

**Pennington Borough Council  
Reorganization Meeting – January 4, 2023**

Mayor Davy called the Reorganization Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante, and Stern in attendance.

Also present were Public Works Superintendent Rick Smith, Chief Douglas Pinelli, Sergeant First Class Novin Thomas, Sergeant First Class Daryl Burroughs, Chief Financial Officer Sandra Webb, Borough Engineer Brandon Fetzer and Borough Attorney Walter Bliss.

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.**

Ms. Meredith Moore asked to speak on the lighting ordinance. Mayor Davy stated that will be on the agenda for the Regular Meeting and he asked that Ms. Moore hold her comments until then.

There were no further comments from the public.

**Invocation**

Mayor Davy invited Father Ron Bacovin, Retired Paster of St. James Church to deliver the Invocation.

Mayor Davy recognized Brendan Hanson from Assemblyman Verelli’s office who congratulated newly elected Council Members on behalf of Assemblyman Verelli.

**Mayor’s Business**

Mayor Davy read the following Proclamation for Kennen Gross.

**PROCLAMATION OF MAYOR AND COUNCIL  
RECOGNIZING AND HONORING  
KENNEN GROSS**

**WHEREAS;** Kennen Gross served as a Member of the Common Council, Borough of Pennington from January 1, 2021 through December 31, 2022; and

**WHEREAS;** Kennen Gross' professional experience and expertise as a data scientist served the Pennington Borough municipal government in making well-informed, rational operational and policy decisions, particularly with respect to budgeting and program planning; and

**WHEREAS;** Kennen Gross served the Pennington Borough Council with honor and distinction as a Chairperson of the Council's Finance and Technology Committee, ably shepherding the development of Pennington Borough's municipal budget and as a member of the Council's Public Works and Public Safety Committees and as liaison to Pennington Board of Health; and

**WHEREAS;** Kennen Gross gave countless hours of valuable service to the Borough of Pennington; and

**WHEREAS;** throughout his tenure on Council, Kennen Gross was preeminently responsive to the citizens of Pennington, their concerns and their interests; and

**WHEREAS,** Kennen Gross worked tirelessly for the betterment of the Pennington community at large; and

**WHEREAS,** the Borough of Pennington highly respects those, like Kennen Gross who never cease in their efforts to make their community a better place to live.

**NOW, THEREFORE, BE IT PROCLAIMED THAT,** the Mayor and Council of the Borough of

Pennington hereby express gratitude and appreciation to Kennen Gross on this 4th day of January, 2023.

Mayor Davy announced that the Democratic Committee submitted three names to fill the vacancy on Council for the unexpired term ending December 31, 2023 and they are Mark Blackwell, Jen Tracy and John Valenza. Mayor Davy invited each of the nominees to say a few words about why they would like to serve on Council.

Mr. Mark Blackwell stated that he is a lifelong resident of Pennington and has served on both the Fire Commission, the Planning Board and Open Space for many years. Mr. Blackwell stated that he recently stepped down from his position on the Fire Commission and he feels that his knowledge of Pennington and its history would be of value to the Borough. Council Members Marciante and Angarone asked questions related to open space and environmental issues.

Ms. Jen Tracy stated that she and her husband reside at 135 East Delaware Avenue where she has focused on raising here children. Ms. Tracy stated that she has not been active as a volunteer but she is looking forward to becoming involved. Council Members Marciante and Angarone asked the same questions related to open space and environmental issues.

Mr. John Valenza stated that he grew up here in Pennington and has been actively involved in the soccer programs in the area. Council Members Marciante and Angarone asked the same questions related to open space and environmental issues.

Council Member Chandler thanked the Democratic Committee for their thorough search to find three candidates. Council Member Chandler made a motion to nominate John Valenza to fill the vacancy on Council, second by Council Member Gnatt. Upon a roll call vote Council Members Chandler, Gnatt and Marciante voted in favor and Council Members Angarone and Stern voted no.

**ELECTION RESULTS**

Borough Clerk Betty Sterling announced the following Election Results:

Charles (Chico) Marciante was re-elected to a 3 year term ending December 31, 2025.

Katrina (Kati) Angarone was re-elected to a 3 year term ending December 31, 2025.

**ADJOURNMENT OF 2022 COUNCIL**

Council Member Chandler made a motion to adjourn the 2022 Council, second by Council Member Marciante with all members present voting in favor.

**OATHS OF OFFICE (Administered by Borough Attorney)**

Borough Attorney Walter Bliss administered the Oath of Office individually to Charles Marciante, Katrina Angarone, John Valenza.

**ROLL CALL OF 2023 COUNCIL**

Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante, Stern, Valenza and Mayor Davy in attendance.

**ELECTION OF COUNCIL PRESIDENT**

Council Member Marciante made a motion to nominate Council Member Chandler as Council President for the year 2023, second by Council Member Angarone with all members present voting in favor with the exception of Mrs. Chandler who abstained.

**ANNUAL RESOLUTIONS**

**PENNINGTON BOROUGH  
RESOLUTION 2023-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON, A DIVISION OF PKF O’CONNOR  
DAVIES AS BOROUGH AUDITOR FOR THE YEAR 2023**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing services in the year 2023, including conduct of audits for 2022;

**WHEREAS**, Hodulik and Morrison, P.A. a Division of PKF O’Connor Davies, has served as Borough Auditor and is prepared to continue to serve in this capacity in accordance with a mutually acceptable contract for professional services;

**WHEREAS**, the Borough Clerk has determined and has certified in writing that the anticipated value of such contract for professional services, having a term of one (1) year, would exceed \$17,500;

**WHEREAS**, approval of such contract would comply with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, the appointee has made no such political contribution and shall make no such contribution during the term of the contract;

**WHEREAS**, approval of such contract would also comply with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by professional business entities regardless of the value of the contract;

**WHEREAS**, Hodulik and Morrison, a Division of PKF O'Connor Davies, has completed and submitted a sworn Business Entity Disclosure Certification which certifies that the firm has made and shall make no political contribution prohibited by the relevant provisions of either the statute or the Borough Code concerning pay-to-play;

**WHEREAS**, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

**WHEREAS**, Hodulik and Morrison, P.A. a Division of PKF O'Connor Davies, proposes to continue to serve as Borough Auditor for fees not to exceed in the aggregate \$39,850.00 for the following services: annual audit of the Borough (\$24,500.00); preparation of annual financial statement (\$6,500.00); preparation of annual debt statement (\$1,350.00); audit of the Pennington Library (\$5,500.00) and Municipal Budget (ADS) \$2,000.00;

**WHEREAS**, Hodulik and Morrison, a Division of PKF O'Connor Davies, shall perform such additional professional services as may be requested from time to time by the Borough at the following hourly rates: Principal - \$190.00; Manager - \$175.00; Senior Associates - \$140.00; Associate - \$115.00 - \$130.00, and as further set forth in the attached letter of engagement dated December 12, 2022 provided aggregate fees under this contract, including expenses, shall not exceed \$39,850.00 without the prior written approval of Borough Council;

**WHEREAS**, Hodulik & Morrison, a Division of PKF O'Connor Davies, shall comply with requirement for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract under Finance, Library and in the Water/Sewer Utility budget;

**WHEREAS**, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Hodulik and Morrison, P.A. be appointed as Borough Auditor of the Borough of Pennington for a period of one year in compliance with applicable law;

**BE IT FURTHER RESOLVED**, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Hodulik and Morrison, P.A., a Division of PKF O'Connor Davies, by accepting the annexed letter of engagement dated December 12, 2022 with such amendments as to form required by the Borough Attorney;

**NOW, BE IT FURTHER RESOLVED**, that a copy of this resolution shall be published in the Hopewell Valley News as required by law within ten (10) days of its adoption.

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	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-1, second by Council Member Chandler with all members present voting in favor.

Mayor Davy called for a consent agenda for Resolutions 2023-1.2 through 2023-1.10. Council Member Marciante made a motion to approve Resolutions 2023-1.2 through 2023-1.10, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE YEAR 2023**

**WHEREAS**, the Borough seeks to appoint Edward J. McManimon, of the law firm of McManimon, Scotland & Baumann, LLC, as Bond Counsel for 2023; and

**WHEREAS**, Bond Counsel shall perform professional services in accordance with a professional services agreement between the Borough and McManimon, Scotland & Baumann substantially in the form attached to this resolution; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq) authorizes award of this contract as a contract for professional services not requiring advertisement for competitive bids; and

**WHEREAS**, Mr. McManimon and McManimon, Scotland & Baumann have completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, Mr. McManimon and McManimon, Scotland & Baumann shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this contract within various capital ordinances or in budget line #: 3-01-20-130-000-251;

**NOW, THEREFORE, BE IT RESOLVED**, by the Pennington Borough Council that Edward J. McManimon is hereby appointed as Bond Counsel for a period of one year in accordance with appropriate New Jersey Statutes, with payment of fees in accordance with the schedule of fees contained in the annexed form of agreement with McManimon, Scotland & Baumann and otherwise pursuant to terms substantially in the form of that agreement subject to approval as to form by the Borough Attorney; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be published in the Hopewell Valley News as required by Law within ten 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	X				Marciante	M			
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

**PENNINGTON BOROUGH  
RESOLUTION NO. 2023 - 1.3**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.  
AS BOROUGH ATTORNEY FOR THE YEAR 2023**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 2023;

**WHEREAS**, the Borough Clerk has determined and has certified in writing that the anticipated value of this contract for professional services, having a term of one (1) year, will exceed \$17,500;

**WHEREAS**, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which except in prescribed circumstances prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, such political contributions are permitted by the statute only if the municipality has elected to award the contract through a competitive process involving a publicly advertised request for proposals and a review process based on written procedures and criteria prescribed in advance by the governing body or as otherwise provided by law;

**WHEREAS**, the appointee has made no such political contribution and shall make no such contribution during the term of the contract;

**WHEREAS**, approval of this contract also complies with Chapter 15, Article I of the Code of the Borough of Pennington which prohibits certain political contributions by professional business entities regardless of the value of the contract;

**WHEREAS**, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., without advertising for proposals or competitive bidding, because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

**WHEREAS**, Walter R. Bliss, Jr. has served as Borough Attorney and proposes to continue to serve in this capacity in both litigation and non-litigation matters at the billing rate of \$125 per hour, plus reimbursement for reasonable out-of-pocket expenses;

**WHEREAS**, total fees for the legal services of Walter R. Bliss Jr. and the Law Offices of Walter R. Bliss Jr., including expenses, shall not exceed in the aggregate \$55,000.00 without the prior written approval of Borough Council; except pursuant to a separate contract addressed to a specific litigation;

**WHEREAS**, Mr. Bliss has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made nor shall make any political contribution prohibited by the relevant provisions of either the statute or the Borough Code concerning pay-to-play;

**WHEREAS**, Mr. Bliss shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract in budget line #: 3-01-20-155-000-261;

**WHEREAS**, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that Walter R. Bliss, Jr. be appointed as Borough Attorney of the Borough of Pennington for a period of one year in compliance with applicable law;

**BE IT FURTHER RESOLVED**, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a professional services agreement with Walter R. Bliss, Jr. in the form annexed hereto;

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be published in the Hopewell Valley News as required by law within ten (10) days of its adoption.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2023- 1.4**

**RESOLUTION APPOINTING CRAIG J. HUBERT AS CHIEF MUNICIPAL PROSECUTOR FOR  
THE YEAR 2023**

**WHEREAS**, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

**WHEREAS**, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor be designated and appointed by the municipality;

**WHEREAS**, Borough Council seeks to designate and appoint Craig Hubert as the Chief Municipal Prosecutor;

**WHEREAS**, it is understood that Mr. Hubert is not representing criminal defendants in any municipal court or Superior Court in Mercer County as of January 1, 2023; and

**WHEREAS**, Mr. Hubert has completed and submitted a sworn Business Entity Disclosure

Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, Craig Hubert shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, Mr. Hubert shall be compensated as Chief Prosecutor at the rate of \$ 300.00 for each session of Municipal Court at which he serves, payable to the firm of Szaferman Lakind;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in budget line # 3-01-25-275-000-201;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Craig J. Hubert is hereby designated and appointed Chief Municipal Prosecutor of Pennington Borough for the year 2023.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2023–1.5**

**RESOLUTION APPOINTING ALTERNATE PROSECUTORS FOR THE YEAR 2023**

**WHEREAS**, N.J.S.A. 2B:24-4e provides that a municipality may appoint municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court;

**WHEREAS**, N.J.S.A. 2B:25-6f requires that when a municipality has appointed more than one municipal prosecutor a chief municipal prosecutor shall be designated and appointed by the municipality;

**WHEREAS**, Borough Council has appointed Craig Hubert as the Chief Municipal Prosecutor; and

**WHEREAS**, the Borough seeks to appoint first, second, third and fourth alternate prosecutors to substitute in that order for the Chief Municipal Prosecutor when the Chief Municipal Prosecutor is not able to cover a court session; and

**WHEREAS**, it is understood that the municipal prosecutor and alternate prosecutors designated and appointed herein are not representing criminal defendants in any municipal court or Superior Court in Mercer County as of January 1, 2023; and

**WHEREAS**, each alternate prosecutor has completed and submitted a sworn Business Entity Disclosure Certification which certifies that neither they nor their respective firms have made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, each alternate prosecutor shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington that the following appointments are made for the year 2023:

1. Thomas Manzo is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Jeff Rubin is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Martin Hillman, Esq. is hereby appointed Third Alternate Prosecutor of Pennington Borough.
4. Alfred B. Vuocolo is hereby appointed Fourth Alternate Prosecutor of Pennington Borough.

**BE IT FURTHER RESOLVED**, that the alternate prosecutors shall be compensated for each court session in which they serve at the same rate as the Chief Municipal Prosecutor.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 - 1.6**

**RESOLUTION APPOINTING PATRICK MEMES AS PUBLIC DEFENDER  
FOR THE YEAR 2023**

**WHEREAS**, Borough Council seeks to designate and appoint Patrick Memes as the Public Defender;

**WHEREAS**, Mr. Memes shall comply with Pay to Play regulations and will complete and submit a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, Mr. Memes shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, Mr. Memes shall be compensated as Public Defender at a rate of \$200.00 for each court session in which he serves;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Trust Fund under Public Defender or in budget account #3-01-43-495-000-255;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Patrick Memes is hereby designated and appointed Public Defender for Pennington Borough for the year 2023.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.7**

**RESOLUTION APPOINTING JOHN HOLLIDAY AS CONFLICT PUBLIC DEFENDER FOR THE  
YEAR 2023**

**WHEREAS**, the Court Administrator has indicated that there is a need to hire a Conflict Public Defender and she had recommended the appointment of John Holliday; and

**WHEREAS**, Borough Council seeks to designate and appoint John Holliday as Conflict Public Defender;

**WHEREAS**, Mr. Holliday shall comply with Pay to Play regulations and will complete and submit a sworn Business Entity Disclosure Certification which certifies that neither he nor his firm has made or shall make any political contribution prohibited by relevant provisions of N.J.S.A. 19:44A-20.5 or Chapter 15, Article I of the Pennington Borough Code, regarding pay-to-play;

**WHEREAS**, Mr. Holliday shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, Mr. Holliday shall be compensated as Public Defender at a rate of \$200.00 for each court session in which he serves;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Trust Fund under Public Defender or in budget account #: 3-01-43-495-000-255;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that John Holliday is hereby designated and appointed Public Defender for Pennington Borough for the

year 2023.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 - 1.8**

**RESOLUTION APPOINTING BOROUGH ENGINEER FOR THE YEARS 2023  
THROUGH 2025**

**WHEREAS**, the Borough of Pennington is required by law to appoint a Municipal Engineer and to contract for related engineering services;

**WHEREAS**, the Mayor nominates as Borough Engineer Brandon Fetzer of Van Note Harvey Associates, a licensed professional engineer of the State of New Jersey, subject to advise and consent of Council and agreement on a final contract for professional services with Mr. Fetzer and his firm Van Note Harvey Associates;

**WHEREAS**, a proposed form of professional services agreement is attached to this Resolution;

**WHEREAS**, the Borough Clerk has determined and has certified in writing that the anticipated value of this contract for professional services will exceed \$17,500;

**WHEREAS**, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which, except in prescribed circumstances, prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

**WHEREAS**, this appointment also complies with the Code of the Borough of Pennington, Section 15-1, et seq., prohibiting the award of public contracts to certain political contributors;

**WHEREAS**, Brandon Fetzer and Van Note Harvey Associates have completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the contract;

**WHEREAS**, award of this contract is also in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., because as a professional services contract it is not required to be subject to advertising for proposals or competitive bidding because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract in the Engineering Current Fund and Water Sewer Operating Funds (3-01-20-165-000-262, 3,01-20-146-000-255, 3-05-55-501-000-262 and 3-05-55-502-000-262);

**WHEREAS**, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that Brandon Fetzer of Van Note Harvey Associates is hereby appointed as the Municipal Engineer of the Borough of Pennington for a term of three years expiring on December 31, 2025;

**BE IT FURTHER RESOLVED**, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a professional services agreement with Brandon Fetzer and the firm of Van Note Harvey Associates for a sum not to exceed \$35,000.00 from the Current Fund and \$36,750.00 from the Water/Sewer Operating Fund subject to negotiation of a final agreement substantially in the form attached hereto and subject to approval of a list of engineering projects for 2023;

**BE IT FURTHER RESOLVED**, that the final agreement shall be subject to approval as to form by the Borough Attorney;

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be published in the Hopewell Valley News as required by law within ten (10) days of its adoption.



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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.9**

**RESOLUTION RE-APPOINTING DEPUTY COURT ADMINISTRATOR**

**WHEREAS**, Margaret Umbro, Administrator of the Pennington Municipal Court, is in need of a Deputy Court Administrator to serve in her absence; and

**WHEREAS**, Mrs. Umbro recommended the appointment of Christine Irizarry to serve as Deputy Court Administrator; and

**WHEREAS**, Municipal Court Judge Eric Perkins approves of the appointment of Ms. Irizarry; and

**WHEREAS**, Borough Council approved Resolution 2022-12.4 authorizing the appointment of Christine Irizarry as Deputy Court Administrator; and

**WHEREAS**, this appointment is an annual appointment; and

**WHEREAS**, the Deputy Court Administrator is a part-time employee of the Borough with salary established by the Borough salary ordinance; and

**WHEREAS**, Ms. Irizarry will work on an as needed basis in the absence of the Court Administrator; and

**WHEREAS**, Ms. Irizarry will be compensated at a rate of \$89.00 per hour by purchase order;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Christine Irizarry is hereby appointed Deputy Court Administrator of the Municipal Court of the Borough of Pennington, effective on the date of adoption of this resolution, and shall be compensated at an hourly rate of \$89.00 per hour.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.10**

**RESOLUTION AUTHORIZING HIRING OF MONA HABIBY AS PART-TIME  
ADMINISTRATIVE SERVICES COORDINATOR  
IN THE BOROUGH BUSINESS OFFICE**

**WHEREAS**, the Borough requires knowledgeable part-time assistance to administer and support the efficient operation of the Borough’s Business Office;

**WHEREAS**, Borough Council now seeks to appoint Mona Habiby in the part-time position of Administrative Services Coordinator to meet this need;

**WHEREAS**, Mona Habiby was first hired by the Borough as a part-time project-based intern in the Business Office, after the Borough advertised for qualified applicants in the Masters of Public Administration program at Rutgers University and respondents were interviewed by an ad hoc committee consisting of the late Borough Administrator, the Chair of the Personnel Committee, the Mayor and the Borough Clerk;

**WHEREAS**, Ms. Habiby was then a graduate student in the Rutgers’ Masters of Public Administration program with a Bachelor of Science degree in Finance from the Kogod School of Business at American University together with twenty years of related experience in the private sector;

**WHEREAS**, Ms. Habiby has performed successfully in her paid part-time internship beginning in February 2022, she received her Masters from Rutgers University in May 2022, and her internship has been

extended through successive resolutions of Borough Council through December 2022;

**WHEREAS**, as part-time Administrative Services Coordinator Ms. Habiby will work 15 to 20 hours per week at the rate of \$33 per hour and report to the Borough Clerk pending appointment of a Borough Administrator;

**WHEREAS**, the effective date of this appointment shall be January 1, 2023, with the understanding that the position and salary shall be included in the Borough Salary Ordinance;

**WHEREAS**, the Personnel Committee has approved creation of this position and the hiring of Ms. Habiby;

**WHEREAS**, the Chief Financial Officer has certified that the needed funds are available in the Administration Salary line of the budget;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington that the hiring of Mona Habiby in the aforesaid part-time position of Administrative Services Coordinator is hereby approved effective January 1, 2023, with the understanding that the described title and compensation shall be included in the Borough Salary Ordinance.

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	X			
Gnatt	X				Valenza	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.11**

**RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH  
COUNCIL FOR THE YEAR 2023**

**WHEREAS**, in 2023 the Pennington Borough Council will meet at Borough Hall for their Regular Meetings on the first Monday of each month starting at 7:00 PM unless otherwise noted;

January 4, 2022 – Regular & Reorganization (Wednesday)

February 6, 2023

March 6, 2023

April 3, 2023

May 1, 2023

June 5, 2023

July 3, 2023

August 7, 2023

September 5, 2023 (Tuesday)

October 2, 2023

November 6, 2023

December 4, 2023

December 28, 2023 – (Thursday at 3:00 pm)

- Reorganization meeting to be held on January 2, 2024 (Tuesday), immediately followed by the Regular Council Meeting;

**NOW THEREFORE BE IT RESOLVED** that the meeting schedule for the Borough Council of the Borough of Pennington is approved as stated above.

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	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.11, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.12**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON  
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL  
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2023**

**BE IT RESOLVED:**

That The Bank of Princeton, Wells Fargo, PNC Bank, Bank of America, Northfield Bank, Investors Bank and Santander Bank, be declared official depositories of the Borough of Pennington for 2023 provided any such bank receiving Borough funds first submit a sworn statement that it has not made political contributions in violation of Chapter 15, Article 1 of the Code of the Borough of Pennington regarding pay-to-play;.

**BE IT RESOLVED:**

That the Hopewell Valley News be designated as the official weekly publication for the Borough of Pennington for 2022, and as is required by law.

**BE IT RESOLVED:**

That the Hopewell Valley News and Trenton Times be designated for notification purposes when required under the Open Public Meetings Act for the Borough of Pennington.

**BE IT RESOLVED:**

That Mayor James Davy and the Borough Clerk (and in the absence of the Mayor, the Council President) be and hereby are designated as the authorized representatives of the Borough of Pennington to sign for and on behalf of the Borough all applications to the Federal and State governments, as well as in any other matters.

**BE IT RESOLVED:**

That the following individuals are designated as official signatories for the Borough of Pennington:

- 1 Mayor – James Davy
- 2 Finance Officer - Sandra Webb
- 3 Borough Administrator – Donato Nieman
- 4 Council President – Catherine Chandler

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	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.12, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.13**

**RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2023**

**WHEREAS**, Pennington Borough Council elects to establish certain committees of its members as will assist it in the coming year;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

- 1. The following committees of Council are hereby created, each to consist of 3 Council members, of whom one shall be chair and two shall be Committee members:

- a. Personnel
- b. Public Safety
- c. Public Works
- d. Finance & Technology
- e. Building Department & Zoning

Each such committee shall monitor the functioning of Borough Government within its subject area and shall report regularly thereon to Council, making such recommendations for action by the governing body as the committee deems appropriate. No such committee shall have decision-making powers with respect to any administrative or policy matter.

2. One member of Council shall serve as liaison to the following Boards and Commissions:
- a. Planning and Zoning Board
  - b. Senior Advisory Board
  - c. Library Board of Trustees
  - d. Historic Preservation Commission
  - e. Environmental Commission
  - f. Economic Development Commission
  - g. Open Space Committee
  - h. Recreation Commission
  - i. Board of Health
  - j. Shade Tree Committee
  - k. Arboretum
  - l. Landfill
3. The chairpersons and members of the above committees and the above liaisons shall be appointed by the Mayor with the advice and consent of Council.
4. Appointments and assignments by the Mayor for 2023 are set forth in the attached list. All such appointments and assignments are hereby approved.

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	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.13, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.14**

**RESOLUTION RE-ESTABLISHING THE HOPEWELL  
VALLEY GREEN TEAM**

**WHEREAS**, the governing bodies of Hopewell Borough, Hopewell Township and Pennington Borough recognize a need to develop “green” initiatives to create a plan for a healthy economy, environment and society in Hopewell Valley; and

**WHEREAS**, the governing bodies of Hopewell Borough, Hopewell Township and Pennington Borough desire to identify and support green, sustainable practices which benefit our residents and business partners that are easy to replicate and affordable to implement; and

**WHEREAS**, the Borough of Hopewell, the Township of Hopewell and the Borough of Pennington have each resolved to participate in **SUSTAINABLE JERSEY™**, a certification program for municipalities in New Jersey that want to go green, control costs and save money, and take steps to sustain their quality of life over the long term; and

**WHEREAS**, the governing bodies of Hopewell Borough, Hopewell Township and Pennington Borough have identified a need to work collaboratively to achieve **SUSTAINABLE JERSEY™** certification as the economical and environmental health of Hopewell Valley does not end at municipal borders; and

**WHEREAS**, the governing bodies of Hopewell Borough, Hopewell Township and Pennington Borough, in an attempt to focus attention on green issues and to further the primary goals of saving tax dollars, assuring clean air and water, improving working and living environments, and strengthening

communities that are sustainable economically, environmentally and socially well into the future, established the “Hopewell Valley Green Team”; and

**WHEREAS**, since on or about August 3, 2009, the Hopewell Valley Green Future Task Force, now the Hopewell Valley Green Team, with annually appointed members comprised of a minimum of four representatives of each Hopewell Valley municipality, including one governing body member liaison, one municipal staff representative and at least two members of the public representing residents, businesses and other community groups, met quarterly or as needed to develop and recommend programs and projects that seek to:

1.

Improve public health and safety.
2.

Identify alternative energy options.
3.

Encourage water and energy conservation.
4.

Reduce environmental pollution.
5.

Promote recycling efforts.
6.

Preserve natural resources.
7.

Increase public awareness regarding green initiatives through the development of educational programs and resources dedicated to green initiatives.
8.

Provide updates and recommendations to Hopewell Valley governing bodies, administrations, planning boards, environmental commissions, shade tree boards and other groups directly or indirectly responsible to environmental issues; and

**WHEREAS**, the governing bodies of Hopewell Borough, Hopewell Township, and Pennington Borough desire that the Hopewell Valley Green Team continue meeting, on a quarterly or as needed basis, to develop and recommend the above-described programs and projects;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that it hereby supports and does re-establish the Hopewell Valley Green Team, formerly the Hopewell Valley Green Future Task Force, in cooperation with the Borough of Hopewell and the Township of Hopewell; and

**BE IT FURTHER RESOLVED**, that the following individuals are appointed to serve on the Hopewell Valley Green Team for 2023, and that the Borough shall provide details of said appointments to the municipal clerks of the Borough of Hopewell and the Township of Hopewell: Joann Held, Margret Van Vuuren, Lynne Croucher, James Davy and Borough Administrator.

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	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.14, second by Council Member Marciante with all members present voting in favor.

BOROUGH OF PENNINGTON

RESOLUTION 2023 – 1.15

RESOLUTION FIXING THE RATE OF INTEREST AND YEAR-END PENALTY FOR

DELINQUENT REAL ESTATE TAX PAYMENTS AND FURTHER AUTHORIZING THE TAX

COLLECTOR TO EXTEND THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER TAX PAYMENTS

FOR 2023 IF NECESSARY

**WHEREAS**, R.S. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes or assessments on or before the date when they would become delinquent, subject to maximum rates provided by law;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey, that property taxes shall be due and payable quarterly on February 1<sup>st</sup>, May 1<sup>st</sup>, August 1<sup>st</sup>, and November 1<sup>st</sup> of each year with a ten-day grace period, after which such taxes, if remaining unpaid, shall become delinquent and interest shall be charged thereon from the date the tax was first payable to the date of actual payment, at the following rates: eight percent (8%) per annum on the first \$1,500 of the delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.; and

**BE IT FURTHER RESOLVED**, that payments on delinquent accounts shall be credited first to the first \$1,500 of the delinquency and then to the balance of the delinquency, and once the first \$1,500 of the delinquency has been paid, the interest rate shall be eighteen percent (18%) on the balance of the delinquency

regardless of the amount of such balance; and

**BE IT FURTHER RESOLVED**, that a year-end penalty of six percent (6%) shall be assessed on the last day of the fiscal year on the full amount of delinquent accounts with delinquencies in excess of \$10,000.; and

**BE IT FURTHER RESOLVED**, that the Pennington Borough Council hereby authorizes the Tax Collector to extend the grace period for third quarter 2023 tax payments; and

**BE IT FURTHER RESOLVED** that the Tax Collector shall determine the extension period upon receipt of the 2023 Final Tax Bills and said period shall not exceed 30 days beyond the mailing date of the bills to taxpayers.

**BE IT FINALLY RESOLVED** that a certified copy of this resolution be forwarded to the Tax Collector and Borough Auditor.

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	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.15, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023 – 1.16**

**RESOLUTION AUTHORIZING CANCELLATION OF  
TAX BALANCES UNDER \$10.00**

**WHEREAS**, the Tax Collector has requested permission to cancel certain balances existing for current year taxes and water/sewer bills; and

**WHEREAS**, N.J.S.A. 40A:5-17.1 states that the governing body may appoint any official to cancel tax refunds and delinquencies under \$10.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Pennington that the Chief Financial Officer/Tax Collector is hereby authorized to cancel tax and utility balances under \$10.00.

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	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.16, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2023-1.17**

**RESOLUTION APPOINTING MONA HABIBY AS  
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD  
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2023**

**WHEREAS**, the Borough of Pennington is required to appoint annually a Joint Insurance Fund Commissioner to serve for the year;

**WHEREAS**, it is the desire of the Mayor and Council to appoint Mona Habiby to that position, for the period of one year from January 1 through December 31, 2023;

**NOW, THEREFORE, BE IT RESOLVED**, that Mona Habiby is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2023 and ending December 31, 2023; and

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Pennington that Mrs Heinzel shall serve in this capacity without additional compensation.

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	X			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2023-1.17, second by Council Member Angarone with all members present voting in favor.

**MAYOR’S APPOINTMENTS / RE-APPOINTMENTS**

Mayor Davy announced the following appointments and re-appointments.

**PLANNING BOARD**

- Hilary Burke - Mayor's Designee - 1 year term ending 12/31/2026
- Kate O'Neill - reappointed for a 4 yr term ending 12/31/2026
- Jim Reilly - reappointed for a 4 yr term ending 12/31/2026
- Amy Kassler-Taub - reappointed for a 1 yr term ending 12/31/2023

**ENVIRONMENTAL COMMISSION**

- Dan Rubinstein - reappointed for a 3 yr term ending 12/31/2025
- Gregg Rackin - reappointed for a 3 yr term ending 12/31/2025
- Brian Friedlich - reappointed for a 3 yr term ending 12/31/2025
- Timothy Schwartz - reappointed as Alt #1 for a 2 yr term ending 12/31/2024

**OPEN SPACE**

- Dan Pace - reappointed for a 3 yr term ending 12/31/2025
- John Jackson - reappointed Alt #1 for a 1 yr term ending 12/31/2023
- Art Firestone - reappointed Alt #2 for a 1 yr term ending 12/31/2023
- Dan Pace and Alan Hershey - reappointed for a 1 yr term as representatives to the Hopewell Valley Open Space Committee

**ECONOMIC DEVELOPMENT**

- Naxli Rex - reappointed to a 5 yr term ending 12/31/2026
- Chris Murphy - reappointed to a 1 year term ending 12/31/2023
- Larissa Kelsey - reappointed to a 1 year term ending 12/31/2023

**APPOINTMENTS / REAPPOINTMENTS (with Council approval)**

Mayor Davy announced the following appointments and re-appointments for Parks and Recreation, Board of Health, Library Board of Trustees, Shade Tree, and Senior Advisory Board that require Council approval. Council Member Chandler made a motion to approve the appointments, second by Council Member Marciante with all members present voting in favor.

**PARKS AND RECREATION**

- Frank Vanderee - reappointed to a 3 yr term ending 12/31/2025
- Kristyn Friedlich - reappointed to a 3 yr term ending 12/31/2025

**BOARD OF HEALTH**

- Dan Boone - reappointed to a 3 yr term ending 12/31/2025
- Steve Papenberg - reappointed to a 3 yr term ending 12/31/2025

**LIBRARY BOARD OF TRUSTEES**

- Julianna Aberger - reappointed to a 5 yr term ending 12/31/2027
- Rosetta Treece - reappointed as School Rep for a 1 yr term ending 12/31/2023
- Carol Olsen - reappointed as Mayor's Representative for a 1 yr term ending 12/32/2023

**SHADE TREE**

- Kate Fullerton - reappointed to a 3 yr term ending 12/31/2025

**SENIOR ADVISORY BOARD**

- Edwin (Weed) Tucker - reappointed for a 3 yr term ending 12/31/2025
- Nancy Breland - reappointed for a 2 yr term ending 12/31/2024

**HISTORIC PRESERVATION**

- Eric Holterman - reappointed as Class A Member for a 4 yr term ending 12/31/2026
- Robert Chandler - reappointed as Class C Member for a 4 yr term ending 12/31/2026
- David Stevens - appointed as Class C - Alt 2 - for a 2 yr term ending 12/31/2024

Council Member Chandler made a motion to approve the Historic Preservation appointments for Eric Holterman and David Stevens, second by Council Member Marciante with all members present voting in favor.

Council Member Angarone made a motion to approve the Historic Preservation appointment for Robert Chandler, second by Council Member Marciante with all members present voting in favor with the exception of Mrs. Chandler who abstained.

With no further business for the annual Reorganization Meeting, Council Member Chandler made a motion to adjourn the Reorganization Meeting, second by Council member Marciante with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk