

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 8.7**

**RESOLUTION AUTHORIZING CONTRACT WITH
BRIAN KUBIN, D/B/A SCORPION OUTDOORS DEER MANAGEMENT
FOR CONTINUATION OF DEER MANAGEMENT PROGRAM IN 2025-26**

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 is a copy of the proposed Agreement with Scorpion Outdoors together with the incorporated 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 the Agreement shall be conducted only on properties, approved in advance by Resolution of Borough Council and in the case of privately owned properties, after permission has been granted by the owner in writing;

WHEREAS, in addition to State reporting requirements, Scorpion Outdoors shall record and report to the Borough the location, sex and age of each deer harvested, with notation for age to be limited to “adult” or “recruit” (the latter signifying fawns and juveniles);

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 2025-2026 hunting season, representing 100 deer harvested @ \$170;

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

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

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

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

1. The Mayor, with the prior approval of the Borough Attorney, is hereby authorized to enter into a contract with Brian Kubin, doing business as Scorpion Outdoors, for performance of services in 2025-2026, 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 2025-2026:
2. The duration of the contract shall not exceed one (1) year, with hunting activity limited to the 2025-2026 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					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 August 4, 2025.

Elizabeth Sterling, Borough Clerk