

**Pennington Borough Council  
Regular Meeting – May 6, 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 Police Chief Doug Pinelli.

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

**Open to the Public**

Mayor Davy read the following statement.

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

Mayor Davy stated that he would only be admitting participants to the meeting if they have their full name entered.

There were no comments from the public.

**MAYOR'S BUSINESS**

Mayor Davy stated that he will be moving Resolution 2024-5.1, naming the Borough Arboretum for Eileen M. Heinzl for her years of service to the Borough. Mayor Davy invited Paul Heinzl and Kristen Heinzl into the meeting and he read the following Resolution.

**BOROUGH OF PENNINGTON  
RESOLUTION NO. 2024-5.1**

**RESOLUTION NAMING THE BOROUGH ARBORETUM IN THE MEMORY  
OF EILEEN M. HEINZEL, FOR HER SERVICE TO PENNINGTON**

**WHEREAS**, Eileen Heinzl, who died too young, was an accomplished and beloved public official in the Borough of Pennington where she served for 16 years as a Library Volunteer (2004-2020), ten years as a Member of Borough Council (2004-2014), 15 years on the Planning Board (2007-2022), and eight years as Borough Administrator (2014-2022);

**WHEREAS**, Eileen's accomplishments as Borough Administrator improved management of the Borough across the entire span of local government responsibilities, ranging from public works and the water utility to trees and solar energy, from renovation of Borough Hall and support for the Police Department and its officers to acquisition of open space and leading, with community participation, the development of the Pennington Library's first strategic plan;

**WHEREAS**, prominent among Eileen's achievements was her pivotal role in the creation of the Borough Arboretum;

**WHEREAS**, in 2017, as Borough Administrator, Eileen helped initiate a public collaboration with the Friends of Hopewell Valley Open Space (FOHVOS) and others toward creation of an arboretum on the lands of the Toll Gate School;

**WHEREAS**, in that year, the Borough used a grant from the Association of New Jersey Environmental Commissions (ANJEC) to retain Michael Van Clef, Stewardship Director of FOHVOS, to prepare a plan for the arboretum, which was completed in April 2018 with assistance from members of the Borough Environmental Commission, Shade Tree Committee, Open Space Commission, Parks and Recreation Commission and other community volunteers;

**WHEREAS**, the goal of these efforts was to create a native plant arboretum accessible to students, teachers, residents and the general public;

**WHEREAS**, under Eileen's leadership the Borough acquired 2.8 acres at the rear of the school property, securing funding through the New Jersey Green Acres Program;

**WHEREAS**, when illness forced Eileen to resign from her position as Borough Administrator, the Arboretum was well on its way to fulfilling the community’s vision for it;

**WHEREAS**, as it nears completion and its grand opening in the Spring of 2025, the Arboretum can be viewed as a monument to the leadership of Eileen Heinzl and to the many Pennington residents and volunteers who made it happen;

**WHEREAS**, Borough Council therefore seeks to pay grateful tribute to Eileen, both for her contribution to this important project and for the selfless public service she represented throughout her career;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Pennington’s Arboretum on the former property of the Toll Gate School shall hereafter be known as “The Eileen M. Heinzl Memorial Arboretum.”

**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	X			
Gnatt	M				Valenza	X			

Council Member Gnatt made a motion to approve Resolution 2024-5.1, second by Council Member Chandler with all members present voting in favor. Mr. Heinzl was having technical difficulties but he indicated his thanks to Mayor and Council.

**PRESENTATIONS**

**Hopewell Valley Regional School District Capital Referendum** - Mayor Davy invited School Superintendent Rosetta Treece and School Business Administrator Robert Colavita into the meeting to make a presentation on the proposed Bond Referendum for \$87 million for improvements and upgrades to the schools within the district scheduled for September 17, 2024. Ms. Treece and Mr. Colavita stressed that they are working to get this on the schedule to ensure that they qualify for State Aid which will lower the impact to the taxpayers. Ms. Treece stated that the impact to the average homeowner would be between \$500 and \$575 annually for a residence assessed at \$500,000. The School Board has meetings scheduled to inform the public on this referendum.

**Board of Health** – Mr. Steve Papenberg, Chair of the Board of Health reported briefly on items that the Board of Health is focusing on. Mr. Papenberg stated that Health Officer Dawn Marling tendered her resignation today and the Board of Health will be working with Hopewell Township to find a replacement.

**APPROVAL OF MINUTES**

Council Member Chandler made a motion to approve the minutes of the March 25, 2024 Work Session Meeting, second by Council Member Gnatt with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the April 1, 2024 Regular Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Angarone who abstained. .

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

Mayor Davy read Ordinance 2024-8 by title.

**BOROUGH OF PENNINGTON  
 COUNTY OF MERCER**

**ORDINANCE NO. 2024 - 8**

**AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON  
 BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF  
 THE BOROUGH OF PENNINGTON**

**WHEREAS**, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

**WHEREAS**, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

**1. Section 98-41 of the Code, concerning base and usage charges for water and sewer customers, is hereby amended as follows (with language in brackets deleted, new language underlined and percentage changes indicated in parenthesis):**

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge [4,000] <u>2,000</u> Gallons or less	First Excess Usage Block Charge [4001] <u>2,001</u> -20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons
Less than 1	[\$49.86] <u>\$50.85</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
1	[\$76.11] <u>\$77.63</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
2	[\$217.44] <u>\$221.79</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
3	[\$485.07] <u>\$494.77</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
4	[\$668.34] <u>\$681.70</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>
6	[\$1,332.08] <u>\$1,358.72</u>	[\$7.34] <u>\$7.49</u>	[\$8.74] <u>\$8.91</u>	[\$9.59] <u>\$9.78</u>	[\$11.22] <u>\$11.44</u>

NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge [4,000] <u>2,000</u> Gallons or Less	First Excess Usage Block Charge [4,001] <u>2,001</u> -20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[\$56.58] <u>\$57.71</u>	[\$8.03] <u>\$8.19</u>	[\$9.64] <u>\$9.83</u>	[\$10.35] <u>\$10.56</u>	[\$11.14] <u>\$11.36</u>

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof.

C. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.

D. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.

E. Base and usage charges shall be due on January 31, April 30, July 31, and October 31.

F. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

**3. This ordinance shall take effect upon its passage and publication as provided by law.**

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-8, second by Council Member Stern. There were no comments from the public. Council Member Stern made a motion to close the Public Hearing on Ordinance 2024-8, second by Council Member Chandler with all members present voting in favor. Mr. Marciante stated that his is not in favor of raising rates at the same time as we are transferring surplus from the utility to balance the regular budget and he will no longer vote for rate increases if that continues. Council Member Gnatt made a motion to adopt Ordinance 2024-8, second by Council Member Stern with all members present voting in favor.

Mayor Davy read Ordinance 2024-9 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2024-9**

**AN ORDINANCE AMENDING CHAPTER 67 OF THE  
CODE OF THE BOROUGH OF PENNINGTON  
CONCERNING ANIMAL BITES**

**WHEREAS**, Borough Council, on the recommendation of the Board of Health, seeks to amend Chapter 67 of the Code of the Borough of Pennington, at Section 67-9, to ensure that the obligation of a person who owns or is in charge of an animal that bites someone shall be the same whether the pet is a dog or some other animal;

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

1. Section 67-9 of the Code of the Borough of Pennington is hereby amended as follows (with new language underlined):

67-9. Reporting of animal bites.

- A. Whenever any person is bitten by a dog or other animal, the owner or person in charge of the animal shall immediately secure the same and keep it alive and confined until receipt of a notice or order from the local Board of Health.
- B. Whenever any person is bitten by any animal or dog suspected of having rabies, the owner or person in charge, the victim or his/her guardian, the physician attending and any person having knowledge of the occurrence shall forthwith make a report to the local Board of Health or to the Police Department and shall comply in all respects with the provisions of N.J.S.A. 4:19-15.16.

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

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2024-9, second by Council Member Chandler. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-9, second by Council Member Gnatt with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2024-9, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2024-10 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2024-10**

**ORDINANCE ACCEPTING GIFT OF MEMORIAL GAZEBO AND RELATED IMPROVEMENTS  
ON LAND OWNED BY THE BOROUGH AT THE CORNER OF BROEMEL PLACE AND  
KNOWLES STREET, IN HONOR OF THE YEARS OF  
SERVICE TO THIS COMMUNITY BY THE VOLUNTEERS  
OF THE PENNINGTON FIRST AID SQUAD**

**WHEREAS**, volunteers of the Pennington First Aid Squad, Inc. (PFAS) provided emergency medical services to the Pennington Community for many years until they were forced to discontinue operations in 2023;

**WHEREAS**, PFAS, a 501c3 corporation, at its sole cost and expense, seeks to construct and donate to the Borough of Pennington a memorial gazebo (“Gazebo”) and related improvements (“Improvements”) on land owned by the Borough at the northeasterly corner of Broemel Place and Knowles Street, Block 202, Lot 6 on the Borough Tax Map (“the Property”);

**WHEREAS**, the purpose of this donation is to commemorate the years of service to this Community by PFAS volunteers, an expression of respect and gratitude in which the Borough joins;

**WHEREAS**, the proposed Gazebo and Improvements are described in the attached sketch entitled “Open Space on Corner of Broemel place and Knowles Street,” drawn by Carrie Stanker, Feb 2024, revised March 2024 (“Sketch”);

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

1. The Borough of Pennington accepts with gratitude the donation of the Gazebo and Improvements subject to the requirements further set forth below.
2. The Gazebo as now envisioned shall be a 12-foot octagon vinyl gazebo with a metal roof, enclosed by a railing on seven sides, and positioned on a concrete slab in the approximate location shown in the Sketch. The Gazebo is planned to be “clay” in color with an “evergreen” roof and decking covering its floor surface in a “black walnut” color, available from a local vendor. The PFAS donation will include four benches for the interior of the Gazebo. Overall, the Gazebo is intended to resemble the gazebo recently constructed by the Borough in Sked Street Park.
3. As shown on the Sketch, donated Improvements to the site shall include construction of a 4-foot wide concrete walkway along the perimeter of the Property extending from the existing sidewalk on Broemel Place to a point on Knowles Street at which the walkway will turn toward the center of the Property and follow a winding course to the Gazebo. The new walkway, when following the street, shall have a turf strip 18 inches wide between its street-side edge and the existing curb. Along the inside edge of the walkway a landscape-block retaining wall shall be constructed as needed.
4. Substantial variations on this project design may be accomplished only with the approval of Borough Council, by resolution. Donations of trees and other landscaping to the site as well as placement of a suitable plaque on the Gazebo or elsewhere on site shall also be subject to one or more resolutions of approval by Borough Council.
5. PFAS shall obtain all permits required for the work. All such work shall be performed by appropriately licensed and insured contractors retained by PFAS, which shall be entirely responsible for the costs and quality of the work. PFAS also shall ensure to the satisfaction of the Borough that appropriate liability insurance covers the project.
6. All work shall be subject to oversight and approval by the Superintendent of Public Works or his designee (“Superintendent”). However, no such approval shall diminish the responsibility of PFAS or its contractors for the quality of the work.
7. Upon completion of the work and approval by the Superintendent, the Gazebo and Improvements shall become the sole property of the Borough. Thereafter, the Borough alone shall be responsible in its sole discretion for maintenance and preservation of the Gazebo and Improvements as well as maintenance and control of the site. The ownership rights of the Borough shall include, for example, the right in its sole discretion to remove the Gazebo and/or Improvements and re-design or re-use the site or restore it to its unimproved condition.
8. This ordinance shall be effective upon its passage and publication as provided by law.

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2024-10, second by Council Member Chandler. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-10, second by Council Member Gnatt with all members present voting in favor. Mr. Valenza stated that he has concerns about using the funds from the First Aid Squad to fund this purchase and installation with funds that came primarily from donations for First Aid Services and so he will be voting no. Council Member Angarone made a motion to adopt Ordinance 2024-10, second by Council Member Marciante with all members present voting in favor with the exception of Mr. Valenza who voted no.

#### **COMMITTEE REPORTS**

**Personnel / Economic Development** – Ms. Angarone reported that the Personnel Committee met on April 19<sup>th</sup> and discussed performance evaluations and succession planning. Ms. Angarone stated the Economic Development met on April 23<sup>rd</sup> and she thanked everyone for a successful yard sale. Ms. Angarone stated that the EDC decided to waive the registration fee this year, they are working on the element of the Master Plan and they continue to work on options for new Welcome to Pennington signs.

Ms. Angarone stated that the Committee Chairs group met and had a very successful round table discussion and they will continue to meet as needed.

**Public Works / Planning Board / Historic Preservation** – Ms. Stern reported that the Public Works Committee met on April 17<sup>th</sup>, Rick Smith stated that he and GP are working with DEP for assistance with development of plans and funding sources for Lead Line remediation and PFAS compliance. Ms. Stern stated that Rick and GP will also be continuing to investigate a more permanent source for mulch at Kunkel Park and they are looking into our bulk pickup program.

Ms. Stern stated that the Planning Board met on April 10<sup>th</sup>, GP was sworn in as Borough Official, they reviewed the Toll Gate School improvement plan, they approved an extension for the Neary property and

they read a letter from Mr. Morrison requesting a zoning change at 250 S. Main Street which will be considered as part of the Master Plan update.

Ms. Stern stated that Historic Preservation met on April 16<sup>th</sup>, they approved several Certificates of Appropriateness and they discussed the Pennington School Old Main Building.

Ms. Stern stated that Pennington Day is coming up and she would like to thank everyone who has signed up to man the table and she is still looking for volunteers to fill some time slots.

Ms. Stern stated that she would like to get input from Council on Local Government Week and whether we should continue to participate. Ms. Stern stated that there was a good turnout for the Master Plan and in the evening there was a good showing of committee chairs and staff members. Ms. Stern stated that it seemed to be the general feeling that coupling it with another event seemed to draw more people. Mrs. Chandler stated that she noticed that this is only the second year but she likes the idea of opening the doors to the public and we should see if it gains momentum going forward. Mayor Davy stated that there were more community participants and he would suggest that we continue the event and see if it continues to gain momentum.

**Finance & Public Safety / Open Space / Arboretum / Landfill** – Mrs. Chandler thanked Mayor and Council on behalf of the Arboretum Committee for the Resolution approved earlier dedicating the Arboretum in memory of Eileen Heinzel. Mrs. Chandler stated that they will be scheduling more days for volunteers to assist with clean up at the arboretum in June with the goal to clean up the area of the proposed second enclosure and spreading of wood chips. Mrs. Chandler stated that an official dedication is scheduled for spring of 2025.

Mrs. Chandler stated that the Finance Committee has completed their big review of the budget and allocation of costs and she hopes to have time to present the budget presentation to Council at the May Work Session. Mrs. Chandler offered a big thanks to Sandy and Betty for their help with this project.

Mrs. Chandler stated that Public Safety did not meet, but the PFAS Building Committee met with members of the Fire Department and Police Department and our Qualified Purchasing Agent and they will be putting together a request for interest to get a perspective on what can be done with the meeting and to inform the Borough on what regulations have to be considered. Mrs. Chandler stated that part of the outcome of the meeting was the Resolution that will be considered later regarding use of the bunk rooms by the Fire Department because they may decide that they don't really need the bunk rooms. Ms. Angarone stated that the request for interest is a data gathering step and does not commit the Borough to anything once it is completed.

Mayor Davy stated that with regard to the Landfill, Excel Engineering was contacted by the DEP and our application has been deemed complete so we are moving along.

**Library / Shade Tree** – Ms. Gnatt stated that Shade Tree met, Morris Fabian provided an update on the Arboretum and Arbor Day. Ms. Gnatt stated that they discussed tree plantings and tree removals for 2024. Ms. Gnatt stated that she was unable to attend the Library Board meeting.

**Parks & Recreation** – Mr. Marciante reported that committee is working on the Memorial Day Parade and there will be a concert on Sunday night.

**Board of Health / Environmental Commission** – Mr. Valenza reported that Mr. Papenberg reported already on Board of Health. Mr. Valenza stated that for Environmental, the Environmental Resource Inventory is complete and they will work on getting it posted on the website. Mr. Valenza stated that this group is very active and they are working on funding for some projects. Mr. Valenza stated that they submitted a grant application to ANJEC and are waiting to hear on that. Mr. Valenza stated that they continue to work on the carbon-neutral initiative for Borough Operations by 2035.

**Senior Advisory Board** – Mayor Davy had no report.

Mrs. Chandler asked if there is any update regarding the Streetscape project. Mayor Davy stated that last he heard the engineer was waiting for the Federal Government on funding so that they can proceed.

Ms. Stern stated that because they are on this list she is wondering if they should be invited to the Committee Chairs meeting. Mayor Davy stated that Pennington has two representatives who attend the Hopewell Valley meetings.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.2**

**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 \$ 2,445,732.01 from the following accounts:

Current	\$ 2,206,146.32
W/S Operating	\$ 213,101.89
General Capital	\$ 8,655.00
Grant Fund	\$ 1,290.20
Developer’s Escrow	\$ 3.80
Water/Sewer Capital	\$ 5,125.00
Other Trust Fund	\$ 8,700.00
Animal Control Trust	\$ 9.80
Open Space Trust	\$ 2,700.00
<b>TOTAL</b>	<b>\$ 2,445,732.01</b>

**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 2024-5.2, second by Council Member Gnatt. Ms. Angarone and Ms. Stern commented on a couple of bills on the bill list. Upon a roll call vote all members present voted in favor.

Mayor Davy asked for a consent agenda for Resolutions 2024-5.3, 2024-5.4, 2024-5.5 and 2024-5.6 as a consent agenda. Council Member Marciante made a motion to approve Resolutions 2024-5.3, 2024-5.4, 2024-5.5 and 2024-5.6, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024-5.3**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 2.24 FOR  
 THE TRENTON CYRUS FOUNDATION**

**WHEREAS**, the Trenton Cyrus Foundation submitted raffle application RA: 1.24 on March 27, 2024 for a raffle to take place on October 5<sup>th</sup>, 2024 (Rain Date October 7<sup>th</sup>, 2024) and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on April 3, 2024; and

**WHEREAS**, the Trenton Cyrus Foundation meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, the Trenton Cyrus Foundation, in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 2.24 for the Trenton Cyrus Foundation be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 2.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

**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			

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024-5.4**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 3.24 FOR  
 THE PENNINGTON FIRE COMPANY LADIES AUXILIARY**

**WHEREAS**, the Pennington Fire Company Ladies Auxiliary submitted raffle application RA: 3.24 on April 16, 2024 for a raffle to take place on September 1<sup>st</sup>, 2024 and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on April 23, 2024; and

**WHEREAS**, the Pennington Fire Company Ladies Auxiliary meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, Pennington Fire Company Ladies Auxiliary, in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 3.24 for the Pennington Fire Company Ladies Auxiliary be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 3.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

**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			

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024-5.5**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 4.24 FOR  
 THE PENNINGTON FIRE COMPANY LADIES AUXILIARY**

**WHEREAS**, the Pennington Fire Company Ladies Auxiliary submitted raffle application RA: 4.24 on April 16, 2024 for a raffle to take place on September 1<sup>st</sup>, 2024 and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on April 23, 2024; and

**WHEREAS**, the Pennington Fire Company Ladies Auxiliary meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;



**WHEREAS**, Pennington Fire Company Ladies Auxiliary, in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 4.24 for the Pennington Fire Company Ladies Auxiliary be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 4.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.6**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO  
 MAINTAIN A TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC  
 RIGHT- OF- WAY IN 2024**

**WHEREAS**, Emily Matticoli is the principal owner of Emily’s Café and Catering, LLC, a restaurant known as Emily’s Café located at 9 N. Main Street in the Borough of Pennington;

**WHEREAS**, Ms. Matticoli and Emily’s Café and Catering, LLC, have applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables and up to 6 chairs on the Main Street side of the restaurant, as shown in the attached sketch;

**WHEREAS**, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

**WHEREAS**, Borough Council determines that approval of the proposed outdoor dining area for Emily’s Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 3 tables and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:

- A. The tables and chairs shall be arranged as shown on the attached sketch.
- B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
- C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
- D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.
- E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.
- F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and insure that these receptacles are emptied as frequently as needed to avoid overflow.
- G. The outdoor dining area shall not obstruct access to upstairs apartments or Kriegner Travel Services.
- H. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

I. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with

the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of incurred liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

I. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

2. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily’s Café and Catering, LLC. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

3. This conditional authorization shall in any event expire on December 31, 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			

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.7**

**RESOLUTION TO REQUEST AMENDMENT OF THE 2024 ADOPTED BUDGET  
 (CHAPTER 159) TO INSERT A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR  
 RECYCLING TONNAGE 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 \$8,222.09 from the State of New Jersey for a Recycling Tonnage 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 \$8,222.09, which is now available as revenue from:

Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that a like sum of \$8,222.09 be and the same is hereby appropriated under the caption of:

Recycling Tonnage 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				abstain	Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-5.7, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024-5.8**

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE UNIVERSITY OF PENNSYLVANIA HEALTH SYSTEM FOR EMPLOYEE ASSISTANCE PLAN**

**WHEREAS**, the Borough of Pennington has established an Employee Assistance Plan (EAP) and Work-Life Benefits (WLB) program in which all employees, full-time and part-time, as well as their spouses and dependents under the age of twenty-six, can participate;

**WHEREAS**, Penn Medicine EAP provides or arranges for the provision of EAP/WLB services through a network of EAP licensed counselors;

**WHEREAS**, the attached EAP Employer Services Agreement (“Agreement”) between The Borough and The Trustees of the University of Pennsylvania, owner and operator of the University of Pennsylvania Health System, and on behalf of Penn Medicine EAP, would provide these essential services;

**WHEREAS**, the services would address the full range of employees’ personal concerns affecting attitude, attendance and general productivity in the workplace as well as providing short- term attention to urgent personal and professional concerns;

**WHEREAS**, the Agreement would provide professional services for one year at an annual rate of \$7.50 per eligible employee (approximately \$225.00) plus additional hourly services at specified hourly rates;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that sufficient funds are available in account no. 4-01-20-100-000-250;

**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 execute and enter into the attached 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	M			
Chandler	X				Stern	S			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-5.8, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.9**

**RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY, INC. THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Borough of Pennington has committed to the replacement of manual read meters with remote read meters; and

**WHEREAS**, the Superintendent of Public Works has submitted a request to purchase additional remote read meters; and

**WHEREAS**, the Superintendent has determined that the remote read meters are available from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

**WHEREAS**, Rio Supply, Inc. located in Sicklerville, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #14382 dated April 11, 2024 for purchase of the equipment through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, the quote identifies the following types of meters:

ED2B11RPDG11 – 5/8” x ¾” T-10 C/I 302 Pro-Coder)r9001 Gal., Inside	\$331.54
ED2F11RPDG11 – 1 T-10 C/I 302 Pro-Coder)R900i Inside Gal	\$521.42
ED2F11RPWG11 – 1” T-10 C/I 302 Pro-Coder)R900i Pit Gal	\$542.40

**WHEREAS**, the Superintendent of Public Works has requested the flexibility to order these meters and related supplies as needed and cannot at this time identify how many of each type he will need to order: and

**WHEREAS**, Pennington Borough has committed, as part of their plan for American Recovery Act Funds, to dedicate funds towards replacement of meters; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the 2024 Water/Sewer budget – Account #: 3-05-55-501-000-293;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of remote read meters from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System, is hereby authorized in an amount not to exceed a total of \$20,000.000 with pricing as per quote #14382 dated April 11, 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 2024-5.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.10**

**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 Pennington Borough Fire District No. 1 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;

**WHEREAS**, Borough Council agrees to permit that use on a temporary basis in accordance with the terms of the attached “Use and Occupancy Agreement” pending a determination by Borough Council as to permanent use or uses of the Building;

**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 and otherwise hold the Borough harmless from liabilities related to the District’s use and occupancy of the premises; (c) limit the Fire District’s exclusive use to two bunk rooms;

**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	M				Marciante				abstain
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Angarone made a motion to approve Resolution 2024-5.10, second by Council Member Chandler with all members present voting in favor with the exception of Mr. Marciante who abstained.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.11**

**RESOLUTION 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**, Council is advised by the Special Counsel that its budget should now be increased an additional \$7,500.00 for attorney and other professional services relating to this matter; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that \$7,300.00 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 \$7,300, 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	X				Stern	M			
Gnatt	X				Valenza	X			

Council Member Stern made a motion to approve Resolution 2024-5.11, second by Council Member Angarone. Mr. Valenza had concerns about approving this without an update from the attorney. Mr. Caminiti stated that he requested an update from the Attorney and Mr. Bliss circulated it to Mayor and Council. Mayor Davy asked Mr. Bliss to resend the update to Mr. Valenza. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2024 – 5.12**

**RESOLUTION CHANGING THE NAME AND FUNCTION OF THE FINANCE AND  
 TECHNOLOGY COMMITTEE OF BOROUGH COUNCIL**

**WHEREAS**, Pennington Borough Council seeks to amend the title and function of its Finance and Technology Committee, changing its title to Finance Committee, confining its responsibilities to finance-related matters and leaving to the Borough Administrator and Council as a whole matters relating to technology;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Resolution 2024-1.11 establishing Committees of Council for 2024 is hereby amended to change the title and function of the “Finance and Technology” Committee to “Finance Committee”, with the proviso that its responsibilities be confined to finance matters and technology matters shall be the responsibility of the Borough Administrator and Council as a whole.

**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 2024-5.12, second by Council Member Gnatt with all members present voting in favor.

**PROFESSIONAL REPORTS**

**Borough Administrator** – Mr. Caminiti reported that three wonderful events were held in rapid succession, Local Government Week, Arbor Day and Busy Town and he would like to thank all of the employees and volunteers who participated. Mr. Caminiti stated that with an eye towards revenue and budget he has been looking into grant opportunities and he will be looking at construction fees and code enforcement will be ratcheted up. Mr. Caminiti stated that he is working on staffing and succession planning. Mr. Caminiti stated that Officer Sinnott is on patrol and if anyone sees him out in town, please welcome him. Mr.

Caminiti stated that he has been working with the Master Plan Committee and they are coordinating with Mercer County to avoid and conflicts.

**Borough Attorney – Walter Bliss** – Mr. Bliss had nothing further to report.

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

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

**Chief of Police – Doug Pinelli** – Chief Pinelli was not in attendance, but Mrs. Chandler drew attention to the reports that were included in the packet. Mayor Davy asked Sergeant Thomas and Sergeant Burroughs if they had anything to add and they did not.

**Superintendent of Public Works – Rick Smith** – Mr. Smith stated that his team knocked it out of the park with Arbor Day, Local Government Week and Busy Town and he would just like to acknowledge that for the record.

**Public Comment**

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Marciante thanked GP for working on the noise problem at the Verizon building.

At 9:02 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