

**Work Session Meeting
Regular Meeting – January 27, 2025**

Mayor Davy called the Regular Meeting of the Borough Council to order at 5:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante and Stern in attendance. Mr. Rubinstein and Mr. Valenza were absent.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Borough Planner Jim Kyle 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.**

There were no comments from the public.

WORK SESSION DISCUSSION ITEMS

Mayor Davy stated that Resolution 2025-1.31 is on the agenda for action by Council tonight because the New COAH regulations require that every municipality take action on the new round of numbers for affordable housing by January 31, 2025. Mayor Davy stated that Borough Planner, Jim Kyle updated Council on this at the last meeting. Mayor Davy stated that Ed Schmierer and Jim Kyle have worked together to meet this deadline and the result is the Resolution 2025-1.31 which authorizes action to be taken to meet the deadline of January 31, 2025. Mayor Davy asked Ed Schmierer to explain the resolution to Council. Mr. Schmierer explained the process leading up to this and the requirements for the Borough going forward. Mr. Schmierer stated that this resolution authorizes his firm to file a declaratory judgement with the Court. Mr. Schmierer stated that this declaratory judgement suit is nothing like the one that the Borough joined but then dropped out of due to the cost. Mr. Schmierer stated that this process should be much quicker and will keep the Borough in compliance with the new COAH regulations.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-1.31**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
PENNINGTON TO SET FORTH THE BOROUGH’S PRESENT AND
PROSPECTIVE FAIR SHARE OBLIGATIONS FOR THE FOURTH ROUND OF
MUNICIPAL HOUSING COMPLIANCE**

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the Fair Housing Act at N.J.S.A. 52:27D-301 *et seq.*, (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimates of the obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Pennington’s Fourth Round -(2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of four (4) and a Prospective Need or New Construction Obligation of fifty-eight (58); and

WHEREAS, the Amended FHA provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations and the Amended FHA authorize a 20% cap, vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough of Pennington accepts the DCA calculations of the Borough's fair share obligations and commits to its fair share of four (4) units present need and fifty-eight (58) units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough of Pennington reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, in the event that the FHA is further amended or any rulings or legal precedents arise after the adoption of this Resolution, the Borough of Pennington reserves the right to adjust its position in response to and in light of same, particularly if such a change alters the deadlines and/or requirements placed upon the Borough pursuant to the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Pennington reserves the right to take such position as it deems appropriate in response thereto; and

WHEREAS, in light of the above, the Borough Council of the Borough of Pennington finds that it is in the best interest of the Borough of Pennington to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024; and

WHEREAS, pursuant to Directive #14-24, "a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint ... in the county in which the municipality is located... within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, the Borough of Pennington seeks a certification of compliance with the Amended FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment complaint and associated pleadings within 48 hours of the adoption of this resolution in the Superior Court of New Jersey - Mercer County.

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of January, 2025 by the Borough Council of the Borough of Pennington, County of Mercer as follows:

1. All of the above Whereas clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Pennington hereby commits to the DCA Fourth Round Present Need Obligation of four (4) units and the Fourth Round Prospective Need Obligation of fifty-eight (58) units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Pennington hereby authorizes and directs its Affordable Housing Counsel to file a declaratory judgment complaint in the Superior Court of New Jersey - Mercer County within 48 hours after adoption of this resolution.
4. In accordance with the Amended FHA and Directive #14-24, the Borough of Pennington authorizes its Affordable Housing Counsel to attach a copy of this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. The Borough of Pennington hereby directs its Borough Administrator and/or Borough Clerk to publish this resolution on the Borough's website within 48 hours after adoption of this resolution, attaching this resolution.
6. The Borough of Pennington shall undertake all acts necessary to adopt a housing element and fair share plan to address its present and prospective need obligations as provided for by the Amended FHA, for filing by June 30, 2025 as part of the declaratory judgment action authorized herein.
7. The Borough of Pennington's Mayor, Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all such other documents and undertake any and all such further acts as may be necessary or required to effectuate the actions set forth herein.

8. This resolution shall take effect immediately, according to law.

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

Council Member Angarone made a motion to approve Resolution 2025-1.31, second by Council Member Chandler with all members present voting in favor.

Stormwater Management Update – Mayor Davy updated Council on a meeting that he had at the site of the flooding at Delaware Avenue and Route 31 with the State. Mayor Davy stated that Dan Benson from Mercer County was there and though the State was not receptive to the problem, Mr. Benson was going to look into seeking help from the DVRBC.

WORK SESSION PRESENTATIONS

Health Insurance Fund (HIF) – Joe Ablahani –Mr. Caminiti stated that he has been working with Joe Ablahani, an insurance broker to find an alternative to the State Health Benefits which is becoming very costly for the Borough. Mr. Ablahani gave a presentation on two Health Insurance Funds and a program with the SHBP that utilizes a disbursement card. Mr. Ablahani stated that he is optimistic that he will be able to get the Borough employees into one of the Health Insurance Funds and he anticipates that he will have a response from them in the next couple of weeks.

REVIEW OF TENTATIVE COUNCIL AGENDA

Mayor Davy went through each of the items listed below and asked if Council Members had any questions. Mayor Davy stated that the Ordinances for the PBA and the Teamsters would be discussed in Closed Session tonight.

1. (Public Hearing and Adoption) Ordinance 2025-1 - An Ordinance Increasing Rates Charged by the Pennington Borough Water and Sewer Utility, and Amending the Code of the Borough of Pennington
2. (Public Hearing and Adoption) Ordinance 2025-2 - AN ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY 5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2, BOROUGH OF PENNINGTON
3. Ordinance - Baldwin Street (Amendment)
4. Ordinance - Abey Drive Road Project
5. Ordinance - PBA Contract
6. Ordinance - Teamsters Contract
7. Resolution 2025 - 2.2 - Resolution Authorizing Payment of Bills
8. Resolution 2025 - 2.3 - Amending Temporary Budget
9. Resolution 2025-2.4 - Resolution Authorizing Budget Transfers in the 2024 Budget
10. Resolution 2025-2.5 - Resolution Authorizing Refund of Redemption Monies to Outside Lienholder
11. Resolution 2025 - 2.6 - Resolution Superseding Borough Council Resolution 1.21 and Confirming Authorization of Shared Services Agreement for Fire Inspection Services by the Board of Fire Commissioners of Hopewell Township Fire District No. 1 While Amending the Term to One Year, January 1, 2025 through December 31, 2025
12. Resolution 2025-2.7 - Resolution Supplementing Borough Council Resolution 1.25 to Add Police Academy Physicals to the Services to be Provided Under Agreement with Occupational Health Service, A Program of Penn Medicine Princeton Medical Center
13. Resolution 2025 - 2.8 - Resolution Authorizing Use of Outdoor Space by Jersey Meds Management LLC

14. Resolution 2025 - 2.9 - Resolution Authorizing Contract With Water Resource Management for Services as Water and Sewer Compliance Officer and for Preparation of Consumer Confidence Report and Water & Sewer Ordinance Review for the Year 2025
15. Resolution 2025 - 2.10 - Resolution Adopting New Regulations Regarding Claimant Certifications and Payments in Advance
16. Resolution - Art in the Park
17. Resolution - Trenton Cyrus - Casino Night
18. Resolution - Janitorial Contract
19. Resolution - Engineering Projects
20. Resolution - Jersey Meds - License Renewal
21. Final Payment Request - Rockwell etc.
22. Resolution - Final Change Order - Rockwell Green etc
23. Resolution - Shared Service - Police Dispatch
24. Resolution - Shared Service - Senior Center Cleaning
25. Resolution - Sewer Connection - 115 Lewis Brook Road
26. Resolution - Borough Administrator Appointment
27. Resolution - OIC Appointment

Council Member Stern stated that she sent out an e-mail regarding Local Government Week for this year but she is not getting a lot of responses and she would like to know if anyone is interested in assisting her with this event or if the Borough should just not participate. Mayor Davy stated that he would list this on the agenda for Council Discussion on February 3rd.

Public Comment

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

There were no comments from the public.

CLOSED SESSION

AT 8:08 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:

Contract Negotiations - PBA

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Contract Negotiations - Sewer Connection - 115 Lewis Brook Road

Litigation - Police Matter - Update

Litigation - Hopewell PILOT - Update

Personnel - Borough Administrator Appointment

Personnel - Police Department

Council Member Marciante made a motion to adjourn the Regular Meeting and convene in Closed Session, second by Council Member Stern.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk