

**Pennington Borough Council Regular
Meeting – April 7, 2025**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:20 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante, Stem and Valenza in attendance. Mr. Rubenstein arrived after the roll call.

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

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times, and Trentonian and was posted on the bulletin board 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.**

Kara Hart of 418 Burd Street asked for an update on the traffic concerns on Burd Street. Ms. Hart stated that she has noticed more patrol on the street and that is an important message. Mrs. Chandler stated that she will be updating during her report later in the meeting. Mayor Davy stated that he has reached out to Mercer County and they are also looking into it and will be reporting back with some suggestions.

MAYOR'S BUSINESS

Mayor Davy read the following Proclamation.

PROCLAMATION**HONORING THE FIFTH ANNIVERSARY OF THE
HOPEWELL VALLEY MOBILE FOOD PANTRY**

WHEREAS, the Hopewell Valley Mobile Food Pantry has been a beacon of hope and support in our community, tirelessly working to combat food insecurity and ensure that no neighbor goes hungry; and

WHEREAS, for the past five years, this organization has provided nutritious food, resources, and compassionate service to individuals and families in need, fostering a stronger, healthier, and more united community; and

WHEREAS, the dedicated volunteers, donors, and partners of Hopewell Valley Mobile Food Pantry have demonstrated unwavering generosity, kindness, and commitment, making a profound impact on the lives of countless residents; and

WHEREAS, through innovative programs, partnerships, and outreach efforts, Hopewell Valley Mobile Food Pantry has not only addressed immediate hunger needs but also raised awareness that, even in our affluent community, our neighbors in need are worthy of our compassion and support; and

WHEREAS, this milestone anniversary is an opportunity to celebrate the achievements of Hopewell Valley Mobile Food Pantry, recognize the dedication of those who serve, and renew our collective commitment to fighting hunger in our community;

NOW, THEREFORE, I, James Davy, Mayor, do hereby proclaim April 13, 2025 as Hopewell Valley Mobile Food Pantry Day in Pennington Borough, and encourage all residents to honor and support the vital work of this outstanding organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Pennington Borough to be affixed this 7th day of April, 2025.

Mayor Davy invited Joe Lawver to say a few words about the Food Pantry. Mr. Lawver gave an overview of what the food pantry does and commended the many volunteers for their hard work.

Mayor Davy read the following Proclamation.

PROCLAMATION

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

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

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

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

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

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

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

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

***NOW, THEREFORE**, I, James Davy, Mayor of the Borough of Pennington do hereby proclaim Friday, April 25th , 2025 as ARBOR DAY in Pennington, New Jersey, and I urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program, and*

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

Mayor Davy announced and accepted the resignation of Emma Rosenberg from the Economic Development Committee. Mayor Davy announced and accepted the resignation of Chris Webb from the Public Works Department.

PRESENTATIONS

Mayor Davy introduced Kate Fullerton of the Shade Tree Committee to give a brief presentation on the work and activities of the Shade Tree Committee.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Mayor Davy read Ordinance 2025-7 by title.

BOROUGH OF PENNINGTON ORDINANCE # 2025 - 7

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

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

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

WHEREAS, the Mayor and Council of the Borough of Pennington, Mercer County hereby determines that it is advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Pennington, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Pennington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to a total increase of \$117,371.16, said amount

being \$33,534.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2025 municipal budget for the Borough of Pennington be approved and adopted in accordance with this ordinance; and,

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

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

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

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

Council Member Chandler made a motion to open the Public Hearing on Ordinance 2025-7, second by Council Member Rubenstein. Council Member Chandler 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 2025-7, second by Council Member Stern with all members present voting in favor.

BUDGET PUBLIC HEARING AND ADOPTION

**BOROUGH OF PENNINGTON
RESOLUTION 2025-4.4**

RESOLUTION TO ADOPT BUDGET FOR 2025

BE IT RESOLVED by the Borough Council of the Borough of Pennington, County of Mercer, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation of the sums therein set forth as appropriations, and authorization of the amount for the purposes stated:

- (a) \$ 3,038,752.53 - for municipal purposes, and
- (b) - for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation, and
- (c) - to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 52,847.87 - Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) - Arts and Culture Trust Fund Levy
- (f) \$ 240,365.19 - Minimum Library Tax

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 818,287.74
Miscellaneous Revenue Anticipated	\$ 646,402.89
Receipts from Delinquent Taxes	\$ 70,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	\$3,038,752.53
3. Amount to be Raised by Taxation for Schools in Type I School Districts Only:	N/A
4. To be added to the Certificate for Amount to Be Raised by Taxation in Type II School Districts Only:	N/A
5. Amount to be raised by taxation minimum library tax	\$ 240,365.19
Total Revenues	\$4,813,808.35
6. General Appropriations:	
Within "CAPS"	
(a) Salaries & Wages	\$1,659,600.00
(b) Other Expenses	\$2,006,963.39
(c) Statutory & Deferred Charges	\$ 508,271.00
(d) State & Federal Grants	\$ 8,228.96
(e) Capital Improvements	\$ 15,000.00
(f) Municipal Debt Service	\$ 325,745.00
(g) Reserve for Uncollected Taxes (Include other Reserves)	\$ 290,000.00
Total Appropriations	\$4,813,808.35

Record of Council Vote on Passage

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

Council Member Chandler made a motion to open the Public Hearing on the 2025 Budget, second by Council Member Rubenstein. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on the 2025 Budget, second by Council Member Stern with all members present voting in favor. Council Member Chandler made a motion to adopt the 2025 Budget, second by Council Member Stern with all members present voting in favor.

APPOINTMENTS (WITH COUNCIL APPROVAL)

Council Member Valenza made a motion to approve the appointment of Craig Wallce as a Class C Alternate 2, second by Council Member Chandler with all members present voting in favor.

Council Member Chandler made a motion to approve the appointment of James Meader as a member of the Shade Tree Committee, second by Council Member Marciante with all members present voting in favor.

APPROVAL OF MINUTES

Council Member Rubenstein made a motion to approve the minutes of the February 24, 2025 Work Session Meeting, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the March 3, 2025 Regular Council Meeting, second by Council Member Angarone with all members present voting in favor.

APPROVAL OF THE CLOSED SESSION MINUTES (For content but not for release)

Council Member Chandler made a motion to approve the minutes of the January 27, 2025, Closed Session for content but not for release, second by Council Member Stern with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the February 24 2025, Closed Session for content but not for release, second by Council Member Stern with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2025-8 by title.

**BOROUGH OF PENNINGTON
ORDINANCE #2025 – 8**

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2025

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON AS FOLLOWS:

SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION

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

Borough Administrator	\$150,000.00
Borough Clerk	\$49,621.98
Assistant CFO	\$119,063.59
Chief Financial Officer (part time)	\$95.81/hour
Tax Collector (part time)	\$95.81/hour
Technical Assistant to Construction (part time)	\$28.56/hour
Tax Assessor (part time)	\$15,140.28
Zoning Officer (part time)	\$10,000.00
Land Use Admin/Admin Asst.	\$68,500.00

Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$95,878.60
Licensed Water Operator	\$53,501.29
Assistant to Superintendent of Public Works	\$44,151.47
Foreman	\$84,715.63
Judge of Municipal Court	\$14,394.77
Court Administrator (part time)	\$19,998.13
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$75.00
Chief of Police	\$149,383.00
Administrative Assistant – Police Department	\$49.68/hour
Construction Official / Fire Sub-Code	\$31,318.32
Plumbing Sub-Code	\$10,000.00
Electric Sub-Code	\$10,000.00

- a. One person may serve in more than one office or position of employment as listed in Section a hereof.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
Police Department:		
Crossing Guards	\$ 15.13	\$ 29.29
Crossing Guard – Special Events	\$ 40.00 per hour	
Special Police	\$ 17.00 per hour	
Part Time Employees – All Departments:		
Part Time or Temporary	\$ 15.13	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

SECTION II: Employee/Personnel Manual.

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

SECTION III:

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

SECTION IV:

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

SECTION V:

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2025 if appropriate.

Council Member Chandler made a motion to introduce Ordinance 2025-8, second by Council Member Marciante with all members present voting in favor.

Mayor Davy read Ordinance 2025-9 by title.

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2025-9**

**ORDINANCE AMENDING CHAPTER 98 OF THE CODE OF THE
BOROUGH OF PENNINGTON TO CLARIFY MECHANICAL INSPECTION FEES**

WHEREAS, Borough Council seeks to amend Chapter 98 of the Borough Code to clarify Section 98-61 regarding Mechanical Subcode Fees, eliminating the implication that the fees are limited to inspections;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Pennington that Section 98-61 of Chapter 98 of the Code of the Borough of Pennington is hereby amended as follows (with new language underlined and deleted language crossed out):

98-61. Mechanical Subcode Fees.

“For the mechanical fixtures and equipment, the permit fees shall be as follows:

- A. The fee shall be \$75 for each ~~Mechanical Subcode inspection of each~~ of the following: fuel oil piping connection, gas piping connection, steam boiler, hot water boiler, hot air furnace, oil tank, LPG tank, generator, or other special device.
- B. The fee shall be \$20 for each ~~Mechanical Subcode inspection of a~~ water heater or other fixture.
- C. The fee shall be \$24 for each ~~Mechanical Subcode inspection of a~~ fireplace.
- D. The minimum fee ~~for a Mechanical Subcode inspection~~ shall be \$75.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and publication as provided by law.

Council Member Angarone made a motion to introduce Ordinance 2025-9, second by Council Member Rubenstein with all members present voting in favor.

COMMITTEE REPORTS

Personnel/ Economic Development- Ms. Angarone reported that the Personnel Committee met and discussed several things including health benefits and they will meet again in May. Ms. Angarone stated that EDC met but she was unable to attend. Ms. Angarone stated that the Community Wide Yard Sale will be held on May 3rd, rain or shine. Ms. Angarone stated that Pennington Day will be held on May 17th.

Public Works/ Planning Board/ Historic Preservation –Ms. Stern stated that Public Works met and discussed their six topics that she reviewed last meeting. Ms. Stern stated that Mr. Caminiti will report on Lead Line Replacement, PFAS and the Water/Sewer Utility review. Ms. Stern reported on road repairs and they have asked Rick Smith to work with the Borough Engineer to coordinate a road project connected with the Asset Management Plan and pursue grants to assist with these projects. Ms. Stern stated that they are working with Mr. Caminiti on a plan for sidewalk improvements.

Ms. Stern stated that she would strongly encourage everyone to review the Master Plan page and read the different elements and it would be good if Council Members have reviewed them prior to having to approve them when the plan is completed.

Ms. Stern stated that she was unable to attend the Historic Preservation meeting but she wanted to report that they welcomed Robin Tillou as secretary and reviewed ongoing projects such as the Pennington School and 15-17 N. Main.

Finance & Technology/ Public Safety/ Arboretum / Landfill – Mrs. Chandler had nothing new to report on the Landfill. Mrs. Chandler stated that the Arboretum Committee is planning a dedication for June 7th which is also National Trail Day. Mrs. Chandler stated that lots of work is going on at the Arboretum to get ready for the opening. Mrs. Chandler stated that on the agenda for later is a resolution to purchase and install a sign and there will be tree plantings on Arbor Day. Mrs. Chandler stated that more details will be coming for the opening.

Mrs. Chandler stated that Public Safety met. Mayor Davy attended as well as Mercer County representatives to discuss Burd Street. Mrs. Chandler stated that the Borough shared data that has been collected and concerns that have been raised regarding the light at Ingleside and Route 31.

Mrs. Chandler reported that the Finance Committee met and worked on a forensic of the budget process and they are

working on a timeline and SOP so that future members will understand the process and understand the deadlines in an effort to improve the process. Mrs. Chandler stated that at the end of April, she will be presenting the Capital Plan. Mrs. Chandler stated that the committee is working with Phoenix Advisors and Sherry Tracy will attend to discuss capital needs and financing.

Environmental Commission / Shade Tree/ Library Board – Mr. Rubenstein stated that the Environmental Commission has been busy and they held their first Community Conversation. Mr. Rubenstein stated that they are working with the Arboretum committee to identify trees with QR codes and this work has been done with the grant that was received. Mr. Rubenstein stated that green energy continues to be a topic of discussion.

Parks & Recreation – Mr. Marciante stated that the egg hunt will be held on April 19th at Kunkel Park. Mr. Marciante stated that some new events are being planned for 2025 including a pumpkin carving contest and holiday light contest.

Board of Health/ Net Zero Committee – Mr. Valenza reported that the Board of Health met and discussed avian flu cases in the area, measles vaccinations and recent outbreaks in Texas and finally lead paint regulations and compliance.

Mr. Valenza stated that the Carbon Neutral group is meeting and working on how to best utilize the grant that they applied for and come up with recommendations to bring to Council.

Senior Advisory Board – Ms. Angarone had nothing to report.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.1**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Borough Tax Sale held on December 13, 2019, a lien was sold on Block 205, Lot 5, also known as N. Main Street, Pennington, NJ, for 2018 delinquent tax and utility payments; and

WHEREAS, this lien, known as Tax Sale Certificate #18-00003, was sold to DSHC Enterprises, LLC, P.O. Box 524, Plainsboro, NJ 08536; and

WHEREAS, Mark Blackwell, 74 North Main Street, Pennington, NJ 08534 has effected redemption of Certificate #18-00003 in the amount of \$148,212.70;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$148,212.70 from the Current Fund, payable to DSHC Enterprises, LLC, P.O. Box 524, Plainsboro, NJ 08536 for the redemption of Tax Sale Certificate #18-00003.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2025-4.1, second by Council Member Valenza with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.2**

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 2,423,614.40 from the following accounts:

Current	\$ 2,078,811.68
W/S Operating	\$ 209,777.04

Animal Control Fund	\$	27.60
Other Trust Fund	\$	850.00
Affordable Housing Trust Fund	\$	348.50
Developer’s Escrow	\$	1,177.50
General Capital	\$	124,228.70
Grant Fund	\$	8,393.38
TOTAL	\$	2,423,614.40

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

Council Member Marciante made a motion to approve Resolution 2025-4.2, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.3**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to Qun Zhang, 161 East Delaware Avenue, Pennington, NJ 08534 for balance of escrow for application 22-007 in the amount of \$311.77.

BE IT RESOLVED that a refund be issued from the Developer’s Escrow Fund to Emily Matticoli c/o Emily’s Café and Catering, 9 North Main Street, Pennington, NJ 08534 for balance of escrow for application 23-004 in the amount of \$769.86.

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

Council Member Chandler made a motion to approve Resolution 2025-4.3, second by Council Member Angarone with all members present voting in favor.

Mayor Davy stated that Resolution 2025-4.5 is being pulled from the agenda for further revisions.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.5**

RESOLUTION AMENDING REMOTE PUBLIC MEETINGS PROCEDURES

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.6**

**RESOLUTION AUTHORIZING BLOCK PARTY ON AUGUST 23, 2025 (RAIN DATE AUGUST 24, 2025)
FROM 1 PM TO 10 PM ON SKED STREET**

WHEREAS, Patrick Marchetti has applied to the Borough of Pennington for permission to close the street known as Sked Street in the Borough on August 23, 2025 (Rain Date August 24, 2025) beginning at 1 PM and ending at 10 PM for a block party on Sked Street (South End) for an estimated 50 people;

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

- 1. The road closure on the dates and at the times indicated must be approved by the Pennington Borough Police Department and comply with its directives.
- 2. Each property owner affected by the closure shall be notified in writing substantially in advance of the closure.
- 3. There must be access for emergency vehicles at all times.
- 4. All local noise ordinances must be observed.

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

Council Member Chandler made a motion to approve Resolution 2025-4.6, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.7**

**RESOLUTION AUTHORIZING PURCHASE OF TREATED ROCK SALT FROM MORTON SALT, INC.
UNDER MERCER COUNTY COOPERATIVE PURCHASING SYSTEM**

WHEREAS, the Superintendent of Public Works has identified the need to purchase approximately 100 tons of treated rock salt for the upcoming winter season; and

WHEREAS, the Superintendent has determined that treated rock salt is available through Morton Salt, Inc. under the Mercer County Cooperative Contract Purchasing System, contract #CK09MERCER2023-15 at the price of \$73.85 per ton; and

WHEREAS, Pennington Borough became a member of the Mercer County Cooperative Purchasing System effective May 25, 2007; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase in the streets budget line #: 5-01-26-290-000-271; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase of treated rock salt from Morton Salt, Inc. under the Mercer County Cooperative Purchasing System, contract #: CK09MERCER2023-15 is hereby authorized in an amount not to exceed \$7,500.00.

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

Council Member Marcianti made a motion to approve Resolution 2025-4.7, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.8**

**RESOLUTION AUTHORIZING BOROUGH PLANNER TO PREPARE FOURTH ROUND HOUSING PLAN
ELEMENT AND FAIR SHARE PLAN AND RELATED DOCUMENTS**

WHEREAS, Borough Council seeks to authorize Borough Planner James T. Kyle, PP/AIC, of the firm Kyle McManus Associates, to prepare a Fourth Round Housing Element and Fair Share Plan covering Pennington’s affordable housing obligations for the period July 1, 2025 to June 30, 2035, including all documents and supporting appendices in digital format, as further described in the annexed Scope of Work and Proposal dated March 13, 2025 (“Proposal”); and

WHEREAS, the projected cost of the work totals \$19,000, including the lump sum of \$6,500 for the Housing Plan Element, the lump sum of \$10,000 for the Fair Share Plan and an additional amount for meeting attendance billed on an hourly basis in accordance with the rate schedule attached to the Proposal as Exhibit A;

WHEREAS, additional items required to be performed outside the scope of work will also be billed on an hourly basis in accordance with that rate schedule;

WHEREAS, the Chief Financial Officer of the Borough has certified that the required funds are available for

these services in the Affordable Housing Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to issue a purchase order to Kyle McManus Associates in the amount of \$19,000., payable against monthly invoices, for the services described above and in the attached Proposal.

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

Council Member Chandler made a motion to approve Resolution 2025-4.8, second by Council Member Stern with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.9
RESOLUTION AUTHORIZING ADDITIONAL FEES FOR
SPECIAL AFFORDABLE HOUSING COUNSEL

WHEREAS, Edwin W. Schmierer, Esq. of the firm of Mason, Griffin and Pierson, PC (“Special Affordable Housing Counsel”) provides legal services to the Borough related to the Borough’s Affordable Housing Trust Fund, Spending Plan and other issues related to the Borough’s Affordable Housing Program including in particular the Borough’s Forth Round obligations; and

WHEREAS, these services and related professional services agreement were most recently authorized by Resolution 2025-1.31, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., for representation of the Borough in Declaratory Judgment litigation and related work on the Borough’s Fourth Round Housing Element/Fair Share Plan (HEFSP);

WHEREAS, Resolution 2025-1.31 authorizes expenditures for these services in an amount not to exceed \$3,000, payable from the Borough’s Affordable Housing Trust Fund; and

WHEREAS, Special Affordable Housing Counsel has now obtained a Court Order tentatively establishing the Borough’s Fourth Round Obligation and authorizing the next steps that must be accomplished by June 2025; and

WHEREAS, the Borough Planner will draft the HEFSP for the June deadline but legal issues will have to be addressed as the plans are prepared, with respect in particular to emergency Uniform Housing Affordability Controls (UHAC) adopted by the NJHMFA on December 19, 2024, revised administrative regulations at NJAC 5:99-1 released by the State on March 17, 2025, and questions raised by the Borough’s affordable housing consultant at Community Grants Housing and Planning concerning the extension of existing affordability controls; and

WHEREAS, in light of the above, more time than anticipated has been and will be required for the legal services of Special Affordable Housing Counsel; and

WHEREAS, Borough Council seeks to increase authorized expenditures by an additional \$3,000, for the additional services and to cover the overrun of \$1,051. on the earlier authorization, for a total authorized amount not to exceed \$6,000. without further authorization by Borough Council; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Affordable Housing Trust Fund for this additional amount;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that an additional amount not to exceed \$3,000. is hereby authorized for Special Affordable Housing Counsel to cover both the overrun of \$1,051. on the earlier authorization and additional services, to be paid from the Borough Affordable Housing Trust Fund.

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

Council Member Stern made a motion to approve Resolution 2025-4.9, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.10**

RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF A SIGN FOR THE EILEEN M HEINZEL MEMORIAL ARBORETUM AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE

WHEREAS, the Borough of Pennington acquired a parcel of land behind the Tollgate Elementary School as Open Space for the development of an Arboretum; and

WHEREAS, the Arboretum Committee recommended that the Arboretum be named in memory of former Borough Administrator Eileen M. Heinzl; and

WHEREAS, the Arboretum Committee has recommended the purchase of a sign designating the Arbortum as the Eileen M Heinzl Memorial Arboretum; and

WHEREAS, the Arboretum Committee has obtained Quote #1620 dated March 31, 2025 in the amount of \$4,500.00 from Zienowicz Sign Co; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the aforesaid purchase and installation of a sign from Zienowicz Sign Co. pursuant to Quote #1620 in the amount of \$4,500 is hereby authorized, and the Chief Financial Officer and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the work.

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

Council Member Chandler made a motion to approve Resolution 2025-4.10, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-4.11**

**RESOLUTION AUTHORIZING USE OF OUTDOOR SPACE BY
JERSEY MEDS MANAGEMENT LLC**

WHEREAS, Jersey Meds Management, LLC (“Jersey Meds”) is the licensed proprietor of a cannabis retail store located at 7 Highway 31 North in the Pennington Square shopping center owned by Pennington Square LLC;

WHEREAS, Jersey Meds has submitted to the Borough an Application for Temporary Use of Outdoor Space to hold a 420 Event in the parking lot in front of the Jersey Meds store on Saturday, April 19, 2025, from noon to 6 pm;

WHEREAS, the set-up for the event will include the use of five (5) parking spaces otherwise assigned to Jersey Meds for a food truck and an ice cream truck, all as described in the attached sketch, with amendments, if any, to be approved in advanced and in writing by the Borough Administrator;

WHEREAS, the event will likely affect adjoining tenants, including a restaurant and service establishment sharing the same parking lot at the southerly end of the shopping center, as well as a larger retail store adjacent to the north;

WHEREAS, the event will also affect the circulation of pedestrians and vehicles through and around the site;

WHEREAS, authorization of the event by Borough Council will require prior approvals by the property owner, the Police Department, the Fire Official and Public Works, in addition to prior written notice to the other tenants of the shopping center;

WHEREAS, Jersey Meds shall also retain the services of one or more Spcial Duty Police Officers for the duration of the event;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the application for temporary use of outdoor space by Jersey Meds Management LLC as described above and in the attached sketch, with any amendments approved by the Borough Administrator as provided above, is hereby conditionally approved subject to the following:

1. Prior approval by the Pennington Borough Police Department, with specific attention to pedestrian and vehicular circulation and required safety measures and assurance of compliance with Police recommendations, including retention of Special Duty Police personnel;
2. Prior approval of the Fire Official with respect to potential fire hazards and related safety issues;
3. Prior approval by the Superintendent of Public Works with reference to required barriers and involvement by that department.
4. Prior written approval of the event by Pennington Square, LLC, including but not limited to the proposed use of the parking lot and parking spaces, the impact on pedestrian and vehicular circulation, any adverse impact on tenants, and the adequacy of insurance covering the event.
5. Proof that every tenant in the Pennington Square Shopping Center and adjoining properties has been notified in writing at least a week prior to the event concerning the date, time and nature of the event and details concerning pedestrian and vehicular circulation that may affect them.
6. Jersey Meds has adequate insurance covering the event.
7. Access for emergency vehicles must be maintained at all times.
8. All noise ordinances must be observed.
9. A determination by the Borough Administrator that the above conditions 1 through 6 have been satisfied and that Jersey Meds has provided adequate assurances that conditions 7 and 8 will also be met.

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

Council Member Chandler made a motion to approve Resolution 2025-4.11, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.12**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY’S CAFE TO MAINTAIN A
TEMPORARY OUTDOOR DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2025**

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

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

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

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

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

1. Emily Matticoli and Emily’s Café and Catering, LLC, are hereby granted permission to locate 3 tables and up to 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:
 - A. The tables and chairs shall be arranged as shown on the attached sketch.
 - B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.
 - C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.
 - D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.
 - E. The outdoor dining area may be used only during the operating hours of the restaurant. When the

restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and ensure that these receptacles are emptied as frequently as needed to avoid overflow.

G. The outdoor dining area shall not obstruct access to upstairs apartments or the adjoining business.

H. Emily Matticoli and Emily’s Café and Catering, LLC, shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

I. Emily Matticoli and Emily’s Café and Catering, LLC, shall at all times have on file with the Borough Clerk a current Certificate of Insurance which certifies that:

- (1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;
- (2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses arising out of operation of the outdoor dining area; and
- (3) the insurance in effect provides (a) at least \$1,000,000. of occurrence liability coverage under each of the following types of coverage: general liability; premises liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer’s liability coverage in the amount of \$500,000. per person/per occurrence;
- (4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.

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

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

3. This conditional authorization shall in any event expire on December 31, 2025.

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

Council Member Marciante made a motion to approve Resolution 2025-4.12, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.13**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR VITO’S PIZZA TO
MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2025**

WHEREAS, 2 N. Main Street Hospitality, LLC d/b/a Vito’s Pizza, a restaurant located at 2 N. Main Street on the corner of North Main Street and West Delaware Avenue in the Borough of Pennington;

WHEREAS, 2 N. Main Street Hospitality, LLC has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 4 tables and 16 chairs on the Main Street side of the restaurant and 2 tables and 8 chairs on the Delaware Avenue side of the restaurant, as shown in the attached sketch;

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

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Vito’s Pizza,

on a temporary and conditional basis as set forth further below, is in the public interest;

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

1. Vito’s Pizza is hereby granted permission to locate up to 6 tables and 24 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:
- A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 4 tables and 16 chairs on the Main Street side of the restaurant and no more than 2 tables and 8 chairs on the Delaware Avenue side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and ensure that these receptacles are emptied as frequently as needed to avoid overflow.

G. 2 N. Main Hospitality, LLC and Vito’s Pizza shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until 2 N. Main Hospitality, LLC and Vito’s Pizza has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

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

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

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

(4) the Borough will be given 10 days’ written notice of any cancellation of this insurance.
2. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.
3. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to 2 N. Main Street Hospitality, LLC or Vito’s Pizza. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.
4. This conditional authorization shall in any event expire on December 31, 2025.

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

Council Member Chandler made a motion to approve Resolution 2025-4.13, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.14**

RESOLUTION AUTHORIZING ADDITIONAL SERVICES BY REMINGTON & VERNICK ENGINEERS IN CONNECTION WITH BOROUGH CLAIMS UNDER PFAS CLASS ACTION SETTLEMENTS

WHEREAS, Remington & Vernick Engineers (RVE) have assisted the Borough in preparing support documentation for claims under class action settlements against DuPont and 3M Company in the U.S. District Court for the District of South Carolina pertaining to contamination by per- and poly-fluoroalkyl substances (PFAS) in public water systems drinking water; and

WHEREAS, this work by RVE was authorized in 2024 by Borough Purchase Order No. 24-00538 dated July 2, 2024 and Resolution 2024-8.17 for an amount not to exceed \$3,900, to include claims under future settlements approved by the Court; and

WHEREAS, the work by RVE under Purchase Order 24-00538 and Resolution 2024-8.17 has to date required total expenditures \$3,487.50, related to claims submitted in July 2024 that are currently under review by the Federal Claims Administrator; and

WHEREAS, recent developments in the litigation have resulted in settlements with two additional companies (Tyco Fire Products and BASF) under which Pennington is eligible as a Class 1 claimant because it detected PFAS in its water before June 2023, provided it submits a claim online by April 8, 2025; and

WHEREAS, previously submitted supporting documentation is expected to be acceptable for claims under the new settlements; and

WHEREAS, RVE proposes to prepare updated claims forms for the new settlements and provide packages of documents for online submittal by the Borough; and

WHEREAS, RVE proposes to perform the additional work fo an amount not to exceed \$3,000 added to the original budget of \$3,900; and

WHEREAS, the Chief Financial Officer of the Borough has certified that this additional amount is available in the 2025 Budget under line #5-05-55-501-000-260;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized and directed to issue a Purchase Order as needed to authorize RVE to undertake the additional work described above in an amount not to exceed \$3,000. in addition to the balance \$412.50 from the earlier Purchase Order.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2025-4.14, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.15**

RESOLUTION AUTHORIZING CONTRACT WITH CIVIC PLUS FOR UPGRADE OF BOROUGH WEBSITE

WHEREAS, Borough Council seeks to upgrade the Borough Website to improve public and transparency;

WHEREAS, Civic Plus of Manhattan, Kansas presently hosts and supports the Borough website and has submitted the attached proposal for the services needed to accomplish the upgrade (“Quote #Q-93774-1 dated 2-28-2025, expiring 4-29-2025) for an annual fee (“Proposal”); and

WHEREAS, the attached Proposal provides an itemization of services and related costs; and

WHEREAS, during the period January 1, 2025 through December 31, 2025 the Borough will pay a total of \$4,819.99; during the period January 1, 2026 through December 31, 2026 the Borough will pay a total of \$7,522.20; and in year 3, January 1, 2027 through December 31, 2027 the Borough will pay a total of \$7,898.31;

WHEREAS, the award of contract to Civic Plus for the services and amounts indicated comply with the Local Public Contracts Law and need not be advertised for bids;

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available under budget line #5-01-20-100-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized and directed to issue a Purchase Order for the initial annual amount of \$4,819.99 payable immediately.

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

Council Member Stern made a motion to approve Resolution 2025-4.15, second by Council Member Chandler with all members present voting in favor.

Mr. Bliss asked that Resolution 2025-4.16 be pulled from the agenda as the agreement has not been finalized.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-4.16**

**RESOLUTION AUTHORIZING AGREEMENT WITH JAY C. S. NEARY CONCERNING SEWER
CONNECTION FOR 115 LEWIS BROOK ROAD
IN HOPEWELL TOWNSHIP**

**BOROUGH OF PENNINGTON
RESOLUTION 2025-4.17**

**RESOLUTION AUTHORIZING AMENDED USE AND OCCUPANCY AGREEMENT
WITH PENNINGTON BOROUGH FIRE DISTRICT NO. 1**

WHEREAS, by Resolution 2024-12.15, Borough Council authorized a Use and Occupancy Agreement to permit temporary use of the Pennington First Aid Building by Pennington Borough Fire District No. 1 (“Fire District”);

WHEREAS, the Fire District did not execute that Use and Occupancy Agreement because it objected to the insurance clause at paragraph 12 which in addition to requiring the Fire District to own various insurance coverages and to name the Borough an additional insured, the insurance clause provided that: “No policy of insurance shall contain an exclusion for sexual abuse or molestation or limit the insured indemnification of Pennington for this purpose”;

WHEREAS, the parties have since arrived at a compromise by the terms of which the Fire District shall comply in full with paragraph 12 of the Use and Occupancy Agreement and the Borough will agree to extend the term of the Agreement to twelve (12) months rather than six (6);

WHEREAS, Borough Council now seeks to approve an Amended Agreement with the following changes and no other: (1) on page 1 of the Agreement, in the second line of the sixth recital or whereas clause, “six (6) months” is changed to “twelve (12) months”; (2) on page 2 of the Agreement, in the first and second lines of the paragraph numbered 3 (Term), “six months” is changed to “twelve (12) months; and (3) in the second line of that paragraph numbered 3, the dates “March 18, 2025 through March 17, 2026” are inserted in the blanks and the reference to “[Dates TBD]” is deleted;

WHEREAS, the attached form of Use and Occupancy Agreement supersedes all others earlier approved by Borough Council;

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 Use and Occupancy Agreement on behalf of the Borough provided that the signed Agreement shall be held in escrow and shall not be operative until the Fire District delivers to the Borough Clerk a Certificate of Insurance certifying that all insurance coverages provided for in paragraph 12 of the Agreement are in full force and effect and providing explicitly that “In accordance with paragraph 12 of the Use and Occupancy agreement, no policy of insurance identified above contains an exclusion for sexual abuse or molestation or limits the insured indemnification of Pennington for this exposure.”

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

Council Member Chandler made a motion to approve Resolution 2025-4.17, second by Council Member Angarone with all members present voting in favor.

PROFESSIONAL REPORTS

Borough Administrator - Mr. Caminiti reported that he is working on lead paint regulations and trying to determine a rental list and he is also working on a rental property ordinance. Mr. Caminiti stated that he is working with Rick Smith to fill the vacancy in Public Works. Mr. Caminiti gave a shout out to Betty Sterling and Sandy Webb for getting the Borough through budget season. Mr. Caminiti stated that Rick Smith has been working very hard on a report that was received regarding stormwater regulations. Mr. Caminiti stated that he and Rick Smith are also working on PFAS and they will be meeting with an engineer who worked with Rocky Hill and got them up to speed. Mr. Caminiti thanked Walter Bliss for his work on the transition for Health Benefits, meetings have been held with employees and retirees and he hopes to have it all ironed out soon.

Borough Attorney- Walter Bliss - Mr. Bliss stated that he has two matters for Closed Session.

Borough Clerk - Betty Sterling – Mrs. Sterling had nothing further.

Chief Financial Officer - Sandy Webb - Mrs. Webb had nothing further.

Superintendent of Public Works - Rick Smith – Mr. Smith stated that this is a busy time of year for public works and with Chris Webb’s leaving they will be strapped in the department. Mr. Smith stated that Chris Webb will be missed, he has been a stellar employee.

Sergeant Burroughs – Sergeant Burroughs commended his department for stepping up with all of the changes that have been happening very quickly. Sergeant Burroughs stated that there were no incidents related to the recent protests in town.

Public Comment

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

CLOSED SESSION

AT, 8:38 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:

- 39.** Tax Appeal - Verizon
- 40.** Contract Negotiations - Neary Agreement

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

ADJOURNMENT

AT 8:39 PM, Council Member Valenza made a motion to adjourn the meeting, second by Council Member Chandler with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk