

**Pennington Borough Council  
Reorganization Meeting – January 6, 2020**

Mayor Lawver called the Reorganization Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Griffiths, Marciante, Mills and Semple in attendance. Council Member Gnatt was absent.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

Also present for the Reorganization Meeting were Mercer County Surrogate, Diane Gerofsky, Mercer County Clerk, Paula Solami-Covello, Former Mayor and Council Member Edwin Weed Tucker and Senator Shirley Turner.

Mayor Lawver announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mayor Lawver invited everyone to stand for the Flag Salute.

**Invocation**

Mayor Lawver invited Ophelia Laughlin, Priest in Charge at St. Matthews Church to come forward and give the Invocation.

**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.**

There were no comments from the public.

**Mayor's Business**

Mayor Lawver announced the appointment of the 2020 Complete Count Committee for the 2020 Census. Mayor Lawver stated that he along with Eileen Heinzl, Betty Sterling and Weed Tucker will make up the committee.

**Elections Results**

Mayor Lawver asked Borough Clerk, Betty Sterling to announce the results of the 2020 Election.

Ms. Sterling reported that Joseph Lawver was re-elected as Mayor for a 4 year term ending December 31, 2023 and Council Members Charles Marciante and Beverly Mills were each re-elected to 3 year terms ending December 31, 2022.

**Adjournment of 2019 Council**

Council Member Chandler made a motion to adjourn the 2019 Council, second by Council Member Mills with all members present voting in favor.

**Oaths of Office**

Borough Attorney Walter Bliss administered the Oath of Office to Mayor Joseph Lawver with Senator Shirley Turner assisting by holding the Bible.

Borough Attorney Walter Bliss administered the Oath of Office to Council Member Chico Marciante with his wife holding the Bible and to Council Member Beverly Mills with her grandson Aviel Mills holding the Bible.

**Roll call of 2020 Council**

Mayor Lawver asked Borough Clerk Betty Sterling to call the roll for the 2020 Council. All members were present with the exception of Council Member Gnatt.

Council Member Marciante nominated Council Member Chandler for Council President for 2020, second by Council Member Griffiths with all members present voting in favor.

**ANNUAL RESOLUTIONS**

Mayor Lawver asked for a consent agenda for the following Resolutions 2020-1.1 through 2020-1.13. Mayor Lawver asked if anyone would like to discuss any of these resolution individually. There was not discussion requested so Council Member Marciante made a motion, second by Council Member Chandler with all members present voting in favor.

**PENNINGTON BOROUGH  
RESOLUTION 2020-1.1**

**RESOLUTION APPOINTING HODULIK AND MORRISON  
AS BOROUGH AUDITOR FOR THE YEAR 2020**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Auditor and to contract for related professional auditing in the year 2020, including conduct of audits for 2019;

**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. has served as Borough Auditor and proposes to continue to serve in this capacity for fees not to exceed in the aggregate \$26,750.00 for the following services: annual audit of the Borough (\$18,575.00); preparation of annual financial statement (\$4,450.00); preparation of annual debt statement (\$1,025.00); audit of the Pennington Library (\$2,700.00);

**WHEREAS**, Hodulik and Morrison shall perform such additional professional services as may be requested from time to time by the Borough at the following hourly rates: principal - \$160.00; senior accountant - \$140.00; junior accountant - \$125.00; and as further set forth in the attached letter of engagement dated December 28, 2019 provided aggregate fees under this contract, including expenses, shall not exceed \$26,750.00 without the prior written approval of Borough Council;

**WHEREAS**, Hodulik and Morrison 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 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 by accepting the annexed letter of engagement dated December 28, 2019 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2020-1.2**

**RESOLUTION APPOINTING EDWARD J. MCMANIMON AS BOND COUNSEL FOR THE YEAR 2020**

**WHEREAS**, the Borough seeks to appoint Edward J. McManimon as Bond Counsel for 2020; 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 #: 0-01-20-130-000-251;

**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**

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

**BOROUGH OF PENNINGTON  
RESOLUTION #2020- 1.3**

**RESOLUTION APPOINTING CRAIG J. HUBERT AS CHIEF MUNICIPAL PROSECUTOR FOR THE YEAR 2020**

**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, 2020; 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 # 0-01-25-275-000-201;

**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 2020.

**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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**PENNINGTON BOROUGH  
RESOLUTION NO. 2020 - 1.4**

**RESOLUTION APPOINTING WALTER R. BLISS, JR.  
AS BOROUGH ATTORNEY FOR THE YEAR 2020**

**WHEREAS**, the Borough of Pennington has a need to appoint a Borough Attorney and to contract for related professional legal services in the year 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 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 #: 0-01-20-155-000-261;

**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.
Chandler	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 1.5**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON  
DESIGNATING DEPOSITORY BANKS, OFFICIAL NEWSPAPERS AND OFFICIAL  
SIGNATORIES FOR THE BOROUGH FOR THE YEAR 2020**

**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 2019 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 2020, 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 Heinzl
- 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON**  
**RESOLUTION #2020 – 1.6**

**RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BOROUGH COUNCIL FOR THE YEAR 2020**

**WHEREAS**, in 2020 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 6, 2020 – Regular & Reorganization (Monday)

February 3, 2020

March 2, 2020

April 6, 2020

May 4, 2020

June 1, 2020

July 6, 2020

August 3, 2020

September 8, 2020 (Tuesday)

October 5, 2020

November 2, 2020

December 7, 2020

December 29, 2020 – (3:00 pm) (Tuesday)

- Reorganization meeting to be held on January 4<sup>th</sup> , 2021, 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
Chandler	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON**  
**RESOLUTION #2020 – 1.7**

**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 2020 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 2020 tax payments; and

**BE IT FURTHER RESOLVED** that the Tax Collector shall determine the extension period upon receipt of the 2020 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**

<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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 – 1.8**

**RESOLUTION ESTABLISHING COMMITTEES OF COUNCIL FOR 2020**

**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 2020 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2020-1.9**

**RESOLUTION APPOINTING ALTERNATE PROSECUTORS FOR THE YEAR 2020**

**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, 2020; 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 2020:

- 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			



**BOROUGH OF PENNINGTON  
RESOLUTION #2020 - 1.10**

**RESOLUTION APPOINTING RICHARD KELLY AS PUBLIC DEFENDER  
FOR THE YEAR 2020**

**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 #: 0-01-43-495-000-255;

**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 2020.

**Record of Council Vote on Passage**

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2020-1.11**

**RESOLUTION APPOINTING WILLIAM MEYTROTT AS  
JOINT INSURANCE FUND COMMISSIONER FOR A PERIOD  
OF ONE YEAR FROM JANUARY 1 THROUGH DECEMBER 31, 2020**

**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 William Meytrott to that position, for the period of one year from January 1 through December 31, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that William Meytrott is hereby appointed as Joint Insurance Fund Commissioner for a one year term effective January 1, 2020 and ending December 31, 2020; and

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Pennington that Mr. Meytrott 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
Chandler	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 1.12**

**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 2020, 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, 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	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 - 1.13**

**RESOLUTION APPOINTING BOROUGH ENGINEER FOR THE YEARS 2020  
THROUGH 2022**

**WHEREAS**, the Borough of Pennington is required by law to appoint a Municipal Engineer and to contract for related engineering services;

**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**, 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**, Borough Council has employed such a process in making this appointment but the appointee nonetheless has made no such political contribution and shall make no such contribution during the term of this contract;

**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**, 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., and 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 Mayor nominates as Borough Engineer Norman Nelson 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. Nelson and his firm Van Note Harvey Associates;

**WHEREAS**, Norman Nelson and Van Note Harvey Associates has 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**, 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 (0-01-20-165-000-262 and 0-05-55-501-000-262 and 0-05-55-502-000-262);

**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;

**WHEREAS**, at the time of adoption of this Resolution the parties have yet to agree upon the terms of a final contract and list of approved projects;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that Norman Nelson 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, 2022;

**BE IT FURTHER RESOLVED**, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a temporary professional services agreement with Norman Nelson and the firm of Van Note Harvey Associates for a sum not to exceed \$25,000.00 subject to negotiation of a final agreement substantially in the form attached hereto;

**BE IT FURTHER RESOLVED**, that the temporary 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.
Chandler	S				Marciante	M			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2020 - 1.14**

**RESOLUTION APPOINTING PATRICK NEMES AS ALTERNATE  
PUBLIC DEFENDER FOR THE YEAR 2020**

**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 #: 0-01-43-495-000-255;

**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 2020, 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	S			
Gnatt				absent	Mills	X			
Griffiths	X				Semple	X			

Mayor Lawver stated that Resolution 2020-1.14 is new for this year. Council Member Chandler made a motion to approve Resolution 2020-1.14, second by Council Member Marciante with all members present voting in favor.

Mayor Lawver asked for a consent agenda for Resolutions 2020-1.15 and 2020-1.16. Council Member Mills made a motion to approve Resolutions 2020-1.15 and 2020-1.16, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 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**

<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	X				Marciante	X			
Gnatt				absent	Mills	M			
Griffiths	S				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2020 – 1.16**

**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**

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

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

Mayor Lawver announced the following appointments to Boards and Commissions that do not require Council Approval. Mayor Lawver stated that he is still looking for two people to serve on the Planning Board. Mrs. Chandler stated that the Environmental Commission is working on designating a member to serve on the Open Space Committee.

**Planning Board**

- Eileen Heinzl – Mayor’s Designee in his absence – 1 year term ending December 31, 2020
- William Meytrott – Borough Official – 1 year term ending December 31, 2020
- Liz Semple – Council Representative – 1 year term ending December 31, 2020
- Doug Schotland – re-appointed to a 4 year term ending December 31, 2023

**Economic Development**

- Jason Meyer – re-appointed to a 5 year term ending December 31, 2024
- Chris Murphy – re-appointed to 1 year term ending December 31, 2020
- Lee Dickstein – re-appointed to 1 year term ending December 31, 2020
- Janice Mintz – re-appointed to 1 year term ending December 31, 2020
- Council Representative – Kit Chandler – to December 31, 2020

**Environmental Commission**

- Karl Muessig – re-appointed to a 3 year term ending December 31, 2022
- Brian Friedlich – re-appointed to a 3 year term ending December 31, 2022
- Gregg Rackin – move from Alternate 1 to 3 year term ending December 31, 2022
- Council Representative – Kit Chandler – to December 31, 2020

**Open Space Committee**

- Mark Blackwell – Planning Board Representative – 3 year term ending December 31, 2022
- Jason Meyer – Economic Development Representative – 3 year term ending December 31, 2022
- Dan Pace – re-appointed to a 3 year term ending December 31, 2022
- John Jackson – re-appointed as Alternate 1 for a 1 year term ending December 31, 2020
- Art Firestone – re-appointed as Alternate 2 for a 1 year term ending December 31, 2020
- Council Representative – Deborah Gnatt – to December 31, 2020

**Hopewell Valley Open Space Committee**

- Dan Pace – appointed to a 1 year term ending December 31, 2020
- Alan Hershey – appointed to a 1 year term ending December 31, 2020

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

Mayor Lawver announced the following appointments and asked for Council's consideration. Council Member Chandler made a motion to approve the appointments, second by Council Member Marciante with all members present voting in favor.

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

- Frank Vanderee – re-appointed to a 3 year term ending December 31, 2022
- Council Representative – Liz Semple – to December 31, 2020

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

- Dan Boone – re-appointed to a 3 year term ending December 31, 2022
- Steve Papenberg – re-appointed to a 3 year term ending December 31, 2022
- Council Representative – Glen Griffiths – to December 31, 2020

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

- Kathryn Rosko – re-appointed to a 5 year term ending December 31, 2024
- Diane Zompa – re-appointed as Mayor's Representative to a 1 year term ending December 31, 2020
- Council Representative – Beverly Mills – to December 31, 2020

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

- Council Representative – Debra Gnatt – to December 31, 2020

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

- Edwin Weed Tucker – re-appointed to a 3 year term ending December 31, 2022
- Council Representative – Mayor Joseph Lawver – to December 31, 2020

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

- Stephen Molinelli – re-appointed as Class D member for a 4 year term ending December 31, 2023
- Robert Bolten – re-appointed as a Class C Alternate member for a 2 year term ending December 31, 2021
- Council Representative – Beverly Mills – to December 31, 2020

Mayor Lawver took a moment to thank Mercer County Surrogate Diane Gerofsky, Mercer County Clerk Paula Sollami-Covello and Senator Shirley Turner for coming out the meeting.

Council Member Chandler made a motion to adjourn the Reorganization Meeting, second by Council Member Mills with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk