

**Pennington Borough Council  
Reorganization Meeting – January 4, 2021**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:04 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Police Chief Pinelli, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

Mayor Lawver 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.

Mayor Lawver asked everyone to stand for the Flag Salute.

**Invocation**

Mayor Lawver introduced Reverend Joseph Jeung who delivered the Invocation for 2021,

**Open to the Public – Agenda Items Only**

Mayor Lawver read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. 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 come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes. Mayor Lawver requested that in consideration of others, all members of the public mute their computers and raise a hand for comments.**

There were no comments from the public.

**Mayor's Business**

Mayor Lawver read the following Proclamation honoring and recognizing Council Member Glen Griffiths.

**PROCLAMATION OF MAYOR AND COUNCIL  
RECOGNIZING AND HONORING  
GLEN GRIFFITHS**

***WHEREAS;*** *Glen Griffiths has served as a Member of the Common Council, Borough of Pennington for four terms, from January 1, 2008 to December 31, 2020; and*

***WHEREAS,*** *Mr. Griffiths has given countless hours of valuable service as Council Liaison to the Finance Committee, and has served on many special committees;*

***WHEREAS,*** *Mr. Griffiths has been a strong and consistent advocate for sound fiscal planning and has worked closely throughout his tenure with Borough professionals on budget planning and long range debt management and has contributed significantly to achieving and maintaining a fiscal policy for the Borough that supports municipal services with minimal tax increases;*

***WHEREAS,*** *throughout his tenure on Council, Mr. Griffiths has been responsive to the citizens of Pennington, their concerns and their interests; and has worked with dedication and tenacity for the betterment of the Pennington community at large; and*

***WHEREAS,*** *the Borough of Pennington highly respects those 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 Glen Griffiths on this 4<sup>th</sup> day of January, 2021.*

Mayor Lawver stated that normally at this time Mr. Griffiths would be presented with a framed copy of the Proclamation and a jacket in appreciation for his time on Council. Mayor Lawver stated that he would like to take the opportunity to thank Mr. Griffiths for all of his hard work and dedication the community.

Council Members all thanked and offered well wishes to Mr. Griffiths.

Mr. Griffiths stated that he was grateful to have worked with Council and Borough Staff. Mr. Griffiths stated that in Pennington we are fortunate to have a very dedicated group of people working for the Borough and they made his job much easier. Mr. Griffiths stated that he would miss everyone and he wished everyone well.

Mayor Lawver recognized that Assemblywoman Verlana Reynolds Jackson just joined the meeting. Ms. Jackson wished everyone Happy New Year and congratulations to all. Ms. Jackson stated that they are working very hard to get the Covid19 Vaccine out and thoughts and prayers are with everyone.

### **Election Results**

Mayor Lawver asked Borough Clerk, Betty Sterling to read the election results.

Ms. Sterling announced that Catherine Chandler was re-elected to a 3 year term ending December 31, 2023 and Kennen Gross was elected to a 3 year term ending December 31, 2023.

Mr. Lawver recognized the Chief Financial Officer Sandy Webb who just joined the meeting. Mrs. Webb stated that there have been challenges over the year, but at the end of the day Mr. Griffiths had the best interest of the taxpayers of Pennington at heart and she thanked Mr. Griffiths for all of his hard work.

Mr. Griffiths stated that he has enjoyed working with Mrs. Webb who understands NJ Finance like no other.

Mrs. Heinzel stated that Lucy Walter has joined the meeting. Ms. Walter stated that the County Commissioners are available to help with anything the Borough needs. Ms. Walter offered congratulations to Borough Council members.

Mrs. Heinzel recognized "Karl" to speak for Assemblyman Anthony Verelli. Karl thanked Borough Council for all they do and offered congratulations to newly elected Council Members.

### **Adjournment of 2020 Council**

Council Member Marciante made a motion to adjourn the 2020 Borough Council, second by Council Member Gnatt with all members present voting in favor.

### **Oaths of Office – Administered by Borough Attorney Walter Bliss**

Mr. Bliss administered the Oath of Office to Mrs. Chandler and Mr. Gross.

Mayor Lawver called for a roll call of the 2021 Borough Council. Mrs. Sterling called the roll with Mayor Lawver and Council Members Chandler, Gnatt, Gross, Marciante, Mills and Semple all in attendance.

### **Election of Council President**

Council Member Marciante nominated Catherine Chandler, second by Council Member Gnatt with all members present voting in favor.

Mr. Griffiths signed off of the meeting.

### **ANNUAL RESOLUTIONS**

Mayor Lawver called for a consent agenda for Resolutions 2021-1.1 through 2021-1.9. Mr. Marciante stated that he would like to suggest that Professional Appointments be made for six months instead of one year to give the 2021 Council Members an opportunity to discuss these appointments. Mrs. Chandler stated that several years ago, the Borough did a Request for Proposals for all professional services. Mayor Lawver stated that an extensive RFP was done for engineering. Mayor Lawver stated that some of the appointments like the Auditor have to be for a year. Mayor Lawver stated that the engineer was appointed previously for a three year appointment. Mr. Marciante stated that he does not like being stuck with these appointments. Mr. Bliss stated that most appointments are made with language stating that they are subject to termination. Mrs. Chandler stated that she thought that a full review was done regarding professional services not too long ago. Mr. Marciante agreed to the appointments after hearing that there was a termination clause built in.

Council Member Chandler made a motion to approve Resolution 2021-1.1 through 2021-1.9, second by Council Member Gnatt with all members present voting in favor.

## **PENNINGTON BOROUGH RESOLUTION 2021-1.1**

### **RESOLUTION APPOINTING HODULIK AND MORRISON, A DIVISION OF PKF O'CONNOR DAVIES AS BOROUGH AUDITOR FOR THE YEAR 2021**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing in the year 2021, including conduct of audits for 2020;

**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 new 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**, Hodulik and Morrison, P.A. a Division of PKF O'Connor Davies, has served as Borough Auditor and proposes to continue to serve in this capacity for fees not to exceed in the aggregate \$27,250.00 for the following services: annual audit of the Borough (\$18,950.00); preparation of annual financial statement (\$4,500.00); preparation of annual debt statement (\$1,050.00); audit of the Pennington Library (\$2,750.00);

**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: Partner - \$180.00; Sr. Manager/Manager - \$160.00-\$170.00; Associates - \$125.00-\$140.00; and as further set forth in the attached letter of engagement dated December 28, 2020 provided aggregate fees under this contract, including expenses, shall not exceed \$27,250.00 without the prior written approval of Borough Council;

**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**, 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;

**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 28, 2020 with such amendments as are required above;

**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.
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE YEAR  
2021**

**WHEREAS**, the Borough seeks to appoint Edward J. McManimon as Bond Counsel for 2021; and

**WHEREAS**, Bond Counsel shall perform professional services in accordance with a professional services agreement 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 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**, McManimon and Scotland 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 #: 1-01-20-130-000-251;

**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 and a contract substantially in the form attached 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**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**PENNINGTON BOROUGH  
RESOLUTION NO. 2021 - 1.3**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.  
AS BOROUGH ATTORNEY FOR THE YEAR 2021**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 2021;

**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 his previous billing rate of \$120 per hour, plus reimbursement for reasonable out-of-pocket expenses;

**WHEREAS**, Mr. Bliss further proposes that the services of any legal counsel associated with the Law Offices of Walter R. Bliss Jr., if needed, be compensated at the rate of \$110.00 per hour;

**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 \$ 50,000.00 without the prior written approval of Borough Council;

**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 #: 1-01-20-155-000-261;

**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**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021- 1.4**

**RESOLUTION APPOINTING CRAIG J. HUBERT AS CHIEF MUNICIPAL PROSECUTOR FOR  
THE YEAR 2021**

**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, 2021; 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 # 1-01-25-275-000-201;

**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 2021.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021-1.5**

**RESOLUTION APPOINTING ALTERNATE PROSECUTORS FOR THE YEAR 2021**

**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, 2021; 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 2021:

1. Thomas Manzo is hereby appointed First Alternate Prosecutor of Pennington Borough.
2. Lyle Hough is hereby appointed Second Alternate Prosecutor of Pennington Borough.
3. Jeff Rubin is hereby appointed Third Alternate Prosecutor of Pennington Borough.
4. Robert Yostembski 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.
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 - 1.6**

**RESOLUTION APPOINTING RICHARD KELLY AS PUBLIC DEFENDER  
FOR THE YEAR 2021**

**WHEREAS**, Borough Council seeks to designate and appoint Richard Kelly as the Public Defender;

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

**WHEREAS**, Mr. Kelly 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 #: 1-01-43-495-000-255;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Richard Kelly is hereby designated and appointed Public Defender for Pennington Borough for the year 2021.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 - 1.7**

**RESOLUTION APPOINTING PATRICK NEMES AS ALTERNATE PUBLIC DEFENDER FOR  
THE YEAR 2021**

**WHEREAS**, Borough Council seeks to designate and appoint Patrick Nemes as Alternate Public Defender to serve when the Public Defender is not available and in conflict situations;

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

**WHEREAS**, Mr. Nemes shall be compensated as Alternate 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 #: 1-01-43-495-000-255;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that Patrick Nemes is hereby designated and appointed Alternate Public Defender for Pennington Borough for the year 2021, to serve when the Public Defender is not available and in conflict situations.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2020-1.8**

**RESOLUTION APPOINTING EILEEN HEINZEL AS JOINT INSURANCE FUND  
COMMISSIONER FOR A PERIOD OF ONE YEAR FROM JANUARY 1 THROUGH  
DECEMBER 31, 2021**

**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 Eileen Heinzl to that position, for the period of one year from January 1 through December 31, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, that Eileen Heinzl is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2021 and ending December 31, 2021; 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**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 1.9**

**RESOLUTION CONFIRMING APPOINTMENT AND TENURE OF  
SUPERINTENDENT OF PUBLIC WORKS**

**WHEREAS**, Richard Smith was appointed Superintendent of Public Works effective August 1, 2014; and he has served in that capacity without interruption to date;

**WHEREAS**, the Code of the Borough of Pennington provides that the Mayor shall annually nominate and, by and with the consent of Borough Council, appoint a qualified Superintendent of Public Works (Section 39-2);

**WHEREAS**, the Borough Code further provides that the Superintendent of Public Works shall serve until January 1 next succeeding the date of appointment and until a successor has qualified (Section 39-4);

**WHEREAS**, by Resolution 2015-3.11, Richard Smith’s re-appointment as Superintendent of Public Works, for his first full year, was formally approved effective January 1, 2015 after a period of service in that position beginning on August 1, 2014;

**WHEREAS**, under Resolution 2019-1.20 Richard Smith was re-appointed as Superintendent of Public Works for 2019, with the recited understanding that after full-time continuous service as Superintendent of Public Works for five years, then scheduled to occur on August 1, 2019, Mr. Smith would become tenured in that position under Section 39-4 of the Borough Code and N.J.S.A 40A:9-154.6 and would thereafter continue to hold the position of Superintendent of Public Works of the Borough during good behavior and efficiency in accordance with law;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that continuation of Richard Smith in the position of Superintendent of Public Works of the Borough and his tenure in that position are hereby confirmed.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	X			
Gnatt	S				Mills	X			
Gross	X				Semple	X			

Mayor Lawver asked for a consent agenda for Resolutions 2021-1.10 through 2021-1.15. Council Member Chandler made a motion to approve Resolutions 2021-1.10 through 2021-1.15, second by Council Member Marcianti with all members present voting in favor. A brief discussion took place with



regard to the interest rate set for tax payments and also with regard to the official newspaper and publication requirements.

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 1.10**

**RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH  
COUNCIL FOR THE YEAR 2021**

**WHEREAS**, in 2021 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, 2021 – Regular & Reorganization (Monday)

February 1, 2021

March 1, 2021

April 5, 2021

May 3, 2021

June 7, 2021

July 6, 2021 (Tuesday)

August 2, 2021

September 7, 2021 (Tuesday)

October 4, 2021

November 1, 2021

December 6, 2021

December 30, 2021 – (3:00 pm) (Thursday)

- Reorganization meeting to be held on January 3<sup>rd</sup>, 2022, 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**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 1.11**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON  
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL  
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2021**

**BE IT RESOLVED:**

That The Bank of Princeton, Wells Fargo, PNC Bank, Bank of America, Northfield Bank, TD Bank, Ocean Bank, and Santander Bank, be declared official depositories of the Borough of Pennington for 2021 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 2021, 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 Joseph Lawver 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 - Joseph Lawver
- 2 Finance Officer - Sandra Webb
- 3 Borough Administrator – Eileen Heinzel
- 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.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 1.12**

**RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2021**

**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

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 Commission
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 2021 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.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 1.13**

**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 2021, 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, Joseph Lawver and Eileen Heinzl.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2021 – 1.14**

**RESOLUTION FIXING THE RATE OF INTEREST AND YEAR-END PENALTY FOR  
DELINQUENT REAL ESTATE TAX PAYMENTS AND AUTHORIZING THE TAX COLLECTOR  
TO EXTEND THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER TAX PAYMENTS FOR 2021 IF  
NECESSARY**

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

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

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

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

**BE IT FURTHER RESOLVED**, that the Pennington Borough Council hereby authorizes the Tax Collector to extend the grace period for third quarter 2021 tax payments; and

**BE IT FURTHER RESOLVED** that the Tax Collector shall determine the extension period upon receipt of the 2021 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.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2021 – 1.15**

**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.
Chandler	M				Marciante	S			
Gnatt	X				Mills	X			
Gross	X				Semple	X			

**MAYORS APPOINTMENTS/RE-APPOINTMENTS TO LOCAL BOARDS**

Mayor Lawver announced the following Mayor’s Appointments to Boards and Commissions.

**Planning Board**

- Joseph Lawver – Mayor – 1 year term ending December 31, 2021
- Eileen Heinzl – Borough Official – 1 year term ending December 31, 2021
- Deborah Gnatt – Council Representative – 1 year term ending December 31, 2021
- Cara Laitusis – moving from Alternate 1 to Regular Member to an unexpired term ending December 31, 2023
- Seoung Kwak – moving from Alternate 2 to Alternate1 for a new term ending December 31, 2022
- Jeanne Van Orman – appointed as Alternate 2 for a term ending December 31, 2022

**Economic Development**

- Chris Murphy – re-appointed to 1 year term ending December 31, 2021
- Janice Mintz – re-appointed to 1 year term ending December 31, 2021
- Council Representative – Kit Chandler – to December 31, 2021

**Environmental Commission**

- William Alexander – re-appointed to 3 year term ending December 31, 2023
- Nadine Stern – appointed to a 2 year term as Alternate 1 for a term ending December 31, 2022
- Council Representative – Kit Chandler – to December 31, 2021

**Open Space Committee**

- John Jackson – re-appointed as Alternate 1 for a 1 year term ending December 31, 2021
- Art Firestone – re-appointed as Alternate 2 for a 1 year term ending December 31, 2021
- William Alexander – Environmental Commission Representative for a term ending Dec. 31, 2023
- Council Representative – Deborah Gnatt – to December 31, 2021

**Hopewell Valley Open Space Committee**

- Dan Pace – appointed to a 1 year term ending December 31, 2021
- Alan Hershey – appointed to a 1 year term ending December 31, 2021

**APPOINTMENTS/RE-APPOINTMENTS TO LOCAL BOARDS – (WITH COUNCIL APPROVAL)**

Mayor Lawver announced the following appointments to Boards and Commissions. Council Member Chandler made a motion to approve the appointments, second by Council Member Gnatt with all members present voting in favor.

**Parks and Recreation (w/Council Approval)**

- John Bowden – re-appointed to a 3 year term ending December 31, 2023
- Tom Flood – re-appointed to a 3 year term ending December 31, 2023
- Brett Margulis – re-appointed to a 3 year term ending December 31, 2023
- Elise Thompson – appointed to a 3 year term ending
- Council Representative – Liz Semple – to December 31, 2021

**Board of Health (w/Council Approval)**

- Susan Perris – re-appointed to a 3 year term ending December 31, 2023
- Toni Lewis – re-appointed to a 3 year term ending December 31, 2023
- Council Representative – Ken Gross – to December 31, 2021

**Library Board of Trustees (w/Council Approval)**

- Joe Bielasowicz – re-appointed to a 5 year term ending December 31, 2025
- Meredith Coleman Moore – appointed to a 5 year term ending December 31, 2025
- Diane Zompa – re-appointed as Mayor’s Representative to a 1 year term ending December 31, 2021
- Council Representative – Beverly Mills – to December 31, 2021

**Shade Tree Commission (w/Council Approval)**

- Christopher Brookes – re-appointed to a 3 year term ending December 31, 2023
- Michael Rheinhardt – re-appointed to a 3 year term ending December 31, 2023
- Kate Dunham – appointed to a 3 year term ending December 31, 2023
- Council Representative – Liz Semple – to December 31, 2021

**Senior Advisory Board (w/Council Approval)**

- Nancy Breland – re-appointed to a 2 year term ending December 31, 2022
- Council Representative – Mayor Joseph Lawver – to December 31, 2021

**Historic Preservation Commission (w/Council Approval)**

- David Coates – re-appointed as a Class C Member for a 4 year term ending December 31, 2024
- Barbara Kirsh – re-appointed as a Class C Member for a 4 year term ending December 31, 2024
- Hannah Williams – re-appointed as Class C Alternate 2 for a 2 year term ending December 31, 2022
- Council Representative – Beverly Mills – to December 31, 2021

At 7:42 pm, Mayor Lawver announced that a separate meeting link was set up for the Regular Meeting of Borough Council. Council Member Chandler made a motion to adjourn, second by Council Member Gnatt with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk