

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

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:45 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Gross, Marciante, Mills and Semple in attendance.

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

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

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 raise your hand and when the Borough Administrator acknowledges 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

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the December 29, 2020 Regular Meeting, second by Council Member Mills with all members present voting in favor with the exception of Mrs. Gnatt and Mr. Gross who abstained.

Committee Reports

Planning & Zoning / Open Space / Personnel – Mrs. Gnatt stated that she had no report.

Public Safety /Economic Development / Environmental – Mrs. Chandler stated that she had no reports.

Public Works – Mr. Marciante stated that the contract for Burd Street Phase 3 will be addressed later in the meeting.

Finance – Mr. Gross stated that he had no report.

Historic Preservation / Library – Mrs. Mills stated that he had no report.

Parks and Recreation / Shade Tree – Ms. Semple stated that the Parks and Recreation calendar for 2021 is now available.

Senior Advisory Board – Mayor Lawver stated that the Senior Advisory Board will be meeting in January.

ORDINANCES FOR INTRODUCTION

Mayor Lawver read Ordinance 2021-1 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2021 - 1**

**ORDINANCE AMENDING DATES FOR PAYMENT OF CHARGES BY CUSTOMERS
OF THE PENNINGTON BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE
CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, Borough Council recognizes a need to adjust the schedule for payment of charges by customers of the Pennington Borough Water and Sewer Utility;

NOW, THEREFORE, BE IT ORDAINED, by Borough Council of the Borough of Pennington:

1. Chapter 206, Section 206-10 of the Borough Code, relating to payment of charges for use of sewers and water, is hereby amended (with deleted language crossed out and new language

underscored) as follows:

“Such charges for use of sewers and water shall be due and payable quarterly on January 31, March 1 April 30, June 1 July 31, September 1 and December 1 October 31 at the same places that taxes on real estate shall be payable. Charges unpaid after 30 days shall be charged interest at the same rate of interest charged upon real estate taxes. Unpaid sewer and water charges shall be a lien upon the premises connected until paid, and in the event any such charge shall remain unpaid, such charge, with interest and costs, shall be collected by means of the same remedies as are provided by law for collection of taxes on real estate.”

2. Chapter 98, Section 98-41 of the Borough Code, Subsection E, relating to due dates for payment of base and usage charges, is hereby amended (with deleted language crossed out and new language underscored) as follows:

“Base and usage charges shall be due on ~~January 31 March 1, April 30 June 1, July 31, September 1 and October 31 December 1~~, except in 2017 the billing date for the first quarter water/sewer bills is extended to April 3, 2017 and the due date for the first quarter water/sewer bills is extended to May 1, 2017.”

AND BE IT FURTHER ORDAINED that this Ordinance shall be effective upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2021-1, second by Council Member Gnatt with all members present voting in favor.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2021 - 1.16**

RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2021

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 2021 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 2020 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 885,699.09 for the current fund budget and \$ 301,509.60 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

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

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 1.17**

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 \$ 291,131.64 from the following accounts:

| | |
|---------|---------------|
| Current | \$ 101,229.91 |
|---------|---------------|

| | |
|---------------------|---------------|
| W/S Operating | \$ 12,215.30 |
| Grant Fund | \$ 1,855.25 |
| Animal Control Fund | \$ 2.86 |
| Recreation Trust | \$.48 |
| Other Trust Fund | \$ 79.40 |
| General Capital | \$ 175,740.21 |
| Water/Sewer Capital | \$ 8.23 |
| TOTAL | \$ 291,131.64 |

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

Council Member Chandler made a motion to approve Resolution 2021-1.17, second by Council Member Gnatt with all members present voting in favor.

Mayor Lawver called for a consent agenda on Resolutions 2021-1.18 and 2021-1.19. Council Member Mills made a motion to approve Resolutions 2021-1.18 and 2021-1.19, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 1.18**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN
FOR THE YEAR 2021**

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 | S | | | | Marciante | X | | | |
| Gnatt | X | | | | Mills | M | | | |
| Gross | X | | | | Semple | X | | | |

**BOROUGH OF PENNINGTON
RESOLUTION #2021 – 1.19**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR
THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2021**

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 GovTech, has the ability to act as service provider for the acceptance of electronic payments, and will do so at a charge of \$1,240.00 per billing module, for a total of \$2,480.00 per year, and

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

WHEREAS, under the provisions of the aforementioned statute and administrative code, Edmunds GovTech 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 | S | | | | Marciante | X | | | |
| Gnatt | X | | | | Mills | M | | | |
| Gross | X | | | | Semple | X | | | |

Mayor Lawver called for a consent agenda on Resolutions 2021-1.20, 2021-1.21, 2021-1.22 and 2021-1.23. Council Member Chandler made a motion to approve Resolutions 2021-1.20, 1.21, 1.22 and 1.23, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2021– 1.20**

**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 2021**

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 \$67.00 to \$122.00) 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 #: 1-01-26-305-000-250;

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 2021.

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

BOROUGH OF PENNINGTON
RESOLUTION 2021-1.21
RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE
AUDIT IN CONNECTION WITH ISSUANCE OF BONDS BY THE BOROUGH FOR THE
YEAR 2021

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 28, 2020, 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; and

WHEREAS, there is a set-up charge for each new bond issuance of \$450 which will be discounted to \$200 if Phoenix Advisors serves as Municipal Advisor; and

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 #: 1-01-20-130-000-251;

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 \$1,500.

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

**BOROUGH OF PENNINGTON
RESOLUTION 2021 – 1.22**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF
PENNINGTON AND COUNTY OF MERCER FOR EMS DISPATCH
SERVICES FOR THE YEAR 2021**

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, 2021 through December 31, 2021;

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 2021 will be \$3,360.00 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 2020 budget 1-01-42-102-000-268;

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 | M | | | | Marciante | X | | | |
| Gnatt | S | | | | Mills | X | | | |
| Gross | X | | | | Semple | X | | | |

**BOROUGH OF PENNINGTON
RESOLUTION 2021-1.23**

**RESOLUTION AUTHORIZING SOFTWARE SUPPORT AGREEMENT WITH EDMUNDS
GOVTECH**

WHEREAS, the Borough requires professional maintenance services for software systems used in Borough operations;

WHEREAS, the Borough now seeks to retain for this purpose, for the year 2021, the firm of Edmunds GovTech (“EGT”) of Northfield, New Jersey;

WHEREAS, the professional services to be provided by EGT are described in the attached agreement provided by EGT entitled “MCSJ Software Support & License Agreement” that incorporates EGT’s document entitled “2021 Annual Maintenance Support Services,” both of which are attached to this Resolution;

WHEREAS, the cost of the proposed services shall total \$11,098.00 as itemized in EGT’s invoice #21-00536, also attached;

WHEREAS, it is understood that the total cost of services under this contract shall not exceed \$11,098.00 without the express prior written agreement of Borough Council;

WHEREAS, the Chief Financial Officer of the Borough certifies that sufficient funds are available for this contract in the Finance, Tax Collection, Water/Sewer Operating and Animal Control Funds;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to sign and enter into on behalf of the Borough the attached 2021 MCSJ Software Support & License Agreement with schedule of 2021 Annual Support Maintenance Services, for a sum not to exceed \$11,098.00 as itemized in EGT’s invoice #21-00536.

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

**BOROUGH OF PENNINGTON
RESOLUTION 2021-1.24**

**RESOLUTION AUTHORIZING MUNICIPAL SERVICES AGREEMENT WITH HERITAGE AT
PENNINGTON CONDOMINIUM ASSOCIATION FOR 2021**

WHEREAS, Heritage at Pennington Condominium Association, Inc., c/o American Properties, 517 Route 1 South, Suite 2100, Iselin, NJ 08830 (“Association”) is a “qualified private community” as that term is defined in the New Jersey Municipal Services Act, N.J.S.A. 40:67-23.2, et seq. (“Act”);

WHEREAS, the Act requires that the Borough annually reimburse the Association for designated services not being performed by the Borough that are performed or paid for instead by the Association;

WHEREAS, the Act further requires that the Borough and the Association enter into a written agreement to provide for this reimbursement in an amount not to exceed the cost that would be incurred by the Borough in providing the services directly;

WHEREAS, the services subject to reimbursement are the following: (1) removal of snow, ice and other obstructions from the roads and streets within the Association’s community; (2) lighting of the roads and streets within the Association’s community, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and (3) collection of leaves in the community, if any;

WHEREAS, the proposed Agreement between the Borough and the Association attached to this Resolution is intended to cover authorization of reimbursements in the calendar year 2021;

WHEREAS, the amounts the Borough is authorized to pay the Association in 2021 are set forth in the attached Agreement, including Schedule A (Snow Removal), Schedule B (Lighting of Roads and Streets) and Schedule C (Collection of Leaves) incorporated therein;

WHEREAS, as required by the Act, the Association shall account for use of the money paid over to it by the Borough to ensure that reimbursements do not exceed the amounts actually expended or contractually committed by the Association during the accounting period in order to provide for the services covered by the Agreement;

WHEREAS, this Agreement shall be renewed and update annually with respect to covered services and amounts of authorized reimbursement;

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 attached Agreement on behalf of the Borough.

| 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 | S | | | | Mills | X | | | |
| Gross | X | | | | Semple | X | | | |

Council Member Marciante made a motion to approve Resolution 2021-1.24, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2021-1.25**

**RESOLUTION AWARDING CONTRACT TO TOP LINE CONSTRUCTION CORPORATION
FOR BURD STREET PHASE THREE**

WHEREAS, request for bids was advertised in accordance with the Local Public Contracts Law and on December 16, 2020 bids were received from three (3) contractors for the project known as “Burd Street Road Rehabilitation Project from Station 0+00+/- to Station 16+50+/- and Station 25+00+/- to Station 30+00+/-“ (also referred to as “Burd Street Phase 3”);

WHEREAS, the bid specifications called for a Base Bid, Add Alternates #1, 2, 3 and 4, and Deduct Alternate #1;

WHEREAS, following analysis of the proposed bid prices and the recommendation of the Public Works Committee, Borough Council determines that a contract should be awarded for the Base Bid and Add Alternate #1, proposing the following:

Base Bid – rehabilitation of Burd Street from O’Hanlon Avenue to Lanning Avenue and from West Curlis Avenue to approximately 300’ South of the intersection of West Curlis Avenue and Burd Street; and

Add Alternate #1 - reconstruction of Burd Street from Base Bid Limits to its intersection with Ingleside Avenue;

WHEREAS, the low bidder for the Base Bid (\$430,950.06) and Add Alternate #1 (\$216,339.28) is Top Line Construction Corporation of Somerville, New Jersey, with a total bid of \$647,289.34;

WHEREAS, the submittals by Top Line Construction Corporation in support of its bid have been reviewed by the Borough Engineer and award of the contract to Top line Construction Corporation is recommended;

WHEREAS, award of this contract is contingent on the Borough’s receipt of “Authorization to Award” from NJDOT Local Aid;

WHEREAS, the funds required for this project are available through a NJDOT Municipal Aid Grant and under General Capital Ordinance #2020-3;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, as follows:

- (1) the contract for the project known as “Burd Street Road Rehabilitation Project from Station 0+00+/- to Station 16+50+/- and Station 25+00+/- to Station 30+00+/-“ (also referred to as “Burd Street Phase 3”) shall be and is hereby awarded to Top Line Construction Corporation of Somerville, New Jersey for the combined Base Bid and Add Alternate #1 price of \$647,289.34, subject to receipt of “Authorization to Award” from NJDOT Local Aid; and
- (2) the Mayor, with the attestation of the Borough Clerk, is further authorized to execute and enter into such contract on behalf of the Borough, subject to satisfaction of requirements for execution.

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

Council Member Gnatt made a motion to approve Resolution 2021-1.25, second by Council Member Chandler. Some discussion took place regarding the trees that will be removed as part of the project and when the trees will be replaced. Council discussed the possibility of grants to fund the replacement of trees or if funds could be allocated in the budget. Council also discussed that the award of this contract is more than the grant amount, but historically when contract quantities are adjusted the final contract may come in closer to the grant award amount. There was agreement among Council that a solution needs to be found to replace the trees that are being removed. Upon a roll call vote all members present voted in favor of the Resolution.

**BOROUGH OF PENNINGTON
RESOLUTION 2021 - 1.26**

**RESOLUTION AMENDING APPOINTMENT OF GEORGE CONLEY AS
FIRE-PREVENTION SUBCODE OFFICIAL FOR THE BOROUGH OF PENNINGTON**

WHEREAS, by Resolution 2020-12.10 Borough Council appointed George Conley as Plumbing Subcode Official and Fire Prevention Subcode Official for the Borough of Pennington;

WHEREAS, Borough Council now seeks to amend that appointment to appoint Mr. Conley the part-time Borough Fire Inspector rather than Fire Subcode Official and to re-assign the duties of Fire Subcode Official to Thomas Petto, the Construction Code Official of the Borough;

WHEREAS, Messrs. Conley and Petto hold the necessary licensure to perform the duties and responsibilities of these positions, respectively;

WHEREAS, Mr. Conley will serve in the dual capacity of Plumbing Subcode Official and Fire Inspector for \$50 per hour for no more and no less than 2 hours per day up to but not exceeding two days per week as needed;

WHEREAS, compensation of Mr. Petto will remain unchanged;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, as follows:

1. The appointment of George Conley as Plumbing Subcode Official and Fire Prevention Subcode Official for the Borough of Pennington on a permanent part-time basis is hereby amended with respect to his fire-prevention responsibilities only, appointing him to the position of permanent part-time Fire Inspector and re-assigning the duties of Fire Subcode Official to Thomas Petto, the Construction Code Official.
2. Mr. Conley will serve in his dual capacity of Plumbing Subcode Official and Fire Inspector for \$50 per hour for no more and no less than 2 hours per day up to but not exceeding two days per week as needed.
3. Mr. Petto will perform the duties and responsibilities of Fire Subcode Official without additional compensation as contemplated at the time of his hiring.

Record of Council Vote on Passage

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

Council Member Chandler made a motion to approve Resolution 2021-1.26, second by Council Member Gnatt with all members present voting in favor.

Professional Reports

Mr. Bliss thanked Council for the opportunity to serve.

Public Comment

There were no comments from the public.

At 8:07pm with no further business to address, Council Member Chandler made a motion to adjourn, second by Council Member Semple.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk