

**Pennington Borough Council
Regular Meeting – October 7, 2024**

Mayor Davy called the Regular 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, Gnatt, Marciante, Stern and Valenza in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Superintendent of Public Works Rick Smith, 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 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.

PRESENTATIONS

Mayor Davy stated that Steve Papenberg was scheduled to make a presentation for the Board of Health however he was not in attendance.

Mayor Davy asked Chief Financial Officer, Sandra Webb to present the Best Practices Inventory for Council. Mrs. Webb stated that this is the 14th year for the Best Practices Inventory and we are required to hold a public discussion with Borough Council so that you are aware of the answers to the questions. Mrs. Webb stated that the purpose of the questions is to assess compliance with various laws and regulations and evaluate the implementation of best practices. Mrs. Webb stated that the inventory consists of scored and unscored questions and the goal is to answer yes or not applicable to as many of the scored questions as we can and to get a score of over 35. Mrs. Webb stated that our score for this year is 42.5 and the reason that is important is because we risk losing some of our State Aid if we drop below the required score. Mrs. Webb stated that the questions cover several categories and she would like to just review the questions that we answered no to and have a discussion as to why we answered no. Mrs. Webb stated that question 16 refers to a storm recovery fund and the reason that we do not do this is because we focus more on rebuilding surplus and moving funds out of the general fund into a trust for storm recovery does not make sense for the Borough. Mrs. Webb stated that question 23 refers to a plan for purchase of hybrid vehicles and though we try to do that if possible, we do not have an actual plan in place. Mrs. Webb stated that it might be worth discussing with the finance committee. Mr. Caminiti stated that he would spearhead this for next year. Mrs. Webb stated that question 22 relates to charging stations on municipal property and that might go hand in hand with the discussion. Mrs. Chandler stated that Betty and Mona worked on trying to get grants for EV chargers but the costs in addition to the grants were prohibitive for the Borough. Mrs. Webb stated that number 59 refers to posting labor agreements on the website and we are answering no because we do not. Council Members felt that we should do this so that we can answer yes. Mrs. Webb stated that the next few questions are related to lead remediation. Ms. Angarone asked about lead inspections and Mr. Caminiti responded that we are working with the Construction Official to get an ordinance and plan in place so that we will be in compliance next year. Ms. Angarone also asked about a question on whether the Borough has any social media accounts and she mentioned that the Police have a Facebook page. Mrs. Webb stated that she would change that answer before submitting the document. Mrs. Webb stated that the next question is number 68 which is a question concerning reporting to the Board of Public Utilities and we answered no but that is because we were unaware of this requirement but it is on the radar and we will be in compliance for next time. Council Members had questions on some of the questions that were answered affirmatively.

APPROVAL OF MINUTES

Council Member Angarone made a motion to approve the minutes of the Regular Meeting for September 9, 2024, second by Council Member Gnatt with all members present with the exception of Mrs. Chandler who abstained.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2024-14 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-14**

**ORDINANCE AMENDING CHAPTER 119 OF THE CODE OF THE BOROUGH OF PENNINGTON
CONCERNING HISTORIC PRESERVATION**

WHEREAS, the Historic Preservation Commission of the Borough of Pennington has recommended amendments to Chapter 119 of the Borough Code concerning Historic Preservation;

WHEREAS, Borough Council has accepted the Commission’s recommendations, which are reflected in the amendments that follow (new language underlined and deleted language crossed out);

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

- 1. Section 119-2 of Chapter 119, concerning Definitions, is hereby amended as follows:**

§ 119-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADDITION — An extension or increase in building size, floor area or height.

ADMINISTRATIVE OFFICIAL – **The Borough Land Use Administrator or another official performing such duties.**

ALTERATION — Any work done on a designated structure or in a district which changes its exterior appearance, excepting paint color.

CERTIFICATE OF APPROPRIATENESS — A document issued by the Historic Preservation Commission demonstrating its review of any alteration, addition to or demolition of a designated historic site, or to a property within an historic district. Such review is based upon the application and representations of the applicant and the approved plans presented for the preservation, restoration, rehabilitation or alteration of an existing property, or the demolition, addition, removal, repair or remodeling of any feature on an existing building within the historic district, or for any new construction within the historic district.

CONSTRUCTION OFFICIAL – **Qualified person appointed by the municipality to enforce and and administer the regulations within the purview of the Pennington Department of Building and Construction;**

CONTRIBUTING — Building, site, structure or object that adds to the historic architectural qualities, historic associations or archaeological values for which the property or district is significant because it was present during the period of significance or possesses historic integrity or yields important information about a significant period.

DEMOLITION — The partial or total razing, dismantling or destruction of any historic site or any improvement within an historic district.

HISTORIC DISTRICT — One or more historic sites and certain intervening or surrounding property significantly affecting or affected by the quality and character of historic site or sites, as specifically designated herein.

HISTORIC RESOURCE — Any historic district, site, building, structure, or object included in, or eligible for inclusion in, the local listing (of historic places); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been designated in the Master Plan as being of historic, archaeological, cultural, scenic or architectural significance at the national, state or local level, as specifically designated herein or any property which is located in an historic district. The designation of an historic site or landmark shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto.

HISTORIC STRUCTURE — Any structure situated on property included in the historic designation list of the Borough of Pennington as adopted herein as it may be amended.

IMPROVEMENT — Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

IN-KIND — Replacement elements which exactly match material, type and texture of original ~~or existing~~ elements.

INTEGRITY — The ability of a property or element to convey its historic significance; the retention of those essential characteristics and features that enable a property to effectively convey its significance.

INVENTORY — A list of historic properties determined to meet criteria of significance specified herein.

KEY CONTRIBUTING – **Any buildings, structures, sites, or objects which, due to their significance, would individually qualify for landmark status.**

MINOR WORK APPLICATION — Any application for a certificate of appropriateness which:

- A. Does not involve demolition, relocation or removal of an historic site;
- B. Does not involve an addition to a property in an historic district or new construction in an historic district;
- C. Is a request for approval of doors, windows, exterior sheathing or other work visible from the street which will comply with the adopted design guidelines for the improvement proposed where a specific guideline applies and which will not substantially affect the characteristics of the historic site or the historic district.
- D. Is a request for a field change for a certificate of appropriateness which has already been issued and which meets the criteria of Subsection C of this definition, above.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

NONCONTRIBUTING BUILDINGS — Building, site, structure or object that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance; due to alterations, disturbances, additions or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or it does not independently meet the National Register criteria. **Any buildings or structures constructed within the last fifty (50) years are considered noncontributing, unless otherwise designated.**

ORDINARY MAINTENANCE — Repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage using the same materials and workmanship and having the same appearance.

PRESERVATION — The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROTECTION — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

RECONSTRUCTION — The act or process of reproducing by new construction the exact form and detail of a vanished or nonsurviving building, structure or object, or any part thereof, as it appeared at a specific period of time when documentary and physical evidence is available to permit accurate reconstruction.

REHABILITATION — The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REPAIR — Any work done on an improvement that is not an addition and does not change the exterior appearance of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality.

RESTORATION — The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SURVEY — A process of identifying and gathering data on a community's historic resources. It includes a field survey which is the physical search for and recording of historic resources on the ground, preliminary planning and background research before the field survey begins, organization and presentation of survey data as the survey proceeds, and the development of inventories.

2. Section 119-3 of Chapter 119, concerning the Historic Preservation Commission, is hereby amended as follows:

§ 119-3. Historic Preservation Commission.

There is hereby established the Historic Preservation Commission.

- A. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:
- (1) To identify, record and maintain a survey of all buildings, sites, objects, improvements, **structures** and districts of historical significance within the Borough.
 - (2) To recommend to the Borough Council the designation of buildings, structures, sites, objects, **districts** or improvements as historic landmarks, and to recommend the designation of historic districts.
 - (3) To monitor and recommend to the Borough Council any buildings, structures, sites, objects or districts for inclusion in the New Jersey or National Register of Historic Places.
 - (4) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic landmarks and historic districts of any other Master Plan elements. The Commission may provide information to the Planning Board indicating the location and significance of historic landmarks and historic districts, and identify the standards used to assess worthiness for historic landmark of historic district designation.
 - (5) To advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.
 - (6) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation.
 - (7) To review and render determinations regarding applications for certificates of appropriateness as set forth in this chapter.
 - (8) To monitor and recommend to the Borough Council the submission of any grants related to historic preservation.
 - (9) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough.
- B. Membership; appointment.
- (1) The Commission shall consist of seven regular members and two alternate members who shall be appointed by the Mayor with the advice and consent of the Borough Council. Members shall serve without compensation. At the time of appointment, members shall be designated by class as provided further below.
 - (2) The Commission shall consist of at least one member of each of the following classes:
 - (a) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
 - (b) Class B: a person who is knowledgeable, or with a demonstrated interest, in local history and who may reside outside the municipality.
 - (3) Of the regular members, a total of at least one less than a majority shall be of Classes A and B.
 - (4) Those regular members who are not designated as Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board.
 - (5) At least one regular member of the Commission shall be a homeowner within the Historic District, ~~and one member shall be a person who owns a business or commercial property located in the Borough~~, provided the member otherwise qualifies as a Class A, B or C member. **The Commission shall make its best efforts to include one member who shall be a person that owns a business or commercial property located in the Borough.**
 - (6) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2."
- C. Terms.
- (1) The terms for the members of the Historic Preservation Commission first appointed by Borough Council shall be as follows:
 - (a) One member appointed for a one-year term.
 - (b) Two members appointed for a two-year term.
 - (c) Two members appointed for a three-year term.
 - (d) Two members appointed for four-year terms.
 - (e) Thereafter, the term of each regular member shall be for four years.
 - (2) All terms shall begin on January 1 of the year in which the appointment is made.
 - (3) Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board.
 - (4) A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only.
- D. Alternates.
- (1) The alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No 1 shall vote.
 - (2) Alternate members shall serve for terms of two years; provided, however, that the initial terms of the two such alternate members shall be one and two years, respectively.

- E. Council liaison. A member of the Borough Council shall be designated as a liaison between the Historic Preservation Commission and the Borough Council. The role of such liaison person shall be informational only, and such person shall possess no voting rights with regard to any action taken by the Commission.
- F. Officers. Annually, the Commission shall elect a Chair and Vice Chair from its members and select a recording secretary who may or may not be a member of the Commission or a municipal employee.
- G. Recordkeeping and procedures.
- (1) In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the Commission shall maintain complete files and records. The Commission's files shall include but are not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of appropriateness along with collateral data, decisions and appeals associated therewith and information, materials and references submitted to the public related to historic preservation. A record of Commission proceedings shall be kept and made available, but a formal verbatim record shall not be required.
 - (2) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. Copies of all minutes shall be maintained in the office of the Commission and shall be delivered promptly to the Borough Clerk.
 - (3) Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board refers an application to the Historic Preservation Commission, then the referring Board shall receive a copy of the Commission's report.
 - (4) The **Borough construction** office shall maintain and display an up-to-date map showing the Historic District, as well as a current listing of historic sites.
- H. Conflict of interest. No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 100 feet of property which is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest.
- I. Removal. A member of the Commission may, after a public hearing, if requested, be removed by the governing body for cause.
- J. Meetings; quorum
- (1) The Historic Preservation Commission shall establish and post in Borough Hall a regular schedule of a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of applications to process. Additional special meetings may be called by the Chair or Vice Chair, or on the request of any two of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
 - (2) The Historic Preservation Commission shall hold public ~~meetings~~ **hearings** to review all applications for permits, referrals of development applications and other business which comes before the Commission. **At meetings addressed to applications or review of a proposed historic site or district, applicants and interested parties shall have the right to be heard.**
 - (3) The presence of five members, which may include alternate members filling the vacancies of regular members, shall constitute a quorum. Liaison person(s) are not entitled to vote and shall not be counted towards achieving a quorum. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a certificate of appropriateness. Not less than a majority of the appointed membership shall be required to grant or change an historic landmark or historic district designation or to grant approval for demolition.

3. Section 119-4 of Chapter 119, concerning Designation of Historic Sites and Districts, is hereby amended as follows:

- A. **Survey.**
The Commission shall maintain a comprehensive survey of the Borough of Pennington to identify historic districts and landmarks which are worthy of protection and preservation.
- B. Criteria for designation.
The criteria for evaluating and designating historic districts and sites shall be guided by the National Register criteria. The Commission or any person may recommend designation of historic landmarks or historic districts that are in accordance with the National Register criteria or that possess one or more of the following attributes:
- (1) Character, interest, or value as part of the development, heritage or cultural characteristics of the

- Borough, state or nation;
- (2) Association with events that have made a significant contribution to the broad patterns of our history; or
 - (3) Association with the lives of persons significant in our past; or
 - (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
 - (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Borough, state or nation; or
 - (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
 - (7) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
 - (8) Significant concentration of historic resources which share elements of historic architecture or history.
- C. Procedures for designation.
- (1) Interested parties shall contact the Commission regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of an historic site or district. The Commission will schedule a **meeting hearing** to review the proposed historic site or district.
 - (2) The formal historic district nomination shall include a building-by-building inventory of all properties within the district; color and/or black-and-white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include a color and/or black-and-white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
 - (3) Upon review and approval of the proposed site or historic district by the Historic Preservation Commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration. Notification shall be by public notice in the official paper and by prominent posting in the municipal building at least 30 days prior to the Planning Board hearing. The interested parties or the Commission shall submit to the Planning Board a complete list of involved properties.
 - (4) Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Borough Council for adoption to amend and supplement this chapter.
 - (5) All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed.
- D. Designation of districts. There is hereby established the Pennington Crossroads Historic District. The designated historic district is outlined on the Pennington Historic District Map **included as Appendix A at the end of this chapter incorporated herein.**

4. Section 119-5 of Chapter 119, concerning the Certificate of Appropriateness, is hereby amended as follows:

§ 119-5. Certificate of appropriateness.

- A. When required.
- A certificate of appropriateness issued by the Commission shall be required before a permit is issued, or before work can commence, for any of the following activities within a historic district(s) or on any designated historic landmark:
- (1) Demolition of any contributing designated building, structure, or site, not including accessory structures.
 - (2) Change in the exterior appearance that is visible from the street of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the following, except for the activities described in Subsection B below.
 - (3) Relocation of a principal structure or site.
 - (4) Any addition to or new construction of a principal structure that is visible from the street.
- B. When not required.
- In no instance shall the following be considered subject to review:
- (1) Changes to the interior of a structure.
 - (2) Exterior painting of a structure.
 - (3) Ordinary maintenance as defined in this chapter.
 - (4) ~~When ordinary maintenance is not feasible, r~~ **Replacement according to the following is permitted according to this criteria only:**
 - (a) ~~Complete in-kind replacement of existing doors or windows. Nonoriginal materials are permitted.~~
 - (b) ~~(a) Repair of existing windows and doors involving no change in their design, scale or appearance. In-kind replacement of existing storm windows and replacement of storm doors with new doors which show the same view or more of the entry door.~~
 - (c) ~~Complete replacement of existing material with in-kind material.~~

- (d) ~~(b)~~Replacement of roofing material with any replacement roofing material.
- (e) ~~(c)~~Structural repairs which do not alter the exterior appearance of the building.
- (f) ~~Complete replacement of existing roof structures, such as cupolas, dormers and chimneys, or the repair of same which does not alter their exterior appearance. Nonoriginal materials are permitted.~~
- (g) ~~Complete replacement of existing clapboards, shingles, or other siding involving no change in design, scale or appearance of the structure. Nonoriginal materials are permitted.~~
- (h) ~~(d)~~Maintenance and repair of existing clapboards, shingles or other siding involving no change in design, scale or appearance of the structure.
- (5) (5)Changes or additions to landscape or hardscape, including signs, outdoor displays, fences and hedges, street furniture, awnings, driveways, sidewalks and paving materials.
- (6) ~~Any rear yard additions or alterations that will not project beyond the existing sidewalls of the principal structure.~~
- (7) ~~(6)~~Exterior lighting not attached to principal structure or not visible from street.
- (8) ~~(7)~~Work related to any accessory structure in a rear yard, as defined by the Pennington Borough Zoning Ordinance.³
- (9) ~~(8)~~Installation or replacement of solar panels, satellite dish antennas, air-conditioning or HVAC equipment.
- (10) ~~Alterations to structures constructed after 1945.~~
- (11) ~~(9)~~Development applications, see below.

C. Minor work applications.

(1)The Chair of the Historic Preservation Commission, or other designated member(s) of the Commission acting on the Chair's behalf, may review applications for minor work as defined in this chapter, without holding a public **meeting hearing**. If the Chair finds the application appropriate, he or she may act in place of the full Commission and issue a certificate for minor work to the Construction Official, who may then issue a building permit. If the Chair does not find the application appropriate or doubts its appropriateness, the application shall be scheduled for a public **meeting hearing** before the full **Commission Board**.

(2) The definition of "minor work application" in accordance with Section 119-2 of this ordinance shall include but not be limited to the following:

- (a) Replacement of existing windows with new windows, which must match existing or original historic window type, dimension, muntin pattern, and profile. Nonoriginal materials that match dimension, profile, exposure and texture may be permitted. Vinyl and aluminum, and highly reflective glass are not permitted.
- (b) Replacement of existing entry doors with new doors, which must match existing or original historic door type, dimension, pattern and profile. Where the original door type, dimension, pattern and profile cannot be ascertained, then a period-appropriate door type, dimension, pattern and/or profile may be approved.
- (c) Replacement of existing clapboards, shingles, or other siding involving no change in design, scale or appearance of the structure. Nonoriginal materials that match dimension, profile, exposure and texture may be permitted. Vinyl and aluminum are not permitted. Where original trim does not exist or cannot be preserved, the period-appropriate trim dimension and/or profile may be approved.
- (d) Replacement of existing roof structure such as cupolas, dormers and chimneys, or the repair of same which does not alter their exterior appearance. Nonoriginal materials are permitted.
- (e) Replacement of existing storm windows with new storm windows that show the same view or more of the relevant window, and installation of new storm windows that minimize obstruction of the view of the existing window.
- (f) Replacement of storm doors with new storm doors which show the same view or more of the entry door, and installation of new storm doors that minimize obstruction of the view of the existing door.
- (g) Replacement of storefronts, or the repair of same, must match existing or original storefront type, dimension, pattern (including muntin pattern) and profile. Where the original storefront type cannot be ascertained, then a period-appropriate type, dimension, pattern, and/or profile may be approved.

D. Procedures.

- (1) The construction office shall forward a copy of all permit applications dealing with historic landmarks or historic districts to the Commission prior to issuance of the requested permit.
- (2) All applicants shall complete an application form. Application forms shall be made available in the Borough construction office or website. Complete applications shall be filed with the construction office.
- (3) Each application may be accompanied by sketches, drawings, photographs, descriptions, the property survey, if available, and other information to show the proposed alterations, additions,

changes or new construction. Applications for demolition shall include current and archival photographs, if available, of the interior and exterior of the building and drawings to document the condition of the building. The Commission may require the subsequent submission of such additional materials related to building condition as it reasonably requires to make an informed decision.

- (4) The Commission shall reach a decision on an application and submit its report to the Construction Official within 45 days of referral by the Construction Official. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.

5. **Section 119-8 of Chapter 119, concerning Application Review, is hereby amended as follows:**

§ 119-8. Application review.

- A. The Commission shall hold a public meeting hearing on all applications for certificates of appropriateness. ~~No public hearing shall be required in order for the Commission to render a determination of non-necessity as defined in this chapter. The Chair or designated Commission Member may render a determination of non-necessity without requiring a meeting of the full Commission; notification will be provided to the full Commission in such cases.~~
- B. Prior to holding a public meeting hearing on an application for a certificate of appropriateness, the Commission shall, in addition to complying with the requirements of the Open Public Meetings Act, **N.J.S.A. 10:4-6 et seq., notify the applicant in writing at least 10 days prior to the meeting hearing by personal service or certified mail setting forth the time, date and place of the meeting hearing.**
- C. An applicant for a certificate of appropriateness shall not be required to appear or to be represented at the meeting hearing in order for the Commission to consider the application for a certificate of appropriateness, and the Commission may take action in the absence of the applicant.
- D. At the meeting hearing, the Commission shall allow all persons the opportunity to be heard concerning the issuance of a certificate of appropriateness for the proposed work.
- E. After conducting the public meeting hearing, the Commission shall render a determination on the application. All determinations shall be in writing with an explanation of the reasons for the decision, and shall be delivered promptly to the ~~Administrative Construction~~ Official. The Commission shall grant a certificate of appropriateness to the applicant if it finds the application appropriate to the historic landmark or historic district and in conformity with the standards and criteria set forth in this chapter. The Commission may issue a certificate of appropriateness subject to certain condition(s), which shall be set forth in detail in the Commission's written decision. The Commission shall deny the issuance of a certificate of appropriateness if it finds the application inappropriate to the historic landmark or historic district and/or not in conformity with the said standards and criteria. The Commission's denial of a certificate of appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for the said work by the Construction Official. Upon receipt of the Commission's written determination, the ~~Administrative Construction~~ Official shall notify the applicant of said determination in writing within five days thereof.
- F. Failure of the Commission to render its written determination to the ~~Administrative Construction~~ Official within the forty-five-day period referenced above shall be deemed to constitute a determination in favor of the issuance of a certificate of appropriateness for the proposed work and without conditions. In the event that the applicant has consented to an extension of time to consider the application, the ~~Administrative Construction~~ Official shall be notified of said extension and no certificate of appropriateness or permit shall be issued for the proposed work until a determination has been rendered by the Commission during the extension period.
- G. The owner shall post the certificate of appropriateness on a conspicuous spot on the exterior of the designated property visible to the public during the entire process of work.
- H. When a certificate of appropriateness has been issued, the Construction Official or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.
- I. A certificate of appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.
- J. The performance of unauthorized activities shall be deemed to be a violation of this chapter and may subject the responsible parties to sanctions imposed hereunder.

6. **Section 119-10 of Chapter 119, concerning criteria for review of applications, is hereby amended as follows:**

7.

§ 119-10. Criteria for review of applications.

- A. The goal of the review process is to preserve the integrity of designated historic sites and districts and to ~~ensure~~ ensure the compatibility of any changes or improvements made to them. Such changes may be done in a manner that references the historic architecture or they may be completed in a more contemporary idiom as long as they relate to the physical context of the original building in terms of scale, proportion, rhythm, massing and materials.
- B. In interpreting and applying the standards and criteria set forth herein, the Commission shall be guided by the principles contained in the most current version of the Secretary of Interior Standards for Rehabilitation and the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (hereinafter referred to as "the standards").

- C. In reviewing an application for a certificate of appropriateness, the Commission shall consider the setting, design, arrangement, texture, details, scale, shape, materials and finish, and consider the relationship of those characteristics to the historic, architectural, cultural, archeological, and aesthetic significance of the historic site or district as well as:
- (1) The impact of the proposed change on the historic and architectural significance of the historic site or district.
 - (2) The historic site's importance to the municipality and the extent to which its historic, cultural, or architectural significance would be adversely affected to the detriment of the public interest.
 - (3) The designation of a property within a district as "key contributing," "contributing," or "noncontributing."
 - (4) The extent to which the proposed action would adversely affect the public's view of an historic site within an historic district from a public street.
- D. Visual compatibility factors. In regard to an application for new construction, alterations, additions or replacements affecting an historic site or an improvement within an historic district, the following visual compatibility factors shall be considered in relation to its setting and context:
- (1) Height.
 - (2) Massing.
 - (3) Proportion of the width and height of the building's facades.
 - (4) Proportion of openings within the building.
 - (5) Rhythm of spacing of buildings on streets.
 - (6) Rhythm of solids to voids on facades fronting on public places.
 - (7) Relationship of materials and texture.
- E. Additions to designated buildings or contributing structures within the District: Additions are not historical in themselves, and do not possess original or historic materials or design. Accordingly, they are subject to the following criteria:
- (1) Additions at the sides and rear of historic structures are encouraged so as not to obscure the historic structure. New construction on the front of historic structures is generally inconsistent with the objectives of this chapter.
 - (2) The character of the addition is not required to duplicate the architectural style of the historic structure. Where visible from the street, the addition should complement, rather than dominate, the existing structure.
- F. New construction and additions to noncontributing structures within the District. New construction and additions to noncontributing structures do not have existing historic character and are not attached to historic structures. Accordingly, they are subject to the following criteria:
- (1) New construction and additions to noncontributing buildings need not match the architectural style or general materials of their surroundings or the noncontributing building to which the building will be attached.
 - (2) New construction and additions to noncontributing buildings shall be consistent with their general context, per "visual compatibility" factors, above.
 - (3) Height, and street setback shall match the prevailing conditions of the nearest three buildings in each direction.

8. Chapter 119 is hereby supplemented by a new Section 119-17, concerning Severability, as follows: 119-17. Severability

If any provision of this chapter shall be held invalid, such invalidity shall not affect the other provisions hereof which can be given effect without the invalid provision or provisions, and to this end the provisions of this chapter are declared to be severable.

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

Council Member Chandler Made a motion to introduce Ordinance 2024-14, second by Council Member Valenza with all members present voting in favor. Mr. Bliss stated that this Ordinance should be referred to the Planning Board for their comment under the Land Use Law.

Mayor Davy read Ordinance 2024-15 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-15**

**ORDINANCE AMENDING CHAPTER 46 OF THE BOROUGH
CODE CONCERNING THE POLICE DEPARTMENT**

WHEREAS, Borough Council seeks to amend relevant provisions of the Borough Code to relieve the Public Safety Committee of administrative responsibilities regarding operation of the Police Department and to vest these oversight responsibilities in the Borough Administrator on behalf of Borough Council;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 46 of the Code of the Borough of Pennington is hereby amended (with new language underlined and deleted language crossed out) as follows:

- 1. Section 46-3 of Chapter 46, concerning Appointment of Appropriate Authority, is amended to substitute the Borough Administrator for the Public Safety Committee with respect to overseeing the operations of the Police Department on behalf of Borough Council:**

§ 46-3. Appointment of appropriate authority.

- Pursuant to the authority contained in the N.J.S.A. 40A:14-118, the Borough Council of the Borough of Pennington is hereby designated as the "appropriate authority" for the adoption and promulgation of rules and regulations for the government of the police force and for the discipline of its members. The Borough Administrator ~~Public Safety Committee, which consists of three members of the Borough Council~~, shall oversee the operations of the Police Department on behalf of Borough Council. The Borough Council shall have the discretion and authority to designate a hearing officer to conduct such hearings and make findings and recommendations to the Borough Council. The Borough Council, as appropriate authority, shall render a final determination of all Police Department disciplinary matters. The Borough Council shall have the power and authority to affirm, reverse or modify the findings and recommendations of the hearing officer.
- The rules and regulations adopted and promulgated by the Borough Council shall become part of the Police Manual as so directed by the Borough Council. The Borough Council shall prescribe the policy and have general administrative control over the Department, which control shall be exercised through the Director of Public Safety, Chief of Police, if any, or Officer in charge as permitted by law ~~the Public Safety Committee of Borough Council~~.
- Rules and regulations.
 - (1) The rules and regulations of the Police Department of the Borough of Pennington ~~are as amended, and supplemented and revised, and said amendments, supplements and revisions~~ are totally contained in a document entitled "2022 Rules and Regulations, of the Pennington ~~Borough~~ Police Department, ~~Pennington, New Jersey, 1995,~~" which ~~consists of an introduction, Code of Ethics, table of contents and 75 pages of rules, regulations and procedures, which is to be entitled the "Rules and Regulations of the Police Department of the Borough of Pennington dated 1995."~~ includes an Introduction with Code of Ethics and Mission Statement, a description of the General Duties and Responsibilities of the members of the Department, Rules of Conduct and Disciplinary Regulations.
 - (2) One copy of the 2022 Rules and Regulations, of the Pennington ~~Borough~~ Police Department, ~~Pennington, New Jersey, 1995,~~ shall be and shall remain on file in the office of the Borough Clerk and made available to persons desiring to examine the same if this section shall be adopted, and while the same is still in effect.

- 2. Section 46-11 of Chapter 46, is amended to substitute the Borough Administrator for the Public Safety Committee with respect to orders and assignments:**

§ 46-11. Orders and assignments.

All orders and assignments for the members of the Police Department from the Borough Council shall be made to and through the ~~Public Safety Committee of Borough Council~~, the Chief of Police, ~~or~~ Director of Public Safety, or Officer-in-charge, as the case may be.

- 3. This Ordinance shall take effect upon passage and publication as provided by law.**

Council Member Chandler made a motion to introduce Ordinance 2024-15, second by Council Member Angarone with all members present voting in favor.

Mayor Davy read Ordinance 2024-16 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-16**

ORDINANCE AUTHORIZING APPOINTMENT OF HOPEWELL TOWNSHIP RESIDENT AS NON-VOTING MEMBER OF PENNINGTON OPEN SPACE COMMITTEE AND AMENDING CHAPTER 13 OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, Chapter 13 of the Borough Code establishing the Pennington Open Space Committee authorizes the Hopewell Township Open Space Committee to appoint one of its members to the Pennington Committee as a voting member;

WHEREAS, Borough Council seeks to amend Chapter 13 in this respect to change the appointing authority to the Mayor of Pennington and change as well the status of the Hopewell Township member to non-voting member;

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

1. Section 13-27 of Chapter 13 of the Code of the Borough of Pennington, concerning Membership of the Open Space Committee, is hereby amended (with new language underlined and deleted language crossed out) as follows:

§ 13-27. Membership.

- A. Borough resident membership. The Open Space Committee shall consist of six residents of the Borough appointed as follows:
 - (1) The Mayor or one member of the Borough Council appointed by the Mayor.
 - (2) The Chair of the Planning Board or one member of the Planning Board appointed by the Chair.
 - (3) One member of the Environmental Commission appointed by the Chair, who may appoint himself or herself.
 - (4) One member of the Economic Development Commission appointed by the Chair, who may appoint himself or herself.
 - (5) Two citizen members, and up to two alternates, appointed by the Mayor and Council.
- B. Nonresident membership. The ~~Mayor Hopewell Township Open Space Committee~~ may, in ~~it's~~ the Mayor's discretion, appoint one of ~~it's the~~ members to the of Hopewell Township's Open Space Committee, as a ~~voting non-voting~~ member of the Pennington Committee.

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

Council Member Marciante made a motion to introduce Ordinance 2024-16, second by Council Member Stern with all members present voting in favor.

Mr. Bliss stated the Ordinance 2024-17 referring to a Joint Open Space Advisory Committee as it is already in the Borough Code.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy stated that Ordinance 2024-13 is scheduled for Public Hearing and Adoption tonight however it needs to be referred to the Planning Board for their review so he is going to ask that Council open the Public Hearing tonight in case there are members of the public in attendance that would like to speak on the Ordinance and then the Public Hearing will be carried to the next meeting for further discussion and adoption.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-13**

**ORDINANCE UPDATING BOROUGH STORMWATER CONTROL ORDINANCE IN ACCORDANCE
WITH CURRENT REGULATIONS OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

WHEREAS, the Borough of Pennington seeks to update its stormwater control ordinances to reflect amendments to the Stormwater Management Rules at N.J.A.C. 7:8, adopted March 2, 2020 and July 17, 2023;

WHEREAS, the codified regulations which are the basis for these updates are found at N.J.A.C. 7:8-5.6 (Stormwater runoff quantity standards) and N.J.A.C. 7:8-5.7 (Calculation of stormwater runoff and groundwater recharge);

WHEREAS, the subjects of the updates pertain to Chapter 163, Sections 20.4 R and 20.5 of the Pennington Borough Code;

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

1. Section 163-20.4, Subsection R, pertaining to Stormwater runoff quantity standards, is

hereby amended (with new language underlined and deleted language crossed out) as follows:

R. Stormwater runoff quantity standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 163-20.5, complete one of the following:

- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two-, ten-, and 100-year storm events, as defined and determined pursuant to Sec.163-20.5C and D, respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected two-, ten- and 100-year storm events, as defined and determined pursuant to Sec.163-20.5C and D, respectively, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected two-, ten- and 100-year storm events, as defined and determined pursuant to Sec.163-20.5C and D, respectively, are 50%, 75% and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection R(2)(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three, will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

2. Section 163-20.5, pertaining to Calculation of stormwater runoff and groundwater recharge,

is hereby amended (with new language underlined and deleted language crossed out) as follows:

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using ~~one of the following methods (a) ~~1~~~~ the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16, Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55- Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf; or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873;

~~(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The Rational and Modified Rational Methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.~~

(2) For the purpose of calculating runoff coefficients curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient curve number" applies to both the NRCS methodology at § 163-20.5A(1)(a) ~~and the Rational and Modified Rational Methods at § 163-20.5A(1)(b)~~. A runoff coefficient curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover ~~has~~ existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

~~(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.~~

~~(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55—Urban Hydrology for Small Watersheds and other methods may be employed.~~

~~(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.~~

B. Groundwater recharge may be calculated in accordance with the following:

~~(1) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological and Water Survey website at <http://www.nj.gov/dep/njgs>, <http://www.state.nj.us/dep/njgs/> or at the New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.~~

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with (1) and (2) below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

(2) The applicant shall utilize Table 5 below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors (NEW)

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09

Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

D. Table 6 below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to C (1) above, by the change factor in Table 6 below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors (NEW)

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon passage and publication as provide by law.

Council Member Gnatt made a motion to open the Public Hearing on Ordinance 2024-13, second by Council Member Valenza. There were no comments from the public. Mrs. Sterling stated that the Planning Board will meet after our November Council meeting so the Public Hearing will be carried to the December Council Meeting.

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone stated both of her committees met on October 1st. Ms. Angarone stated that she defers to the Borough Administrator for a report on Personnel. Ms. Angarone stated that nothing is really new for Economic Development other than she referred the Historic Preservation Ordinance to them for review.

Public Works / Planning Board / Historic Preservation – Ms. Stern stated that Public Works met in September and the focus of the discussion was entirely related to Storm Water and the strategy paper that is being developed.

Ms. Stern stated that the Planning Board met and approved an application for 47 Eglantine Avenue for a major renovation. Ms. Stern stated that Historic Preservation met in September and discussed a project at the Pennington School and they will be sending a memo in support to the Planning Board. Ms. Stern stated that they also reached a compromise on siding at 15-17 N Main Street.

Mr. Valenza asked what the point is of having a limitation on building when variances are then granted. Mr. Bliss gave an explanation as to how the Planning/Zoning Board makes certain decisions and the documentation and facts that are required to be submitted for consideration of a variance.

Finance & Public Safety / Open Space / Arboretum / Landfill – Mrs. Chandler stated that Finance did not meet but they will be meeting next week to begin discussions on the budget for 2025. Mrs. Chandler stated that there is a public session coming up on the Landfill. Mrs. Chandler stated that clean up events have been ongoing at the Arboretum on Saturdays in October. Mrs. Chandler stated that regarding Public Safety, Chief Pinelli will be retiring effective February 1, 2025, a new officer will be coming on board and in terms of Halloween, the Police will be present to monitor trick or treating but no roads will be closed.

Library / Shade Tree – Ms. Gnatt reported on events that were held and upcoming events for the Library. Ms. Gnatt stated that she was unable to attend the Shade Tree meeting but she gave a brief overview from their minutes. Ms. Gnatt stated that the Community Forestry Plan is due in 2025 and they will be working on that so that it can be submitted by the deadline.

Parks & Recreation – Mr. Marciante reported that Parks & Recreation discussed an exercise platform for older residents to use to be installed at Kunkel Park, but what they were looking at is too large for Kunkel Park so they will be looking at smaller options.

Board of Health / Environmental Commission – Mr. Valenza stated that the Board of Health will be meeting next month. Mr. Valenza stated that the Environmental Commission has a survey out on the website and he would encourage everyone to respond to the survey.

Senior Advisory Board – Mayor Davy had no report.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 10.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Water/Sewer Operating Fund to 31 N. Main St Properties, 31 N. Main Street, Pennington, NJ 08534 for an overpayment of Water/Sewer Utility bill due to a reading error on Account #: 232-0 in the amount of \$3,249.58.

BE IT RESOLVED that a refund be issued from the Trust Fund to Jana Alessa Peper, 195 Birch Avenue, Princeton, NJ 08542 for the security deposit collected in connection with use of Kunkel Park for on September 14, 2024.

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	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-10.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 10.2**

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 \$ 2,106,431.14 from the following accounts:

Current	\$ 1,910,287.38
W/S Operating	\$ 177,875.26

General Capital	\$	8,866.50
Other Trust	\$	5,750.00
Developer’s Escrow	\$	2,712.50
Unemployment Trust	\$	63.00
Animal Control Trust	\$	563.00
COAH Trust	\$	313.50
TOTAL		\$ 2,106,431.14

Record of Council Vote on Passage

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

Council Member Angarone made a motion to approve Resolution 2024-10.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 10.3**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2024 ADOPTED BUDGET
 (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR
 COMMUNITY ENERGY PLAN GRANT**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received a grant in the amount of \$10,000.00 from the State of New Jersey, Board of Public Utilities for a Community Energy Plan Grant; and

WHEREAS, the Borough wishes to amend its 2024 Budget to include this amount as a special item of revenue and appropriation;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2024 in the sum of \$10,000.00, which is now available as revenue from:

BPU – Community Energy Plan Grant

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

BPU – Community Energy Plan Grant

BE IT FURTHER RESOLVED that the Borough Clerk file the required documents with the Director of Local Government Services.

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	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-10.3, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-10.4**

RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF PENNINGTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTIES WITHIN THE BOROUGH QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, the governing body of the Borough of Pennington ("Borough") is authorized to direct the Planning Board of the Borough of Pennington ("Planning Board") to undertake a preliminary investigation in order to determine whether certain properties within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Borough of Pennington does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough of Pennington will not utilize the power of eminent domain; and

WHEREAS, the Borough Council desires the Planning Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 205, Lot 22, as shown on the Official Tax Map of the Borough of Pennington with a street address of 12 North Main Street (the "Property").

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

1. The Planning Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation to determine whether Block 205, Lot 22, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5;
2. The Planning Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the requirements set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections or comments related to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Planning Board shall recommend by resolution whether Block 205, Lot 22, or any part thereof, should be determined, or should not be determined by Borough Council to be an area in need of redevelopment.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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 2024-10.4, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 10.5**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES BY VAN NOTE HARVEY ASSOCIATES RELATED TO THE ADDITIONAL PROFESSIONAL SURVEYING SERVICES OF PROPERTY KNOWN AS BLOCK 1002, LOT 12.02 ON THE PENNINGTON BOROUGH TAX MAP

WHEREAS, Pennington Borough purchased the property known as Block 1002, Lot 12.02 on the Pennington Borough Tax Map for dedication as Open Space (“the Property”);

WHEREAS, the Borough seeks reimbursement from the NJ Department of Environmental Protection Green Acres Program for the acquisition costs; and

WHEREAS, during the review and approval process, Green Acres requested revisions of the survey plan; and

WHEREAS, these revisions were in excess of the original approval granted to Van Note Harvey for these services; and

WHEREAS, as described in the annexed Memorandum, the proposed services resulted in additional charges in the amount of \$6,000; and

WHEREAS, any work exceeding the original scope of work required prior written approval by Borough Council;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Borough Open Space Fund;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington that the Chief Financial Officer is hereby authorized to issue a purchase order to Van Note Harvey Associates for the aforesaid professional services for a total cost not to exceed \$6,000.00 unless earlier approved in writing by Borough Council; and

BE IT FURTHER RESOLVED, that the funding for these services shall be drawn from the Borough Open Space Fund.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-10.5, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-10.6**

RESOLUTION RATIFYING SHARED SERVICES AGREEMENT WITH MERCER COUNTY FOR PAVING OF CERTAIN MUNICIPAL STREETS AND RELATED DISBURSEMENTS

WHEREAS, the Borough of Pennington seeks to entered into a shared services agreement with the County of Mercer for the paving of certain streets in the Borough, in particular North Riding Drive, Walking Purchase Drive and Fitzcharles Place, as identified by the Public Works Committee; and

WHEREAS, Mercer County agreed that they would provide the labor and equipment necessary to do the paving of the Borough streets indicated above and in exchange the Borough of Pennington would reimburse the County of Mercer for the cost of the asphalt needed; and

WHEREAS, Mercer County, having completed the paving, has submitted Invoice #375 dated September 10, 2024 in the amount of \$61,322.24; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds for the asphalt are available under Ordinance 2024-7;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to issue a purchase order to Mercer County D.O.T in the amount of \$61,322.24 for the asphalt costs related to paving of the streets named above.

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	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-10.6, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-10.7**

**RESOLUTION ADDING THE MAYOR EX OFFICIO TO THE ADVISORY COMMITTEE ON
 REDEVELOPMENT ISSUES**

WHEREAS, by Resolution 2024-8.14 Borough Council created the Advisory Committee on Redevelopment Issues, providing that it shall include six members of which two are to be members of Borough Council appointed by the Mayor, two are to be members of the Planning Board appointed by the Mayor “and may include the Mayor for as long as he serves on the Board,” and two shall be the Borough Administrator and the Borough Planner, respectively, who shall serve *ex officio*;

WHEREAS, Borough Council seeks to amend Resolution 2024-8.14 to provide that the Mayor shall serve on the Committee ex officio whether or not also serving on the Planning Board;

WHEREAS, this clarification and amendment will expand the Committee to seven (7) members;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that paragraph 1 of Resolution 2024-8.14 creating the Advisory Committee on Redevelopment Issues is hereby amended (with new language underlined and deleted language crossed out) as follows:

1. The Advisory Committee on Redevelopment Issues (“Committee”) is hereby created. It shall consist of six seven members, of which two shall be members of Borough Council appointed by the Mayor, two shall be members of the Planning Board appointed by the Mayor ~~and may include the Mayor for as long as he serves on the Board~~, and two three shall be the Mayor, the Borough Administrator and the Borough Planner, respectively, who shall serve *ex officio*.

Record of Council Vote on Passage

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

Council Member Angarone made a motion to approve Resolution 2024-10.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 10.8**

**RESOLUTION AUTHORIZING ROAD CLOSURE FOR AN EVENT AT THE PENNINGTON FIRE
 COMPANY ON BROEMEL PLACE ON OCTOBER 13, 2024 FROM 8AM TO 4PM**

WHEREAS, the Pennington Fire Company has applied to the Borough of Pennington for permission to close the street known as Broemel Place in the Borough on October 13, 2024 beginning at 8am to 4pm for an event to be held at the Pennington Fire Company, for an estimated 200 people, to conclude at 4pm;

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

1. The road closure on the date and at the time 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	X				Marciante				abstain
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-10.8, second by Council Member Stern with all members present voting in favor with the exception of Council Member Marciante who abstained.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 10.9**

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS

**FOR IMPROVEMENTS TO BALDWIN STREET AND BALDWIN COURT – NJDOT MUNICIPAL AID –
 FY2023**

WHEREAS, the Borough of Pennington seeks to make improvements to Baldwin Street and Baldwin Court under a NJDOT - FY 2023 Municipal Aid Grant; and

WHEREAS, the funds for the proposed project are being provided by the New Jersey Department of Transportation and the Borough of Pennington without special assessment of property owners;

WHEREAS, the Borough now seeks to advertise for bids for this project as required by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

The Borough Clerk is hereby authorized to take all actions necessary to advertise for and receive, in the manner provided by law, bids for improvements to Baldwin Street and Baldwin Court in the Borough, pursuant to plans, specifications and bid documents prepared by the Borough Engineer.

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 2024-10.9, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION NO. 2024-10.10**

**RESOLUTION ACCEPTING CHIEF DOUGLAS PINELLI’S REQUESTED RETIREMENT EFFECTIVE
 FEBRUARY 1, 2025**

WHEREAS, Chief Douglas Pinelli was hired by the Pennington Police Department in October of 2004 as a Patrol Officer, and worked his way up through the ranks from Acting Sergeant, to Sergeant in February of 2016, and to Sergeant First Class in March of 2016, and was promoted to Chief of Police in May of 2021; and

WHEREAS, Chief Pinelli has performed his duties at a level of dedication and service to the community second to none;

WHEREAS, Chief Pinelli completed Emergency Management training and has also served as the Emergency Management Coordinator for the Borough;

WHEREAS, Chief Pinelli has now recommended that he “pass the torch” of command to others, to build upon his accomplishments;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that Chief Pinelli’s retirement date of February 1, 2025 be hereby accepted, with deep gratitude for his twenty years of dedicated service and commitment to the Borough of Pennington;

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 2024-10.10, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 10.11**

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

WHEREAS, based on the most recent round of recruitment and interviews, the Chief of Police intends to recommend a conditional offer of employment to a Douglas Alan Leubner, Jr. for the position of police officer, in accordance with the form of offer (“Conditional Offer”) attached to this Resolution;

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

WHEREAS, the conditions to which the Conditional Offer are 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 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	M				Marciante	X			
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Angarone made a motion to approve Resolution 2024-10.11, second by Council Member Chandler with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti thanked Chief Pinelli and wished him well in his retirement. Mr. Caminiti stated that we have a candidate to fill the vacancy in Public Works and he will have more on that at the next meeting. Mr. Caminiti stated that contract negotiations are going well and we should have contracts renewed by year end. Mr. Caminiti stated that we are looking into a Health Insurance Fund to replace the State Health Benefits and we hope to have this finalized by early 2025. Mr. Caminiti stated that healthcare services will be equal to or better and hopefully save the taxpayers some dollars. Mr. Caminiti stated that he and Mr. Smith will be going to a demonstration on PFAS systems in a couple weeks and he will report back on that. Mr. Caminiti stated that he has been working with Betty Sterling and Chief Pinelli to ensure safety and security on Election Day.

Borough Attorney – Walter Bliss – Mr. Bliss stated that oral argument on the PILOT appeal was held on October 1st and a decision is now in the hands of the court.

Borough Clerk – Betty Sterling – Mrs. Sterling stated that preliminary budget sheets have been sent out to departments.

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

Chief of Police – Doug Pinelli – Chief Pinelli was not in attendance but Sergeant Thomas reminded Council of the Trunk or Treat event on October 19th and stated that the Police Department is ready for Halloween to ensure that Trick or Treaters are safe.

Superintendent of Public Works – Rick Smith – Mr. Smith stated that Public Works Department will be participating in the Trunk or Treat. Mr. Smith stated that they have addressed the concern at 2 Abey Drive regarding the storm drain and they are keeping an eye on the system.

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.

At 8:21 PM with no further business to address, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Angarone.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk