

**Pennington Borough Council
Regular Meeting – September 9, 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, Gnatt, Marciante and Stern in attendance. Mrs. Chandler was absent.

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

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

Open to the Public

Mayor Davy read the following statement.

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

Dino Spadaccini, owner of the Old Mill Square at 147 West Delaware Avenue spoke briefly on the storm water issues concerning his property with regard to storm water. Mr. Spadaccini stated that there is a serious issue with flooding over the past years, in 2012 they had a complete loss and similar losses in 2018, 2019 and 2024. Mr. Spadaccini stated that this is not a problem that he created it is a County and State problem that has resulted from not keeping up with the infrastructure. Mr. Spadaccini stated that he would like for the Borough to advocate for him in requesting that the County and the State address the infrastructure issues that have arisen over the years. Mr. Spadaccini stated that he is happy to be part of the process but he needs the Borough to step in and advocate for these necessary repairs. Mr. Spadaccini stated that he cannot sustain any more losses and this cannot be a long term process, this needs to be addressed soon. Mr. Spadaccini asked that if the Borough gets involved he is happy to help and he would like to be kept in the loop on any communications. Mayor Davy asked what Mr. Spadaccini is asking for. Mr. Spadaccini stated that he has an engineer working on the property and the first ask is to address the intake pipe which is not big enough and has not been brought current and larger pipes are needed to control the flow of water and he would be happy to provide information from his engineer in terms of what is needed. Mr. Spadaccini stated that he also has a video of the raging water. Ms. Angarone recommended that he send the video to the NJ Department of Transportation and there is a website that is monitored where issues such as this can be reported. Mr. Spadaccini stated that he does not expect the Borough to fix the problem because it was not created by the Borough, but as elected officials he is asking that the Borough advocate with him to get the County and the State to address the problem.

Mrs. Wendy Vasquez of 2 Queens Lane stated that she also has a storm water drainage problem in her backyard. Mrs. Vasquez stated that there are two items of concern, one is a storm drain that is on her property that needs to be addressed and there is a storm water issue when there is a storm. Mrs. Vasquez stated that Mr. Smith has looked at the storm drain that needs to be repaired and he indicated that he would put it on the schedule. Mrs. Vasquez stated that there are safety concerns related to the storm grate and she would like to know who is responsible for maintaining the grate in her back yard. Mrs. Vasquez stated that she submitted a letter and photos related to her concerns with the storm drain and grate in her back yard. Mrs. Vasquez stated that during the last storm the drain was overflowing and her backyard was completely flooded. Mrs. Vasquez stated that she has heard that a road project is planned and she would like to know that the drainage issues will be addressed during the road repairs. Mrs. Vasquez stated that they are new owners and they were not aware of these issues when they purchased the property. Mayor Davy asked the Borough Administrator to follow up with Rick Smith and work with the Vasquez's to see what is practically feasible to address their concerns. Mayor Davy stated that in all the years that he has lived here he has never seen water like he did during the recent storm and the Abey Drive tract has always had issues because it was constructed on what used to be a pond and now there is a drainage easement and he is not sure who is responsible. Mayor Davy stated that in terms of the road repair, drainage was not included in the application, but he has asked the Borough Engineer to look into other grant opportunities for infrastructure and drainage concerns. Mr. Caminiti stated that he and Rick Smith will get on this and come out to the property and figure out what needs to be done and how to maintain the drain going forward.

Mr. Albert Texiera of 20 East Franklin also spoke with regard to drainage in his area and he read an excerpt from a letter from his neighbor on Lewisbrook regarding flooding and damage to their basement. Mr. Texiera stated that he has issues in his yard caused by storm water and he understands that it is part of a bigger issue that needs to be addressed. Mr. Caminiti stated that has met with Mr. Texiera and this will be addressed as part of the Stormwater Management Strategy.

Ms. Jamie Tanquay stated that she lives at 103 Lewisbrook Drive which is Hopewell Township and he appreciates the comments previously made by Mr. Spaddaccini and Mr. Texiera because the water issues have become increasingly worse over the past several years. Ms. Tanquay stated that she understands that this is a result of the addition of buildings and turf fields without consideration for the infrastructure. Ms. Tanquay stated that she cannot leave her home for more than a couple days without installing plywood and other measures in case it rains while she is gone. Ms. Tanquay stated that she understands that this is a bigger problem involving other entities and she is planning to bring her concerns to Hopewell Township as well.

MAYOR’S BUSINESS

Stormwater Management Strategy – Mayor Davy stated this document is a draft internal document that was prepared to identify storm water concerns and how to address these concerns. Mayor Davy stated that the Borough will be joining with the Watershed Institute to conduct a regional storm water assessment. Mayor Davy stated that he will be referring the draft plan to the Public Works Committee and to the Environmental Commission for their review and input. Mayor Davy asked Council if they think any other groups should be included in the process. Mr. Valenza stated that this is a regional water issue and so it is important to find the problem areas so that the entire problem can be addressed and the Borough is committed to participating in the regional assessment for that reason.

Mosquito Control – Mayor Davy stated that this has been in the news lately and he contacted Mercer County and they confirmed that they are responsible for mosquito control and they will come out and respond to complaints and provide assistance with concentrations of mosquitos.

APPOINTMENTS (WITH COUNCIL APPROVAL)

Mayor Davy announced the appointment of George Ford as a Class C Alternate 2 member of the Historic Preservation Commission for an unexpired term ending December 31, 2024. Council Member Marciante made a motion to approve the appointment, second by Council Member Stern with all members present voting in favor.

APPROVAL OF MINUTES

Council Member Marciante made a motion to approve the minutes of the July 29, 2024 Work Session Meeting, second by Council Member Gnatt with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the August 5, 2024 Regular Council Meeting, second by Council Member Angarone with all members present voting in favor with the exception of Ms. Stern and Mr. Valenza who both abstained.

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

Council Member Stern made a motion to approve the July 29, 2024 Closed Session Minutes for content but not for release, second by Council Member Angarone with all members present voting in favor.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2024-13 by title.

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

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

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

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

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

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

1. Section 163-20.4, Subsection R, pertaining to Stormwater runoff quantity standards, is

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

R. Stormwater runoff quantity standards.

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

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

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

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

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

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

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

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

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

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

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

- (1) ~~The~~ 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 the New Jersey Geological and Water Survey website at <http://www.nj.gov/dep/njgs> <http://www.state.nj.us/dep/njgs/> or at the New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

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

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

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

Table 5: Current Precipitation Adjustment Factors (NEW)

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06

Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

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

Table 6: Future Precipitation Change Factors (NEW)

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

Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

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

Council Member Stern made a motion to introduce Ordinance 2024-13, second by Council Member Valenza with all members present voting in favor with the exception of Ms. Angarone who abstained.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

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 motion to open the Public Hearing on Ordinance 2024-12, second by Council Member Stern. There were no comments from the public. Council Member Stern made a motion to close the Public Hearing, second by Council Member Gnatt with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2024-12, second by Council Member Stern with all members present voting in favor.

COMMITTEE REPORTS

Personnel / Economic Development – Ms. Angarone stated that the Personnel Committee met on August 15 and she asked the Borough Administrator to report on the meeting. Ms. Angarone stated that Economic Development met on August 27th and they welcomed the Borough Administrator. Ms. Angarone stated that they discussed a number of things like welcoming new neighbors such as Beigene, they continue to work on the Master Plan Element and they are hoping to host a fall event in 2025.

Public Works / Planning Board / Historic Preservation – Ms. Stern reported that Public Works did not meet in August. Ms. Stern stated that she missed the Planning Board meeting because she was away but she reviewed the minutes and the GBESE element of the Master Plan was adopted so work on that continues. Ms. Stern reported that Borough Planner Jim Kyle will be conducting a preliminary investigation on the “Wells Fargo” property. Ms. Stern reported that Historic Preservation met and discussed the work that is underway at 15-17 North Main Street. Ms. Stern stated that members of Historic Preservation have met with the owner several times and they have reached an agreement on the siding for the building. Mrs. Stern stated that Mr. Holtermann asked about revisions to the Historic Preservation Ordinance that he submitted. Mr. Bliss stated that he was not aware of any revisions. Ms. Stern stated that she would follow up on the revisions.

Finance & Public Safety / Open Space / Arboretum / Landfill – No report. Mrs. Chandler absent.

Library / Shade Tree – Ms. Gnatt reported that the Library Board and the Shade Tree Committee did not meet over the summer so she had no report.

Parks & Recreation – Mr. Marciante reported that Parks & Recreation will be holding their final concert of the year and a movie night in October. Mr. Marciante stated that they are discussing an exercise platform for older residents to use to be installed at one of the parks.

Board of Health / Environmental Commission – Mr. Valenza had nothing to report for Board of Health or Environmental Commission.

Senior Advisory Board – Mayor Davy had no report.

COUNCIL DISCUSSION

Mrs. Sterling stated that two Social Affairs Permits have been submitted, one for the Trenton Cyrus Foundation and one for the Pennington Fire Company. Mrs. Sterling stated that if there are no concerns from Council, she and Chief Pinelli will go ahead and sign off on the permits. There were no comments or concerns.

Donation of Bench by the McManimon Family – Mayor Davy stated that the McManimon family submitted a request to install a bench in the right-of-way between two trees facing the Pennington School track in memory of Ed McManimon, longtime resident and Bond Counsel for the Borough for many years. Mr. Bliss stated that he prepared a resolution for consideration later in the meeting to accept the donation of the bench.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED that a refund be issued from the Current Fund to Corelogic Centralized Refunds, P.O. Box 9202, Coppell, TX 75019-9760 for an overpayment of 3rd Quarter Taxes, Block 403, Lot 401, 143 E. Delaware Avenue in the amount of \$7,327.27.

BE IT RESOLVED that a refund be issued from the Trust Fund to Hopewell Township, 201 Washington Crossing-Pennington Road, Titusville, NJ 08560 for the security deposit collected in connection with use of Kunkel Park for Art in the Park.

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				Absent	Stern	X			
Gnatt	M				Valenza	X			

Council Member Gnatt made a motion to approve Resolution 2024-9.1, second by Council Member Marciante with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.2

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 \$ 1,162,491.95 from the following accounts:

Current	\$ 1,099,152.03
W/S Operating	\$ 51,737.26
Grant Fund	\$ 665.16
General Capital	\$ 5,602.30
Other Trust	\$ 4,000.00
Open Space Fund	\$ 1,148.00
Animal Control Trust	\$ 1.20
COAH Trust	\$ 186.00
TOTAL	\$ 1,162,343.95

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				Absent	Stern	X			
Gnatt	M				Valenza	X			

Council Member Gnatt made a motion to approve Resolution 2024-9.2, second by Council Member Angarone with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.3

RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Borough Tax Sale held on December 8, 2023, a lien was sold on Block 403, Lot 34, also known as 161 E. Delaware Avenue, Pennington, NJ, for 2022 delinquent water/sewer payments; and

WHEREAS, this lien, known as Tax Sale Certificate #22-00002, was sold to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for 0% and premium in the amount of \$4,000.00; and

WHEREAS, Qun Zhang, 138 Wilson Road, Princeton, NJ 08540 has effected redemption of Certificate #22-00002 in the amount of \$9,182.99;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$9,182.99, from the Current Fund, payable to Christiana T C/F CE1/First Trust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate #22-00002; and

BE IT FURTHER RESOLVED, the that Chief Financial Officer is authorized to issue a check in the amount of \$4,000.00 from the Trust Fund payable to Christiana T C/F CE1/ First Trust at the address indicated above.

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				absent	Stern	X			
Gnatt	S				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-9.3, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.4**

**RESOLUTION AUTHORIZING A.C. SCHULTES TO PERFORM WORK
REQUIRED ON WELL #8**

WHEREAS, during a recent inspection at Well 8 by A.C. Schultes of Woodbury Heights, New Jersey, it was determined that the pump, which is part of the VTP assembly, is in need of replacement; and

WHEREAS, the Superintendent of Public Works has recommended that this work is necessary to ensure that Well 8 can continue to provide safe drinking water; and

WHEREAS, the Superintendent has determined that A.C. Schultes can perform the necessary work under contract #B-414-10 (attached) 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, A.C Schultes of Woodbury Heights, New Jersey has provided the attached proposal #ACS Job #P31088-07, dated July 10, 2024 in the amount of \$62,000 for the necessary labor, materials and equipment required to replace the pump and \$800 for an optional TV inspection; and

WHEREAS, the Chief Financial Officer has determined that the funds for this work will be available following the required estoppel period under Ordinance 2024-12;

NOW, THEREFORE, BE IT RESOLVED, that on the recommendation of the Borough’s Superintendent of Public Works the Borough Clerk is authorized to issue a Purchase Order to A.C. Schultes to perform the work described in the attached proposal for a total cost not to exceed \$62,800.00, but only after final publication of Ordinance 2024-12 and expiration of the required estoppel period.

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				absent	Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-9.4, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.5**

**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, **as approved in writing by the Borough Administrator in consultation with the Chief of Police**;

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 it 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	X				Marciante	X			
Chandler				absent	Stern	S			
Gnatt		X			Valenza	M			

Council Member Valenza made a motion to approve Resolution 2024-9.5, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who voted no.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-9.6**

**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	M			
Chandler				absent	Stern	X			
Gnatt	S				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-9.6, second by Council Member Gnatt with all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
RESOLUTION 2024-9.7**

**RESOLUTION ACCEPTING DONATION OF WOODEN BENCH
IN MEMORY OF EDWARD MCMANIMON**

WHEREAS, the McManimon Family of Pennington and greater Mercer County has offered to donate to the Borough of Pennington a wooden bench in the right of way overlooking the Pennington School track with a plaque in memory of Edward McManimon;

WHEREAS, Ed McManimon was a 30-year resident of Pennington who was also a prominent attorney with a statewide law practice who proudly called Pennington home;

WHEREAS, living with his family at 115 Laning Avenue, Ed was an important contributor to our community life, visible walking our streets, patronizing our local restaurants and businesses and cheering at local sporting events;

WHEREAS, for more than 30 years, Ed served every year as a volunteer at the Annual July 4th Races hosted by Pennington Parks and Recreation and held at The Pennington School, and Ed loved the July 4th Races for what they meant to our children and Pennington;

WHEREAS, the proposed location of the memorial bench overlooking the track is described in the attached sketch;

WHEREAS, the Borough accepts this gift with the understanding however that the Borough hereafter will be the sole owner of the bench with the sole right to maintain it, relocate it and preserve it in the manner and to the extent the Borough deems appropriate in its discretion;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that with the understandings set forth above, the Borough gratefully accepts this gift as a fitting tribute to a respected and beloved former citizen.

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				absent	Stern	S			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-9.7, second by Council Member Stern with all members present voting in favor.

Mayor Davy asked for a consent agenda for Resolutions 2024-9.8 and 2024-9.9. Council Member Stern made a motion to approve Resolution 2024-9.8, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.8**

**RESOLUTION AUTHORIZING BLOCK PARTY ON
SEPTEMBER 22, 2024 BEGINNING AT 3PM**

WHEREAS, Amber Miller has applied to the Borough of Pennington for permission to close the street known as Reading Street in the Borough on September 22, 2024 at 3:00 pm for a block party to be held in the cul-de-sac adjacent to the Senior Center parking lot for an estimated 30 people, to conclude at 5pm;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that this application by Amber Miller 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				absent	Stern	M			
Gnatt	X				Valenza	X			

Council Member Stern made a motion to approve Resolution 2024-9.8, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 9.9**

**RESOLUTION AUTHORIZING BLOCK PARTY ON OCTOBER 5, 2024 FROM BEGINNING AT
4PM TO 10PM**

WHEREAS, Trenton Cyrus Foundation has notified the Borough of Pennington that on October 5, 2024 from 4pm to 10pm, Trenton Cyrus will conduct an event at 131 Burd Street that will NOT require street closure but will require for safety purposes barricades or cones in the right of way to protect moving vehicles and pedestrians; and

WHEREAS, the event has a rain date of October 6, 2024 at the same time;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that permission for the placement of barricades and/or cones in the public right of way is hereby approved subject to the following conditions:

- 5. Approval by the Police Department and subject to its directives.
- 6. Locations of barricades and cones shall be determined at the discretion of the Police Department.
- 7. There must be access for emergency vehicles at all times.

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				absent	Stern	M			
Gnatt	X				Valenza	X			

PROFESSIONAL REPORTS

Borough Administrator – Mr. Caminiti stated that we received notification that the State Health Benefits will be increasing by 16.3% for 2025 for active employees and 16.5% for retirees. Mr. Caminiti stated that we have started the process to look into a health insurance fund for health benefits. Mr. Caminiti stated that as municipalities drop out of the State Health Benefits the remaining municipalities are left to foot the bill. Mr. Caminiti stated that we are obligated to provide equal to or better coverage to the employees of the Borough.

Mr. Caminiti stated that he held a team lunch to kick off an employee satisfaction survey and to explain employee evaluations that will be done in the coming months. Mr. Caminiti stated that he should have some data to share with Council in the coming months but hopefully by the end of the year.

Mr. Caminiti stated that he will be meeting with the school district to discuss whether the school district would be willing to assume the costs for crossing guards.

Mr. Caminiti stated that he received a request from a film company to use Kunkel Park and he is working with Walter to make that happen. Mr. Caminiti stated that this could become a revenue source for the Borough and he will be attending a workshop called Film Ready to see if we can Pennington on the list of desirable towns for film producers to consider.

Borough Attorney – Walter Bliss – Mr. Bliss stated that the PILOT appeal is scheduled to be heard on October 1st at 10:00 am and would encourage anyone who can to please do so. Mr. Bliss stated that he believes it will be filmed as well.

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

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

Chief of Police – Doug Pinelli – Chief Pinelli had no report.

Superintendent of Public Works – Rick Smith – Mr. Smith was absent.

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 2 minutes. There were no comments from the public.

AT, 8:10 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 / Teamsters

At 8:10 PM with no further business to address, Council Member Marciante made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk