

**Pennington Borough Council
Reorganization Meeting – January 2, 2024**

Mayor Davy called the Regular Meeting of the Borough Council to order at 3:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnat, Marciante, Stern and Valenza in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator Donato Nieman, Administrative Coordinator Mona Habiby, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Police Chief Doug Pinelli.

Mayor Davy made an announcement to amend the agenda that after the Oaths of Office, he will take motions for a Council President for 2024.

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.**

There were no comments from the public.

ELECTION RESULTS

Borough Clerk, Betty Sterling reported the following results from the 2024 General Election:

James Davy - Re-elected to the office of Mayor for a 4 year term ending December 31, 2027

Catherine "Kit" Chandler - Re-elected to the office of Council Member for a 3 year term ending December 31, 2026

John J. Valenza II - Re-elected to the office of Council Member for a 3 year term ending December 31, 2026

OATHS OF OFFICE

Borough Attorney Walter Bliss administered the Oaths of Office.

Mayor Davy thanked the dedicated Borough Staff who despite our small staff respond to resident's needs and offer suggestions to better serve the residents. Mayor Davy stated that he would like to thank the Borough Professionals who are very responsive and provide excellent guidance to the Borough. Mayor Davy stated that he would like to thank the residents of Pennington for placing their trust in him as Mayor. Mayor Davy stated that the Borough continues to face the same fiscal challenges that other municipalities face. Mayor Davy stated that State mandates with limited funding continue to be a challenge and he will continue to work with the Borough Staff and the Borough Professionals to do what is best for this community that we all call home.

ROLL CALLOF 2024 BOROUGH COUNCIL

Borough Clerk, Betty Sterling called the roll for the 2024 Borough Council with Council Members Angarone, Chandler, Gnat, Marciante, Stern, Valenza, and Mayor Davy in attendance.

Council Member Marciante made a motion to nominate Kit Chandler as Council President, second by Council Member Stern. There were no other nominations and upon a roll call vote, all members present voted in favor.

MAYOR'S APPOINTMENTS

Mayor Davy announced the following Mayor's appointments:

Planning Board

Mayor James Davy - Term 1/1/24 to 12/31/24

Council Member Nadine Stern - Term 1/1/24 to 12/31/24

Amy Kassler-Taub - Re-appointed - Term 1/1/24 to 12/31/27
Jen Tracy - Moving from Alternate 1 to Member - Term 1/1/24 to 12/31/27
Nazli Rex - Moving from Alternate 2 to Alternate 1 - Unexpired term ending 12/31/25

Environmental Commission

Kiernan John - Appointed as Chair for the year 2024
Jim Fuger - Re-appointed - Term 1/1/24 to 12/31/26
Michael Abrahamson - Re-appointed Alternate 2 - Term 1/1/24 to 12/31/26
Council Rep - John Valenza

Economic Development

Reba Holley - Re-appointed - Term 1/1/24 to 12/31/28
Ka'Neda Bullock - Re-appointed as Alternate 1 - Term 1/1/24 to 12/31/24
Bronwyn Haley - Appointed as Alternate 2 - Term 1/1/24 to 12/31/24
Chris Murphy - Re-appointed - Term 1/1/24 to 12/31/24
Larissa Kelsey - Re-appointed - Term 1/1/24 to 12/31/24
Andy Hamlin - Re-appointed - Term 1/1/24 to 12/31/24
Council Rep - Kati Angarone

APPOINTMENTS (WITH COUNCIL APPROVAL)

Mayor Davy announced the following appointments.

Council Member Chandler made a motion to approve the appointments to Parks and Recreation, second by Council Member Valenza with all members present voting in favor with the exception of Mr. Marciante who abstained.

Parks & Recreation

Ruth Sullivan - Re-appointed - Term 1/1/24 to 12/31/26
John Gasparine - Re-appointed - Term 1/1/24 to 12/31/26
Brett Margulis - Re-appointed - Term 1/1/24 to 12/31/26
Council Rep - Charles Marciante

Council Member Marciante made a motion to approve the appointments to the Board of Health, second by Council Member Gnat with all members present voting in favor.

Board of Health

Dr. Ron Suzuki - Term 1/1/24 to 12/31/26
Katherine Fellman - Re-appointed - Term 1/1/24 to 12/31/26
Council Rep - John Valenza

Council Member Chandler made a motion to approve the appointment to the Library Board, second by Council Member Angarone with all members present voting in favor with the exception of Ms. Gnat who abstained.

Library Board of Trustees

Rosetta Treece - Re-appointed - Term 1/1/24 to 12/31/24
Carol Olsen - Re-Appointed - Term 1/1/24 to 12/31/24
Council Rep - Deborah Gnat

Council Member Chandler made a motion to approve the appointments to the Shade Tree Committee, second by Council Member Marciante with all members present voting in favor.

Shade Tree Committee

Hoyt Holly - Appointed - Term 1/1/24 to 12/21/26
Council Rep - Deborah Gnat

Council Member Marciante made a motion to approve the appointments to the Open Space Committee, second by Council Member Valenza with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Open Space Committee

Council Rep – Kit Chandler
John Jackson - Re-appointed as Alternate 1 - Term 1/1/24 to 12/31/24
Art Firestone - Re-appointed as Alternate 2 - Term 1/1/24 to 12/31/24

Council Member Chandler made a motion to approve the appointments to the Hopewell Valley Open Space Committee, second by Council Member Marciante with all member present voting in favor.

Hopewell Valley Open Space Committee

Dan Pace - Re-appointed - 1/1/24 to 12/31/24
Alan Hershey - Re-appointed 1/1/24 to 12/31/24

Senior Advisory Board

Council Rep - Mayor James Davy

Council Member Angarone made a motion to approve the appointments to the Historic Preservation Commission, second by Council Member Chandler with all members present voting in favor.

Historic Preservation

Katrina Homel - Re-appointed as Class B - Term 1/1/24 to 12/31/27
Yasmine Zein - Re-appointed as Class C - Alternate 1 - Term 1/1/24 to 12/31/25
Council Rep - Nadine Stern

NEW BUSINESS

Mayor Davy asked for a consent agenda on Resolutions 2024-1.1 through 2024-1.15. Council Member Marciante made a motion to approve Resolutions 2024-1.1 through 2024-1.15 by consent agenda, second by Council Member Gnatt with all members present voting in favor.

**PENNINGTON BOROUGH
RESOLUTION 2024-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON, A DIVISION OF PKF O'CONNOR
DAVIES AS BOROUGH AUDITOR FOR THE YEAR 2024**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing services in the year 2024, including conduct of audits for 2023;

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, 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 the statute;

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 \$42,500.00 for the following services: annual audit of the Borough (\$28,000.00); preparation of annual financial statement (\$6,500.00); audit of the Pennington Library (\$5,500.00) and LOSAP report (\$2,500.00);

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 26, 2023 provided aggregate fees under this contract, including expenses, shall not exceed \$42,500.00 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 26, 2023 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	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE YEAR
2024**

WHEREAS, the Borough seeks to appoint Edward J. McManimon, of the law firm of McManimon, Scotland & Baumann, LLC, as Bond Counsel for 2024; 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;

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 #: 4-01-20-130-000-251;

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	X				Stern	X			
Gnatt	S				Valenza	X			

**PENNINGTON BOROUGH
RESOLUTION NO. 2024 - 1.3**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.
AS BOROUGH ATTORNEY FOR THE YEAR 2024**

WHEREAS, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 2024;

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, 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 \$130 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, 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, 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 #: 4-01-20-155-000-261;

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 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	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024- 1.4**

**RESOLUTION APPROVING THE APPOINTMENT OF CRAIG J. HUBERT AS CHIEF
MUNICIPAL PROSECUTOR FOR THE YEAR 2024**

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 approve the appointment of 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, 2024; 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 # 4-01-25-275-000-201;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the appointment of Craig J. Hubert as Chief Municipal Prosecutor of Pennington Borough for the year 2024 is 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024-1.5**

**RESOLUTION APPROVING THE APPOINTMENT OF ALTERNATE PROSECUTORS
FOR THE YEAR 2024**

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 approved the appointment of 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, 2024; 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 for the year 2024 are hereby approved:

1. Thomas Manzo, First Alternate Prosecutor of Pennington Borough.
2. Jeff Rubin, Second Alternate Prosecutor of Pennington Borough.
3. Martin Hillman, Esq, Third Alternate Prosecutor of Pennington Borough.
4. Alfred B. Vuocolo, 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	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 - 1.6**

RESOLUTION APPROVING THE APPOINTMENT OF PATRICK MEMES AS PUBLIC DEFENDER FOR THE YEAR 2024

WHEREAS, Borough Council seeks to approve appointment of 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 #4-01-43-495-000-255;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the appointment of Patrick Memes as Public Defender for Pennington Borough for the year 2024 is 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.7**

RESOLUTION APPROVING THE APPOINTMENT OF JOHN HOLLIDAY AS CONFLICT PUBLIC DEFENDER FOR THE YEAR 2024

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 approve the appointment of 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 #: 4-01-43-495-000-255;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the appointment of John Holliday as Public Defender for Pennington Borough for the year 2024 is 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024-1.8**

**RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE
AUDIT IN CONNECTION WITH ISSUANCE OF BONDS BY THE BOROUGH FOR
THE YEAR 2024**

WHEREAS, in connection with the issuance of bonds the Borough has covenanted with bondholders to provide certain secondary market disclosure information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access Data Port (2009 to present), including audited financial statements, municipal budgets and/or other financial and operating data and ratings changes;

WHEREAS, by Resolution 2014-9.4 adopted on September 8, 2014, Borough Council authorized the Chief Financial Officer to engage the services of Phoenix Advisors, LLC, of Bordentown, New Jersey, to conduct a Disclosure Audit related to bonds previously issued by the Borough;

WHEREAS, the purpose of the Disclosure Audit was to ensure Borough compliance with its continuing disclosure obligations under bond covenants and SEC regulations;

WHEREAS, Borough Council now seeks to authorize an agreement with Phoenix Advisors, LLC, to continue its services in the current year to ensure continued disclosure compliance by the Borough;

WHEREAS, a proposed form of Agreement submitted by Phoenix Advisors and received by the Borough’s Chief Financial Officer is attached to this resolution;

WHEREAS, the proposed Agreement would retain Phoenix Advisors to perform in this fiscal year continuing disclosure agent service for an annual fee of \$1,600 for up to three (3) outstanding issues plus \$100 for each additional outstanding bond issue; and

WHEREAS, there is a set-up charge for each new bond issuance of \$450 which will be discounted to \$200 if Phoenix Advisors serves as Municipal Advisor; and

WHEREAS, there is a fee for each Event filing made under the SEC’s Event Disclosure Rule of \$250, Phoenix Advisors will waive this fee if engaged as Municipal Advisor on a transaction that involves such Event filing; and

WHEREAS, there is a fee for each Notice of Redemption made in connection with an outstanding term bond maturity of \$250; and

WHEREAS, all fees are accumulated and invoiced toward the end of the relevant year; and

WHEREAS, the proposed Agreement would also name Phoenix Advisors as the Borough’s Independent Registered Municipal Advisor of Record, for no additional fee, to ensure its availability to answer questions and provide preliminary project and financing analysis for the Borough as needed;

WHEREAS, Phoenix Advisors agrees to comply with Anti-Discrimination and Affirmative Action laws as set forth in the attached Exhibit A;

WHEREAS, the funds for this service are available in the Borough’s operating budget in account #: 4-01-20-130-000-251;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to retain Phoenix Advisors LLC for the aforesaid services for a sum not to exceed \$2,000 without prior approval of Borough Council, pursuant to the attached agreement which is subject to approval as to form by the Borough Attorney.

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	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024-1.9**

**RESOLUTION APPOINTING MONA HABIBY AS
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2024**

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, 2024;

NOW, THEREFORE, BE IT RESOLVED, that Mona Habiby is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2024 and ending December 31, 2024; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington that Mrs. Habiby 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	X				Marciante	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.10**

**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 2024, 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, Kim Haren, 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.11**

RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2024

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

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 2024 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 1.12**

**RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH
COUNCIL FOR THE YEAR 2024**

WHEREAS, in 2024 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 2, 2023 – Regular & Reorganization (Wednesday)
January 29, 2024 - Agenda Work Session (Deadline Jan 24, 2024)

February 5, 2024
February 26, 2024 – Agenda Work Session (Deadline Feb 21, 2024)

March 4, 2024
March 25, 2024 – Agenda Work Session (Deadline Mar 20, 2024)

April 1, 2024
April 29, 2024 – Agenda Work Session (Deadline April 24, 2024)

May 6, 2024
May 28, 2024 (Tuesday) – Agenda Work Session (Deadline May 22, 2024)

June 3, 2024
June 24, 2024 – Agenda Work Session (Deadline June 19, 2024)

July 1, 2024
July 29, 2024 – Agenda Work Session (Deadline July 24, 2023)

August 5, 2024
August 26, 2024 – Agenda Work Session (Deadline Aug 21, 2024)

September 3, 2024 (Tuesday)
September 30, 2024 – Agenda Work Session (Deadline Sept 25, 2024)

October 7, 2024
October 28, 2024 – Agenda Work Session (Deadline October 23, 2024)

November 4, 2024
November 25, 2024 – Agenda Work Session (Deadline Nov 20, 2024)

December 2, 2024
No Agenda Meeting for December 30, 2023 Meeting

December 30, 2024 – (at 3:00 pm)

- Reorganization meeting to be held on January 6, 2025, 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.13**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2024**

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 2024 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 2024, 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 –
- 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.14**

**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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 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 3RD QUARTER TAX PAYMENTS
FOR 2024 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 1st, May 1st, August 1st, and November 1st 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 2024 tax payments if necessary; and

BE IT FURTHER RESOLVED that the Tax Collector shall determine the extension period upon receipt of the 2024 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	M			
Chandler	X				Stern	X			
Gnatt	S				Valenza	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2024-1.16**

**RESOLUTION APPROVING APPOINTMENT OF DONATO NIEMAN AS PART-TIME
BOROUGH ADMINISTRATOR**

WHEREAS, the Borough of Pennington is in need of an Administrator;

WHEREAS, by Resolution 2023-1.32, adopted on January 9, 2023, Borough Council approved the appointment of Donato Nieman as part-time Administrator subject to all applicable legal restrictions affecting his post-retirement employment while receiving a pension, including the restriction that his hours of work not exceed 15 hours per week, pending the hiring of a full-time Administrator;

WHEREAS, pursuant to NJSA 40A:60-7a and 40A:9-137, the Administrator shall serve at the pleasure of the governing body;

WHEREAS, Article VII of the Code of the Borough of Pennington provides that the term of the Borough Administrator shall be one year, subject to the pleasure of Borough Council;

WHEREAS, the Borough continues its active search for a full-time Borough Administrator and needs further coverage by Mr. Nieman pending its outcome;

WHEREAS, the Mayor has recommended that Mr. Nieman be re-appointed as part-time Administrator for 2024, subject to appointment of a full-time Administrator;

WHEREAS, during his period of service in 2024, the essential terms of Mr. Nieman’s service as part-time Administrator shall be the same as provided in Resolution 2023-1.32, to wit: (1) he shall work no more than an average of 15 hours per week and 780 hours per year; and (2) he will be paid \$105 per hour, with estimated annual earnings of \$81,900;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the re-appointment of Donato Nieman as part-time Borough Administrator for 2024 is hereby approved, subject to appointment and approval of a full-time Administrator and the terms and conditions further set forth above.

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 2024-1.16, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2024 – 1.17**

**RESOLUTION APPROVING RE-APPOINTMENT OF MICHAEL W. PITTS, JR.
OF PITTS AND SONS, LLC AS QUALIFIED PURCHASING AGENT FOR THE
BOROUGH OF PENNINGTON**

WHEREAS, the Borough of Pennington is subject to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A 40A:11-1 et. seq, which under N.J.S.A. 40A:11-3a permits an increase in the bid threshold upon the appointment of a Qualified Purchasing Agent with the authority to negotiate and award contracts below the bid threshold;

WHEREAS, by Resolution 2023-3.6 adopted on March 6, 2023, Borough Council approved the appointment of Michael W. Pitts, Jr of the firm of Pitts and Sons, LLC as the Qualified Purchasing Agent for the Borough of Pennington to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30); and

WHEREAS, Michael W. Pitts, Jr. has received certification from the Division of Local Government Services that he has qualified as a Qualified Purchasing Agent and

WHEREAS, the Mayor now seeks Borough Council approval of the re-appointment of Michael W. Pitts, Jr. of the firm of Pitts and Sons, LLC, as the Borough’s Qualified Purchasing Agent; and

WHEREAS, Mr. Pitts’ services are professional services limited to a renewable term of one year;

WHEREAS, Mr. Pitts 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, regarding pay-to-play;

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

WHEREAS, Mr. Pitts shall be compensated as Qualified Purchasing Agent for a yearly amount of \$5,000 payable by purchase order, as set forth in his annexed Proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Administration Budget account #4-01-20-100-000-252;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the re-appointment of Michael W. Pitts, Jr of the firm of Pitts and Sons, LLC as the Qualified Purchasing Agent for the Borough of Pennington in 2024 is hereby approved;

BE IT FURTHER RESOLVED, that Mr. Pitts shall be paid the lump sum of \$5,100, or \$70.00 per hour not to exceed \$1,500 for authorized work outside the scope of covered services in accordance with the attached Proposal;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into a contract or purchase order with Mr. Pitts consistent with the term of his annexed Proposal, subject to approval as to form by the Borough Attorney; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough hereby increases its bid and quote thresholds to the maximum amount permitted by law; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Mr. Pitt's Certification to the Division of Local Government Services.

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	X				Stern	X			
Gnatt	S				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-1.17, second by Council Member Gnatt with all members present voting in favor.

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 3 minutes.

Paula Sollami Covello, Mercer County Clerk was in attendance to wish everyone a Happy New Year and to congratulate the elected officials.

AT:7:32 PM, Council Member Marciante made a motion to adjourn the meeting, second by Council Member Stern with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk