

**Pennington Borough Council  
Regular Meeting – August 5, 2024**

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

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

**Open to the Public**

Mayor Davy read the following statement.

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

Mr. Dan Pace of 9 Railroad Place inquired about being able to view other participants in the meeting. Mayor Davy stated that we did look into this and the webinar format provides the Borough with a level of control that the meeting format does not provide. Mrs. Sterling stated that the option for participants to see other participants is not available if you are running a webinar. Mrs. Sterling stated that the meeting format is different and perhaps that is how Mr. Pace is seeing other participants. Mayor Davy stated that it would be a lot on the Borough Clerk to monitor and he has serious reservations about changing our format. Ms. Angarone stated that maybe there is a work around for this or someone else may be available to attend and help monitor. Mrs. Chandler stated that she would prefer to have this discussion when the full Council is in attendance. Mr. Pace stated that two other municipalities are doing things completely different and they are being much more transparent then we are. Mayor Davy took issue with Mr. Pace's statement regarding transparency simply because he can see other participants. Mayor Davy stated that the Borough maximizes transparency in everything that we talk about and it is not true that we are not being transparent. Mr. Pace stated that he stands behind what he said which is we are not being as transparent as the other two municipalities in the valley. Mrs. Sterling stated that she has had the opposite conversation because some residents who attend don't list their name or want to be approached after the meetings. Mr. Caminiti stated that any participants who want to speak are asked to state their name and address for the record and that goes right to transparency, but if someone is listening passively there is no need for us to make a record of that.

**MAYOR'S BUSINESS**

Mayor Davy announced that due to scheduling issues and vacations the August 26<sup>th</sup>, 2024 Work Session has been cancelled and the September 3<sup>rd</sup> meeting has been rescheduled to September 9<sup>th</sup>. Mrs. Chandler stated that she is unable to attend on the 9<sup>th</sup>.

**APPROVAL OF MINUTES**

Council Member Chandler made a motion to approve the minutes of the June 24, 2024 Work Session Meeting, second by Council Member Marcianti with all members present voting in favor with the exception of Ms. Angarone who abstained.

Council Member Chandler made a motion to approve the minutes of the July 1, 2024, Regular Meeting, second by Council Member Marcianti with all members present voting in favor.

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

Council Member Chandler made a motion to approve the minutes of the June 24, 2024, Closed Session for content but not for release, second by Council Member Marcianti with all members present voting in favor.

**ORDINANCES FOR INTRODUCTION**

Mayor Davy read Ordinance 2024-12 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2024-12**

**BOND ORDINANCE PROVIDING FOR REPAIRS TO WELLS FOR THE WATER AND SEWER UTILITY IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$80,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$80,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$80,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$80,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is repairs to wells for the Water and Sewer Utility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$80,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$7,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Marciante made a motion to introduce Ordinance 2024-12, second by Council Member Chandler with all members present voting in favor.

Mayor Davy read Ordinance 2024-13 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2024-13**

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

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

**WHEREAS**, the updates involve (a) elimination of the “Rational Method” for calculation of stormwater runoff and groundwater recharge, and (b) revising current precipitation adjustment factors and future precipitation change factors;

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

1. Sections 163-20.5 of the Code of the Borough of Pennington, concerning calculation of stormwater runoff and groundwater recharge, are hereby amended (with new language underlined and deleted language crossed out) as follows:

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

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

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

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

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

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

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

- B. Groundwater recharge may be calculated in accordance with the following: the New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at the New Jersey Geological Survey website at <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>; or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

2. The aforesaid Section 163-20.5 is hereby supplemented with a new subsection C as follows:
- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

(1.) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and

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

**Table 5: Current Precipitation Adjustment Factors**

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

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

Table 6: Future Precipitation Change Factors

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

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

Council Member Marciante made a motion to introduce Ordinance 2024-13, second by Council Member Chandler with all members present voting in favor with the exception of Ms. Angarone who abstained. Mr. Bliss stated that with only three affirmative votes, the Ordinance is not considered introduced and will have to come back before Council in September. Mr. Bliss stated that in the past the Borough Engineer has reviewed stormwater ordinances and amendments and he would like to have the ordinance reviewed prior to adoption.

**ORDINANCES FOR PUBLIC HEARING AND ADOPTION**

Mayor Davy read Ordinance 2024-11 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2024-11**

**ORDINANCE AMENDING CHAPTER 98 OF THE CODE OF THE BOROUGH OF PENNINGTON  
(FEES) TO CLARIFY WHEN A REFUNDABLE SECURITY DEPOSIT IS REQUIRED FOR USE  
OF BOROUGH PARKS**

**WHEREAS**, Chapter 143 of the Borough Code governing Parks and Recreation Areas provides at Section 143-3.E that no organization (whether formal or informal) or group of people of 25 or more shall utilize the park facilities without first obtaining a permit as provide in Section 143-4; and

**WHEREAS**, Section 143-4.B of the Code provides that permits shall be issued upon the payment of the fee required by Chapter 98 of the Code; and

**WHEREAS**, Section 98-33 of Chapter 98 provides that use of the parks by a documented non-profit or Pennington resident shall pay a permit fee of \$75 and all others shall pay \$200; and

**WHEREAS**, in practice, the permit fee for governmental organizations has been waived;

**WHEREAS**, Ordinance No. 2024-1 amended Section 98-33 to provide that users of the parks who are not charged a fee must post a refundable security deposit of \$500 chargeable for the cost of clean-up or damage to facilities; and

**WHEREAS**, Borough Council now seeks to clarify Section 98-33 to make explicit that (a) governmental organizations shall not be charged a fee and (b) governmental organizations otherwise required to post a \$500 security deposit shall not be so required if the Borough of Pennington is a member of or otherwise directly affiliated with that governmental organization;

**NOW THEREFORE BE IT ORDAINED** by the Borough Council of the Borough of Pennington that Section 98-33 of the Borough Code, concerning use of Borough parks, shall be amended to read as follows: (with new language underlined and deleted language crossed out):

§ 98-33 **Use of parks.**

Fees for use of Borough parks as provided in § **143-4** of this Code shall be:

**A. No permit fee shall be required for a governmental organization with which the Borough of Pennington is directly affiliated.**

**B.** ~~A.~~ Permit for use of park by documented nonprofit or Pennington resident: \$75.

**C.** ~~B.~~ Permit fee for ~~a~~All others: \$200.

**D.** All users ~~not~~ charged a fee for use as set forth in C above shall post a refundable security deposit of \$500 chargeable for cost of clean-up or damage to facilities.

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

Council Member Marciante made a motion to open the Public Hearing on Ordinance 2024-11, second by Council Member Chandler. There were no comments from the public. Council Member Marciante made a motion to close the Public Hearing on Ordinance 2024-11, second by Council Member Chandler with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2024-11, second by Council Member Chandler with all members present voting in favor.

#### **COMMITTEE REPORTS**

**Personnel / Economic Development** – Ms. Angarone reported that the Personnel Committee met on July 18<sup>th</sup> and Mr. Caminiti will report later and they will meet again on August 15<sup>th</sup>. Ms. Angarone stated that the EDC met July 23<sup>rd</sup>, they continue to work on the Economic Development element of the Master Plan and Mr. Caminiti will be joining their next meeting on August 27<sup>th</sup>. Ms. Angarone stated that the EDC was working on an event for the Fall but they will not be ready so that will be tabled until 2025.

**Public Works / Planning Board / Historic Preservation** – Ms. Stern was not in attendance.

**Finance & Public Safety / Open Space / Arboretum / Landfill** – Mrs. Chandler reported that Finance met to talk about tax bill communication and the budget item for the newsletter. Mrs. Chandler stated that budget season is fast approaching.

Mrs. Chandler stated that the 2<sup>nd</sup> enclosure has been installed at the Arboretum and she would encourage everyone to go check out the progress at the arboretum. Mrs. Chandler stated that they are talking about clean up Saturdays in September and they have been discussing fall plantings.

Mrs. Chandler stated that Public Safety met and they are discussing finding personnel to conduct sidewalk inspections and low branch inspection. Mrs. Chandler stated that they discussed Halloween and they are not recommending any road closures for 2024, they will continue with the usual police presence to ensure safety. Mrs. Chandler stated that they are looking into traffic monitoring on the entrances to Pennington Borough and Mr. Caminiti will be reaching out to the County for assistance. Mrs. Chandler stated that they are continuing data collection on Borough roads.

**Library / Shade Tree** – Ms. Gnatt gave an update on the Shade Tree and the Library Board both cancelled their summer meetings.

**Parks & Recreation** – Mr. Marciante reported that the Resolution to purchase bike racks for Sked Street and the Arboretum is on the agenda later in the meeting.

**Board of Health / Environmental Commission** – Mr. Valenza was not in attendance.

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

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.1**

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

**WHEREAS**, at the Borough Tax Sale held on December 4, 2020, a lien was sold on Block 503.04, Lot 2.03, also known as 5 Academy Court, Pennington, NJ, for 2019 delinquent tax payments; and

**WHEREAS**, this lien, known as Tax Sale Certificate #19-00001, was sold to US Bank Cust / Pro Cap 8/ Pro Cap, 50 S. 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 18102 for 18% and no premium; and

**WHEREAS**, Kelly E. Bruno, 399 Reading Avenue, Pennington, New Jersey 08534 has effected redemption of Certificate #19-00001 in the amount of \$2,585.91;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer is authorized to issue a check in the amount of \$2,585.91, from the Water/Sewer Utility Fund, payable to US Bank Cust / Pro Cap 8 / Pro Cap, 50 S. 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 18102 for the redemption of Tax Sale Certificate #20-00003.

**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				absent
Gnatt	X				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.1, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.2**

**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 \$ 4,322,646.33 from the following accounts:

Current	\$ 2,918,613.68
W/S Operating	\$ 298,038.69
Grant Fund	\$ 432,377.43
General Capital	\$ 645,825.23
Water/Sewer Capital	\$ 5,765.00
Developer’s Escrow	\$ 1,382.00
Open Space Fund	\$ 20,082.00



Animal Control Trust	\$	4.80
COAH Trust	\$	294.50
Unemployment Trust	\$	263.00
TOTAL	\$	4,322,646.33

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				absent
Gnatt	X				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.2, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.3**

**RESOLUTION AUTHORIZING EXECUTION AND FILING OF GRANT APPLICATION FOR  
THE “MERCER AT PLAY GRANT”**

**WHEREAS**, the Borough of Pennington, Township of Hopewell and Borough of Hopewell desire to provide additional active recreation facilities for its residents; and,

**WHEREAS**, Mercer County created a grant funding program for active recreation called “Mercer at Play” in 2006 and announced a second funding round in 2016; and,

**WHEREAS**, the Township of Hopewell desires funds to develop the Hopewell Valley Senior and Community Center; and,

**WHEREAS**, the Township of Hopewell, Borough of Hopewell, and Borough of Pennington plan to submit a joint application; and,

**WHEREAS**, the Township of Hopewell has identified the necessary match to receive the Mercer at Play grant; and,

**WHEREAS**, the Township of Hopewell shall provide the match funds for Hopewell and Pennington Boroughs through approved sources such as Green Acres funds, developer contributions, municipal funds, land not funded through the county (appraised value), labor and materials, other federal/state funds, private or non-profit contributions; and,

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

1. The Mayor, Administrator, and Municipal Clerk are hereby authorized and directed to execute and file a grant application on behalf of the Borough of Pennington to Mercer County for the “Mercer at Play Program Round 2.

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

**RESOLUTION WAS NOT APPROVED – ONLY 3 VOTES – 4 ARE REQUIRED PER BYLAWS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.4**

**RESOLUTION AUTHORIZING RETENTION OF CGP&H FOR AFFORDABLE HOUSING  
ADMINISTRATIVE SERVICES**

**WHEREAS**, Borough oversight of the purchase and sale and other matters affecting the titles to Affordable Homes in Pennington require the Borough to retain professional administrative assistance; and

**WHEREAS**, the Borough inventory of affordable housing includes 16 affordable units in Heritage at Pennington and 8 affordable units at Pennington Point and various independent units; and

**WHEREAS**, the Borough seeks to enter into a Professional Services Agreement with CGP&H, LLC (“CGP&H”) for performance of required administrative services during the year beginning August 1, 2024;

**WHEREAS**, a copy of the Professional Services Agreement proposed by CGP&H is attached to this Resolution;

**WHEREAS**, in accordance with the proposed Agreement, CGP&H will perform “municipal” services requested by the Borough or required by law on notice to the Borough at an hourly rate of \$165 per hour for senior staff, invoiced monthly, not to exceed in the aggregate for the year \$10,000 without the prior written approval by Borough Council:

**WHEREAS**, CGP&H will also be paid a flat fee of \$2,000 for each unit listed for sale and related services;

**WHEREAS**, the proposed Agreement contemplates a total budget of \$15,500 for the year, including three fee categories: (1) \$10,000 for the aforesaid “municipal” services billed by the hour, (2) \$1,200 for the aforesaid “applicant services” at a monthly rate of \$100; (3) \$4,000 in flat fees but only if there are two units @ \$2,000 listed for sale, and (4) \$300 for reimbursable expenses during the course of the year;

**WHEREAS**, it is understood that CGP&H may not invoice above an individual fee category without prior written authorization by the Borough even if the overall contract budget has not been exhausted;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this contract from the COAH Trust Fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the above recitals are herein incorporated by reference in this Resolution; and

**BE IT FURTHER RESOLVED**, that subject to these recitals the Mayor and the Borough Clerk are hereby authorized to enter into the attached Agreement with CGP&H on behalf of the Borough for the year beginning August 1, 2024, subject to such modifications as the Borough Attorney may require in conformance with the above recitals.

**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				absent
Gnatt	S				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.4, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.5**

**RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 205 LOTS 2, 3, 4, 5 AND 6 BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, on March 4, 2024, Borough Council of the Borough of Pennington adopted Resolution 2024-3.4 authorizing and directing the Planning Board of the Borough to conduct a preliminary investigation to determine whether certain property, identified as Block 205, Lots 2, 3, 4, 5 and 6, ("Study Area"), meets the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

**WHEREAS**, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

**WHEREAS**, as part of its preliminary investigation, the Board caused James T. Kyle, P.P., AICP, from Kyle McManus Associates, the Board's Consulting Planner, to prepare a Preliminary Investigation Report ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area; and

**WHEREAS**, as part of the foregoing, Mr. Kyle prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

**WHEREAS**, a public hearing was conducted by the Planning Board on June 12, 2024, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, at the public hearing, the Board reviewed the preliminary investigation report, the map and associated documents, and heard testimony from Mr. Kyle and others; and

**WHEREAS**, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Board concluded there was substantial credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

**WHEREAS**, in accordance with the Redevelopment Law and as memorialized by Resolution dated July 10, 2024, the Board recommended to Borough Council that Block 205, Lots 2, 3, 4, 5 and 6 be designated as a Non-Condensation Redevelopment Area; and

**WHEREAS**, Borough Council considered the Board's recommendation at its regularly scheduled public meeting on August 5, 2024; and

**WHEREAS**, at the Borough Council's public meeting on July 29, 2024 as well as the present meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

**WHEREAS**, Borough Council accepts the recommendation of the Planning Board to declare the Study Area as a Non-Condensation Redevelopment Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council, Borough of Pennington, County of Mercer, State of New Jersey accepts the recommendation of the Planning Board of the Borough of Pennington and finds that Block 205, Lots 2, 3, 4, 5 and 6, as shown on the official tax map of the Borough of Pennington be and is hereby deemed to be a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**BE IT FURTHER RESOLVED**, that the designation of Block 205, Lots 2, 3, 4, 5 and 6 as a Non-Condensation Redevelopment Area shall not authorize the Borough to exercise the power of eminent domain to acquire any property in the Study Area; and

**BE IT FURTHER RESOLVED**, that the Borough hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Borough of Pennington shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

**BE IT FURTHER RESOLVED**, that within ten (10) days of Borough Council's adoption of the within Resolution, the Clerk of the Borough shall serve notice of Borough Council's determination and the within Resolution upon all record owners of property within the Non-Condensation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs; and

**BE IT FURTHER RESOLVED**, that the firm of Kyle McManus Associates, Borough Planner, is authorized and directed to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Borough Council; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

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				Absent
Gnatt	S				Valenza				Absent

Council Member Chandler made a motion to approve Resolution 2024-8.5, second by Council Member Gnatt. Mr. Bliss read a minor amendment to the Resolution into the record. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.6**

**RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE  
BOROUGH OF PENNINGTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO  
DETERMINE WHETHER CERTAIN PROPERTIES WITHIN THE BOROUGH QUALIFY AS AN  
AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, the governing body of the Borough of Pennington ("Borough") is authorized to direct the Planning Board of the Borough of Pennington ("Planning Board") to undertake a preliminary investigation in order to determine whether certain properties within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as a provision of the amendment to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

**WHEREAS**, the Borough of Pennington does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough of Pennington will not utilize the power of eminent domain; and

**WHEREAS**, the Borough Council desires the Planning Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 201, Lots 6 and 7, as shown on the Official Tax Map of the Borough of Pennington (the "Property").

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

1. The Planning Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation to determine whether Block 201, Lots 6 and 7, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5;
2. The Planning Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the requirements set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections or comments related to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Planning Board shall recommend by resolution whether Block 201, Lots 6 and 7, or any part thereof, should be determined, or should not be determined by Borough Council to be an area in need of redevelopment.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

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				Absent
Gnatt	S				Valenza				Absent

Council Member Chandler made a motion to approve Resolution 2024-8.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.7**

**RESOLUTION AUTHORIZING CONTRACT WITH  
BRIAN KUBIN, D/B/A SCORPION OUTDOORS DEER MANAGEMENT  
FOR CONTINUATION OF DEER MANAGEMENT PROGRAM IN 2024-25**

**WHEREAS**, Borough Council seeks to continue its program of deer management designed to control the population of deer in Pennington Borough by entering into a contract with professional deer hunter Brian Kubin, doing business in Ewing Township as Scorpion Outdoors Deer Management (hereafter “Scorpion Outdoors”);

**WHEREAS**, attached to this Resolution are copies of the Proposal by Scorpion Outdoors presented to Pennington in June 2020 describing their methodology and terms of engagement (16 pages);

**WHEREAS**, services will include a pre-season site survey to designate hunting locations, the establishment of bait stations, camera monitoring, hunting sessions, deer harvest, deer removal and deer donation, among a range of additional activities as described in the attached Proposal;

**WHEREAS**, the Proposal includes background information on Mr. Kubin which is supplemented in additional information also attached to this Resolution;

**WHEREAS**, Scorpion Outdoors will charge \$170 for each deer harvested, such that unless deer are harvested, there will be no charge for Scorpion’s activities;

**WHEREAS**, the \$170 fee per harvested deer shall be an all-inclusive fee and the only compensation paid to Scorpion Outdoors, meaning there shall be no reimbursement for the cost of bait, for the processing of harvested deer, or for any other cost or expense, provided the harvested deer can be donated at no cost;

**WHEREAS**, Scorpion Outdoors promises to exert best efforts to donate harvested deer without incurring expense, but if it does not succeed in doing so, the contract will be suspended and there shall be no further hunting until an outlet for processing the deer (“Separate Outlet”) can be identified and the Borough enters into a separate contract with it at the Borough’s sole cost and expense;

**WHEREAS**, if the Borough succeeds in entering into a contract with a Separate Outlet, which shall be at the sole discretion of the Borough, Scorpion Outdoors shall have no obligation in connection with the Separate Outlet except to deliver to it at no expense to the Borough all deer thereafter harvested;

**WHEREAS**, deer hunting pursuant to Scorpion’s agreement with the Borough shall be conducted only on properties approved in advance by the Borough in writing, and for which permission has been granted by the owner in writing;

**WHEREAS**, Scorpion Outdoors will be responsible for all record keeping of harvested deer in compliance with State law and will submit monthly invoices to the Borough;

**WHEREAS**, Mr. Kubin represents that he and Scorpion Outdoors possess all necessary licenses for the activity they propose, he will provide copies of these licenses to the Borough so that they may be kept on file, and he will keep all such licenses in effect for the duration of the contract with the Borough;

**WHEREAS**, Mr. Kubin and Scorpion Outdoors will supply the Borough with proof of liability insurance with coverage limits of \$1,000,000 per occurrence, \$2,000,000 aggregate, naming the Borough of Pennington as an additional insured;

**WHEREAS**, Scorpion Outdoors will indemnify and hold harmless the Borough of Pennington for damage to person or property in connection with its contracted activities;

**WHEREAS**, the total cost of the contracted activities shall not exceed \$17,000 in the 2024-2025 hunting season, representing 100 deer harvested @ \$170;

**WHEREAS**, Scorpion Outdoors has demonstrated over the past two years that it is uniquely qualified to fulfill the Borough’s needs in connection with its deer management program based on Scorpion’s familiarity with Borough lands and deer population as well as its proven safety record and success rate, and qualifies for an award of contract for extraordinary services in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.1, et seq.;

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. authorizes the award of this contract without public bidding because the total contract price is below the bid threshold and the contract otherwise qualifies as a contract for the performance of extraordinary, unspecifiable services;

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

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

1. The Mayor, with the prior approval of the Borough Attorney, is hereby authorized to enter into a contract with Brian Kubin, doing business as Scorpion Outdoors, for performance of services in 2024-25, provided the contract shall be substantially in the form attached to this Resolution and incorporate the terms described in this Resolution and the attached Proposal, updated in accordance with the terms for 2024-25:
- 2.The duration of the contract shall not exceed one (1) year, with hunting activity limited to the 2024-25 hunting season.
3. The total cost of the contract shall not exceed \$17,000, which shall be all-inclusive, to be drawn from the Borough Open Space Fund.
4. Between meetings of Borough Council, should it be necessary to enter into a contract with a Separate Outlet for the processing of harvested deer, the Mayor is hereby authorized to do so in his discretion provided the contract shall be subject to available funds, shall be approved by the Borough Attorney as to form, and shall not exceed \$1,500. in total contract cost without formal prior approval by Borough Council.

**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				absent
Gnatt		X			Valenza				absent

**RESOLUTION WAS NOT APPROVED – ONLY 3 VOTES – 4 VOTES NEEDED PER BYLAWS.**

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.8**

**RESOLUTION AUTHORIZING PURCHASE OF TWO (2) BIKE RACKS INCLUDING FREIGHT AND AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THIS PURCHASE**

**WHEREAS**, on the recommendation of the Parks and Recreation Committee, Borough Council seeks to install bike racks at Sked Street Park and at the Eileen M. Heinzel Memorial Arboretum;

**WHEREAS**, Public Works Superintendent Rick Smith has identified that the bike racks including freight charges are available from General Recreation Inc.; and

**WHEREAS**, Mr. Smith recommends that the Borough accept the quote dated July 8, 2024, by General Recreation Inc.; and

**WHEREAS**, Pennington’s Open Space Trust Fund has been created in accordance with N.J.S.A. 40:12-15.7, which authorizes use of such funds for development and maintenance of lands acquired for recreation purposes, as determined by the governing body of the municipality;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 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 in an amount not to exceed \$3,099.00

for the purchase of two (2) bike racks including freight charges as quoted in the attached proposal from General Recreation, Inc.

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				Absent
Gnatt	X				Valenza				Absent

Council Member Chandler made a motion to approve Resolution 2024-8.8, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION 2024 – 8.9**

**RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY, INC. THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Borough of Pennington has committed to the replacement of manual read meters with remote read meters; and

**WHEREAS**, the Superintendent of Public Works has submitted a request to purchase additional remote read meters; and

**WHEREAS**, the Superintendent has determined that the remote read meters are available from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

**WHEREAS**, Rio Supply, Inc. located in Sicklerville, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #14382 dated April 11, 2024 for purchase of the equipment through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, the quote identifies the following types of meters:

ED2B11RPDG11 – 5/8” x ¾” T-10 C/I 302 Pro-Coder)r9001 Gal., Inside	\$331.54
ED2F11RPDG11 – 1 T-10 C/I 302 Pro-Coder)R900i Inside Gal	\$521.42
ED2F11RPWG11 – 1” T-10 C/I 302 Pro-Coder)R900i Pit Gal	\$542.40

**WHEREAS**, the Superintendent of Public Works has requested the flexibility to order these meters and related supplies as needed and cannot at this time identify how many of each type he will need to order: and

**WHEREAS**, Pennington Borough has committed, as part of their plan for American Recovery Act Funds, to dedicate funds towards replacement of meters; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the 2024 Water/Sewer budget – Account #: 3-05-55-501-000-293 in the amount of \$18,357.09; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of remote read meters from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System, is hereby authorized in an amount not to exceed a total of \$18,357.09 with pricing as per quote #14382 dated April 11, 2024.

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

Council Member Marciante made a motion to approve Resolution 2024-8.9, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON**  
**RESOLUTION 2024 – 8.10**

**RESOLUTION AUTHORIZING BLOCK PARTY ON AUGUST 31, 2024 FROM  
4 PM TO 8 PM ON VOORHEES AVENUE  
(BETWEEN SKED STREET & BURD STREET)**

**WHEREAS**, Alan Hockenjos has applied to the Borough of Pennington for permission to close the street known as Voorhees Avenue (between Sked Street and Burd Street) in the Borough on August 31, 2024 beginning at 4 PM and ending at 8 PM for a block party on Voorhees Avenue for an estimated 40 to 50 people;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that this application by Alan Hockenjos 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				Marciante	X			
Chandler	M				Stern				absent
Gnatt	X				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.10, second by Council Member Angarone with all members present voting in favor.

Mayor Davy asked for a consent agenda for Resolutions 2024-8.11 and 2024-8.12.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.11**

**RESOLUTION APPROVING RAFFLE LICENSE RA: 5.24 FOR  
SAINT ALPHONSUS CHURCH**

**WHEREAS**, Saint Alphonsus Church submitted raffle application RA: 5.24 on July 10, 2024 for a raffle to take place on September 28<sup>th</sup>, 2024 at Saint James Church in Pennington and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on July 17, 2024; and

**WHEREAS**, Saint Alphonsus Church meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, Saint Alphonsus Church, in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 5.24 for Saint Alphonsus Church be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 5.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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				absent
Gnatt	S				Valenza				absent

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.12**



**RESOLUTION APPROVING BINGO LICENSE BA: 1.24 FOR  
SAINT ALPHONSUS CHURCH**

**WHEREAS**, Saint Alphonsus Church submitted Bingo application BA: 1.24 on July 10, 2024 for a Bingo to take place on September 28<sup>th</sup>, 2024 at Saint James Church in Pennington and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on July 17, 2024; and

**WHEREAS**, Saint Alphonsus Church meets the qualifications for issuance of a license for said Bingo based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, Saint Alphonsus Church, in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that bingo license BA: 1.24 for Saint Alphonsus Church be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for BA: 1.24 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

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				absent
Gnatt	S				Valenza				absent

Council Member Chandler made a motion to approve Resolutions 2024-8.11 and Resolutions 2024-8.12, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.13**

**RESOLUTION AUTHORIZING REPLACEMENT OF EXISTING  
PUMP AT WELL #6**

**WHEREAS**, the Superintendent of Public Works and Licensed Water Operator, Rick Smith has determined that the existing pump at Well #6 is in need of replacement; and

**WHEREAS**, Mr. Smith has determined that the necessary labor, materials and equipment are available from A.C. Schultes through the North Jersey Wastewater Cooperative Pricing System, contract #B-331-6; and

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

**WHEREAS**, A.C. Schultes located in Woodbury Heights, New Jersey is an authorized dealer to provide the necessary services and equipment and has provided the Borough with quote #34417Rev dated July 29, 2024, under the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available in the Water/Sewer Budget – Account #: 4-05-55-501-000-226;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid repairs through A.C. Schultes under North Jersey Wastewater Cooperative Pricing System for Well #6 Pump Replacement as requested by the Superintendent of Public Works, are hereby authorized in an amount not to exceed \$9,895.00.

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

Council Member Chandler made a motion to approve Resolution 2024-8.13, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.14**

**RESOLUTION CREATING ADVISORY COMMITTEE ON HOUSING  
AND REDEVELOPMENT MATTERS**

**WHEREAS**, Pennington Borough Council is addressing the potential redevelopment of private and public properties in the Borough in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.;

**WHEREAS**, the range of matters to be addressed require compliance with complex substantive and procedural standards, the need for uniform treatment of common elements across all projects considered, and, most importantly, the impact of proposed redevelopment on the community, including the interests of both property owners to be directly affected and the Borough as a whole;

**WHEREAS**, N.J.S.A. 40A:12A-42 authorizes a municipality to create an advisory council to advise it regarding housing and redevelopment matters;

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

1. The Advisory Committee on Redevelopment Issues (“Committee”) is hereby created. It shall consist of six members, of which two shall be members of Borough Council appointed by the Mayor, two shall be members of the Planning Board appointed by the Mayor and may include the Mayor for as long as he serves on the Board, and two shall be the Borough Administrator and the Borough Planner, respectively, who shall serve *ex officio*.
2. The purpose of the Committee is to advise Borough Council in connection with the exercise of its authority under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, *et seq.*, and all other policies, ordinances and laws as may be implicated in a proposal related to redevelopment. Specific matters expected to be considered by the Committee, without limitation, include the initiation of investigations, the approval of redevelopment designations, approval of redevelopment plans and agreements, and the analysis and approval of any implicated financial agreements and proposed tax abatements. The Committee shall be assisted by the Borough Attorney as requested.
3. Matters to be addressed by the Committee shall be limited to matters requested by the Mayor or Borough Council for the purpose of assisting them in the performance of their responsibilities. The Committee shall not initiate any matter beyond responding to advisory requests. Nothing in the creation of the Committee or the adoption of this Resolution shall be construed to limit the exclusive control of Borough Council with respect to the respective authorities and responsibilities assigned to Mayor and Council under applicable laws.
4. The Mayor shall designate one of the members of the Committee to serve as First Chair and a second member as Second Chair. The First Chair shall be responsible for conducting meetings and liaising with Mayor and Council. The Second Chair shall perform those functions in the absence of the First Chair. The Committee shall take action upon no less than four votes of the Committee’s members. Action shall be taken in the form requested by Mayor or Council as applicable.
5. The conduct of meetings of the Committee and the taking of formal action shall be in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.*. The scheduling of meetings shall be at the discretion of the Committee and shall be accompanied by such public notice as required by law.
6. Appointments to the Committee shall expire on January 1, 2025 and annually thereafter. The Mayor shall fill all vacancies as they arise in accordance with the criteria for appointment.

**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				absent
Gnatt	S				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.14, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.15**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to Pomptonian Food Service for a food license payment accepted in error in the amount of \$250.00.

**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				absent
Gnatt	S				Valenza				absent

Council Member Chandler made a motion to approve Resolution 2024-8.15, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.16**

**RESOLUTION AUTHORIZING DISBURSEMENT OF OPEN SPACE FUNDS FOR UPDATED DEED AND RELATED DOCUMENTS RELATING TO BOROUGH ACQUISITION OF LOT 12.02 IN BLOCK 1002 ON THE PENNINGTON BOROUGH TAX MAP**

**WHEREAS**, Pennington Borough has 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 is represented in the closing on the property by the firm of Mason Griffin & Pierson (Edwin W. Schmierer) as legal counsel, pursuant to Resolution 2021-6.13;

**WHEREAS**, Green Acres requires updating of the deed to the acquired property and related documents to conform to Green Acres requirements;

**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 the Borough’s purchase order to the firm of Mason Griffin & Pierson for these services and reimbursable costs for a total sum not to exceed \$2,500.00.

**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				Absent
Gnatt	S				Valenza				Absent

Council Member Chandler made a motion to approve Resolution 2024-8.16, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024 – 8.17**

**RESOLUTION RATIFYING PROFESSIONAL SERVICES AGREEMENT WITH REMINGTON & VERNICK ENGINEERS FOR ASSISTANCE WITH BOROUGH CLAIMS UNDER PFAS CLASS ACTION SETTLEMENTS**

**WHEREAS**, class action litigation in the U.S. District Court for the District of South Carolina is addressing contamination by per-and poly-fluoroalkyl substances (PFAS) in Public Water Systems Drinking Water; and

**WHEREAS**, to date the litigation has resulted in court-approved settlements with E.I Dupont de Nemours and affiliated entities (“DuPont”) and the 3M Company (“3M”), and more are expected;

**WHEREAS**, on July 2, 2024, on the recommendation of Water Resource Management, the Borough issued Purchase Order No. 24-00538 retaining the services of Remington & Vernick Engineers (RVE) to assist with filing claims on behalf of the Borough under the terms of the DuPont and 3M settlements;

**WHEREAS**, in accordance with the attached RVE proposal letter dated May 7, 2024 (“Proposal Letter”), the services to be provided by RVE include the preparation of documentation to support claims by the Borough of Pennington as a “Class 1” claimant (i.e., a public water system that detected PFAS in its water prior to June 2023);

**WHEREAS**, the RVE scope of work is described in the attached Proposal Letter, with the note that the deadline of July 12, 2024 for initial Class 1 claims has been pushed forward to July 26, 2024;

**WHEREAS**, the total cost of the work by RVE is not to exceed \$3,900, including future settlements approved by the Court;

**WHEREAS**, this agreement with RVE is in compliance with the Local Public Contracts Law;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Water/Sewer Utility budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Pennington, that the agreement with Remington & Vernick Engineers as set forth in the attached Purchase Order is hereby ratified and approved.

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2024-8.17, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2024-8.18**

**RESOLUTION AUTHORIZING CONSULTING SERVICES AGREEMENT WITH PHOENIX ADVISORS, LLC FOR WATER UTILITY EVALUATION**

**WHEREAS**, Phoenix Advisors LLC (“Phoenix”) serves as Municipal Advisor to Pennington Borough;

**WHEREAS**, Borough Council now seeks to engage Phoenix for additional services relating to municipal utility evaluation as described in the attached proposal under cover letter dated July 22, 2024 from Sherry Tracey, Senior Managing Director of Phoenix to the Borough Administrator Gian-Paolo Caminiti;

**WHEREAS**, contracted services shall be billed quarterly at the rate of \$195 per hour and shall not exceed \$7,500 for initial analysis and report;

**WHEREAS**, the Chief Financial Officer has certified that required funds are available in the Water Sewer Utility budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Pennington, in the County of Mercer, State of New Jersey, that the proposed services in accordance with the attached proposal are hereby approved for a total sum not to exceed \$7,500 for initial analysis and report, subject to a form of agreement approved by the Borough Attorney.

**Record of Council Vote on Passage**

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

Council Member Chandler made a motion to approve Resolution 2024-8.18, second by Council Member Angarone with all members present voting in favor.

**PROFESSIONAL REPORTS**

**Borough Administrator** – Mr. Caminiti reported that he spoke with the NJDOT regarding a traffic light at the intersection of Route 31 and Ingleside Avenue and they have confirmed verbally that they will be putting a traffic light at the intersection and the monitoring signal will not change. Mr. Caminiti stated that he has requested all the data they have regarding this intersection and the surrounding areas.

Mr. Caminiti stated that Personnel is working on some workforce changes, code enforcement and Police and Teamsters negotiations.

Mr. Caminiti stated that water quality is an ongoing issue to maintain compliance. Mr. Caminiti stated that he is talking to Stonybrook Watershed regarding compliance and coordinating regional efforts. Mr. Caminiti stated that he is coordinating a visit to Rocky Hill who has already put in measures for PFAS treatment and hopefully we will gain some insight for the Borough going forward.

Mr. Caminiti reported that he is working on deer management and getting everything in place for deer season starting in September and he is working on getting approval to harvest bucks as well as does.

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

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

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

**Chief of Police – Doug Pinelli** – Chief Pinelli reported that two officers have been submitted for re-certification of their license and going forward this will be ongoing. Chief Pinelli reported that the police department was busy with the recent storms with trees coming down. Chief Pinelli stated that they are monitoring the next storm that is on its way but it is too soon to tell what course the storm will take.

**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.

Meredith Moore of 153 East Delaware Avenue asked about the school referendum and asked if the Borough has an opinion or takes a stand on the issue. Mayor Davy stated that the Borough Council generally does not take a stand as a group, but we are taking steps on behalf of the residents.

At 7:57 PM with no further business to address, Council Member Angarone made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk