



REORGANIZATION MEETING - JANUARY 4, 2023

AGENDA

Wednesday, January 04, 2023 at 7:00 PM

Online via Zoom

CALL TO ORDER - Mayor Davy

ROLL CALL - Borough Clerk - Betty Sterling

Angarone; Chandler; Gnatt; Marciante; Stern; Davy

OPEN PUBLIC MEETINGS STATEMENT

Notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board at Borough Hall at 30 North Main Street and on the Borough website according to the regulations of the Open Public Meetings Act.

OPEN TO THE PUBLIC

Meeting is now open to public. 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 Clerk acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

1. Father Ron Bacovin, Retired Paster of St. James Parish, Pennington

MAYOR'S BUSINESS

2. Proclamation - Ken Gross
3. Candidates To Fill Vacancy on Council (unexpired term ending 12/31/23)

Mark Blackwell

Jen Tracy

John Valenza

(Motion/Second/Roll Call)

ELECTION RESULTS - (Borough Clerk)

Charles "Chico" Marciante - Elected to a 3 year term ending December 31, 2025

Katrina "Kati" Angarone - Elected to a 3 year term ending December 31, 2025

ADJOURNMENT OF 2022 COUNCIL

Angarone; Chandler; Gnatt; Marciante; Stern; Davy

OATHS OF OFFICE (Administered by Borough Attorney)

4. Charles Marciante

Katrina Angarone

New Council Member

ROLL CALL OF 2022 COUNCIL

Angarone; Chandler; Gnatt; Marciante; Stern; Davy

ELECTION OF COUNCIL PRESIDENT

ANNUAL RESOLUTIONS

5. Resolution 2023 - 1.1 - Resolution Appointing Hodulik and Morrison, A Division of PKF O'Connor Davies as Borough Auditor for the Year 2023

6. Resolution 2023 - 1.2 - Resolution Appointing Edward J. McManimon as Bond Counsel for the Year 2023

7. Resolution 2023 - 1.3 - Resolution Appointing Walter R. Bliss, Jr. as Borough Attorney for the Year 2023

8. Resolution 2023 - 1.4 - Resolution Appointing Craig J. Hubert as Chief Municipal Prosecutor for the Year 2023

9. Resolution 2023 - 1.5 - Resolution Appointing Alternate Prosecutors for the Year 2023

10. Resolution 2023 - 1.6 - Resolution Appointing Patrick Memes as Public Defender for the Year 2023

11. Resolution 2023 - 1.7 - Resolution Appointing John Holliday as Conflict Public Defender for the Year 2023

12. Resolution 2023 - 1.8 - Resolution Appointing Borough Engineer

13. Resolution 2023 - 1.9 - Appointing Christine Irizarry

14. Resolution 2023 - 1.10 - Appointing Mona Habiby

- [15.](#) Resolution 2023 - 1.11 - Resolution Establishing the Regular Meeting Schedule for the Borough Council for the Year 2023
- [16.](#) 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
- [17.](#) Resolution 2023 - 1.13 - Resolution Establishing Committees of Council for the Year 2023
- [18.](#) Resolution 2023 - 1.14 - Resolution Re-Establishing the Hopewell Valley Green Team
- [19.](#) 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 3rd Quarter Tax Payments for 2023 if Necessary
- [20.](#) Resolution 2023 - 1.16 - Resolution Authorizing Cancellation of Tax Balances Under \$10.00
- [21.](#) Resolution 2023 - 1.17 - Resolution Appointing Mona Habiby as Joint Fund Commissioner for a Period of One Year From January 1 Through December 31, 2023

MAYORS APPOINTMENTS / 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)

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

ADJOURNMENT

**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.*

Ordered on January 4, 2023

By Order of the Office of the Mayor.

James M. Davy

OATH OF ALLEGIANCE

State of New Jersey)

) ss:

County of Mercer)

I, Katrina Angarone, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people.

I, Katrina Angarone, do solemnly swear that I will faithfully, impartially, and justly perform all the duties of Council Member according to the best of my ability. So help me God.

**Sworn to and subscribed before
me this 4th day of January, 2022.**

OATH OF ALLEGIANCE

State of New Jersey)

) ss:

County of Mercer)

I, Charles “Chico” Marciante, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people.

I, Charles “Chico” Marciante, do solemnly swear that I will faithfully, impartially, and justly perform all the duties of Council Member according to the best of my ability. So help me God.

**Sworn to and subscribed before
me this 4th day of January 2023.**

OATH OF ALLEGIANCE

State of New Jersey)

) ss:

County of Mercer)

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people.

I, _____, do solemnly swear that I will faithfully, impartially, and justly perform all the duties of _____ according to the best of my ability. So help me God.

Sworn to and subscribed before
me this 4th day of January 2023.

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

PROFESSIONAL SERVICES AGREEMENT

AGREEMENT, made as of the day of **January, 2023**, by **WALTER R. BLISS, JR., ESQ., 310 West State Street, Trenton, New Jersey 08618** (hereafter referred to as “Attorney”) and the **BOROUGH OF PENNINGTON, 30 North Main Street, Pennington, New Jersey 08534** (hereafter referred to as the “Borough”);

WHEREAS, the Borough and Attorney desire to enter into an agreement for the performance by Attorney of professional services on behalf of the Borough, in the capacity of Borough Attorney, for the period of one year;

NOW, THEREFORE, in consideration of the obligations hereafter set forth, the parties hereto agree as follows:

1. **STATEMENT OF WORK.** Attorney shall serve as Borough Attorney and perform such professional legal services for the Borough as directed by Mayor and Council, the Borough Clerk and the Borough Administrator. Under this Agreement, Attorney shall at all times act as an independent professional contractor and not as an employee of the Borough and shall have no authority to act as an agent or representative of the Borough or to enter into any financial or other contractual commitment on behalf of the Borough without the prior written approval of same granted in accordance with law.

2. **TERM.** This Agreement shall be effective as of **January 1, 2023** through **December 31, 2023** unless sooner terminated as provided hereafter.

3. **PAYMENT.**

(a) **Fee Paid.** For services performed hereunder during the term of this Agreement, the Borough shall pay Attorney a fee of **\$125 per hour** for his services **and** for the services of any legal counsel associated with the Law Offices of Walter R. Bliss Jr., if needed. There shall be reimbursement for approved travel @ \$.57.5/mile, transcription fees and other out-of-pocket costs relating to litigation, photocopying expenses and the costs of postage and express delivery services. The foregoing fees and reimbursements shall constitute the sole and exclusive compensation due Attorney under this Agreement.

(b) **Rendition of Invoices.** Payment of fees and reimbursements will be made upon submission of invoices and vouchers, to the Borough Administrator, in the form prescribed by the Borough, promptly following the month covered by the invoice. These invoices shall specify in detail the periods for which fees are claimed and the services performed.

(c) **Budget Cap.** Total fees payable to **Walter R. Bliss, Jr. and the Law Offices of Walter R. Bliss, Jr. in 2023** shall not exceed **\$55,000** without the prior written

approval of Borough Council except pursuant to a separate contract addressed to a specific matter.

4. **TERMINATION.** This Agreement shall be effective for the period provided above, although it may be sooner terminated with or without cause, for any reason whatsoever, at any time, by either party giving seven (7) days written notice to the other.

5. **CONFLICTS OF INTEREST.** Attorney represents that neither he nor his firm is now performing nor will perform during the period of effectiveness of this Agreement any legal or other services for any person, firm or corporation which results or might result in a conflict of interest between Attorney and the Borough, directly or indirectly. Attorney agrees to disclose promptly any and all such conflicts of interest in writing to the Borough, giving full particulars.

6. **TITLE TO PROPERTY PRODUCED BY ATTORNEY.** Attorney agrees that title to and all rights and other legal interests in all correspondence, memoranda, records, data, analyses, graphs, reports, physical property and other subject matter prepared, procured or produced in the rendition of services hereunder shall vest and remain jointly with the Borough and Attorney, and Attorney shall not have the right to sell, disclose or make same available to third parties without the prior written consent of the Borough.

7. **CONFIDENTIALITY.** Attorney agrees to treat and maintain as confidential and not disclose to any third party or to use for his own benefit, reproduce or have reproduced, any information or other such document or data obtained, learned or produced as a result of the services rendered hereunder (except to the extent required by law) without the prior written consent of the Borough, which consent shall not be refused unreasonably.

8. **COMPLIANCE WITH PAY-TO-PLAY LAWS.** This contract has been awarded to Attorney based on the ability of Attorney to provide the services as described herein following public advertisement for competitive proposals. The undersigned does nonetheless hereby attest that Attorney, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect his or its eligibility to perform this contract, nor will he or it make a reportable contribution during the term of the contract to any political party committee in the Borough of Pennington if a member of that political party is serving in an elective public office of the Borough when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Pennington when the contract is awarded.

9. **COMPLIANCE WITH OTHER LAWS.** This Agreement is entered into in accordance with and subject to compliance with the Local Public Contracts Law of New Jersey, and the specific provision of N.J.S.A. 40A:11-5(a) thereof pertaining to professional services.

Attorney agrees to comply with all laws and regulations applicable to the services to be performed under this Agreement and to comply with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and specifically N.J.S.A. 10:5-33, the terms of which are incorporated herein by reference. Attorney shall comply in particular with the Anti-Discrimination and Affirmative Action provisions of the annexed Schedule A. This Agreement shall be governed by and construed under the laws of the State of New Jersey.

10. Attorney is required to carry professional liability insurance with minimum limits of \$1,000,000 and shall provide a certificate confirming this coverage.

11. **COMPLETE AGREEMENT.** This Agreement is hereby deemed to be complete and take precedence over all other prior or existing understandings or agreements, if any, whether oral or written, and shall not be modified, assigned, or transferred except upon the written consent of both parties hereto. All notices by either party to the other required or permitted hereunder shall be effective if sent by ordinary mail to the other party at the address first above written, unless a different address be sooner specified in writing, and this Agreement may not be assigned or transferred by Attorney without the prior written consent of the Borough.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

BOROUGH OF PENNINGTON

Witness

By: _____
James Davy, Mayor

Witness

WALTER R. BLISS, JR., ESQ.

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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**AGREEMENT BETWEEN BOROUGH AND VAN NOTE-HARVEY ASSOCIATES, PC
FOR PROFESSIONAL SERVICES TO PENNINGTON BOROUGH**

Item 12.

THIS AGREEMENT is made this day of January, 2023, by and between the BOROUGH OF PENNINGTON, 30 North Main Street, Pennington, New Jersey 08534 ("BOROUGH") and VAN NOTE-HARVEY ASSOCIATES, PC, a New Jersey professional corporation having its principal office at 103 College Road, 3rd Floor, Princeton, New Jersey 08540 ("VNHA"), whose designated representative is **Brandon Fetzer, P.E.**, hereinafter referred to as "ENGINEER."

WHEREAS, the BOROUGH seeks to retain VNHA to provide consulting engineering services to the Borough of Pennington through ENGINEER and such other of VNHA's professional and technical staff as may be required to perform the work;

NOW, THEREFORE, it is agreed as follows:

1. VNHA is hereby retained to provide engineering services to the Borough of Pennington.
2. This contract for professional services shall be effective January 1, 2023 **but shall be subject to annual renewal through 2025**, unless earlier terminated as provided herein.

3. The Scope of Services shall be as follows:

A. ENGINEER and VNHA shall perform such engineering, surveying, construction observation, inspection and related services, **including water system consultation**, as may be required by the BOROUGH.

B. ENGINEER shall attend such meetings, including but not limited to regular and special meetings of Borough Council, the Borough Planning Board, the Public Works Committee and other bodies, as may be requested by the BOROUGH.

C. ENGINEER shall prepare such reports and other documents for the Borough Council and Borough Planning Board as may be requested by the BOROUGH.

4. Applicable fees and related procedures shall be as follows:

A. The services of ENGINEER (Brandon Fetzer) will be billed to the BOROUGH at a rate of \$ per hour.

B. The services of the engineering and other professional and technical staff of VNHA, unless otherwise agreed in connection with a specific project, will be billed according to the "Fee Schedule" attached hereto.

C. Prior to the start of any project, VNHA will provide the BOROUGH with a proposal that outlines the scope of engineering and related services required for the project, time frames for the performance of such engineering and related services, and the estimated costs of same. If services by VNHA in connection with a particular project are to be performed on a fixed fee basis, BOROUGH will make payment of such fixed fee in proportion to work completed.

D. No work shall begin in connection with any project until the BOROUGH has issued and delivered to VNHA or the ENGINEER a purchase order for the work. The BOROUGH shall not pay for work done without a purchase order or prior to the receipt of a purchase order. The BOROUGH also shall not pay charges in excess of the purchase order amount.

E. Reimbursable expenses shall be billed to the BOROUGH in accordance with the attached Fee Schedule.

F. Total annual fees for services pursuant to this agreement, including expenses, shall not exceed **\$71,750** without the prior written approval of Borough Council.

5. Because of the professional relationship herein established, the parties agree that either party may terminate this agreement, with or without cause, upon thirty (30) days written notice to the other party.

6. The undersigned does hereby attest that ENGINEER and VNHA, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect his or its eligibility to perform this contract, nor will he or it make a reportable contribution during the term of the contract to any political party committee in the Borough of Pennington if a member of that political party is serving in an elective public office of the Borough when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Pennington when the contract is awarded.

7. This Agreement is entered into in accordance with and subject to compliance with the Local Public Contracts Law of New Jersey, and the specific provision of N.J.S.A. 40A:11-5(a) thereof pertaining to professional services. ENGINEER and VNHA agree to comply with all laws and regulations applicable to the services to be performed under this Agreement, including without limitation the minimum wage laws, and to comply with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and specifically N.J.S.A. 10:5-33, the terms of which are incorporated herein by reference. ENGINEER and VNHA agree to comply with requirement for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A.

8. VNHA agrees to comply with the provisions of "Business Registration & Sales & Use Tax Addendum" which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ATTEST

BOROUGH OF PENNINGTON

Elizabeth Sterling, Borough Clerk

By: _____
James Davy, Mayor

ATTEST

VAN NOTE-HARVEY ASSOCIATES PC

By: _____
Donald E. Fetzer, President

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

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 –
- 4 Council President –

Record of Council Vote on Passage

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

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 January 4, 2023

Elizabeth Sterling, Borough Clerk

Council Assignments 2023

Chairperson

[Representative to]

Deb Gnatt

[Planning Board]
(Economic Dev. Com)

Catherine Chandler

Nadine Stern

Catherine Chandler

Charles Marciante

New Member

Nadine Stern

Kati Angarone

Catherine Chandler

James M. Davy*

[Senior Advisory Board]
[Hopewell Valley Green Team]

Department

Personnel

Coordinate with all departments on hiring and personnel policies. Review all Borough personnel job descriptions.

Public Safety

Police, Crossing Guards, Fire
First Aid, Emergency Mgmt.

Public Works

Water & Sewer, Engineering,
Streets, Trash, Recycling,
Public Property

Finance & Technology

Budget, Accounting, Tax
Assessment & Collection,
Water & Sewer Collections,
Insurance

Parks and Recreation

Board of Health, Environmental Commission,

**Shade Tree Committee &
Open Space Committee**

**Building Department, Library Board
Historic Sites Preservation Committee,**

Arboretum; Landfill Projects

Members

**Kati Angarone
New Council Member**

**Kati Angarone
Charles Marciante**

**New Member
Charles Marciante**

**Nadine Stern
Charles Marciante**

**BOROUGH OF PENNINGTON
RESOLUTION 2023 – 1.13**

Item 17.

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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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 3RD 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 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 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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

**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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk

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 Heinzl 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									
Chandler					Marciante				
Gnatt					Stern				

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 January 4, 2023.

Elizabeth Sterling, Borough Clerk