

Pennington Borough Council
Regular Meeting – December 2, 2024

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante, Stern and Valenza in attendance.

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

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

Open to the Public

Mayor Davy read the following statement.

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

Mr. Dan Pace of 9 Railroad Place asked Council to address a number of zoning violations at the AGrain property on Main Street across from the PennBrook Swim Club. Mr. Pace stated that there is a large trailer billboard on the property. Mayor Davy stated that we are aware of this and it has already been referred to the Zoning Officer for action. Mr. Caminiti stated that he will review with the Zoning Officer and violation notices will be issued.

Ms. Chris Murphy of 27 Baldwin Street and owner of The Front Porch at 24 South Main Street and Chair of the Holiday Walk and Andy Hamlin of 3 Abey Drive and Treasurer of the Holiday Walk Committee stated that they had a very solvent Holiday Walk, they have added some new things. Mr. Hamlin stated that this year they held a fundraising event this year and in addition to businesses, residents of the larger community contributed. Mr. Hamlin stated that the Community has come out in support of this event. Mrs. Murphy stated that this is the 40th year for this event and there is a very small group that makes this event happen. Mrs. Murphy thanked everyone involved in helping put the event together. Mrs. Murphy stated that the event will be held on December 6th and in addition to the Tree, they will be lighting a menorah. Mrs. Murphy explained that on December 25th there will also be a special event to recognize Hanukah.

MAYOR'S BUSINESS

Mayor Davy stated that administering the Oath of Office to Officer Douglas Leubner was left off of the agenda, but he would like to admit Officer Leubner to the meeting at which time Borough Attorney Walter Bliss read a brief statement on Officer Leubner's history and qualifications followed by the Oath of Office.

Mayor Davy read the following Proclamation recognizing December 2, 2024 as Communities of Light day honoring Womanspace.

PROCLAMATION

WHEREAS, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that "peace begins at home", has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 128,152 women, 17,638 children and 9,082 men. Additionally, Womanspace has assisted more than 323,866 hotline callers over the last 47 years; and

WHEREAS, the Borough of Pennington commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 2, 2024, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2024 will be used to fund vital services for victims of domestic violence, sexual assault and human trafficking.

NOW, THEREFORE, I, James Davy, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 2, 2024, as

COMMUNITIES OF LIGHT DAY

and hereby honor Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Mayor Davy thanked Kieran John and his family for taking the lead on this initiative and getting support throughout the community for this event.

Mayor Davy reminded everyone of the year end meeting scheduled for December 30, 2024 at 3:00 pm.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the Regular Council Meeting on November 4, 2024, second by Council Member Angarone with all members present in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2024-13 by title.

BOROUGH OF PENNINGTON
ORDINANCE NO. 2024-13

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

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

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

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

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

1. Section 163-20.4, Subsection R, pertaining to Stormwater runoff quantity standards, is hereby amended (with new language underlined and deleted language crossed out) as follows:

R. Stormwater runoff quantity standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 163-20.5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected two-, ten-, and 100-year storm events, as defined and determined pursuant to Sec.163-20.5C

Commented [b1]:

and D, respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

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

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

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

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

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

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

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

park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

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

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors (NEW)

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

Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

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

Table 6: Future Precipitation Change Factors (NEW)

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-13, second by Council Member Marciante. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-13, second by Council Member Marciante with all members present voting in favor. There were no comments from Council Members. Council Member Chandler made a motion to adopt Ordinance 2024-13, second by Council Member Stern with all members present voting in favor with the exception of Ms. Angarone who abstained.

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

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

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

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

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

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

§ 119-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 119-3. Historic Preservation Commission.

There is hereby established the Historic Preservation Commission.

- A. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:
- (1) To identify, record and maintain a survey of all buildings, sites, objects, improvements, structures and districts of historical significance within the Borough.
 - (2) To recommend to the Borough Council the designation of buildings, structures, sites, objects, districts or improvements as historic landmarks, and to recommend the designation of historic districts.
 - (3) To monitor and recommend to the Borough Council any buildings, structures, sites, objects or districts for inclusion in the New Jersey or National Register of Historic Places.
 - (4) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic landmarks and historic districts of any other Master Plan elements. The Commission may provide information to the Planning Board indicating the location and significance of historic landmarks and historic districts, and identify the standards used to assess worthiness for historic landmark of historic district designation.
 - (5) To advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.
 - (6) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation.
 - (7) To review and render determinations regarding applications for certificates of appropriateness as set forth in this chapter.
 - (8) To monitor and recommend to the Borough Council the submission of any grants related to historic preservation.
 - (9) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough.
- B. Membership; appointment.
- (1) The Commission shall consist of seven regular members and two alternate members who shall be appointed by the Mayor with the advice and consent of the Borough Council. Members shall serve without compensation. At the time of appointment, members shall be designated by class as provided further below.
 - (2) The Commission shall consist of at least one member of each of the following classes:
 - (a) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
 - (b) Class B: a person who is knowledgeable, or with a demonstrated interest, in local history and who may reside outside the municipality.

- (3) Of the regular members, a total of at least one less than a majority shall be of Classes A and B.
 - (4) Those regular members who are not designated as Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board.
 - (5) At least one regular member of the Commission shall be a homeowner within the Historic District, ~~and one member shall be a person who owns a business or commercial property located in the Borough~~, provided the member otherwise qualifies as a Class A, B or C member. The Commission shall make its best efforts to include one member who shall be a person that owns a business or commercial property located in the Borough.
 - (6) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2."
- C. Terms.
- (1) The terms for the members of the Historic Preservation Commission first appointed by Borough Council shall be as follows:
 - (a) One member appointed for a one-year term.
 - (b) Two members appointed for a two-year term.
 - (c) Two members appointed for a three-year term.
 - (d) Two members appointed for four-year terms.
 - (e) Thereafter, the term of each regular member shall be for four years.
 - (2) All terms shall begin on January 1 of the year in which the appointment is made.
 - (3) Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board.
 - (4) A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only.
- D. Alternates.
- (1) The alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No 1 shall vote.
 - (2) Alternate members shall serve for terms of two years; provided, however, that the initial terms of the two such alternate members shall be one and two years, respectively.
- E. Council liaison. A member of the Borough Council shall be designated as a liaison between the Historic Preservation Commission and the Borough Council. The role of such liaison person shall be informational only, and such person shall possess no voting rights with regard to any action taken by the Commission.
- F. Officers. Annually, the Commission shall elect a Chair and Vice Chair from its members and select a recording secretary who may or may not be a member of the Commission or a municipal employee.
- G. Recordkeeping and procedures.
- (1) In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the Commission shall maintain complete files and records. The Commission's files shall include but are not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of appropriateness along with collateral data, decisions and appeals associated therewith and information, materials and references submitted to the public related to historic preservation. A record of Commission proceedings shall be kept and made available, but a formal verbatim record shall not be required.
 - (2) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. Copies of all minutes shall be maintained in the office of the Commission and shall be delivered promptly to the Borough Clerk.
 - (3) Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board refers an application to the Historic Preservation

- Commission, then the referring Board shall receive a copy of the Commission's report.
- (4) The ~~Borough construction~~ office shall maintain and display an up-to-date map showing the Historic District, as well as a current listing of historic sites.
- H. Conflict of interest. No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 100 feet of property which is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest.
- I. Removal. A member of the Commission may, after a public hearing, if requested, be removed by the governing body for cause.
- J. Meetings; quorum
- (1) The Historic Preservation Commission shall establish and post in Borough Hall a regular schedule of a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of applications to process. Additional special meetings may be called by the Chair or Vice Chair, or on the request of any two of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
- (2) The Historic Preservation Commission shall hold public ~~meetings~~ ~~hearings~~ to review all applications for permits, referrals of development applications and other business which comes before the Commission. At meetings addressed to applications or review of a proposed historic site or district, applicants and interested parties shall have the right to be heard.
- (3) The presence of five members, which may include alternate members filling the vacancies of regular members, shall constitute a quorum. Liaison person(s) are not entitled to vote and shall not be counted towards achieving a quorum. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a certificate of appropriateness. Not less than a majority of the appointed membership shall be required to grant or change an historic landmark or historic district designation or to grant approval for demolition.
3. **Section 119-4 of Chapter 119, concerning Designation of Historic Sites and Districts, is hereby amended as follows:**
- A. **Survey.**
The Commission shall maintain a comprehensive survey of the Borough of Pennington to identify historic districts and landmarks which are worthy of protection and preservation.
- B. Criteria for designation.
The criteria for evaluating and designating historic districts and sites shall be guided by the National Register criteria. The Commission or any person may recommend designation of historic landmarks or historic districts that are in accordance with the National Register criteria or that possess one or more of the following attributes:
- (1) Character, interest, or value as part of the development, heritage or cultural characteristics of the Borough, state or nation;
- (2) Association with events that have made a significant contribution to the broad patterns of our history; or
- (3) Association with the lives of persons significant in our past; or
- (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
- (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Borough, state or nation; or
- (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
- (7) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
- (8) Significant concentration of historic resources which share elements of historic architecture or history.
- C. Procedures for designation.
- (1) Interested parties shall contact the Commission regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of an historic site or district. The Commission will schedule a ~~meeting~~ ~~hearing~~ to review the proposed historic site or district.

- (2) The formal historic district nomination shall include a building-by-building inventory of all properties within the district; color and/or black-and-white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include a color and/or black-and-white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
 - (3) Upon review and approval of the proposed site or historic district by the Historic Preservation Commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration. Notification shall be by public notice in the official paper and by prominent posting in the municipal building at least 30 days prior to the Planning Board hearing. The interested parties or the Commission shall submit to the Planning Board a complete list of involved properties.
 - (4) Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Borough Council for adoption to amend and supplement this chapter.
 - (5) All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed.
- D. Designation of districts. There is hereby established the Pennington Crossroads Historic District. The designated historic district is outlined on the Pennington Historic District Map **included as Appendix A at the end of this chapter** ~~incorporated herein~~.
- 4. Section 119-5 of Chapter 119, concerning the Certificate of Appropriateness, is hereby amended as follows:**
- § 119-5. Certificate of appropriateness.**
- A. When required.
- A certificate of appropriateness issued by the Commission shall be required before a permit is issued, or before work can commence, for any of the following activities within a historic district(s) or on any designated historic landmark:
- (1) Demolition of any contributing designated building, structure, or site, not including accessory structures.
 - (2) Change in the exterior appearance that is visible from the street of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the following, except for the activities described in Subsection B below.
 - (3) Relocation of a principal structure or site.
 - (4) Any addition to or new construction of a principal structure that is visible from the street.
- B. When not required.
- In no instance shall the following be considered subject to review:
- (1) Changes to the interior of a structure.
 - (2) Exterior painting of a structure.
 - (3) Ordinary maintenance as defined in this chapter.
 - (4) ~~When ordinary maintenance is not feasible, r~~ **Replacement according to the following is permitted according to this criteria only:**
 - (a) ~~Complete in-kind replacement of existing doors or windows. Nonoriginal materials are permitted.~~
 - (b) ~~(a) Repair of existing windows and doors involving no change in their design, scale or appearance. In-kind replacement of existing storm windows and replacement of storm doors with new doors which show the same view or more of the entry door.~~
 - (c) ~~Complete replacement of existing material with in-kind material.~~
 - (d) ~~(b) Replacement of roofing material with any replacement roofing material.~~
 - (e) ~~(c) Structural repairs which do not alter the exterior appearance of the building.~~
 - (f) ~~Complete replacement of existing roof structures, such as cupolas, dormers and chimneys, or the repair of same which does not alter their exterior appearance. Nonoriginal materials are permitted.~~
 - (g) ~~Complete replacement of existing clapboards, shingles, or other siding involving no change in design, scale or appearance of the structure. Nonoriginal materials are permitted.~~
 - (h) ~~(d) Maintenance and repair of existing clapboards, shingles or other siding involving no change in design, scale or appearance of the structure.~~
 - (5) (5) Changes or additions to landscape or hardscape, including signs, outdoor displays, fences and hedges, street furniture, awnings, driveways, sidewalks and paving materials.
 - (6) ~~Any rear yard additions or alterations that will not project beyond the existing sidewalls of the principal structure.~~

- (7) ~~(6)~~Exterior lighting not attached to principal structure or not visible from street.
- (8) ~~(7)~~Work related to any accessory structure in a rear yard, as defined by the Pennington Borough Zoning Ordinance.³
- (9) ~~(8)~~Installation or replacement of solar panels, satellite dish antennas, air-conditioning or HVAC equipment.
- (10) ~~Alterations to structures constructed after 1945.~~
- (11) ~~(9)~~Development applications, see below.

C. Minor work applications.

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

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

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

D. Procedures.

- (1) The construction office shall forward a copy of all permit applications dealing with historic landmarks or historic districts to the Commission prior to issuance of the requested permit.
- (2) All applicants shall complete an application form. Application forms shall be made available in the Borough construction office or website. Complete applications shall be filed with the construction office.
- (3) Each application may be accompanied by sketches, drawings, photographs, descriptions, the property survey, if available, and other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and archival photographs, if available, of the interior and exterior of the building and drawings to document the condition of the building. The Commission may require the subsequent submission of such additional materials related to building condition as it reasonably requires to make an informed decision.
- (4) The Commission shall reach a decision on an application and submit its report to the Construction Official within 45 days of referral by the Construction Official. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the

Commission.

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

§ 119-8. Application review.

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

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

§ 119-10. Criteria for review of applications.

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

- Reconstructing Historic Buildings (hereinafter referred to as "the standards").
- C. In reviewing an application for a certificate of appropriateness, the Commission shall consider the setting, design, arrangement, texture, details, scale, shape, materials and finish, and consider the relationship of those characteristics to the historic, architectural, cultural, archeological, and aesthetic significance of the historic site or district as well as:
- (1) The impact of the proposed change on the historic and architectural significance of the historic site or district.
 - (2) The historic site's importance to the municipality and the extent to which its historic, cultural, or architectural significance would be adversely affected to the detriment of the public interest.
 - (3) The designation of a property within a district as "**key** contributing," "**contributing**," or "noncontributing."
 - (4) The extent to which the proposed action would adversely affect the public's view of an historic site within an historic district from a public street.
- D. Visual compatibility factors. In regard to an application for new construction, alterations, additions or replacements affecting an historic site or an improvement within an historic district, the following visual compatibility factors shall be considered in relation to its setting and context:
- (1) Height.
 - (2) Massing.
 - (3) Proportion of the width and height of the building's facades.
 - (4) Proportion of openings within the building.
 - (5) Rhythm of spacing of buildings on streets.
 - (6) Rhythm of solids to voids on facades fronting on public places.
 - (7) Relationship of materials and texture.
- E. Additions to designated buildings or contributing structures within the District: Additions are not historical in themselves, and do not possess original or historic materials or design. Accordingly, they are subject to the following criteria:
- (1) Additions at the sides and rear of historic structures are encouraged so as not to obscure the historic structure. New construction on the front of historic structures is generally inconsistent with the objectives of this chapter.
 - (2) The character of the addition is not required to duplicate the architectural style of the historic structure. Where visible from the street, the addition should complement, rather than dominate, the existing structure.
- F. New construction and additions to noncontributing structures within the District. New construction and additions to noncontributing structures do not have existing historic character and are not attached to historic structures. Accordingly, they are subject to the following criteria:
- (1) New construction and additions to noncontributing buildings need not match the architectural style or general materials of their surroundings or the noncontributing building to which the building will be attached.
 - (2) New construction and additions to noncontributing buildings shall be consistent with their general context, per "visual compatibility" factors, above.
 - (3) Height, and street setback shall match the prevailing conditions of the nearest three buildings in each direction.
7. Chapter 119 is hereby supplemented by a new Section 119-17, concerning Severability, as follows:
119-17. Severability
If any provision of this chapter shall be held invalid, such invalidity shall not affect the other provisions hereof which can be given effect without the invalid provision or provisions, and to this end the provisions of this chapter are declared to be severable.
8. This ordinance shall take effect upon passage and publication as provided by law.

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-14, second by Council Member Stern. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2024-14, second by Council Member Stern with all members present voting in favor. There were no comments from Council Members. Council Member Chandler made a motion to adopt Ordinance 2024-14, second by Council Member Stern with all members present voting in favor.

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone stated that Personnel did not meet, but they have discussed some personnel issues that the Borough Administrator will report on. Ms. Angarone stated that Economic Development met and discussed a few items including the budget. There will be no meeting in December for Economic Development.

Public Works / Planning Board / Historic Preservation – Ms. Stern stated that Public Works did not meet in November but off-line they reviewed the trash calendar for 2025. Ms. Stern reported that bulk pickup will be once a month beginning in 2025.

Ms. Stern stated that the Planning Board met and agreed with the Resolution submitted by Council to review the property on North Main Street for consideration as an area in need of redevelopment. Ms. Stern stated that they reviewed the two Ordinances just approved by Council for consistency with the Master Plan. Ms. Stern stated that they discussed the Wells Fargo property as an area in need of redevelopment and reviewed and approved an application by the Straube Center. Ms. Stern stated that Planning Board reviewed and approved a resolution increasing fees for 2024 for the Borough Planner. Ms. Stern stated that Master Plan continues to move along and several elements are close to being finalized.

Ms. Stern stated that Historic Preservation met and discussed the front porch on Old Main at the Pennington School and that application will be forwarded to the Planning Board. Ms. Stern stated that revised application for 15-17 North Main was considered and approved. Ms. Stern stated that the board reviewed the Ordinance that was approved earlier in the meeting.

Finance & Public Safety / Open Space / Arboretum / Landfill – Mrs. Chandler stated that she has nothing new to report on the Landfill or the Arboretum. Mrs. Chandler stated that Public Safety met and discussed the transition related to the Chief’s retirement and they took a look at the budget for 2025. Mrs. Chandler stated that Finance Committee met and took had a very high level discussion of the budget for 2025, but it is too early to report any specifics. Mrs. Chandler stated that the Finance Committee will be taking a look at the fees for bulk pickup to ensure that we are keeping up with the fees that we are being charged. Mrs. Chandler stated that the Borough Administrator is reviewing all of the Borough fees including the bulk trash fees.

Library / Shade Tree – Ms. Gnatt reported that Shade Tree met in November and they have three vacancies on the committee. Ms. Gnatt reported on some tree and shrub planting and tree removal that is being planned or considered.

Ms. Gnatt reported that the Library Board met but she was unable to attend. Ms. Gnatt stated that the Library is interviewing for a vacant position in the Library.

Parks & Recreation – Mr. Marciante inquired about donations for falcon boxes and whether the Borough could use Open Space Funds for this project. Mrs. Chandler asked that Mr. Marciante forward information on this to her. Mr. Marciante stated that Parks and Recreation is done for the year.

Board of Health / Environmental Commission – Mr. Valenza stated that the new Health Officer is sending monthly reports and he will forward them to Betty for posting on the website. Mr. Valenza stated that food license inspections were conducted and everyone passed their inspection.

Mr. Valenza stated that the Environmental Commission would like to join the National Wildlife Habitat Association and they will be including this in their budget for 2025. Mr. Valenza stated that this would help determine that planning and removal of plants and trees is being done properly. Mr. Valenza stated that they want to join in partnership with Hopewell Township so that we can benefit from outreach programs. Mr. Valenza stated that residents can also join for assistance with their private gardens. Council Members were in favor of looking in to this.

Senior Advisory Board – Mayor Davy had no report.

COUNCIL DISCUSSION

Social Affairs Permit – PBPA – Holiday Walk 2024 – Mayor Davy stated that the Holiday Walk has submitted a Social Affairs Permit to the ABC for a wine garden at the Holiday Walk. There were no objections to this request. Council Member Marciante made a motion to approve the request, second by Council Member Chandler with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Skylar Beaver, 11642 Rolling Green Drive, Bradenton, FL 3421, for an overpayment of 4th Quarter Taxes for Block 103.02, Lot 1, 15 Railroad Place in the amount of \$2,790.88.

BE IT RESOLVED that a refund be issued from the Current Fund to Timothy Oberleiton & Brenna Rabel for an overpayment of 4th Quarter Taxes for Block 304, Lot 5.01, 7 Eglantine Avenue in the amount of \$637.75.

BE IT RESOLVED that a refund be issued from the Current Fund to Kathleen A. Edwards Trust for an overpayment of 4th Quarter Taxes for Block 403, Lot 16, 3 Rockwell Green in the amount of \$669.12.

BE IT RESOLVED that a refund be issued from the Current Fund to Conor G. & Maura Fennessy for an overpayment of 4th Quarter Taxes for Block 502, Lot 8, 107 Laning Avenue in the amount of \$83.45.

BE IT RESOLVED that a refund be issued from the Current Fund to David & Claire Wittenberg for an overpayment of 4th Quarter Taxes for Block 704, Lot 2, 327 Burd Street in the amount of \$56.18.

BE IT RESOLVED that a refund be issued from the Current Fund to NGOC Bich Hoang & Thibaud Coroller for an overpayment of 4th Quarter Taxes for Block 705, Lot 11, 108 Voorhees Avenue in the amount of \$474.09.

BE IT RESOLVED that a refund be issued from the Current Fund to Mark & Jennifer Duffy for an overpayment of 4th Quarter Taxes for Block 905, Lot 28, 436 Burd Street in the amount of \$73.15.

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

Council Member Chandler made a motion to approve Resolution 2024-12.1, second by Council Member Marciante with all members present voting in favor.

BOROUGH OF PENNINGTON

RESOLUTION 2024 – 12.2

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 \$ 334,814.86 from the following accounts:

Current	\$ 204,251.29
W/S Operating	\$ 32,822.53
General Capital	\$ 15,498.20
Water/Sewer Capital	\$ 61,742.00
Other Trust	\$ 2,750.00
Unemployment Trust	\$ 9,477.50
Developer’s Escrow	\$ 2,975.00
Open Space Trust	\$ 5,298.34
TOTAL	\$ 334,814.86

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

Council Member Chandler made a motion to approve Resolution 2024-12.2, second by Council Member Marciante. Mrs. Chandler had a question regarding a payment to NV5 for the Streetscape project. Mrs. Chandler also questioned the request for postage and the folding machine. Mrs. Sterling stated that the postage amount is to get us through the 4th quarter bill for water and sewer and then into the New Year. Mrs. Sterling stated that she does put the word out encouraging residents to sign up for e-bills. Mrs. Chandler stated that this will be Council decision for 2025. Mrs. Sterling stated that tax bills are required to be mailed but water/sewer bills are available via e-mail. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.3**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

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

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

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

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

Current Fund Appropriations:	To:	From:
Administration – Other Expense	\$5,000.00	
Gas (Natural/Propane)	\$3,000.00	
Administration – Salaries		\$8,000.00
Total Current Fund	\$8,000.00	\$8,000.00

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-12.3, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 12.4**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
AGREEMENT WITH EXCEL ENVIRONMENTAL RESOURCES, INC.
FOR SUPPLEMENTAL REMEDIAL INVESTIGATION
FOR BLOCK 205 / LOTS 2, 4 AND 5**

WHEREAS, Excel Environmental Resources, Inc. (“Excel”) has applied to the State of New Jersey on behalf of the Borough for grants from the Hazardous Discharge Site Remediation Fund (HDSRF) to cover the cost of Preliminary Assessment, Site Investigation and Remedial Investigation at the Borough Sanitary Landfill on Delaware Avenue in the Borough and has performed related services funded by these grants;

WHEREAS, the Borough now requires Supplemental Remedial Investigation at the Landfill and has received an HDSRF Grant in the amount of \$247,699.61 from the New Jersey Economic Development Authority for the performance of these Supplemental Remedial Investigation activities;

WHEREAS, by Resolution 2024-11.6, Borough Council has accepted this Grant and related terms and conditions and has authorized the Mayor to execute all grant documents as the authorized representative of the Borough;

WHEREAS, Borough Council now seeks to enter into a professional services agreement with Excel in the amount of \$247,699.61 to perform the work required for Supplemental Remediation Investigation;

WHEREAS, the proposed form of agreement is attached to this Resolution;

WHEREAS, this is an agreement for professional services not requiring advertisement for bids under the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED, by 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 Professional Services Agreement with Excel Environmental Resources, Inc., for an amount not to exceed \$247,699.61, subject only to such amendments in form as may be required by the Borough Attorney.

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

Council Member Marciante made a motion to approve Resolution 2024-12.4, second by Council Member Chandler with all members present voting in favor with the exception of Ms. Angarone who abstained.

BOROUGH OF PENNINGTON

RESOLUTION 2024-12.5

RESOLUTION REQUESTING EXTENSION OF AWARD

DATE FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR

IMPROVEMENTS TO BALDWIN STREET AND BALDWIN COURT UNDER THE NJDOT -

FY2023 MUNICIPAL AID PROGRAM

WHEREAS, the New Jersey Department of Transportation (NJDOT) awarded funding for the 2023 fiscal year to the Borough of Pennington for a project consisting improvements to Baldwin Street and Baldwin Court in the amount of \$517,730; and

WHEREAS, the NJDOT has advised that the construction contract must be awarded within 24 months from the date of the execution of the grant agreement, establishing a deadline of November 22, 2024, and that failure to award a construction contract by that date would jeopardize the use of State funds on this project; and

WHEREAS, the Borough has been working on securing the required permits, finalizing the design and advertising for bids to award a contract; and

WHEREAS, the bid opening is scheduled for December 11, 2024 and award of the contract is scheduled for the December 30th, 2024 Regular Council Meeting; and

WHEREAS, the Borough plans to complete the project during the spring of 2025;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that for the foregoing reasons, the Borough Council requests from the New Jersey Department of Transportation a two-month extension, to January 22, 2025, for award of a construction contract for the above described Improvements to Baldwin Street and Baldwin Court.

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 2024-12.5, second by Council Member Chandler with all members present voting in favor.

Mayor Davy stated that Resolution 2024-12.6 will be considered after the closed session.

BOROUGH OF PENNINGTON

RESOLUTION 2024-12.6

RESOLUTION AUTHORIZING CONNECTION OF 115 LEWIS

BROOK ROAD IN HOPEWELL TOWNSHIP (LOT 8.01, BLOCK 46.04) TO THE PENNINGTON SEWAGE COLLECTION SYSTEM

BOROUGH OF PENNINGTON
RESOLUTION 2024-12.7

RESOLUTION RECOGNIZING JOANN HELD AS SUSTAINABLE JERSEY'S
NOVEMBER 2024 SUSTAINABILITY HERO

WHEREAS, Joann Held has been a dedicated resident of Pennington Borough for 45 years, contributing significantly to environmental protection and sustainability through education, advocacy, and regulation; and

WHEREAS, Ms. Held has served with distinction as a member of the Pennington Borough Environmental Commission and Chair of the Hopewell Valley Green Team, leading collaborative sustainability initiatives across Hopewell Borough, Hopewell Township, and Pennington Borough; and

WHEREAS, her professional career includes 26 years of service at the New Jersey Department of Environmental Protection, where she specialized in air quality issues, established the Air Toxics Steering Committee, and pioneered the development of air toxic evaluation tools; and

WHEREAS, Ms. Held has demonstrated exceptional leadership as Chair of the Pennington Farmers Market, supporting local agriculture and sustainable food systems for 16 seasons; and

WHEREAS, under her guidance, the Hopewell Valley Green Team has implemented comprehensive recycling programs, waste reduction initiatives, and numerous environmental projects that have significantly benefited our community; and

WHEREAS, Ms. Held's dedication to environmental justice and sustainability is further evidenced by her active participation in over 15 organizations and committees, including serving as president of the Hopewell Valley League of Women Voters Chapter; and

WHEREAS, Sustainable Jersey has recognized Ms. Held's extraordinary contributions by naming her the November 2024 Sustainability Hero, highlighting her role as a champion for environmental stewardship and community engagement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey, that:

1.

The Borough hereby formally recognizes and congratulates Joann Held on being named Sustainable Jersey's November 2024 Sustainability Hero;
2.

The Borough expresses its profound gratitude for Ms. Held's decades of service to our community and her tireless efforts to create a more sustainable future;
3.

The Borough encourages all residents to follow Ms. Held's exemplary leadership in environmental stewardship and community service;
4.

This Resolution shall be presented to Ms. Held and a copy shall be permanently filed in the Borough records.

Record of Council Vote on Passage

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

Council Member Marciante made a motion to approve Resolution 2024-12.7, second by Council Member Angarone with all members present voting in favor.

Ms. Held thanked Mayor and Council for this recognition.

BOROUGH OF PENNINGTON
RESOLUTION 2024-12.8

RESOLUTION RESCINDING RESOLUTION 2024-11.4 AUTHORIZING THE HIRING OF
STEVEN VACCARO AS LABORER IN THE
DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, at its regular Council Meeting on November 4th by Resolution 2024-11.4, Borough Council approved the hiring of Steven Vaccaro as Laborer in the Department of Public Works; and

WHEREAS, Mr. Vaccaro’s has subsequently advised the Borough that he is no longer interested in the position at this time;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid Resolution 2024-11.4 and offer of employment are hereby rescinded.

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

Council Member Marciante made a motion to approve Resolution 2024-12.8, second by Council Member Gnatt with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti thanked everyone for the support that he received with the passing of his mother. Mr. Caminiti stated that the year is racing to a close and he is working on many things. Mr. Caminiti stated that he attended the League of Municipalities and gathered information on equipment for the coming year. Mr. Caminiti stated that he is waiting on the report from the DCA on the police department. Mr. Caminiti stated that he is working on contract negotiations and he is reviewing staffing and budgeting for 2025. Mr. Caminiti stated that he is looking into a transition to a Health Insurance Fund and though we ran into a hiccup, we have some other options under consideration. Mr. Caminiti stated that he continues to work on Shared Services, PFAS and Lead Service Lines and he will report further on that in the coming weeks.

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

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

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

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

Officer in Charge – Sergeant Thomas congratulated Officer Leubner on his appointment. Sergeant Thomas stated that Police Department is ready to assist with the Holiday Walk and Detective D’Ascoli has been working with Kit Chandler to ensure safety at the event. Sergeant Thomas encouraged residents to be safe during the Holiday season and to lock doors and cars.

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 2 minutes.

Ms. Gayle Downey stated that she is available to comment on the item that will be discussed in Closed Session. Mr. Bliss stated that he has been in touch with the Authority’s attorney and he does not think he has any further questions. Mrs. Sterling stated that there is a Post Closed Session link on the website that Council will return to after the Closed Session.

CLOSED SESSION

AT, 8:07 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:

- Negotiations - EMS Agreement
- Negotiations - Teamsters Contract
- Negotiations - PBA Contract

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

AT 9:21 PM, Mayor and Council returned to open session.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-12.6**

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

Mayor Davy stated that Resolution 2024-12.6 was discussed in Closed Session and will be considered for action at the December 30th Council Meeting. Council Members had questions concerning future development of the property and Mr. Bliss will be revising the Resolution accordingly.

ADJOURNMENT

At 9:23 PM with no further business to address, 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