

**Pennington Borough Council
Regular Meeting – December 28, 2023**

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, Gnatt, Marciante, Stern and Valenza in attendance. Also present was 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.**

There were no comments from the public.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the October 2, 2023 Regular Meeting, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who was not present for the vote.

Council Member Marciante made a motion to approve the minutes of the October 30, 2023 Work Session Meeting, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who was not present for the vote.

Council Member Marciante made a motion to approve the minutes of the November 6, 2023 Regular Meeting, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who was not present for the vote.

Council Member Marciante made a motion to approve the minutes of the November 27, 2023 Work Session Meeting, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who was not present for the vote.

APPROVAL OF CLOSED SESSION MINUTES (For content but not for release)

Council Member Marciante made a motion to approve the Closed Session Minutes of October 30, 2023, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt who abstained.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2023-12.7**

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor and the Chief Financial Officer in the amount of \$ 310,289.49 from the following accounts:

Current	\$ 219,079.54
W/S Operating	\$ 42,484.94
Animal Control	\$ 97.75
Grant Fund	\$ 6,330.28

General Capital	\$ 30,806.89
Escrow	\$ 885.00
Other Trust Fund	\$ 7,700.48
Open Space Fund	\$ 2,890.00
Recreation Trust	\$ 14.61
TOTAL	\$ 310,289.49

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	S			
Gnatt				Abstain	Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-12.7, second by Council Member Stern with all members present voting in favor with the exception of Ms. Gnatt.

**BOROUGH OF PENNINGTON
RESOLUTION 2023 - 12.8**

**RESOLUTION AUTHORIZING CARRY-OVER OF UNUSED
VACATION TIME FOR NAMED EMPLOYEES**

WHEREAS, the Chief of Police, one police officers and the Borough Clerk have submitted requests that they be permitted to carry into the year 2024 unused vacation hours that they will not have used as of the end of the calendar year;

WHEREAS, the shared basis for these requests is that vacation time could not be used due to extraordinary workload demands and staff shortages;

WHEREAS, the affected employees are identified in the attached Schedule together with their respective Total Vacation Balance (in hours), Total Carryover of Right (in hours) and Extra Carryover Requested (in hours);

WHEREAS, the Employment Agreement Between The Borough of Pennington and Douglas M. Pinelli Covering His Services as Chief of Police, at Article IX, sec. 4, and the agreement between the Borough and the Pennington Borough Police Association, in Article XXI, par. 4, provide that up to one-half of one year’s vacation allotment in a given year may be carried over into the next year and no more;

WHEREAS, the Borough Personnel Manual also provides, in Article V, Section E, par.2, that up to one-half of vacation time earned in a particular year may be carried over to the subsequent year and no more, except the Personnel Manual provides further that exceptions may be made in highly extraordinary circumstances upon approval of the full authorized membership of Borough Council;

WHEREAS, these requests have been reviewed by the Personnel Committee and it has been determined that the exceptions permitted by the Personnel Manual are in the best interest of the Borough and ought to be granted in each case, subject to the requirement that the additional carried-over vacation time be used by March 31, 2024;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the Borough employees named in the attached Schedule are hereby authorized to carry-over into 2024, in addition to the carryover to which they are otherwise entitled, up to the unused Extra Carryover Requested as specified in the Schedule, provided they use up all such time on or before March 31, 2024 or forfeit the time.

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 2023-12.8, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2023 – 12.9**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2023 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Legal Consultants	\$ 3,500.00	
Celebration of Public Events	\$ 1,200.00	
Health Benefits Active		\$ 4,700.00
Total Current Fund	\$ 4,700.00	\$4,700.00

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	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2023-12.9, second by Council Member Chandler 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.

There were no comments from the public.

CLOSED SESSION

AT, 3:11 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purpose of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Negotiations/Attorney Client - Stonybrook Sewer Authority Update
- Negotiations – Beigene
- Negotiations/Attorney Client (Jim Kyle) -

AT:4:14 PM, Mayor and Council returned to open session. Council Member Chandler made a motion to adjourn the meeting, second by Council Member Marciante with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk