

**Pennington Borough Council  
Regular Meeting – January 7, 2019**

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:29 pm. Borough Clerk Betty Sterling called the roll with Mayor Lawver and Council Members Chandler, Gnatt, Griffiths, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith, Public Safety Director Bill Meytrott, Chief Financial Officer Sandy Webb, Sergeant Doug Pinelli, Health Officer Stephanie Carey 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 bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

**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.**

**Approval of Minutes**

Council Member Marciante made a motion to approve the minutes of the November 13, 2018 Regular Meeting, second by Council Member Chandler with all members present voting in favor with the exception of Mrs. Mills and Ms. Semple who abstained.

Council Member Chandler made a motion to approve the minutes of the December 3, 2018 Regular Meeting, second by Council Member Mills with all members present voting in favor with the exception of Ms. Semple who abstained.

Council Member Chandler made a motion to approve the minutes of the December 27, 2018 Regular Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Griffiths and Ms. Semple who abstained.

**Presentation**

Mayor Lawver asked Heide Kahme, Chair of the Hopewell Valley Municipal Alliance to come forward. Mrs. Kahme stated that before Council this evening is the annual approval of the Strategic Plan which is a Shared Service Agreement between Hopewell Borough, Hopewell Township and Pennington Borough for a contract with Mercer County. Mrs. Kahme stated that the Hopewell Valley Municipal Alliance has been in existence for twenty-two years. Mrs. Kahme stated that the primary role in the community was adopted by Ordinance in the mid 1980's through the New Jersey Governor's Council on Alcoholism and Drug Abuse. Mrs. Kahme stated that the primary role was to create a grass roots organization to oversee and monitor the drug and alcohol abuse issues in each community and to address these issues without having the State coming in and mandating certain programming. Mrs. Kahme stated that the grant covers birth to death, but the Municipal Alliance has focused on youth. Mrs. Kahme stated that there are some programs included in the budget and they are primarily drug and alcohol education and prevention related. Mrs. Kahme stated that they also do a number of other activities that are community based for instance Hopewell Valley Night Off. Mrs. Kahme spoke further on some of the community events that they hold. Mrs. Kahme stated that they hold executive committee meetings and she encouraged Mayor and Council to participate in the meetings. Mrs. Kahme asked if there were any questions. Mayor Lawver thanked Mrs. Kahme for all of her hard work on this program.

**Committee Reports**

**Planning & Zoning / Open Space / Personnel** – Mrs. Gnatt reported on the December 12<sup>th</sup>, 2018 Planning Board meeting. Mrs. Gnatt stated that the Planning Board memorialized the Resolution for a sub-division at 30 West Delaware Avenue. Mrs. Gnatt stated that a request for an extension of time for 17-19 – 21 Burd Street was granted by the Board. Mrs. Gnatt announced that Borough Planner, Michael Bolan resigned effective December 31, 2018 and a resolution of thanks and appreciation was adopted. Mrs. Gnatt stated that a search committee was formed to interview applicants and make a recommendation to the Board and as a result of that process Kyle McManus of KMA Associates was approved as the Borough Planner.

Mrs. Gnatt reported that Open Space did not meet in December but Alan Hershey will be coming to make a presentation to Council at the February meeting. Mrs. Gnatt stated that Alan Hershey will be the new Chair of the Open Space Committee.

Mrs. Chandler stated that the Environmental Commission is sometimes left out of the loop on Planning Board issues and the Commission would like to make sure that they are consulted on Planning Board applications.

Mr. Marciante stated that the Environmental Commission is there to clear up problems that we have but some issues come under State or Federal regulations.

Mrs. Heinzl stated that prior to Mike Bolan leaving, he was assisting with revising the Planning Board checklist and so Environmental will be included on the checklist.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler stated that the only thing she was going to bring up was whether 63 North Main Street has received their permit for demolition. Mrs. Sterling stated that John Hall signed off on his review today so they are ready to go.

Mrs. Chandler stated that as she mentioned, the Environmental Commission is looking to be more involved in the Planning Board process.

Mrs. Chandler stated that Economic Development is working on their Business of the Year event to be held on January 30<sup>th</sup>, 2019.

**Public Works** – Mr. Marciante stated that no meeting was held.

**Finance / Board of Health** – Mr. Griffiths had no formal report. Mr. Griffiths stated that it is easy to spend money but it is difficult to allocate it strategically so that will be one of the main projects for next year.

**Historic Preservation / Library** – Mrs. Mills reported that the activities for “The Big Read” program at the library will begin in March. Mrs. Mills encouraged everyone to stop into the library and pick up a free copy of the book True Grit. Mrs. Mills stated that the activities planned will be centered on the book.

**Parks and Recreation / Shade Tree** – Mr. Lawver stated that both of these groups will be meeting tomorrow. Mr. Lawver stated that something will have to be figured out for Ms. Semple as she can’t be in two places.

**Senior Advisory Board** – Mr. Lawver stated that the board met in December and they are concerned and frustrated by the slow approval for the renovations at the Senior Center.

Mrs. Chandler stated that January is radon month so radon kits are available at Borough Hall during the month of January.

### **Ordinances for Introduction**

Mayor Lawver read Ordinance 2019-1 by title.

## **BOROUGH OF PENNINGTON ORDINANCE 2019-1**

### **BOND ORDINANCE PROVIDING FOR THE CURLIS AVENUE/WEIDEL DRIVE ROAD PROJECT IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$616,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$376,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$616,000, including a grant in the amount of \$240,000 from the State of New Jersey Department of Transportation (the “State Grant”). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$376,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of

which the bonds are to be issued is The Curlis Avenue/Weidel Drive Road Project, including, but not limited to, reconstruction and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$376,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$56,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary

market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Griffiths made a motion to introduce Ordinance 2019-1, second by Council Member Gnatt. Mr. Griffiths stated that in December the Borough authorized notes in the amount of \$324,000 which was the cumulative amount that the Borough was able to work around over the past four or five years. Mr. Griffiths stated that this ordinance is more than double that amount and he would like to caution Council on a couple of things. Mr. Griffiths stated that he has been very vocal that in 2020 the Borough will have another \$106,000 available as we pay down another bond. Mr. Griffiths stated that the perspective that he would like to keep in mind is that the Borough is considering a building renovation, major capital equipment purchases for public works and apart from that we have additional road projects. Mr. Griffiths stated that there are other areas of infrastructure that need attention and so this money is needed in very specific areas to keep the Borough functioning at the high level it is. Mr. Lawver stated that he understands Mr. Griffith's cautions but we are in pretty good shape regarding road repairs. Some discussion took place regarding Mr. Griffith's cautions. Mr. Griffiths stated that money tends to disappear faster than it appears. Mr. Griffith explained that his point is that money is essentially gone if we prioritize road repairs for the future. Upon a roll call vote all members present voted in favor.

**New Business**

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 - 1.14**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE  
BOROUGH OF PENNINGTON FOR THE YEAR 2019**

**WHEREAS**, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations in an amount not to exceed 26.25% of the total appropriations for the prior year shall be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, 26.25% of the total appropriations of the 2018 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 1,076,393.52 for the current fund budget and \$ 268,726.27 for the water and sewer utility fund;

**NOW, THEREFORE, BE IT RESOLVED**, that the attached temporary appropriations be made and that a certified copy of this resolution be transmitted to the Borough Finance Officer.

**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	X				Mills	X			
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2019-1.14, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2019– 1.15**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH CAPITAL HEALTH SYSTEM, INC.  
TO PERFORM ALCOHOL AND DRUG TESTING SERVICES FOR THE BOROUGH OF  
PENNINGTON FOR THE YEAR 2019**

**WHEREAS**, the Borough is required to provide an alcohol and controlled substances program for CDL (commercial driver's license) drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40; and

**WHEREAS**, Capital Health System, Inc. ("Capital Health") is experienced in and capable of

providing such services and has provided the attached Price Quotation;

**WHEREAS**, the Borough seeks to enter into a contract with Capital Health for the provision of specific services through Capital Health’s Corporate Health Center in accordance with the Price Quotation;

**WHEREAS**, the Borough agrees to the fees per service (ranging from \$45.00 to \$119.00) set forth in the Price Quotation;

**WHEREAS**, the services authorized by the proposed contract are professional services and the amount of expense expected to be incurred under this contract for these services is in any event substantially below the threshold for public bidding;

**WHEREAS**, Capital Health shall complete and submit a sworn Business Entity Disclosure Certification which certifies that neither the group nor any of its members 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**, Capital Health shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

**WHEREAS**, total fees of Capital Health pursuant to the attached Price Quotation, including expenses, shall not exceed \$1,200.00 without the prior written approval of Borough Council; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds are available for this contract in Account #: 9-01-26-305-000-250;

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Mayor of the Borough is hereby authorized to accept the attached Price Quotation and, in accordance with its terms, enter into a contract with Capital Health on behalf of the Borough for the provision of Alcohol and Drug Testing Services for 2019.

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	X				Mills	X			
Griffiths	X				Semple	X			

Council Member Marciante made a motion to approve Resolution 2019-1.15, second by Council Member Chandler. Mr. Griffiths asked if we have to use Capital Health. Mrs. Heinzel stated that the company that was providing this service notified us that they would not be providing services for 2019 and so we obtained this proposal which is actually a savings for the Borough. Mr. Griffiths stated that his point is that Capital Health has been relatively unsupportive of the Borough and so he is not inclined to give them any business even if it is a trivial amount. Upon a roll call vote all members present voted in favor.

Mayor Lawver requested a consent agenda for Resolutions 2019-1.16, 2019-1.17 and 2019-1.18 as they all pertain to finance related items. Council Member Chandler made a motion to approve Resolutions 2019-1.16, 2019-1.17 and 2019-1.18, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.16**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN FOR THE YEAR 2019**

**WHEREAS**, the State of New Jersey amended the State laws concerning investment of local government funds with the adoption of Chapter 148, P.L. 1997, and

**WHEREAS**, these new laws expand the responsibility of the Governing Body and the role of the Chief Financial Officer in cash management, and

**WHEREAS**, these new laws require the adoption of a Cash Management Plan, and

**WHEREAS**, the Chief Financial Officer has reviewed the new laws and drafted a Cash Management Plan to conform to those laws and to the current banking and investment practices of the Borough,

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the attached Cash Management Plan is hereby adopted, and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to present this resolution and adopted Cash Management Plan to the State of New Jersey and to all designated depositories and asset managers in accordance with the requirements of the applicable State laws.

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	X				Mills	X			
Griffiths	S				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.17**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR  
THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2019**

**WHEREAS**, under New Jersey State Statute 40A:5-43 and New Jersey Administrative Code 5:30-9.1 through 5:30-9.10, local municipal units are permitted to offer residents electronic payments; and

**WHEREAS**, subject to those provisions the Borough of Pennington seeks to offer to its residents on-line payment for tax and utility charges in the form of on-line banking and credit cards; and

**WHEREAS**, the Borough’s current tax and utility software provider, Edmunds & Associates, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,200.00 per billing module, for a total of \$2,400.00 per year, and

**WHEREAS**, The Bank of Princeton has agreed to reimburse the Borough the fees charged by Edmunds & Associates, as described above; and

**WHEREAS**, under the provisions of the aforementioned statute and administrative code, Edmunds & Associates has named Links2Gov as their secured payment provider; and

**WHEREAS**, the charges paid by the property owner to the provider will be \$1.05 per banking transaction, and up to 3.0% on each credit card transaction; and

**WHEREAS**, this agreement shall be in place for one year;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Pennington approves the acceptance of electronic payments as outlined above.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Chief Financial Officer and the Tax and Utility Collector.

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	X				Mills	X			
Griffiths	S				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION 2019-1.18**

**RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE  
AUDIT IN CONNECTION WITH ISSUANCE OF BONDS BY THE BOROUGH  
FOR THE YEAR 2019**

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

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

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

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

**WHEREAS**, a proposed form of Agreement submitted by Phoenix Advisors and received by the Borough’s Chief Financial Officer, on December 17, 2018, is attached to this resolution;

**WHEREAS**, the proposed Agreement would retain Phoenix Advisors to perform in this fiscal year continuing disclosure agent service for an annual fee of \$1,050 for up to three (3) outstanding issues plus \$100 for each additional outstanding bond issue;

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

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

**WHEREAS**, the funds for this service are available in the Borough’s operating budget in account #: 9-01-20-130-000-251;

**NOW, THEREFORE, B E IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to retain Phoenix Advisors LLC for the aforesaid services, as provided in the attached Agreement, for a sum not to exceed \$1,050.

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	X				Mills	X			
Griffiths	S				Semple	X			

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.19**

**RESOLUTION AUTHORIZING A CONTRACT WITH CM3 BUILDING SOLUTIONS ON BEHALF OF INVENSYS BUILDING SYSTEMS FOR THE SUPPORT OF ITS PROPRIETARY SOFTWARE AND RELATED EQUIPMENT IN CONNECTION WITH OPERATION OF THE HVAC SYSTEM FOR BOROUGH HALL IN THE YEAR 2019**

**WHEREAS**, Invensys Building Systems (“Invensys”) is the designer of specialized software and equipment for the monitoring and regulation of HVAC systems and the identification of system-related problems requiring maintenance and repair; and Invensys has designed and installed such a control system for Borough Hall;

**WHEREAS**, the central component of the Invensys control system installed in Borough Hall for the monitoring and regulation of the HVAC system is a central control module designed and constructed by Invensys which consists of proprietary hardware and software and is connected to an Invensys-designed circuit of sensors throughout the building;

**WHEREAS**, CM3 Building Solutions (“CM3”) is an authorized factory representative of Invensys and is licensed by Invensys to conduct all operations necessary to support and maintain the proprietary hardware and software of Invensys;

**WHEREAS**, the Borough seeks to enter into an agreement with CM3 on behalf of Invensys for a term of one year beginning January 1, 2019 for the maintenance of the central control module and related circuitry and sensors and support of specified equipment and systems (“Agreement”);

**WHEREAS**, the equipment repair services to be performed by CM3 on behalf of Invensys under the proposed agreement are incidental to and interrelated with maintenance of its proprietary hardware and software and combining responsibility for maintenance of that proprietary system in a single contract with responsibility for related equipment support ensures accountability for the performance of the system;

**WHEREAS**, the proposed contract provides for payment of a flat fee in the amount of \$9,408.00 for the year, payable at \$784.00 per month, on the condition that the contract may be terminated by either party on 30 days’ notice;

**WHEREAS**, in return for the fee payments, the Borough will receive designated numbers of maintenance visits for specified HVAC equipment and systems and, beyond routine maintenance, will pay for needed repairs and replacements and emergency and other non-scheduled services on a time

and materials basis at preferred customer rates;

**WHEREAS**, a copy of the agreement as proposed by CM3 Building Solutions is attached;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose;

**WHEREAS**, prior to entering into the contract, CM3 and Invensys shall provide sworn statements made under penalty of perjury that neither they nor any of their covered principals, partners, officers or subsidiaries has made or will make during the term of this contract a political contribution in violation of the Code of the Borough of Pennington or N.J.S.A. 19:44A-20.5 prohibiting certain political contributions by business entities awarded contracts by the Borough for professional services;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor and Borough Clerk are hereby authorized to enter into a one year agreement with CM3 Building Solutions for the services described in the form of agreement attached, subject to such amendments as to form as may be required by the Borough Attorney, for an annual fee of \$9,408.00 payable monthly; and

**BE IT FURTHER RESOLVED**, that the Borough Administrator is hereby authorized to enter into one or more supplemental agreements with CM3 Building Solutions for needed repairs and replacements, emergencies and other additional work not covered by the annual fee, on a time and materials basis consistent with the attached form of agreement, subject to an annual cap of \$8,000.00 and such terms and conditions as may be required by the Borough Attorney.

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	X				Mills	S			
Griffiths	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2019-1.19, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 1.20**

**RESOLUTION CONFIRMING APPOINTMENT 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;

**WHEREAS**, after five years of full-time continuous service as Superintendent of Public Works of the Borough, which is anticipated on August 1, 2019, Richard Smith shall be tenured in the position under Section 39-4 of the Borough Code and N.J.S.A 40A:9-154.6 and shall continue to hold the position of Superintendent of Public Works of the Borough during good behavior and efficiency and shall not be removed therefrom for political or other reasons except for good cause in accordance with law;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Richard Smith again is hereby appointed as Superintendent of Public Works effective January 1, 2019.

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	S				Mills	M			
Griffiths	X				Semple	X			

Council Member Mills made a motion to approve Resolution 2019-1.20, second by Council Member Gnatt



with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.21**

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 880,139.81 from the following accounts:

Current	\$ 868,838.82
W/S Operating	\$ 6,312.39
Grant Fund	\$ 322.13
Animal Control Fund	\$ 81.30
Recreation Trust	\$ 10.41
Other Trust Fund	\$ 3,197.00
General Capital	\$ 112.70
Water/Sewer Capital	\$ 1,265.06
TOTAL	\$ 880,139.81

**Record of Council Vote on Passage**

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

Council Member Marciante made a motion to approve Resolution 2019-1.21, second by Council Member Griffiths. Mr. Lawver stated to Ms. Semple that she should read the bill list because that is how you learn what happens in the Borough. Upon a roll call vote all members present voted in favor.

Mayor Lawver requested a consent agenda for Resolutions 2019-1.22 and 2019-1.25 both pertaining to Shared Services. Council Member Marciante made a motion to approve Resolutions 2019-1.22 and 2019-1.25, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.22**

**A RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE BOARD OF  
FIRE COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1 TO PROVIDE  
ALL REQUIRED FIRE INSPECTION SERVICES FOR THE PERIOD  
JANUARY 1, 2019 THROUGH DECEMBER 31, 2020**

**WHEREAS**, the Borough of Pennington (“Borough”) is responsible for certain fire inspection services pursuant to the Uniform Fire Safety Act (N.J.S.A. 52:27D-195, et. seq.) (the “Fire Safety Act”); and

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et seq.) the Borough desires to contract with the Board of Fire Commissioners of Hopewell Township Fire District No. 1 (the “Board”) for the provision of fire inspection services and other certain services required by the Fire Safety Act; and

**WHEREAS**, the Borough and the Board are both “local units” and the fire inspection services and other certain services required by the Fire Safety Act are “shared services” within the meaning of N.J.S.A. 40A:65-3;

**WHEREAS**, the term of this Shared Services Agreement shall be two years, from January 1, 2019 through December 31, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough, with the attestation of the Borough Clerk, is hereby authorized to enter into and execute on behalf of the Borough a Shared Services Agreement providing for the aforesaid services in substantially the form annexed to this Resolution, subject to final approval as to form by the Borough Attorney.

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 1.25**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF  
PENNINGTON AND COUNTY OF MERCER FOR EMS DISPATCH  
SERVICES FOR THE YEAR 2019**

**WHEREAS**, beginning July 1, 2014, EMS dispatch services for the greater Mercer County area became available through Mercer County, and Mercer County began providing EMS dispatch services to Pennington under a shared services agreement;

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., permits local units of government to enter into a contract with any other local unit for the joint provision within their combined jurisdiction of any service which any party to the agreement is empowered to render within its own jurisdiction;

**WHEREAS**, under the proposed shared services agreement, Mercer County would arrange for and provide EMS dispatch services, including emergency medical dispatch and community support services, for the Borough of Pennington;

**WHEREAS**, the term of the proposed agreement is one (1) year from January 1, 2019 through December 31, 2019;

**WHEREAS**, Pennington would pay for these services through an annual assessment representing the cost of calls made to and received by the County for EMS dispatch services within Pennington’s boundaries;

**WHEREAS**, based on the annual assessment the annual cost for Pennington Borough for the year 2019 will be \$2,830.00 as set forth in the attached agreement;

**WHEREAS**, a copy of the proposed shared services agreement is attached to this Resolution;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2019 budget:

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into the annexed Shared Services Agreement with Mercer County for the provision of EMS dispatch services as described therein, subject to approval as to form by the Borough Attorney. .

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

**BOROUGH OF PENNINGTON  
RESOLUTION 2019 – 1.23**

**RESOLUTION AWARDED CONTRACT FOR JANITORIAL SERVICES TO EAGLE  
JANITORIAL SERVICES FOR THE YEAR 2019**

**WHEREAS**, the Borough of Pennington seeks to contract with a qualified janitorial service for cleaning services for Borough Hall, including the library and the police department, in 2019; and

**WHEREAS**, the Borough received quotes for janitorial services from Vanguard Cleaning Systems and Eagle Janitorial Services; and

**WHEREAS**, the Borough Administrator has reviewed the submitted quotes and recommended that the attached proposal dated December 20, 2018 from Eagle Janitorial Services be accepted; and

**WHEREAS**, the work shall include all labor, supervision, material and equipment necessary to assure performance of specified cleaning services including all cleaning services described in the attached proposal for 2019; and

**WHEREAS**, Eagle Janitorial Services has agreed to provide cleaning services at a cost of \$1,430.00 per month, but these services do not include “special services” for carpet cleaning, stripping, refinishing, scrubbing and re-waxing of waxable hard surface floors and cleaning of exterior windows; and

**WHEREAS**, the proposed contract is confined to cleaning services at \$1,430 per month; and

**WHEREAS**, before the agreement may be effective, Eagle Janitorial Services shall supply proof of general, contract and property damage liability insurance as well as employer’s liability/workers compensation with minimum limits of \$1,000,000 or as otherwise required by law, respectively, naming the Borough of Pennington as an additional insured;

**WHEREAS**, approval of this contract complies with the Code of the Borough of Pennington as well as N.J.S.A. 19:44A-20.5 effective January 1, 2006, which prohibit the award of certain contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing member of the governing body; and

**WHEREAS**, Eagle Janitorial Services will be required to complete and submit a sworn Business Entity Disclosure Certification which certifies that the firm has not made and shall not make any political contribution prohibited by the relevant provisions of either statute or the Borough Code concerning pay-to-play; and

**WHEREAS**, Eagle Janitorial Services shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funds for these services are available in account #: 9-01-26-310-000-229;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to issue an appropriate purchase order and accept as a binding contract the attached proposal by Eagle Janitorial Services dated December 20, 2018 for a contract price not to exceed \$17,160 for the calendar year 2019.

**BE IT FURTHER RESOLVED**, that notice of award of the contract shall be published in the official newspaper as required by law.

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

Council Member Marciante made a motion to approve Resolution 2019-1.23, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2019 – 1.24**

**RESOLUTION AUTHORIZING SUBMISSION OF  
MUNICIPAL ALLIANCE STRAGETIC PLAN**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has established a Municipal Alliance Committee; and,

**WHEREAS**, Pennington Borough further recognizes that it is incumbent upon not only public

officials but upon the entire community to take action to prevent such abuse in our community; and,

**WHEREAS**, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

**WHEREAS**, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

**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 Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance for the fiscal grant year July 1, 2019 to June 30, 2020 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00*
In-Kind	\$14,000.00

\*Hopewell Township: \$7,480.00, Hopewell Borough \$1,170.00, Pennington Borough \$1,500.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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			
Griffiths	X				Sample	X			

Council Member Chandler made a motion to approve Resolution 2019-1.24, second by Council Member Gnatt with all members present voting in favor.

**Professional Reports**

Mrs. Heinzel stated that she provided a 2018 year end summary that she encourages Council to read as it provides some guidance on what will be happening in 2019.

**Public Comment**

Mayor Lawver asked that anyone wishing to speak to Council please come forward and state your name and address for the record and please limit comments to the Governing Body to a maximum of 3 minutes.

Mr. Mark Blackwell came forward and stated that he would like to thank the Borough for addressing the water problem on the west side of South Main Street.

**Approval of Closed Session Minutes (for content but not for release)**

Council Member Chandler made a motion to approve the Closed Session minutes for November 13, 2018 for content but not for release, second by Council Member Marciante with all members present voting in favor with the exception of Ms. Sample and Mrs. Mills who abstained.

With no further business to come before Council, Mrs. Chandler made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk