

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

Mayor Lawver called the Regular Meeting of the Borough Council to order at 7:20 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.

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.**

There were no comments from the public.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the October 21, 2019 Special Meeting, second by Council Member Marciante with all members present voting in favor.

Council Member Chandler made a motion to approve the minutes of the November 2, 2019, Regular Meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Mrs. Mills who abstained.

Council Member Marciante made a motion to approve the minutes of the December 2, 2019, Regular Meeting, second by Council Member Griffiths with all members present voting in favor.

Council Member Griffiths made a motion to approve the minutes of the December 27, 2019 Regular Meeting, second by Council Member Mills with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Committee Reports

Planning & Zoning / Open Space / Personnel – No report due to Mrs. Gnatt being absent.

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

Public Works – Mr. Marciante stated that he had no report.

Finance / Board of Health – Mr. Griffiths stated that the Finance Committee will be meeting in January.

Historic Preservation / Library – Mrs. Mills stated that the Historic Preservation Commission met on December 4th and a Certificate of Appropriateness has been issued for the new revised design for 32 West Delaware.

Mrs. Mills stated that she did not attend the Library Board meeting but she understands that new officers were appointed. Mrs. Mills stated that Kathryn Rosko will be President, Rose Yacovone will be Vice President, Hillary Burke will be Secretary and Joe Bielamowicz will remain as Treasurer. Mrs. Mills stated that they have one vacancy, but they are close to confirming someone to fill the vacancy.

Mrs. Mills stated that the Library received a gift from the Estate of Robert Mullen in the amount of \$33,300 with no restrictions on the gift, but the Treasurer has recommended that the funds be used towards the purchase of books.

Parks and Recreation / Shade Tree – Ms. Semple stated that she had no report.

Senior Advisory Board – Mayor Lawver stated that he had no report.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.17**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued from the Water/Sewer Operating Fund to Eugene Schooley, 57 Woolsey Court, Pennington, NJ 08534 in the amount of \$8.48 for an overpayment at closing on Account #155-0, 12 West Franklin Avenue.

BE IT RESOLVED, that a refund be issued from the Water/Sewer Operating Fund to United Fire Group, 118 2nd Avenue, SE, P.O. Box 73909, Cedar Rapids, IA 52401-3909 in the amount of \$1,063.31 for an overpayment on account #133-1 due to a closing on the property.

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				Absent	Mills	S			
Griffiths	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.17, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 - 1.18**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
BOROUGH OF PENNINGTON FOR THE YEAR 2020**

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 2020 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 2019 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 1,032,158.51 for the current fund budget and \$ 305,009.25 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	X			
Gnatt				absent	Mills	X			
Griffiths	M				Semple	X			

Council Member Griffiths made a motion to approve Resolution 2020-1.18, second by Council Member Chandler with all members present voting in favor.

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

**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 2020**

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 \$65.00 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 #: 0-01-26-305-000-250;

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 2020.

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				Absent	Mills	S			
Griffiths	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.20, second by Council Member Mills with all members present voting in favor.

Mayor Lawver asked Council to consider a consent agenda for Resolutions 2020-1.20, 2020-1.21 and 2020-1.22 as they are all finance related. Council Member Chandler made a motion to approve Resolutions 2020-1.20, 2020-2.21 and 2020-1.22, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.20**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN
FOR THE YEAR 2020**

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				absent	Mills	S			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.21**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR
THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2020**

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	M				Marciante	X			
Gnatt				absent	Mills	S			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2020-1.22**

**RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE
AUDIT IN CONNECTION
WITH ISSUANCE OF BONDS BY THE BOROUGH FOR THE YEAR 2020**

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 13, 2019, 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 #: 0-01-20-130-000-251;

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				absent	Mills	S			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.23**

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 2020

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, 2020 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 \$9,696.00 for the year, payable at \$808.00 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 \$9,696.00 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 \$7,800.00 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	S				Marciante	X			
Gnatt				Absent	Mills	X			
Griffiths	M				Semple	X			

Council Member Griffiths made a motion to approve Resolution 2020-1.23, second by Council Member Chandler. Mr. Marciante asked what happens if we install a new HVAC system mid-year. Mr. Griffiths stated that we pay this monthly with a 30 day termination clause. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.24**

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 \$ 198,272.21 from the following accounts:

Current	\$ 9,814.55
W/S Operating	\$ 54.19
Grant Fund	\$ 1,274.55
Animal Control Fund	\$ 75.55
Recreation Trust	\$ 10.07
Other Trust Fund	\$ 1,369.81
General Capital	\$ 25,941.37
Water/Sewer Capital	\$ 150,858.12
Open Space Fund	\$ 8,874.00
TOTAL	\$ 198,272.21

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				Absent	Mills	X			
Griffiths	S				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.24, second by Council Member Griffiths with all members present voting in favor.

Mayor Lawver asked for a consent agenda to consider Resolutions 2020-1.25, 2020-1.26 and 2020-1.27 which are all shared services. Council Member Chandler made a motion to approve Resolution 2020-1.25, second by Council Member Mills. Some discussion took place with regard to the difference between Hopewell Township Fire District and Pennington First Aid and the associated costs. Upon a roll call vote all

members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2020 – 1.25**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
SHARED SERVICES AGREEMENT WITH THE BOARD OF FIRE
COMMISSIONERS OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1
FOR THE PROVISION OF BASIC LIFE SUPPORT SERVICES FOR THE
YEARS 2020 AND 2021**

WHEREAS, the Borough of Pennington (the “Borough”), is responsible for providing Basic Life Support Services, a system for the emergency care and transportation of persons who are sick or injured and in need of immediate medical care within the boundaries of the Borough; and

WHEREAS, for this purpose, 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 for the provision of Basic Life Support Services within the boundaries of the Borough for the years 2020 and 2021;

WHEREAS, the proposed Shared Services Agreement, of which a copy is attached, is in substantially the same form as the 2018-2019 agreement between these parties including the \$3,000 annual fee for the services;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor of the Borough of Pennington is hereby authorized and directed to execute the attached Shared Services Agreement between the Borough of Pennington and the Board of Fire Commissioners of Hopewell Township Fire District No.1 for the provision of Basic Life Support Services within the boundaries of the Borough, subject to approval as to final form by the Borough Attorney of the Borough of Pennington.

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				absent	Mills	X			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION #2020-1.26**

**RESOLUTION AUTHORIZING LEASE OF PENNINGTON BOROUGH
SENIOR CITIZENS’ CENTER TO THE COUNTY OF MERCER
FOR THE YEARS 2020 AND 2021**

WHEREAS, the Borough of Pennington has leased the multi-purpose room and kitchen facilities of the Hopewell Valley Senior Citizens’ Center to the County of Mercer for use between the hours of 8:00 a.m. and 1:00 p.m., Monday through Friday, by the Mercer County Senior Citizens Nutrition Program;

WHEREAS, the aforesaid lease is now proposed to be renewed for the term of two years beginning January 1, 2020 and ending December 31, 2021 at the rate of \$13,000.00 for 2020 and \$13,500.00 for 2021, payable quarterly;

WHEREAS, the proposed renewal lease provides for termination by either party upon 90 days’ notice in writing, with rent to be adjusted on a per diem basis;

WHEREAS, pursuant to the proposed lease, the County agrees to indemnify and hold harmless the Borough from liability relating to the acts or omissions of the County as provided in the proposed lease;

WHEREAS, the proposed lease requires the Borough to pay for utilities and to arrange for snow removal as necessary, while requiring the County to be responsible for repairs and replacements relating to its activities on the premises as well as for the costs of a telephone installed specifically for its use;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into the aforesaid Lease, of which a copy is attached, on behalf of the Borough, subject to approval by the Borough Attorney as to form.

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				Absent	Mills	S			

Griffiths	X				Semple	X			
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**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 1.27**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN BOROUGH OF
PENNINGTON AND COUNTY OF MERCER FOR EMS DISPATCH
SERVICES FOR THE YEAR 2020**

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, 2020 through December 31, 2020;

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 2020 will be \$3,300.00 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 0-01-42-102-000-268;

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				absent	Mills	S			
Griffiths	X				Semple	X			

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 1.28**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR ASSESSOR
SERVICES IN 2020**

WHEREAS, Pennington seeks to enter into an agreement for the performance of professional consulting services in connection with the inspection and assessment of properties for the purpose of real estate taxation;

WHEREAS, the Borough Tax Assessor has recommended Robert Gabrish, General Partner of the firm Assessor Services, LLC, 414 Runyon Court, Flemington, New Jersey 08822, who has the knowledge and experience to perform the needed services;

WHEREAS, a copy of the proposed agreement is attached to this Resolution, including a Schedule of Fees designated Exhibit B which specifies flat all-inclusive fees varying by type of property or improvement inspected;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in Account No. 0-01-20-150-000-250;

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Pennington as follows:

1. The Mayor, with the attestation of the Clerk, are hereby authorized to execute on behalf of the Borough the attached agreement with Robert Garish, General Partner (GP) of the firm Assessor Services, LLC, 414 Runyon Court, Flemington, New Jersey 08822;
2. Compensation under the contract shall not exceed \$2,000.

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				Absent	Mills	X			
Griffiths	X				Semple	S			

Council Member Chandler made a motion to approve Resolution 2020-1.28, second by Council Member Semple with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020-1.29**

**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 2020, 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 “2020 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 #20-00519, 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 2020 MCSJ Software Support & License Agreement with schedule of 2020 Annual Support Maintenance Services, for a sum not to exceed \$11,098.00 as itemized in EGT’s invoice #20-00519.

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				Absent	Mills	X			
Griffiths	S				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.29, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH F PENNINGTON
RESOLUTION 2020-1.30**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH RONICA A.
BREGENZER FOR FURTHER ARCHITECTURAL SERVICES IN CONNECTION WITH
RENOVATIONS TO PENNINGTON BOROUGH HALL**

WHEREAS, by Agreement effective December 27, 2017, the Borough of Pennington contracted with Ronica A. Bregenzer, Architect, LLC (hereafter “Architect”) for the performance by Architect of professional services on behalf of the Borough in connection with renovations to Pennington Borough Hall at 30 N. Main Street in the Borough;

WHEREAS, the work covered by Architect’s initial contract required the Architect to assess the relative needs for and estimated costs of various desired renovations to Borough Hall and to make recommendations in particular concerning replacement or improvement of all or most of the existing HVAC air handling system in the building, attic ventilation, temperature control system, lighting and such further needs as the Architect might identify;

WHEREAS, further in accordance with Architect’s initial contract, Architect has collaborated with the Borough to consider options for proceeding with repairs and renovations or some combination of them in keeping with estimated costs, Borough priorities and the availability of Borough funds;

WHEREAS, upon completion of the work under the initial contract Borough Council selected the following repairs and renovations as the highest priority at this time: 1. New Building HVAC Systems 2. Roof Replacement 3. Window Replacement 4. Sidewalk Repair and installation of new sidewalks at certain areas 5. Gas Generator;

WHEREAS, further in accordance with Architect’s initial contract, the Borough requested that Architect submit a proposal for architectural services for the design and construction of such repairs and renovations, and Architect submitted a proposal dated October 18, 2019;

WHEREAS, based on that proposal, Council authorized Design Phase Services by Architect for the Lump Sum Fee of \$24,900.00 (including the Architect and Architect’s subcontractors Strunk-Albert Engineering and Becker & Frondorf, cost estimating, exclusive of the services of Van Note Harvey Associates);

WHEREAS, the Design Phase or Design Development Phase of the project has now been completed and in compliance with Architect’s initial contract, the Borough has requested that Architect submit a proposal for architectural and related consulting services needed respectively in the Construction Document Phase and Bidding Phase of the work;

WHEREAS, Architect has now submitted the attached proposal dated October 18, 2019/Revised January 2, 2020 proposing a lump sum fee of \$35,000.00 for the Construction Document Phase (including the Architect, Strunk-Albert Engineering and Becker & Fondorf cost estimating, exclusive of Van Note-Harvey Associates) and a lump sum fee of \$2,000.00 for services related to the Bidding Phase (including Architect and Strunk-Albert Engineering, exclusive of Van Note-Harvey Associates);

WHEREAS, it is understood that Van Note Harvey Associates will coordinate with Architect and consultants but will work directly for the Borough;

WHEREAS, Borough Council seeks to adopt the Proposal subject to entering into a detailed contract delineating the rights and obligations of the parties;

WHEREAS, this contract for professional services is not subject to public bidding under the Local Public Contracts Law;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the awarding of this contract in the General Capital Fund under Ordinance 2017-14;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a contract with Ronica A. Bregenzer, Architect, LLC, on the terms described in the Proposal and in a form approved by the Borough Attorney, for a total contract amount not to exceed \$37,000.00 for the Construction Document and Bidding Phases of this project.

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				absent	Mills	X			
Griffiths	S				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.30, second by Council Member Griffiths. Mayor Lawver stated that the Building Committee has settled on five priorities for scope 1 of the building renovation project and they are, concrete work, generator, window, roof and HVAC. Mayor Lawver stated that next step will be putting together bid documents. Mayor Lawver stated that next week the committee will be considering how the building oversight will take place and who will be overseeing the project so that we do not have a situation like we have with the current building. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 - 1.31**

**RESOLUTION ADJUSTING INITIAL TERM OF SANDRA WEBB AS
TAX COLLECTOR TO BEGIN JANUARY 1, 2019**

WHEREAS, Sandra Webb, the part-time Chief Financial Officer of the Borough and also a State-certified tax collector, was appointed Tax Collector of the Borough on November 17, 2018 for what was then believed to be the unexpired term of her predecessor beginning November 17, 2018 and ending December 31, 2019 (Resolution 2018-11.8);

WHEREAS, it has been discovered subsequently that Ms. Webb’s predecessor was not serving a term of years but had been appointed for an initial four-year term beginning January 1, 2012 and thereafter continued to serve;

WHEREAS, on advice of the Borough Attorney, in these circumstances Sandra Webb should have been appointed to her own full four-year term beginning January 1, 2019 and ending December 31, 2022, as required by law;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the appointment of Sandra Webb as Tax Collector is hereby confirmed effective November 17, 2018 and the commencement of her first four-year term is hereby adjusted nunc pro tunc to January 1, 2019, expiring December 31, 2022, and Ms. Webb shall continue to serve on a part-time basis for the hourly compensation provided in the Salary Ordinance and all other terms and conditions of her employment shall remain unchanged.

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

Council Member Semple made a motion to approve Resolution 2020-1.31, second by Council Member Marciante with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2020-1.32
RESOLUTION AUTHORIZING PURCHASE OF GENERATOR
IN ACCORDANCE WITH QUOTATION BY CUMMINS SALES AND
SERVICE-EAST REGION, THROUGH SOURCEWELL

WHEREAS, the Borough has the need to purchase an electrical power generator for Borough Hall;

WHEREAS, the required power generation equipment is available from Cummins Sales and Service-East Region, through Sourcewell (formerly the National Joint Powers Alliance); and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance (now Sourcewell) by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance (now Sourcewell) accepted Pennington Borough’s request to join and assigned Member # 132214 to the Borough; and

WHEREAS, Cummins Sales and Service-East Region (“CSS”), located in Bristol, Pennsylvania, is an authorized dealer for the desired equipment and has provided the Borough with the attached Quote # 45040000003413588 dated December 11, 2019 (“Quote”), by which it would sell to the Borough a Spark Ignited Genset: 60Hz-45kW-100kW with specified features and accessories and related services set forth in the Quote for the price of “\$31,877.00;

WHEREAS, included with the Quote are standard form “Terms and Conditions for Sale of Power Generation Equipment” which will be reviewed by the Borough Attorney;

WHEREAS, purchase of the equipment through Sourcewell (formerly the National Joint Powers Alliance) conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase at the indicated price under Ordinance 2016-3;

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

1. The aforesaid purchase of the generator and power generation equipment specified in the attached Quote is hereby authorized for the sum of \$31,887.00, subject to review and approval of CSS’ related terms and conditions of sale by the Borough Attorney;
2. The Borough Administrator and Borough Clerk are authorized to execute such purchase orders and other documents as are needed to effectuate this purchase.

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

Mrs. Heinzel stated that there is a change to this resolution as the quote has been updated. Mrs. Heinzel stated that the reason for the increase is that the size of the amp has been increased. Mrs. Heinzel stated that the mechanical engineer at Strunk Albert has reviewed this and approved this particular generator. Mrs. Heinzel stated that the amount on the resolution should be \$31,887.00. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2020 – 1.33**

**RESOLUTION AWARDING CONTRACT FOR JANITORIAL SERVICES TO EAGLE
JANITORIAL SERVICES FOR THE YEAR 2020**

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 2020; 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 January 2, 2020 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 2020; 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 #: 0-01-26-310-000-229;

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 January 2, 2020 for a contract price not to exceed \$17,160 for the calendar year 2020.

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	M				Marciante	X			
Gnatt				Absent	Mills	X			
Griffiths	S				Semple	X			

Council Member Chandler made a motion to approve Resolution 2020-1.33, second by Council Member Griffiths with all members present voting in favor. Mayor Lawver stated that this is temporary as the Borough is working on bringing this back in house.

Professional Reports

There were no further reports from Professionals.

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. Tucker of Woolsey Court in Pennington Point stated that he would like to join friends and family in congratulating Mayor and Council on their hard fought election campaign. Mr. Tucker stated that he would like to thank all of Council for their service. Mr. Tucker stated that Borough Council can't do it alone, there are good people like Betty and Eileen and Mary and Walter Bliss and Bill Meytrott and the police officers to keep Pennington safe and Rick Smith and his staff to keep the town neat and tidy. Mr. Tucker stated that there many professionals that also lend their support. Mr. Tucker stated that thanks should be given to the many volunteers who keep the town as great as it is. Mr. Tucker stated that Borough Council is the leaders but they don't do it alone.

At 7:40 PM, with no further business to come before Council, Mr. Marciante made a motion to adjourn, second by Council Member Mills.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk