

**Pennington Borough Council
Regular Meeting – November 4, 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, Marciante, Stern and Valenza in attendance. Ms. Gnatt was absent.

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

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

Open to the Public

Mayor Davy read the following statement.

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

There were no comments from the public.

MAYOR'S BUSINESS

Mayor Davy announced the resignation of Hoyt Holley from the Shade Tree Committee and thanked him for his service to the Borough.

Mayor Davy announced that retiring Chief of Police Doug Pinelli has submitted his resignation as Emergency Management Coordinator effective November 1, 2024.

PRESENTATIONS

Mayor Davy introduced Hilary Burke, Chair of the Library Board to provide an update to Borough Council on the Library. Ms. Burke reported on various programs and activities that have taken place in the Library. Ms. Burke stated that the Library has participated in many community events as well as Library sponsored events. Ms. Burke stated that the Library has increased its Saturday hours to give residents more opportunities to visit the library. Ms. Burke stated that in the upcoming months there will be some staffing changes and they are in the process of reviewing applications with interviews to be scheduled in the upcoming weeks.

APPROVAL OF MINUTES

Council Member Marciante made a motion to approve the minutes of the Work Session Meeting on September 30, 2024, second by Council Member Gnatt with all members present in favor.

Council Member Marciante made a motion to approve the minutes of the Regular Meeting on October 7, 2024, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the Work Session Meeting on October 28, 2024, 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 Marciante made a motion to approve the Closed Session Minutes of September 9, 2024 for content but not for release, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the Closed Session Minutes of September 30, 2024 for content but not for release, second by Council Member Angarone with all members present voting in favor.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2024-15 by title.

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

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

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

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

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

§ 46-3. Appointment of appropriate authority.

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

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

§ 46-11. Orders and assignments.

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2024-15, second by Council Member Marciante. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Stern with all members present voting in favor. Mrs. Chandler asked for clarification on the Public Safety Committee role with this new change. Mr. Bliss explained that the committee will still have involvement but the Borough Administrator will have oversight. Council Member Marciante made a motion to adopt Ordinance 2024-15, second by Council Member Chandler with all members present voting in favor.

Mayor Davy read Ordinance 2024-16 by title.

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

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

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

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

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

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

§ 13-27. Membership.

- A. Borough resident membership. The Open Space Committee shall consist of six residents of the Borough appointed as follows:
 - (1) The Mayor or one member of the Borough Council appointed by the Mayor.
 - (2) The Chair of the Planning Board or one member of the Planning Board appointed by the Chair.
 - (3) One member of the Environmental Commission appointed by the Chair, who may appoint himself or herself.
 - (4) One member of the Economic Development Commission appointed by the Chair, who may appoint himself or herself.
 - (5) Two citizen members, and up to two alternates, appointed by the Mayor and Council.
- B. Nonresident **non-voting** membership. ~~The Hopewell Township Open Space Committee may, in its discretion, appoint one of its members to the Committee as a voting member.~~ **One member of the Joint Open Space Advisory Committee established pursuant to Article VI of this chapter who is not a resident of Pennington. This member shall be appointed by the Mayor in consultation with the Joint Open Space Advisory Committee and shall serve as a non-voting member.**

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

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2024-16, second by Council Member Stern. There were no comments from the public. Mr. Bliss read a non-substantial change to the Ordinance for the record. Mr. Bliss stated that the language in subsection B has been modified since introduction but it is not a substantial change. Mr. Dan Pace of 9 Railroad Place stated that he was available if anyone had any questions. There were no questions for Dan Pace. Council Member Marciante made a motion to close the Public Hearing, second by Council Member Stern with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2024-16, second by Council Member Stern with all members present voting in favor.

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone reported that the Personnel Committee has met two times October 17th and October 30th and the Borough Administrator will report on the discussions that took place under his report. Ms. Angarone stated that the Borough Administrator is developing SOP's, accessing work function, looking at succession planning and launching employee evaluations. Ms. Angarone stated that the Personnel Committee is happy with the progress that is being made. Ms. Angarone stated that she was unable to attend the Economic Development Committee meeting on October 22nd but they discussed their agenda for 2025 which includes a yard sale in the spring and a fall event as well as other economic activities. Ms. Angarone stated that they are interested in becoming involved in the redevelopment discussion and they are looking towards welcoming new businesses into town.

Ms. Stern reported on the Committee Chairs meeting which included all of the chairs, the Borough Administrator and Ms. Angarone. Ms. Stern stated that this group meets quarterly. Ms. Stern clarified some confusion as to where to find minutes and agenda on the website. Ms. Stern stated that there have been some inconsistent submission and posting of minutes. Ms. Stern stated that Mrs. Sterling asked that minutes only submit final, approved minutes so that there is no confusion with draft minutes and that the minutes be submitted in word only, not pdf. Ms. Stern stated that they would like to invite Mr. Caminiti and Mrs. Sterling to the February meeting to help clarify what is required with regard to posting minutes and agendas and what meetings are public and which are not. Ms. Stern stated that helping the chairs understand the Open Public Meetings Act will help with some of the confusion. Ms. Angarone stated that they also touched on Zoom Meeting protocols and budget requests for 2025.

Public Works / Planning Board / Historic Preservation – Ms. Stern stated that Public Works met on October 16th and they dedicated the discussion to lead line replacements. Mayor Davy joined the meeting. Ms. Stern stated that the inventory of lead lines is complete and though we don't have lead lines, we do have galvanized lines. Ms. Stern stated that there are 15 galvanized lines on the public side and those are the Borough's responsibility. Ms. Stern stated that there are 127 lines that are strictly on the private side and there are 12 lines that will require both the private and public side to be replaced. Ms. Stern stated that Council will need to make some policy decisions regarding funding, notification to home owners of the option to opt out of replacing their line and who will be responsible for paying for the work. Ms. Stern stated that Mr. Smith is working on gathering more information so that he can make a presentation to Council with recommendations on how to proceed.

Ms. Stern stated that Historic Preservation did not meet in October.

Ms. Stern stated that the Planning Board did meet in October and she was unable to attend, but they did approve an application for an elevator at the Straube Center and memorialized a resolution for an approval of a variance on Eglantine Avenue. Mr. Valenza asked about the variance on Eglantine that was approved. Ms. Stern stated that it was a size variance allowing for a third story to be added to the existing dwelling. Ms. Stern stated that the documents submitted showed that this would be consistent with other properties in the area. Mrs. Chandler asked if the patio that was installed at 1 N. Main required Planning Board approval. Mr. Caminiti stated that some applications only require zoning approval and do not go before the Planning Board.

Finance & Public Safety / Open Space / Arboretum / Landfill – Mrs. Chandler stated that the 40th Annual Holiday Walk will be December 6th and preparations are underway. Mrs. Chandler stated that this event is sponsored by the local businesses and they are seeking donations. Mrs. Chandler stated that they will be submitting a permit for the wine garden so that will be coming before Council at the next meeting. Mrs. Chandler stated that Saturday cleanups at the Arboretum were a great success. Mrs. Chandler had nothing new to report on the landfill.

Mrs. Chandler stated that the Finance Committee met and had a very high level discussion of the budget and more involved work will be coming in the next couple months. Mrs. Chandler stated that the Public Safety Committee has met to discuss the transition plan for the Chief's retirement. Mrs. Chandler stated that the committee will be working with Mr. Caminiti and the department to ensure a smooth transition. Mrs. Chandler stated that a resolution is on for approval later in the meeting for a sixth officer to bring the department to full staff.

Library / Shade Tree – Ms. Gnatt was absent.

Parks & Recreation – Mr. Marciante reported that Parks and Recreation events are done for the year but they are discussion events for next year and possible the addition of food trucks at the concert events.

Board of Health / Environmental Commission – Mr. Valenza stated that the Borough of Health met in October but nothing new to report. Mr. Valenza stated that the Environmental Commission met and they have submitted their budget request for 2025. Mr. Valenza stated that the survey that was posted is complete with approximately 120 responses. Mr. Valenza stated that three topics came to the forefront including recycling, greenscaping and stormwater.

Senior Advisory Board – Mayor Davy had no report.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 11.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Trust Fund to John & Bethanne Prugh, 325 Washington-Crossing Pennington Road, Titusville, NJ 08560 for the security deposit collected in connection with use of Kunkel Park for on October 20, 2024.

BE IT RESOLVED that a refund be issued from the Trust Fund to Sarah Juarez, 6231 Town Court North, Lawrenceville, NJ 08648 for the security deposit collected in connection with use of Kunkel Park for on October 19, 2024.

BE IT RESOLVED that a refund be issued from the Trust Fund to Marcus Everett Kelley, 301 Pebble Creek Court, Pennington, NJ 08534 for the security deposit collected in connection with use of Kunkel Park for on October 27, 2024.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-11.1, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 11.2**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,280,941.16 from the following accounts:

Current	\$ 2,122,497.55
W/S Operating	\$ 42,181.63
General Capital	\$ 94,413.88
Other Trust	\$ 9,050.00
COAH Trust Fund	\$ 431.00
Developer’s Escrow	\$ 1,270.60
Open Space Trust	\$ 11,096.50
TOTAL	\$ 2,280,941.16

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				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-11.2, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 11.3**

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:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
DCRP – Admin	\$ 3,000.00	
Borough Property – Other Expense	\$ 5,000.00	
Streets – Other Expense		\$5,000.00
Municipal Clerk – Other Expense		\$3,000.00

BE IT FURTHER RESOLVED, that Mr. Leubner’s start date shall be November 5, 2024.

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				absent	Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-11.5, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 11.6**

**A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE
REMEDICATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

WHEREAS, Pennington Borough has applied for and has been awarded a grant in the amount of \$247,699.61 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for supplemental Remedial Investigation of the Pennington Borough Sanitary Landfill Property; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of Borough of Pennington that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for Pennington Borough.

BE IT FURTHER RESOLVED that the Borough has adopted a Resolution designating this Project Site an area in need of redevelopment (Resolution 2024-3.11) and that a realistic opportunity exists that the Project Site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority and that same shall be included as Schedule D of the Grant Agreement, together with a copy of the Resolution designating the Project Site as an area in need of redevelopment.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2024-11.6, second by Council Member Marciante. Mr. Bliss explained the resolution for Council and pointed out the language that a “realistic opportunity” exists for the property to be developed or redeveloped. Upon a roll call vote all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-11.7**

**RESOLUTION AUTHORIZING DISBURSEMENT OF OPEN SPACE FUNDS FOR CERTAIN COSTS
RELATING TO BOROUGH ACQUISITION OF LOT 12.02 IN BLOCK 1002 ON THE PENNINGTON
BOROUGH TAX MAP**

WHEREAS, Pennington Borough purchased the property known as Lot 12.02 in Block 1002 on the Pennington Borough Tax Map for dedication as Open Space;

WHEREAS, the Borough has applied to the NJ DEP Green Acres Program for reimbursement of a portion of the costs for the acquisition; and

WHEREAS, Green Acres requires that that the Borough file a corrective deed and amended title to close out the project; and

WHEREAS, Mason, Griffin, Pierson, as legal counsel for the acquisition of the property has completed the corrective deed and amended title policy and has advised that an expenditure is required in the amount of \$1,690.00 to First American Title Insurance Company as per invoice #3502-347218462 dated 9-27-2024; and

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

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order and payment to First American Title Insurance Company in the amount of \$1,690.00 from the Borough Open Space Trust Fund.

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				Absent	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-11.7, second by Council Member Chandler with all members present voting in favor with the exception of Ms. Angarone who abstained.

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti stated that he has received positive feedback on the redevelopment committee meeting from residents. Mr. Caminiti stated that he would like to give a shout out to Betty Sterling, Rick Smith and his department and Chief Pinelli and the police department for pulling together to navigate changes and safety concerns with regard to the upcoming election tomorrow. Mr. Caminiti stated that we are anticipating a smooth election. Mr. Caminiti stated that he is working on an alternative for the State Health Benefits to transition to a Health Insurance Fund and we are awaiting the claims history from the State in the next couple weeks. Mr. Caminiti stated that he will be attending the League of Municipalities for one day to network, get educational credits and to view new equipment opportunities. Mr. Caminiti stated that budget season is ramping up and though we are always in budget season. Mr. Caminiti stated that staffing changes in 2025 are being discussed. Mr. Caminiti stated that deer management is underway. Mr. Valenza stated that he is seeing more deer on his property than ever. Mrs. Chandler stated that Mercer County reduced the deer hunt areas and that is causing problems for the Borough and Hopewell Township with regard to deer management.

Mr. Valenza asked if there were any common themes from the Redevelopment Committee. Mrs. Stern stated that very few of the attendees had input. Mrs. Chandler stated that there were 65 attendees, but only 6 spoke. Mr. Caminiti stated that this was a very preliminary meeting to discuss ideas and concerns that will need to be addressed such as stormwater. Mayor Davy stated that there is a list of ideas that were discussed and they will be incorporated into the minutes of the meeting.

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

Borough Clerk – Betty Sterling – Mrs. Sterling stated that she and Mrs. Webb have been busy posting tax and utility payments but we are noticing more and more that residents are paying on line. Mrs. Sterling stated that we are getting the word out about e-mail bills and residents are taking advantage of that option.

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

Officer in Charge – Sergeant Novin Thomas stated that the Trunk or Treat event was well attended and he thanked everyone who participated or attended. Sergeant Thomas stated that the Police Department is prepared for Election Day tomorrow.

Superintendent of Public Works – Rick Smith – Mr. Smith had nothing further to 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 2 minutes. There were no comments from the public.

At 8:00 PM with no further business to address, Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk