



**SPECIAL COUNCIL MEETING - JANUARY 13, 2025**  
**AGENDA**  
**Monday, January 13, 2025 at 5:30 PM**  
**Online via Zoom**

---

**CALL TO ORDER - Mayor Davy**

**ROLL CALL - Borough Clerk - Betty Sterling**

Angarone; Chandler; Gnatt; Marciante; Stern; Valenza; Mayor Davy

**OPEN PUBLIC MEETINGS STATEMENT**

Notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board at Borough Hall at 30 North Main Street and on the Borough website according to the regulations of the Open Public Meetings Act.

**OPEN TO THE PUBLIC**

The Meeting is now open to the public for comment. 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 Clerk acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.

**ORDINANCES FOR INTRODUCTION**

- 1.** Ordinance 2025-2 - AN ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY 5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2, BOROUGH OF PENNINGTON

**NEW BUSINESS**

- 2.** Resolution 2025-1.31 - Resolution Authorizing a Professional Services Agreement for Special Affordable Housing Counsel
- 3.** Resolution 2025-1.32 - Resolution Authorizing Conditional Offer of Employment to New Police Officer in the Pennington Police Department

**OPEN TO THE PUBLIC**

The Meeting is now open to the public for comment. 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 Clerk acknowledges you

state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.

**ADJOURNMENT**

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2025-2**

**ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY  
5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE  
HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2,  
BOROUGH OF PENNINGTON**

**WHEREAS**, 5 Pennington LLC, located at 2950 S.W. 27<sup>th</sup> Avenue, Suite 300, Miami Florida is the owner of real property located at 5 State Highway 31, Borough of Pennington, County of Mercer, State of New Jersey, and more particularly known as Block 206, Lot 2 on the Official Tax Map of the Borough of Pennington (the “Property”); and

**WHEREAS**, the Grantor was previously granted Preliminary and Final Site Plan approval by the Borough of Pennington Planning Board (the “Board”) to convert a former bank building to a Starbucks Restaurant, as memorialized by the Board’s adoption of a Resolution on February 8, 2023 on Application No. PB22-009 (“Approval”); and

**WHEREAS**, the Property is the site of a public fire hydrant and a water main serving the hydrant in accordance with an agreement with the prior owner for which, as a condition of Board approval, grant of an easement is required, to be recorded prior to issuance of the Certificate of Occupancy;

**WHEREAS**, as set forth in the attached form of Utility Easement, the required easement is a 20-foot wide non-exclusive easement extending from the easterly boundary of the Property to the fire hydrant near Route 31 to the west:

**WHEREAS**, consideration for the easement is One Dollar and the promises and representations described in the document;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, that the attached Utility Easement is hereby approved and accepted, and the Mayor, with the attestation of the Borough Clerk, is authorized to execute the Utility Easement and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

Introduced: \_\_\_\_\_

Advertised: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adoption: \_\_\_\_\_

Final Publication: \_\_\_\_\_

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

**BOROUGH OF PENNINGTON  
COUNTY OF MERCER**

**ORDINANCE NO. 2025 - 2**

**ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY  
5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE  
HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2,  
BOROUGH OF PENNINGTON**

**RECORD OF COUNCIL VOTE ON INTRODUCTION**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Angarone					Rubenstein				
Chandler					Stern				
Marciante					Valenza				

**RECORD OF COUNCIL VOTE ON ADOPTION**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Angarone					Rubenstein				
Chandler					Stern				
Marciante					Valenza				

**BOROUGH OF PENNINGTON  
RESOLUTION 2025-1.31**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR SPECIAL AFFORDABLE HOUSING COUNSEL**

**WHEREAS**, the Borough of Pennington has an affordable housing obligation pursuant to the New Jersey Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq.* and the New Jersey State Constitution; and

**WHEREAS**, pursuant to Chapter 98-1 et seq. of the “Code of the Borough of Pennington”, said Borough collects affordable housing development fees in order to provide funding for affordability assistance, accessory apartments, and the like in order to support and facilitate affordable housing for income-qualified households within said Borough; and

**WHEREAS**, legal services are required from time to time to address issues associated with the Affordable Housing Trust Fund, Spending Plan and other issues related to the Borough’s Affordable Housing Program, including at the present time the Borough’s Fourth Round obligations; and

**WHEREAS**, the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* requires that a resolution authorizing the award of a Contract for “Professional Services” without competitive bidding be publicly advertised; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Affordable Housing Trust Fund for the present purpose up to \$3,000.00;

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

1. The Mayor and Clerk of the Borough of Pennington are hereby authorized and directed to enter into an Agreement with the law firm of Mason, Griffin & Pierson, PC, 101 Poor Farm Road, Princeton, New Jersey 08540, for a sum not to exceed \$3,000 to provide professional legal services to said Borough concerning matters related to affordable housing and potential litigation relating to the Borough’s Fourth Round obligations. The Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.
2. This Agreement is being awarded without competitive bidding as a professional services contract under the provisions of the New Jersey Local Public Contracts Law because a service will be rendered or performed by a person or persons authorized by law to practice or recognize profession and that practice is regulated by law.
3. A notice of this action shall be published in a newspaper of general circulation within the Borough within 10 days of its passage.

**Record of Council Vote on Passage**

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 13, 2025.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk

**BOROUGH OF PENNINGTON  
RESOLUTION 2025-1.32**

**RESOLUTION AUTHORIZING CONDITIONAL OFFER  
OF EMPLOYMENT TO NEW POLICE OFFICER IN THE  
PENNINGTON POLICE DEPARTMENT**

**WHEREAS**, the Pennington Police Department seeks to hire an additional police officer;

**WHEREAS**, the Department advertised for applicants from August to September in 2024 and received 87 applications;

**WHEREAS**, after an initial screening of applications for compliance with minimum requirements, remaining candidates not already holding a valid NJ PTC BCPO Certification were required to pass a physical fitness examination as a condition for proceeding further in the hiring process;

**WHEREAS**, 37 candidates were selected to participate in the next process phase involving a pass/fail physical fitness examination, and all but 5 passed the exam;

**WHEREAS**, 40 candidates, including the 32 that passed the physical and 8 already holding a valid BCPO certification proceeded to the interview stage and were interviewed by Chief Douglas Pinelli and officers of the Department, and candidate Kenneth Abey was determined to be the best qualified candidate;

**WHEREAS**, Chief Pinelli has recommended Kenneth Abey (“Candidate”) for a conditional offer of employment in accordance with the form of offer (“Conditional Offer”) attached to this Resolution;

**WHEREAS**, the Public Safety Committee has reviewed and approved this recommendation;

**WHEREAS**, the conditions to which the Conditional Offer is subject are described in the attached document and include successfully passing required medical, physical, psychological and drug tests, the pre-academy physical fitness assessment and such other conditions as described in the document;

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

1. The Chief of Police is hereby authorized to offer conditional employment to the identified Candidate and, for this purpose, execute on behalf of the Borough the attached Conditional Offer of Employment, provided determination that the conditions of the offer have been satisfied and that hiring is appropriate shall be made by Borough Council.
2. The Candidate’s salary and other terms and conditions of employment, if the Candidate be ultimately hired, shall be governed by the contract between the Borough and the Pennington Borough Police Association.

**Record of Council Vote on Passage**

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

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 13, 2025.

\_\_\_\_\_  
Elizabeth Sterling, Borough Clerk