

**Pennington Borough Council  
Regular Meeting – April 3, 2023**

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 Chandler, Gnatt, Marciante, Stern and Valenza in attendance. Ms. Angarone was absent and Ms. Gnatt arrived at 7:30 pm.

Also present were Borough Administrator Donato Nieman, Public Works Superintendent Rick Smith, Chief Doug Pinelli, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

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.

Mayor Davy announced that meeting agendas and materials are available on the Borough Website and anyone interested in getting news alerts and announcements can subscribe by clicking on the “Subscribe to News and Announcements” button on the home page.

Mayor Davy announced that the agenda for this evening is being amended to include Resolution 2023-4.9, Resolution Authorizing Refund of Redemption Monies to Outside Lien Holder.

**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.

**Mayor’s Business**

Mayor Davy stated that following the last meeting of Council we received a notice from Senator Booker’s office requesting municipalities to submit requests for congressional funding. Mayor Davy stated that he met with Rick Smith and others and determined that a project involving replacement of a water line that serves the High School was a good project to submit. Mayor Davy stated that the water line is over 100 years old and the hydrants and connections would also be replaced and the well that serves the line would be strengthened. Mayor Davy stated that the project estimate is \$2,000,000 and in order to meet the deadline the application had to be submitted prior to this meeting to meet the deadline. Mayor Davy thanked Rick Smith and Mona Habiby for putting the application together.

Mayor Davy stated the NV5 held a Public Information Session last week for the upcoming Streetscape Project and about 25 residents stopped in to look at the plans and offer comments. Mayor Davy stated that it was a very positive experience for those who attended.

Mayor Davy read the following Proclamation in summary regarding Arbor Day.

**PROCLAMATION**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was the first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal, and

**WHEREAS**, Pennington, N.J. has been recognized as Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

**NOW, THEREFORE**, I, James Davy, Mayor of the Borough of Pennington do hereby proclaim Friday, April 28th, 2023 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and

**FURTHER**, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

### **PRESENTATIONS**

Mayor Davy introduced Planning Board Chair Jim Reilly and Planning Board Member Andy Jackson for a presentation on the Proposed Master Plan Reexamination Update. Mr. Reilly explained that the Master Plan Update is an ongoing project that is required to be completed by September of this year. Mr. Reilly stated that a draft was prepared and distributed to Council for review and they wanted Borough Council to have the opportunity to offer suggestions and ask questions and that is the purpose of being here this evening. Mr. Reilly asked Mr. Jackson if he had any additional comments. Mr. Jackson stated that the document and his letter outline important items for Council to review. Mr. Jackson explained that much work has gone into this document and it is essentially a Planning Board document and this is the opportunity for Council to offer comments and suggestions. Mayor Davy stated at this point they are just looking for Council input and one of the next steps will involve an opportunity for public comment. Mr. Jackson stated that at the next Planning Board Meeting on April 12<sup>th</sup>, any comments from Council will be incorporated and sometime in May with Borough Planner Jim Kyle's help they will set up a public meeting to get public input. Mr. Jackson stated that assuming that all goes well sometime in July they will adopt the final update for submission by the September deadline.

Mr. Valenza stated that he reviewed the document and he would like to thank Mr. Jackson for the letter that was sent directing Council to specific sections for review. Mr. Valenza stated that with respect to Affordable Housing, Jim Kyle gave a presentation to Council and there is some inconsistency with what is in the document and what was discussed a couple of months ago with Council. Mr. Valenza stated that in particular there was discussion of the Senior Center property which was found to be inappropriate for affordable housing because of the need for access to public transportation. Mr. Valenza stated that a couple of other properties that were found to be acceptable locations for affordable housing were not included in this report. Mr. Valenza stated that the other two observations that he has are that there seems to be a suggestion that the Borough should consider more mixed use zoning and he is in favor of that. Mr. Valenza stated that he is also whole-heartedly in support of the Carbon Neutral Initiative and the idea of providing more opportunities for residents to contribute to this initiative.

Ms. Stern asked what if anything is Council being asked to do now. Ms. Stern stated that the letter asks for Council's endorsement of embarking on the update and she remembers conversations in the Finance Committee related to budget items and there was a discrepancy in what was being requested for this year versus what was projected last year. Mr. Jackson stated that the update and the re-write are the same thing. Mr. Jackson stated that having gone through the process over the past year it was fairly clear that it is not an easy undertaking. Mr. Jackson stated that the update is the next step and they are looking for Council to endorse the update as the current Master Plan is difficult to work with as there are many patches to the plan. Mr. Jackson stated that he enlisted help from various committees to get the document into this format which will be submitted to Jim Kyle for review and the costs involved will be significantly lower than what was originally discussed. Mr. Jackson stated that they are aiming to have the whole process completed by 2025 and any costs associated with the update can be distributed over the next three years. Mayor Davy stated to clarify the reason for tonight's discussion is to get comments and suggestions and at some point later on Council will be asked to endorse the update.

Mr. Marciante stated that in response to Mr. Valenza's comments on affordable housing at the Senior Center, whatever is done with that property in the future will have affordable housing. Mr. Marciante stated that he appreciates the time and effort that everyone put into this effort.

Mr. Reilly stated that first he wants to make sure that everyone understands Mr. Jackson's role as Vice Chair of the Planning Board and Chair of the Master Plan Review Committee. Mr. Reilly stated that Mr. Jackson has put a lot of time and effort into this project and what has been provided will satisfy the legal requirement of updating the Master Plan and as Mr. Jackson pointed out, the plan recommends doing a new Master Plan over a period of three years which would spread the costs out significantly. Mr. Reilly stated that this is a new undertaking for updating the Master Plan which previously was done through recommendations by the Borough Planner. Mr. Reilly explained that Mr. Jackson has spearheaded this process to get everything in one place. Mr. Reilly stated that assuming the Planning Board approves the plan and the recommendation to proceed with a new Master Plan, the committee will seek a commitment from the Borough for funding in the budget to implement the process. Mr. Reilly stated that what has been appropriated so far was for the update and that is complete. Mr. Reilly stated that if the Planning Board approves the recommendation for a new plan, then that would require Council approval for funding in the budget.

Mrs. Chandler stated that this is similar to the Environmental Resource Inventory and this document took a tremendous amount of time and work from volunteers but in the long run saved the Borough by just requiring review by our professionals.

Mr. Jackson stated that elements of the plan will be completed more quickly than others and will be ready for posting on the website sooner than three years. Mr. Jackson explained that going forward the goal is to have each element of the Master Plan easily accessed and updated without having one large document and patch updates. Mr. Jackson stated that he has seen this done in other towns and that is what they are working towards for Pennington Borough. Mr. Jackson stated that he will reach out to Mr. Kyle regarding concerns about affordable housing raised by Mr. Valenza as he agrees that there should be consistency.

Mayor Davy thanked Mr. Reilly and Mr. Jackson for attending.

Mayor Davy stated that next is a presentation from Emergency Management in light of recent train derailments. Mayor Davy introduced Mr. Dave Berez to present to Council what would happen if god forbid something happened with the train that runs through Pennington. Mayor Davy also recognized Mr. Bob Rohauer from CSX who was also in attendance. Mayor Davy asked Mr. Berez to explain the plan in place with regard to Emergency Management. Mr. Berez shared a power point presentation. Mr. Berez explained that he is the Emergency Management Coordinator hired by Hopewell Township but he also serves as the Executive Coordinator for all of Hopewell Valley. Mr. Berez explained that though each municipality in the valley has their own Emergency Management Coordinator, under an agreement between Hopewell Township, Hopewell Borough and Pennington Borough, he serves as the Executive Coordinator and he has been filling in for Pennington Borough in the absence of an Emergency Management Coordinator at the request of Mayor Davy. Mr. Berez gave some disclosures indicating that he represents only Hopewell Valley, not CSX and not Mercer County. Mr. Berez reported some statistics on train derailments and he outlined what the process would be in the event of any emergency, not just a train derailment. Mr. Berez reported that communication in the event of an emergency is critical to keep residents informed. Mr. Berez stated that emergency preparedness is important, have a plan and a kit ready in the event of emergency, have a plan for evacuation and for pets, stay informed and know your environment. Mr. Berez stated be prepared financially and know sources for assistance such as the Red Cross. Mr. Berez stated that being prepared with options for charging cell phones including knowing where charging stations are located. Mr. Berez stated that Public Works is extremely important in the event of any emergency with regard to clean up and keeping the roads clear. Mr. Berez provided his contact information and asked if there were any questions.

Mayor Davy stated that before he opens up for questions he would like to invite Mr. Bob Rohauer, Operations Coordinator for CSX to say a few words. Mr. Berez stated that he will be working with Mr. Rohauer in the next couple weeks on training for Fire and Emergency responders in the event of a train derailment. Mr. Rohauer had a very bad connection and was difficult to understand. Mr. Rohauer stated that CSX has had limited derailments but they have many safeguards and resources in place if an event were to occur.

Council Member Chandler thanked both Mr. Berez and Mr. Rohauer for their presentations and their time. Mrs. Chandler stated that she has been on Council a long time and this is the first time we have had a presentation on this.

Chief Pinelli and Rick Smith both thanked Mr. Berez and Mr. Rohauer for their presentations and commended Mr. Berez on his commitment to Emergency Management.

#### **APPOINTMENTS (WITH COUNCIL APPROVAL)**

Mayor Davy announced the appointment of Meredith Coleman-Moore to the Shade Tree Committee for an unexpired term ending December 31, 2023. Council Member Marciante made a motion to approve the appointment, second by Council Member Chandler with all members present voting in favor. Mayor Davy recognized Meredith Coleman-Moore in the audience and she thanked Mayor and Council for the appointment.

#### **APPROVAL OF MINUTES**

Council Member Chandler made a motion to approve the minutes of the February 28, 2023 Budget Work Session, second by Council Member Marciante with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the March 6, 2023 Regular Council Meeting, second by Council Member Marciante with all members present voting in favor.

#### **APPROVAL OF CLOSED SESSION MINUTES (FOR CONTENT BUT NOT FOR RELEASE)**

Council Member Chandler made a motion to approve the Closed Session minutes for March 6, 2023, second by Council Member Stern with all members present voting in favor.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

Mayor Davy read Ordinance 2023-8 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE # 2023 - 8**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH  
OF PENNINGTON, NEW JERSEY**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$107,719.56, said amount being \$30,777.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2023 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that the Mayor and Council of the Borough of Pennington hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2023-8, second by Council Member Stern. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Chandler with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2023-8, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy read Ordinance 2023-9 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE #2023 – 9**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF  
COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF  
PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY  
FOR THE YEAR 2023**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
PENNINGTON** that the Borough Salary Ordinance (Ordinance 2022-3) is hereby amended at Section Ic to provide for payment of Crossing Guards at special events at the rate of \$40.00 per hour:

**SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION**

- a. The following officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

Borough Administrator	\$80,000.00-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$47,232.04
Assistant CFO	\$80,697.76
Utility Collector	\$32,631.37
Chief Financial Officer (part time)	\$91.20/hour
Tax Collector (part time)	\$91.20/hour
Technical Assistant to Construction (part time)	\$27.19/hour
Tax Assessor (part time)	\$14,411.08
Zoning Officer (part time)	\$9,752.32
Land Use Admin/Admin Asst.	\$56,375.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$91,260.80
Licensed Water Operator	\$50,924.51
Assistant to Superintendent of Public Works	\$42,025.00
Foreman	\$80,635.47
Judge of Municipal Court	\$13,701.47
Court Administrator (part time)	\$19,034.96
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police (yearly clothing allowance \$1,500)	\$134,754.00
Administrative Assistant – Police Department	\$16.00/hour
Construction Official	\$29,809.94
Plumbing Sub-Code	\$52.53/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$52.53/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$52.53 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Police Department:</b>		
Crossing Guards	\$ 15.00	\$ 27.19
Crossing Guard – Special Events	\$ 40.00 per hour	
Special Police	\$ 17.00 per hour	

<b>Part Time Employees – All Departments:</b>		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

**SECTION II: Employee/Personnel Manual.**

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

**SECTION III:**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION IV:**

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

**SECTION V:**

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2023 if appropriate.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2023-9, second by Council Member Gnatt. There were no comments from the public. Council Member Chandler made a motion to adopt Ordinance 2023-9, second by Council Member Gnatt with all members present voting in favor.

**PUBLIC HEARING AND ADOPTION OF 2023 BUDGET**

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.3**

**AUTHORIZING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964” as amended, 42 U.S.C. 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of Pennington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution to show evidence of said compliance.

<b>Record of Council Vote on Passage</b>									
<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				absent	Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-4.3, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to open the Public Hearing on the 2023 budget, second by Council Member Stern.

Mayor Davy asked Chief Financial Officer Sandra Webb to give a brief overview of the 2023 budget. Ms. Webb stated that the power point presentation is the same as the one presented at the Budget Work Session on February 28<sup>th</sup>.

Mrs. Webb stated that budget is up about \$300,000 which represents about a 4 cent tax increase which is primarily salary increases, health benefits, pension costs, library allocation and some additional costs related to First Aid Services. Mrs. Webb stated that last year the Borough approved an emergency appropriation for fuel costs in the amount of \$20,000 and that is a one-time expense that is required to be raised in this year's budget. Mrs. Webb stated that the budget also reflects an increase to the fuel budget to offset the increase in fuel costs. Mrs. Webb briefly highlighted some of the bigger increases to the budget.

Mrs. Webb reviewed some of the revenues and highlighted revenues that are down from the prior year. Mrs. Webb stated that as Council knows, we are only allowed to anticipate up to what was collected in the prior years for revenues. Mrs. Webb stated that we are using more surplus than last year but bringing in \$100,000 from the Water/Sewer Utility will help preserve some surplus in the General Fund.

Mrs. Webb explained that the budget does include appropriations for Deferred Charges to Future Taxation which gives the Borough the ability to pay for capital items as they are incurred without having to go out to the market to borrow funds. Mrs. Webb stated that this will also save us on Bond Sale Costs and interest.

Mrs. Webb stated that right now the budget is a 4 cent tax increase and for the average home assessed at about \$487,000 paying about \$195.00 on the Municipal rate only. Mrs. Webb stated that the Library allocation is up and we don't have the final numbers from the School and the County yet.

Mrs. Webb reported that the Water/Sewer budget is up about \$300,000 over last year's budget. Mrs. Webb stated that significant increases to the rates charged for water and sewer went into effect for half of last year and so the surplus is up in the utility and this is a good thing because for the past couple of years the Utility was not self-liquidating which is a direct hit to the Borough's ability to borrow money.

Ms. Webb stated that we were under State review this year and we have received approval to adopt the budget and so she is recommending that Council adopt the budget as presented.

Mayor Davy asked if there were any comments on the budget including the water/sewer budget. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing on the 2023 budget, second by Council Member Gnatt with all members present voting in favor.

Council Member Chandler made a motion to approve the 2023 budget, second by Council Member Marciante with all members present voting in favor.

Mayor Davy thanked Sandy Webb, Betty Sterling and all who contributed to putting the budget together.

### **Committee Reports**

**Planning & Zoning / Personnel / Economic Development** – Ms. Gnatt had no report.

**Public Works/Open Space/Shade Tree** – Ms. Stern reported that Public Works did not meet in March but they will meet April 12<sup>th</sup>. Ms. Stern stated that Rick assisted with the application for Congressional Funding and the committee members have been trying to learn more about forever chemicals such as PFAS and they will be talking further about this at their next meeting. Ms. Stern stated that Rick and his department are chipping away at the lead/galvanized line inventory and the number of unknowns is decreasing.

Ms. Stern stated that Open Space met on March 15 and discussed the Sked Street Park proposal and they approved a resolution in support of the use of open space funds for Sked Street Park Improvements. Ms. Stern stated that they also spoke about getting information posted on the website and they would like to thank Betty for assisting with getting information posted.

Ms. Stern stated that Shade Tree met on March 17<sup>th</sup> and reviewed the tree removal and pruning report. Ms. Stern stated that they are up to date on yearly reporting and they continue to attend training courses. Ms. Stern stated that Shade Tree discussed Arbor Day and they will be planting a tree at Toll Gate School on April 18<sup>th</sup>. Ms. Stern stated that they are also prepping for Pennington Day.

**Public Safety /Finance & Technology / Arboretum / Landfill** – Mrs. Chandler stated that no meetings were held for Finance, Arboretum or the Landfill and she was away for the Public Safety Meeting.

**Parks & Recreation** – Mr. Marciante stated that the Easter Egg Hunt will be held this Saturday and they are looking for people to assist with the event. Mr. Marciante stated that they would like to know if the

sign they asked for is in the budget and when they can order it. Mrs. Chandler stated that Parks and Recreation needs to submit a requisition.

Mr. Marciante stated that one other item that needs to be addressed is who repairs the “Welcome to Pennington” signs because there is at least one that needs to be repaired.

**Historic Preservation / Library / Construction** – No report due to Ms. Angarone’s absence.

**Board of Health / Environmental Commission** – Mr. Valenza stated that Board of Health did not meet. Mr. Valenza reported that ANJEC has grant opportunities and they are going to reach out to Mrs. Chandler to coordinate submitting an application for funds for the Arbortum. Mr. Valenza stated that Environmental also discussed plans for Pennington Day, they are planning to distribute information on reducing the carbon footprint, composting and other items.

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

### **COUNCIL DISCUSSION**

**Pennington Day 2023** – Ms. Stern stated that last year was the first year she attended Pennington Day as a Council Person and she was surprised to see that Mayor and Council did not have a table. Ms. Stern proposed that Mayor and Council should have a table and it should be staffed throughout the day by Council Members. Ms. Stern stated that they could provide handouts and have a presence. Mrs. Chandler stated that she has other commitments and she does not think it is odd for elected officials to have a table. Mayor Davy stated that he has other commitments throughout the day, but he prefers to walk around instead of sitting at a table. Mr. Marciante stated that he will be helping the Fire Company with their food table. Mr. Valenza and Ms. Gnatt stated that they would be willing to do either, walk around or help at a table. Ms. Stern stated that this goes along with the Communication Plan that she and Kati have been working on and it is important for people to get to know the Mayor and Council. Ms. Stern suggested Council try it this year and see how it goes. Mayor Davy stated that if Nadine has volunteers then she can go ahead and give it a try.

**NJ Local Government Week – April 16<sup>th</sup> to 21<sup>st</sup>** – Ms. Stern stated that NJ Local Government Week is sponsored by the League of Municipalities and she distributed some information on this. Ms. Stern stated that she got a meeting together with Betty, Rick, Doug and Deb Gwazda from the Library. Ms. Stern stated that the idea was to coordinate with the Library Busy Town event, but it was determined that combining the events would not work out. Ms. Stern stated that the idea is to hold an event on April 16<sup>th</sup> from 5 to 7 with tables set up for Mayor and Council, Committees, the Fire Department and others and she already has a lot of interest. Ms. Stern stated that news blasts will be sent out, signs will be posted and we are hoping for a good turn-out. Ms. Stern stated that we will start out small this year and see if we can build on this for the future. Mrs. Chandler suggested reaching out to the local Boy Scouts as they can earn a badge for government. Mr. Valenza offered to reach out on this. Ms. Stern asked if anyone has any ideas or suggestions to let her know.

**Communications Plan Update** – Ms. Stern stated that they are continuing to work on communication within the Borough and she would first like to thank Betty and Donato for meeting with them. Ms. Stern stated that more information on Council Agendas and meetings is being sent out and professional signature lines are being utilized. Ms. Stern stated that a few Council Members are getting Nametags. Ms. Stern stated that they are working on a communications calendar and we continue to look at posting Council Meeting videos on the website. Ms. Stern stated that efforts are ongoing for a yearly calendar. Ms. Stern asked that anyone with ideas or suggestions reach out to her or Kati.

**Review of OPRA and Open Public Meetings Act (OPMA)** - Borough Administrator Donato Nieman gave a brief overview of the Open Public Meetings Act (OPMA) and the Open Public Records Act (OPRA). Mr. Bliss offered important guidance on both topics. Mrs. Sterling stated that she included information on both topics in the packages for the meeting.

### **NEW BUSINESS**

#### **BOROUGH OF PENNINGTON RESOLUTION 2023 – 4.1**

#### **RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Developer’s Escrow Fund to Donald Wentzel, 8 Weatherfield Drive, Newtown, PA 18940 for the balance of escrow funds for Planning Board Application 22-010, 234 West Delaware Avenue in the amount of \$174.85.

#### **Record of Council Vote on Passage**



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

Council Member Gnatt made a motion to approve Resolution 2023-4.1, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.2**

**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 \$ 601,955.51 from the following accounts:

Current	\$ 433,487.89
W/S Operating	\$ 78,643.23
General Capital	\$ 66,181.47
Grant Fund	\$ 3,761.12
Developer’s Escrow	\$ 2,135.00
Other Trust Fund	\$ 17,693.80
Animal Control	\$ 33.00
Open Space	\$ 20.00
TOTAL	\$ 601,955.51

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2023-4.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.4**

**RESOLUTION AUTHORIZING PURCHASE OF PORTABLE AND MOBILE RADIOS FROM  
PMC ASSOCIATES UNDER STATE CONTRACT 83900 / T0109**

**WHEREAS**, the Chief of Police has identified the need to purchase portable and mobile radios for the Pennington Borough Police Department; and

**WHEREAS**, the Chief of Police has determined that the required radios are available under New Jersey State Contract #83900 / T0109; and

**WHEREAS**, the Chief of Police has obtained a quote #465795 dated 3/16/2023 from PMC Associates, 8 Crown Plaza, Unit 106, Hazlet, NJ 07730; and

**WHEREAS**, PMC Associates is a qualified vendor under the aforesaid State Contract and its proposal is consistent with the State Contract; and

**WHEREAS**, the proposed purchase of Portable and Mobile Radios from PMC Associates is subject to all the terms and conditions of the aforesaid State Contract; and

**WHEREAS**, a copy of the proposal from PMC Associates in the amount of \$11,044.80 is attached to this Resolution; and

**WHEREAS**, purchase of the radios under State Contract as proposed conforms with the Local Public Contracts Law and does not require further public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the police budget, line item 3-01-25-240-000-230;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the acquisition of portable and mobile radios for the Pennington Borough Police Department pursuant to the attached proposal from PMC Associates is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

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

Council Member Chandler made a motion to approve Resolution 2023-4.4, second by Council Member Stern. At the request of Mike Pitts, Qualified Purchasing Agent for the Borough, Mr. Bliss asked for a couple of minor changes to the copy that was provided in the packages. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.5**

**RESOLUTION RECOGNIZING NJ LOCAL GOVERNMENT WEEK,  
APRIL 16<sup>TH</sup> TO APRIL 23<sup>RD</sup>, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE  
CELEBRATION AND CORRESPONDING ACTIVITIES.**

**WHEREAS**, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

**WHEREAS**, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

**WHEREAS**, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

**WHEREAS**, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

**WHEREAS**, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

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

1. That Pennington Borough encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.
2. That Pennington Borough encourages educational partnerships between local government and schools, as well as civic groups and other organizations.
3. That Pennington Borough supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

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

Council Member Chandler made a motion to approve Resolution 2023-4.5, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 -4.6**

**RESOLUTION AUTHORIZING THE AUCTION OF CERTAIN SURPLUS PROPERTY NO LONGER NEEDED FOR THE PUBLIC USE BY PENNINGTON BOROUGH UTILIZING THE SERVICES OF GOVDEALS, INC.**

**WHEREAS**, Pennington Borough is the owner of certain surplus personal property that is no longer needed for public use as specifically identified and described on the attached Exhibit A (“Surplus Property”); and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-36 and Local Finance Notice 2019-15, Pennington Borough is authorized to sell said Surplus Property through an approved online auction; and

**WHEREAS**, the required on line services are available from [www.GovDeals.com](http://www.GovDeals.com) through Sourcewell (formerly the National Joint Powers Alliance); and

**WHEREAS**, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

**WHEREAS**, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

**WHEREAS**, the Borough of Pennington intends to utilize the online auction services of GovDeals, Inc. located at [www.govdeals.com](http://www.govdeals.com) ; and

**WHEREAS**, in consideration of auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to Govdeals, Inc.; and

**WHEREAS**, all other terms and conditions of the auction of the Surplus Property and agreement with GovDeals, Inc. are available on the GovDeals, Inc’s website, [www.govdeals.com](http://www.govdeals.com) and in the office of the Borough Clerk;

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

1. Pennington Borough, is authorized to sell the surplus personal property that is identified and described on the attached Exhibit A (“Surplus Property”).
2. The Surplus Property shall be sold by public auction without cost to the Borough, through the online auction site of [www.govdeals.com](http://www.govdeals.com), as more fully described in the “Whereas Clauses,” which are incorporated herein as if fully restated.
3. In consideration for auctioning the Surplus Property on Pennington Borough’s behalf, GovDeals, Inc. will be paid 12.5% of the winning bid for each asset sold, paid directly by the successful bidder to GovDeals, Inc.
4. Pennington Borough shall publish in its official newspaper notice of this approved online auction together with a description of the Surplus Property to be sold. The auction shall be held not less than 7 or more than 14 days after the latest publication of the notice.
5. A certified copy of this Resolution shall be sent to the Division of Local Government Services in the Department of Community Affairs in accordance with Local Finance Notice 2019-15.

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

Council Member Chandler made a motion to approve Resolution 2023-4.6, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.7**

**RESOLUTION AUTHORIZING SECURITY UPGRADES TO BOROUGH BUILDINGS  
THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE HUNTERDON  
COUNTY EDUCATIONAL SERVICES COMMISSION**

**WHEREAS**, the Chief of Police and Superintendent of Public Works have identified the need for security upgrades to Borough buildings; and

**WHEREAS**, Borough Council has included these security upgrades as part of their spending plan for American Recovery Act Funding; and

**WHEREAS**, the Chief of Police and Superintendent have determined that the necessary security upgrades are available through Hogan Security Group, located at 1589 Reed Road, Unit 10, Pennington, NJ 08534 through the Hunterdon County Educational Services Commission; and

**WHEREAS**, Pennington Borough joined the Hunterdon Council Educational Services Commission by Resolution 2021-9.8 and approval was granted September 21, 2022; and

**WHEREAS**, Hogan Security Group is an authorized dealer for the desired equipment and has provided the Borough with quote #H-2217483-5 dated March 28, 2023; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase under the American Recovery Act Funds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid security upgrades to Borough buildings through the Hunterdon County Educational Services Commission, is hereby authorized in an amount not to exceed \$15,468.24 as per quote #H2217483-5 dated March 28, 2023 from Hogan Security Group.

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

Council Member Chandler made a motion to approve Resolution 2023-4.7, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 4.8**

**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 #16459 dated November 4, 2022 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 3/4” T-10 C/I 302 Pro-Coder)r9001 Gal., inside	\$297.50
ED2B11RPWG11 – 5/8” x 3/4” T-10 Pro-Coder)r9001, Pit Gal	\$314.50
ED2F11RPDG11 – 1” T-10 C/I 302 Pro-Coder)r900i inside	\$476.00

**WHEREAS**, the Superintendent of Public Works has requested the flexibility to order these meters 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 2023 Water/Sewer budget – Account #: 2-05-55-501-000-293;

**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 #16459 dated November 4, 2022.

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

Council Member Chandler made a motion to approve Resolution 2023-4.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION 2023 – 4.9**  
**RESOLUTION AUTHORIZING REFUND OF REDEMPTION**  
**MONIES TO OUTSIDE LIENHOLDER**

**WHEREAS**, at the Borough Tax Sale held on December 3, 2021, a lien was sold on Block 703, Lot 14.01, also known as 212 South Main Street, Pennington, NJ, for 2020 delinquent water/sewer payments; and

**WHEREAS**, this lien, known as Tax Sale Certificate #20-00002, was sold to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for 0% and a \$9,000.00 premium; and

**WHEREAS**, Ian and Courtney Graham, 212 South Main Street, Pennington, NJ 08534, have effected redemption of Certificate #20-00002 in the amount of \$27,368.84;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer is authorized to issue a check in the amount of \$27,368.84 payable to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate #20-00002; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is authorized to issue a check in the amount of \$9000.00 (Premium) from the Other Trust fund to the aforementioned lienholder.

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

Council Member Chandler made a motion to approve Resolution 2023-4.9, second by Council Member Gnatt. Mr. Bliss explained that the reason this Resolution was added to the agenda today is that the redemption funds only became available today and holding this until May could result in additional interest charges for the Borough. Upon a roll call vote all members present voted in favor.

**PROFESSIONAL REPORTS**

**Borough Administrator** – Mr. Nieman reported that he got his first lighting complaint, he has sent a letter with a copy of the ordinance to the homeowner and he will follow up with the Zoning Officer as he has gotten no response from the homeowner. Mr. Nieman stated that a Borough tree issue on Laning was evaluated and it was determined that it needs to be removed. Mr. Nieman QPA onboarding has begun. Mr. Nieman asked Mona Habiby to report on a COPS Grant application that she has been working on. Mrs. Habiby stated that she has been working on an application to assist with salary for a three year period for hiring a new police officer. Ms. Habiby stated that there is a match for the grant but the Borough could receive up to \$125,000 for the three year period. Mrs. Habiby stated that the Borough share would increase over the three year period as the grant decreased. Ms. Habiby stated that the deadline is May 11 and she is working on finalizing the details. Mayor Davy asked that the Public Safety Committee review the

application prior to submission of the grant. Ms. Stern and Mr. Valenza both expressed concern about committing to hiring a seventh officer. Mayor Davy stated that is why this is being referred to Public Safety and it will be coming back to Council for action. Ms. Habiby stated that there has to be a vacancy so either approval for a seventh officer or to fill a vacancy. Mr. Valenza asked if the grant commits the Borough to hiring an officer and the Mayor responded that Council has the option to reject the grant if they decide not to proceed with hiring.

**Borough Attorney** – Mr. Bliss reminded Council of the Closed Session.

**Borough Clerk** – Mrs. Sterling had nothing to report other than reminding Council to stop in and sign purchase orders.

**Chief Doug Pinelli** – Chief Pinelli reported that Police Officers worked with Public Works on the recent storm. Sergeant Thomas will be the Officer in Charge for Pennington Day and all hands will be on deck for the day. Chief Pinelli stated that officers continue with mandatory training and the two vehicles that were purchased are being outfitted. Chief Pinelli explained that there has been a delay in getting some of the equipment to outfit the vehicles but he hopes to have them on the road soon.

**Superintendent of Public Works** – Mr. Smith had nothing further to report.

**Chief Financial Officer** – No report.

**Public Comment**

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

There were no comments from the public.

**CLOSED SESSION**

**AT, 9:24 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

Tax Appeal – 2 Route 31 North

Pending Litigation – Hopewell Township - PILOT

Mayor Davy stated that Borough Council would not be returning to Open Session as no further action is required. At 9:24 pm Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk