of the Borough, subject to satisfaction of requirements for execution.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2024-12.13, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.14**

**RESOLUTION TO AMEND BOROUGH POLICY AND PROCEDURES MANUAL TO
AMEND RECOGNIZED HOLIDAYS**

WHEREAS, Borough Council seeks to amend the Borough Policy and Procedures Manual by amending the list of holidays for which full-time employees are eligible to receive holiday pay; and

WHEREAS, the proposed changes are consistent with applicable collective bargaining agreements;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Section 4.5 of the Policy and Procedures Manual be amended to change the list of Recognized Holidays (with additions underlined and deletions crossed out) as follows:

4.5 HOLIDAYS

- Only full-time employees are eligible for holiday pay.
- Part-time employees and temporary employees are not eligible to receive holiday pay.

RECOGNIZED HOLIDAYS

The following holidays are recognized by Pennington Borough as paid holidays:
New Years Day
Martin Luther King’s Birthday
Presidents Day

Good Friday
Memorial Day
Juneteenth
Independence Day
Labor Day
~~**Columbus Day**~~
Veterans Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day
Day after Christmas (next work day)

HOLIDAY POLICIES
An employee may take time off to observe religious holidays. The time off is without pay. The employee must notify the supervisor at least ten business days in advance.

All national holidays will be scheduled on the day designated by common business practice except if New Year’s Day (January 1st) falls on a Saturday, the paid holiday will be the following Monday only.

If a holiday occurs during an employee’s scheduled vacation the holiday will not count as a vacation day. In order to qualify for holiday pay, an employee must work the scheduled workday immediately before and after the holiday. Only time off approved by the supervisor will be considered exceptions to this policy. An employee is not eligible to receive holiday pay when on an unpaid leave of absence.

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

Council Member Chandler made a motion to approve Resolution 2024-12.14, second by Council Member Marciante. Ms. Angarone asked why employees are given Good Friday which is a religious holiday. Ms. Angarone stated that she understands adding Juneteenth and eliminating Columbus Day for the day after Christmas but we should look into religious holidays. Upon a roll call vote all members present voted in favor.

Mayor Davy stated that Resolution 2024-12.15 will be considered following the Closed Session.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.15**

**RESOLUTION AUTHORIZING USE AND OCCUPANCY AGREEMENT TO PERMIT TEMPORARY
USE OF THE PENNINGTON FIRST AID BUILDING BY THE PENNINGTON BOROUGH FIRE
DISTRICT NO. 1**

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti gave Council an update on the change in health insurance from State Health Benefits to a Health Insurance Fund or another option that would be a cost savings for both the Borough and the employees. Mr. Caminiti stated he is going to invite our insurance broker that he is working with to the next meeting to do a bigger presentation. Mr. Caminiti stated that he has been working on a Dashboard/Scorecard of Municipal Operations that he will be prepared to present at the February meeting.

Borough Attorney – Walter Bliss – Mr. Bliss had nothing further to report other than the Closed Session.

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

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

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

Officer in Charge – Sergeant Thomas stated that the holiday season was uneventful. Sergeant Thomas stated that winter weather is coming and he would like to remind everyone to prepare and to be mindful of parking during snow events in both the parking lot and on the roadways.

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 2 minutes.

There were no comments from the public.

CLOSED SESSION

AT, 3:42 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Sewer Connection – 115 Lewis Brook Road

Use and Occupancy Agreement – Fire District

Council Member Gnatt made a motion to convene in Closed Session, second by Council Member Chandler with all members present voting in favor.

AT 4:43 PM, Mayor and Council returned to open session.

Mayor Davy stated that Resolution 2024-12.6 was discussed in Closed Session and is not ready for action to be taken.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-12.6**

**RESOLUTION AUTHORIZING CONNECTION OF 115 LEWIS
BROOK ROAD IN HOPEWELL TOWNSHIP (LOT 8.01, BLOCK
46.04) TO THE PENNINGTON SEWAGE COLLECTION SYSTEM**

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.15**

**RESOLUTION AUTHORIZING USE AND OCCUPANCY AGREEMENT TO PERMIT TEMPORARY
USE OF THE PENNINGTON FIRST AID BUILDING BY THE PENNINGTON BOROUGH FIRE
DISTRICT NO. 1**

WHEREAS, the Commissioners of Fire District No. 1 in Pennington (“Fire District”) requires the temporary use of part of the vacant building that formerly housed the Pennington First Aid Squad, commonly known as the PFAS Building, located at 110 Broemel Place in Pennington, adjacent to the Fire District’s fire station on Broemel Place;

WHEREAS, in accordance with the deed to the former PFAS property at 120 Broemel Place in Pennington (Block 206, Lot 4 on the Pennington Tax Map), the PFAS Building and property have reverted to the Borough of Pennington (“Borough”) following termination of PFAS operations (“Property”);

WHEREAS, the Borough is considering multiple demands for permanent use and adaptation of the Property and it is therefore not immediately needed for the Borough’s purposes;

WHEREAS, Fire District has need for the temporary use of two apparatus bays for parking of Fire District vehicles and two bunk rooms as sleeping space for Fire District personnel which the PFAS Building can accommodate;

WHEREAS, the Local Lands and Buildings Law, at N.J.S.A. 40A:12-14(b), authorizes the lease of municipal property to another public body upon such terms and conditions and for such nominal or other consideration as the parties may agree upon;

WHEREAS, the Borough now seeks to authorize the Fire District’s temporary use and occupancy of the PFAS Building for the purposes indicated and in accordance with the attached Use and Occupancy Agreement;

WHEREAS, the attached Use and Occupancy Agreement would among other things; (a) have a term of six months subject to the right of the Borough to cancel the Agreement at will on 30 days’ notice; (b) provide for no fee or rent but require that the Fire District hold the Borough harmless from damage and liabilities the Fire District may cause in connection with its use and occupancy of the premises; and (c) limit the Fire District’s exclusive use to two bunk rooms, adjoining bathroom and shower, and two apparatus bays;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the attached Use and Occupancy Agreement on behalf of the Borough.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-12.1, second by Council Member Gnatt with all members present voting in favor. Mr. Marciante was not present for the vote.

ADJOURNMENT

At 4:45 PM with no further business to address, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Angarone with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk