

**Pennington Borough Council  
Special Meeting – November 15, 2021**

Mayor Davy called the Special Meeting of the Borough Council to order at 7:08 pm. The meeting was held on Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gross, Marciante, Mills and Semple in attendance.

Also present were Borough Administrator Eileen Heinzel, Public Works Superintendent Rick Smith, Chief Douglas Pinelli, Borough Engineer Brandon Fetzer and Borough Attorney Walter Bliss.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board 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 Davy 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.**

Mayor Davy stated that there is only one item on the agenda and that is a resolution awarding a contract to Top Line Construction for improvements to East Welling Avenue. Mayor Davy stated that anyone wishing to address the Council on the East Welling Project raise their hand and keep comments to a maximum of 3 minutes.

Cara Laitusis thanked Mayor and Council for holding two meetings on this so that residents could be heard and though the resolution does not meet everyone's needs she appreciates the opportunity to hear more about the project and to offer input. Mrs. Laitusis stated that at the recent meeting of the Planning Board they were talking about climate change and water on the roads and there was discussion for future road projects to include impervious pavement as a way to help with drainage. Mrs. Laitusis stated that a median on East Welling might help with some of the traffic concerns on East Welling though she realizes it is too late for this project but adding trees and ground cover to future projects might make sense.

Todd MacDonald of 22 East Welling Avenue stated that he missed the last meeting but he understands that the plan is to just move ahead with the repaving of the road and he is disappointed because there were people on both sides that felt differently and he thought that the project would include safety measures and sidewalks. Mr. MacDonald stated that residents with children are in favor of sidewalks and if we don't do it now it will be a missed opportunity. Mr. MacDonald stated that a petition was circulated but it was not circulated to residents with children and it is not representative of the feeling of residents on East Welling.

Mayor Davy stated that Council did receive the letter and petition and Council has also received letters from residents including a letter received today. Mayor Davy stated that all of the letters have been reviewed.

Larissa Kelsey thanked Mayor and Council for listening to the residents. Mrs. Kelsey stated that she has heard that a petition was circulated and if any decisions regarding not putting in sidewalks was based on this petition it is not a good representation of all of the residents on East Welling. Mrs. Kelsey stated at the last meeting it was stated that there were add on items to the project including sidewalks but they would only be considered if the budget allowed. Mrs. Kelsey stated that her understanding was that the project would be awarded only for the paving. Mrs. Kelsey stated that there has been discussion of narrowing the roads but that does not slow down traffic because the road is narrow in other locations and it does not deter traffic and it gives less space for pedestrians who are walking. Mrs. Kelsey stated that what she is hearing as a taxpayer and a mom is that sidewalks and keeping children safe is not a priority. Mrs. Kelsey stated that she is also hearing that funds that are available for sidewalks and safety measures are going to be used to plant more trees.

There was some discussion about the end of the street that borders Hopewell Township and whether or not Hopewell Township would be willing to continue the sidewalks another 20 feet or so. Mayor Davy stated that he is not getting a sense that the Township would be willing to extend the sidewalk.

Mrs. Kelsey stated that she spoke to the Mayor of Hopewell who indicated that they might consider putting sidewalks in the budget, but it would likely be for 2023 and that would only happen if the Borough puts sidewalks in first.

Mayor Davy stated that this past summer a community meeting was held with residents of East Welling Avenue and at that time tentative plans were viewed in advance of putting the project out to bid. Mayor Davy stated that the base bid is for milling and resurfacing of East Welling and then there were add alternates included in the plans, one for a traffic calming bump out at the corner of Baldwin and East

Welling, there were also speed tables, one between Main Street and Baldwin and one between Baldwin and the Township line, there was also an add alternate for sidewalks from Baldwin to the Township line on the right side of the street facing the Township line. Mayor Davy stated that when the meeting in the summer was conducted with residents and several Council Members, the sentiment was just do the milling and resurfacing, residents were against the bump out and they were not thrilled with the speed tables, though the speed bump between Main and Baldwin received less opposition. Mayor Davy stated that an extensive conversation was held about the sidewalks and many residents expressed concern about the removal of very large sycamore trees that would have to come down. Mayor Davy stated that at the conclusion of the meeting the consensus was to include the add alternates in the bid documents because it was too late for the Borough Engineer to rework the plans in order to meet the timelines for the award of the project. Mayor Davy stated that based on the outcome of the meeting, there was no appetite for the add alternates, but the Borough should step up Police enforcement on East Welling Avenue. Mayor Davy stated that another meeting was held last week after receipt of bids for the project and it was said again that the impression was that the add alternates would not be included in the award of the project however there were residents in that meeting who felt strongly that the Borough needs to do something to calm and slow down the traffic and that Police enforcement would not be enough. Mayor Davy stated that is where we are now and before Council tonight is a resolution award of a contract for milling and resurfacing of East Welling. Mayor Davy stated that a resolution awarding the project has to be done tonight in order to meet the deadline to award and not lose the grant funds for the project.

Mayor Davy stated that he is going to have Borough Engineer Brandon Fetzer give an overview of the project but the add alternates are still on the table and are still available for consideration by Council. Mayor Davy stated that his sense is that no one is in favor of the bump outs, but the sidewalk is on the table, though it comes with the prospect of removing two very large sycamore trees and the other item is the speed table between Baldwin and the Township line. Mayor Davy stated that he understands from the Borough Engineer that the bid includes the speed table in a certain location and that if the speed table is moved to another location it would have to be done through a change order.

Mayor Davy asked Brandon Fetzer to briefly lay out the grant numbers so that Council has all of the numbers. Mayor Davy stated that the milling and resurfacing is under the grant award so there is room for any or all of the add alternates. Mr. Fetzer stated that the budget or grant award for the project is \$610,000 and the bids came in with Top Line at \$462,607.25 for the base bid, add alternate one which is the bump out was \$87,854.25, add alternate two which is the additional sidewalk is \$27,518.20, add alternate three which is one of the speed tables \$3,357.26 and add alternate four which is the second speed table is \$3,097.20. Mayor Davy asked which add alternate is the speed table between Baldwin and the Township line. Mr. Fetzer stated that is add alternate four.

Mrs. Chandler asked about the sidewalks and why are they setback and not along the roadway so that they don't impact any trees. Mr. Fetzer stated that the problem with putting the sidewalks closer to the roadways is that the driveway aprons would have an angled slope that would not comply with ADA requirements. Mr. Fetzer stated that the speed table would also be affected by moving the sidewalks closer to the road. Mrs. Chandler stated that she thought that the Borough plan was to include sidewalks in every road project to maintain that walkable community feel for Pennington. Mrs. Chandler stated that there was a lot of neighborhood resistance on another road project, but the Borough maintained that sidewalks were important in the plan for the Borough. Mrs. Chandler stated that she would like to see a plan for saving the trees but at the same time including the sidewalk in the project. Mr. Fetzer stated that these are very large trees and the roots extend as far as the canopy. Mr. Fetzer stated that we are limited in what we can do within the grant award for the project because the plans were approved by NJDOT prior to going out to bid. Council discussed some ideas for sidewalks for consideration. Following the discussion Mr. Fetzer was tasked with coming up with some alternate solutions to install a sidewalk without disturbing the trees.

Suzanne Trautwein thanked Mayor and Council for taking the time to include the residents and for discussing options for trying to address the concerns of all of the residents. Mayor Davy stated that the Borough is prepared to step up law enforcement all throughout the Borough but the Police can't be on every street every day. Mrs. Trautwein stated that she appreciates that Council is talking about the options.

Mrs. Chandler asked if there is any way to get a sidewalk on the road without impacting the large sycamores. Mayor Davy stated that it is not the case that the Borough is choosing trees over safety. Mr. Fetzer stated that there is not enough space to fit a sidewalk between the trees and the roadway.

Mayor Davy stated that another way to calm traffic, putting aside sidewalks is to look at speed tables and also outside of this project, consider making Baldwin and East Welling a three-way stop. Mrs. Chandler stated that without question, a speed table is needed because once the road is paved it will be a speedway. Mr. Fetzer stated that if the speed table is moved closer to the Township line, it would involve coordination with Hopewell Township regarding signage.

Ms. Semple asked if sidewalks are only on one side and Mr. Fetzer stated that the add alternate includes sidewalks on both sides. Mrs. Chandler stated that Pennington wants to be a walkable community so sidewalks are important. Mr. Fetzer stated that he can look at options for sidewalks but everything works together with the project. Mr. Davy stated that a letter was received today from Mr. and Mrs. Perris in objection to doing anything that would damage the trees. Mrs. Mills stated that we seem to be hamstrung regarding the trees.

Ms. Semple asked if we move forward with the project, can we figure out the sidewalks later. Mayor Davy stated that the base bid can be awarded tonight and then the rest can be figured out later. Ms. Semple stated that in order to meet the deadline we should move forward with awarding the contract tonight. Mrs. Chandler asked if Council would be in favor of including one of the speed bumps as well. Mrs. Mills stated that Council will never be able to please everyone, but a decision needs to be made tonight so we can move forward.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2021-11.15**

**RESOLUTION AWARDING CONTRACT TO TOP LINE CONSTRUCTION CORPORATION  
FOR EAST WELLING AVENUE ROAD REHABILITATION PROJECT TO TOP LINE  
CONSTRUCTION**

**WHEREAS**, request for bids was advertised in accordance with the Local Public Contracts Law and on November 4, 2021 bids were received from three (3) contractors for the project known as “East Welling Avenue Road Rehabilitation Project;

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

**WHEREAS**, following analysis of the proposed bid prices and communications with residents of East Welling Avenue, the recommendation of Borough Council is that a contract should be awarded for the Base Bid and Add Alternate #4; and

**WHEREAS**, the low bidder for the Base Bid and Add Alternate #4 (\$465,704.35) is Top Line Construction Corporation of Somerville, New Jersey; and

**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 #2021-4;

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

- (1) the contract for the project known as “East Welling Avenue Road Rehabilitation Project is hereby awarded to Top Line Construction Corporation of Somerville, New Jersey for the Base Bid and Add Alternate #4, 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	M				Marciante	S			
Gnatt				absent	Mills	X			
Gross	X				Semple	X			

Council Member Chandler made a motion to approve Resolution 2021- 11.15 included add alternate four for a speedbump between Baldwin and the Township line, second by Council Member Marciante. Mr. Davy asked Mr. Bliss to clarify the resolution to include the changes. Mayor Davy stated that approval of any of the other add alternates would require a change order. Mayor Davy assured everyone that Council will work on a solution for the sidewalks. Upon a roll call vote all members present voted in favor. Mayor Davy stated that he would like to direct the Chief of Police to conduct a traffic study as well for this location. Upon a roll call vote all members present voted in favor.

At 7:53 pm with no further business to address Council Member Chandler made a motion to adjourn, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling

Borough Clerk