

**BOROUGH OF PENNINGTON
ORDINANCE 2024-10**

**ORDINANCE ACCEPTING GIFT OF MEMORIAL GAZEBO AND RELATED
IMPROVEMENTS ON LAND OWNED BY THE BOROUGH AT THE CORNER OF
BROEMEL PLACE AND KNOWLES STREET, IN HONOR OF THE YEARS OF
SERVICE TO THIS COMMUNITY BY THE VOLUNTEERS
OF THE PENNINGTON FIRST AID SQUAD**

WHEREAS, volunteers of the Pennington First Aid Squad, Inc. (PFAS) provided emergency medical services to the Pennington Community for many years until they were forced to discontinue operations in 2023;

WHEREAS, PFAS, a 501c3 corporation, at its sole cost and expense, seeks to construct and donate to the Borough of Pennington a memorial gazebo (“Gazebo”) and related improvements (“Improvements”) on land owned by the Borough at the northeasterly corner of Broemel Place and Knowles Street, Block 202, Lot 6 on the Borough Tax Map (“the Property”);

WHEREAS, the purpose of this donation is to commemorate the years of service to this Community by PFAS volunteers, an expression of respect and gratitude in which the Borough joins;

WHEREAS, the proposed Gazebo and Improvements are described in the attached sketch entitled “Open Space on Corner of Broemel place and Knowles Street,” drawn by Carrie Stanker, Feb 2024, revised March 2024 (“Sketch”);

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

1. The Borough of Pennington accepts with gratitude the donation of the Gazebo and Improvements subject to the requirements further set forth below.
2. The Gazebo as now envisioned shall be a 12-foot octagon vinyl gazebo with a metal roof, enclosed by a railing on seven sides, and positioned on a concrete slab in the approximate location shown in the Sketch. The Gazebo is planned to be “clay” in color with an “evergreen” roof and decking covering its floor surface in a “black walnut” color, available from a local vendor. The PFAS donation will include four benches for the interior of the Gazebo. Overall, the Gazebo is intended to resemble the gazebo recently constructed by the Borough in Sked Street Park.
3. As shown on the Sketch, donated Improvements to the site shall include construction of a 4-foot wide concrete walkway along the perimeter of the Property extending from the existing sidewalk on Broemel Place to a point on Knowles Street at which the walkway will turn toward the center of the Property and follow a winding course to the Gazebo. The new walkway, when following the street, shall have a turf strip 18 inches wide between its street-side edge and the existing curb. Along the inside edge of the walkway a landscape-block retaining wall shall be constructed as needed.
4. Substantial variations on this project design may be accomplished only with the approval of Borough Council, by resolution. Donations of trees and other landscaping to the site as well as placement of a suitable plaque on the Gazebo or elsewhere on site shall also be subject to one or more resolutions of approval by Borough Council.
5. PFAS shall obtain all permits required for the work. All such work shall be performed by appropriately licensed and insured contractors retained by PFAS, which shall be entirely responsible for the costs and quality of the work. PFAS also shall ensure to the satisfaction of the Borough that appropriate liability insurance covers the project.
6. All work shall be subject to oversight and approval by the Superintendent of Public Works or his designee (“Superintendent”). However, no such approval shall diminish the responsibility of PFAS or its contractors for the quality of the work.
7. Upon completion of the work and approval by the Superintendent, the Gazebo and Improvements shall become the sole property of the Borough. Thereafter, the Borough alone shall be responsible in its sole discretion for maintenance and preservation of the Gazebo and Improvements as well as maintenance and control of

the site. The ownership rights of the Borough shall include, for example, the right in its sole discretion to remove the Gazebo and/or Improvements and re-design or re-use the site or restore it to its unimproved condition.

8. This ordinance shall be effective upon its passage and publication as provided by law.

Introduced: _____

Advertised: _____

Public Hearing: _____

Adoption: _____

Final Publication: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

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RECORD OF COUNCIL VOTE ON INTRODUCTION

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

RECORD OF COUNCIL VOTE ON ADOPTION

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