

**Pennington Borough Council
Regular Meeting – January 8, 2018**

Mayor Persichilli called the Regular Meeting of the Borough Council to order at 7:10 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Lawver, Marciante and Mills in attendance.

Also present were Borough Administrator Eileen Heinzl, Public Works Superintendent Rick Smith and Borough Attorney Walter Bliss.

Mayor Persichilli 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 Persichilli did not read the statement as there were no members of the public present.

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 Chandler made a motion to approve the minutes of the December 4, 2017 Regular Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Griffiths who abstained.

Council Member Lawver made a motion to approve the minutes of the December 27, 2017 Special Meeting, second by Council Member Griffiths with all members present voting in favor with the exception of Mrs. Chandler who abstained.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt had no report.

Public Safety / Personnel – Mr. Marciante stated that the Personnel Committee met to review the first draft of the Personnel Manual. Mr. Marciante stated that Eileen and Betty are working on finalizing the document for distribution. Mayor Persichilli asked if there were a lot of discrepancies? Mrs. Heinzl stated that over the past few years a number of resolutions have been adopted amending the Personnel Manual and they have now been incorporated into the manual.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that under Public Works, the Curlis Avenue/Weidel Drive water main project has been delayed until the spring of 2018. Mr. Lawver stated that the Teamsters have appointed Chris Webb as the Shop Steward to replace Dave Stout, Morris Fabian will remain the backup shop steward.

Parks and Recreation – Mrs. Mills reported that a representative from Parks and Recreation attended the Arboretum meeting. Mrs. Mills stated that Parks and Recreation has set their calendar of events for 2018 including the Easter Egg Hunt, the Memorial Day Parade, July 4th races and the concert series. Mrs. Mills stated that the concerts will be held on July 19th and August 16th. Mrs. Mills stated that “Kunkel Park After Dark” will be held Sunday, October 7th and the Annual Trail Day will be held on September 10th.

Finance – Mr. Griffiths stated that the Finance Committee did not meet although we are heading into the budget season so everyone should be submitting their budget requests.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Environmental Commission needs to coordinate a meeting on the Arboretum project and that will hopefully be at the end of January.

Mrs. Chandler asked everyone to mark their calendars for the Annual Business of the Year Award event to be held January 30, 2018. Mrs. Chandler stated that this year they will be adding recognition of Pennington volunteers in the celebration.

Mrs. Chandler asked Mrs. Heinzl to give an update on the house at 63 North Main Street. Mrs. Heinzl stated that she got confirmation from the Property Management Company that the contract with an on-line buyer has been cancelled. Mrs. Heinzl stated that Mr. Childs has asked the Property Management

not to put it up for auction again because there seems to be some interest in the house in the community. Mrs. Heinzl stated that Mr. Childs has reached out to Eric Holtermann, Chairman of the Historic Preservation Commission and he has also reached out to some members of the community that have expressed interest in the property. Mrs. Heinzl stated that Mr. Childs has stated that he will be arranging to have the property cleaned up this week. Mrs. Heinzl stated that she has been in regular communication with Mr. Childs and she will let him know that Council has been updated on what is happening with the property. Mrs. Heinzl stated that she has checked with Construction Official John Hall and his is comfortable with the situation as long as the fence stays in place.

Mrs. Chandler stated that Council should be aware that they are moving forward with inclusion of the Pennington African Cemetery in the Historic District. Mrs. Chandler stated that Historic Preservation has met with the Planning Board and they will begin to take steps to include the cemetery in the district.

Council Discussion

2017 Continuing Disclosure Report – Mayor Persichilli stated that he does not remember seeing this in the past. Mrs. Sterling stated that this is the report that is prepared by Phoenix Advisors and it shows that we are in compliance with SEC regulations and that we have everything filed and in place in the event that we need to borrow funds.

New Business

**BOROUGH OF PENNINGTON
 RESOLUTION #2018 - 1.13**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
 BOROUGH OF PENNINGTON FOR THE YEAR 2018**

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 2017 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 868,522.89 for the current fund budget and \$ 255,227.18 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	X				Lawver	S			
Gnatt	X				Marciante	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-1.13, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2018- 1.14**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH VALLEY HEALTH MEDICAL
 GROUP TO PERFORM ALCOHOL AND DRUG TESTING SERVICES FOR THE BOROUGH
 OF PENNINGTON FOR THE YEAR 2018**

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, Valley Health Medical Group is experienced in and capable of providing such services; and

WHEREAS, this contract shall be for specific services set forth in the Agreement attached to this resolution;

WHEREAS, the Borough agrees to the fees per service (ranging from \$40.00 to \$180.00) set forth in the Fee Schedule included in the Agreement;

WHEREAS, the services authorized by the 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, Valley Health Medical Group 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, Valley Health Medical Group shall comply with requirement for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, total fees of Valley Health Medical Group under this contract, 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 #: 8-01-26-305-000-250.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Mayor of the Borough, with the attestation of the Clerk, and subject to such changes in form as may be required by the Borough Attorney, is hereby authorized to execute the attached Agreement between the Borough and Valley Health Medical Group for the provision of Alcohol and Drug Testing Services for 2018.

Record of Council Vote on Passage

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

Council Member Mills made a motion to approve Resolution 2018-1.14, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 1.15**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN
FOR THE YEAR 2018**

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	X				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	M				Mills	S			

Council Member Griffiths made a motion to approve Resolution 2018-1.15, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2018 – 1.16**

**RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE
 FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2018**

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	X				Lawver	S			
Gnatt	X				Marciante	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2018-1.16, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2018-1.17**

**RESOLUTION AUTHORIZING RETENTION OF SERVICE FOR CONTINUING DISCLOSURE
 AUDIT IN CONNECTION WITH ISSUANCE OF BONDS BY THE BOROUGH
 FOR THE YEAR 2018**

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 20, 2017, 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 \$950 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 #: 8-01-20-130-000-251;

NOW, THEREFORE, B E I T R E S O L V E D, 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 \$950.

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2018-1.17, second by Council member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2018 – 1.18**

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 2018

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, 2018 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 \$9,132.00 for the year, payable at \$761.00 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 an agreement with CM3 Building Solutions in accord with the proposed agreement attached, subject to such amendments as to form as may be required by the Borough Attorney, for an annual fee of \$9,132.00 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 in accordance with the proposed agreement, subject to an annual cap of \$ 8,000.00.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2018-1.18, second by Council Member Griffiths. Mr. Lawver stated that there is a blank that needs to be filled in. Mr. Lawver stated that what is happening is that CM3 is no longer willing to do a straight annual contract because they were losing too much money on this building. Mr. Lawver stated that this contract says that they will do basic maintenance for \$9,132.00. Mr. Lawver asked if CM3 has provided hourly rates. Mr. Smith stated that they have not, but he is going to reach out to get that information. Mr. Bliss suggested filling in a number for time and material work that would bring the contract up to what it was in 2017 which was \$17,000. Mr. Bliss suggested inserting \$8,000 as the cap for time and material work. Mr. Griffiths asked if the new system would be installed this year. Mrs. Heinzel stated that plan is at a minimum to work with the architect this year to complete and agree upon the scope of the renovation. Mrs. Heinzel stated that she has stressed that the Borough is anxious to get this process going. Mr. Lawver stated that it is looking like the architectural process is going to take up most of 2018 so renovations would not be started until 2018. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2018 – 1.19**

**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;

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, 2018.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolutions 2018-1.19, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2018 – 1.20**

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 \$ 489,577.31 from the following accounts:

Current	\$ 396,404.47
W/S Operating	\$ 35,439.64
Developers Escrow	\$ 693.00
Grant Fund	\$ 32,218.98
Animal Control Fund	\$ 12.44
Recreation Trust	\$.94
Other Trust Fund	\$ 2,699.52
General Capital	\$ 22,027.61
Water/Sewer Capital	\$ 80.71
TOTAL	\$ 489,577.31

Record of Council Vote on Passage

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

Council Member Griffiths made a motion to approve Resolution 2018-1.20, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2018 – 1.21**

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 2018 AND 2019

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 2018 and 2019;

WHEREAS, the proposed Shared Services Agreement, of which a copy is attached, is in substantially the same form as the 2016-2017 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	X				Lawver	S			
Gnatt	M				Marciante	X			
Griffiths	X				Mills	X			

Council Member Gnatt made a motion to approve Resolution 2018-1.21, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION #2018-1.22**

RESOLUTION AUTHORIZING LEASE OF PENNINGTON BOROUGH SENIOR CITIZENS’ CENTER TO THE COUNTY OF MERCER FOR THE YEARS 2018 AND 2019

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, 2018 and ending December 31, 2019 at the rate of \$12,000.00 for 2018 and \$12,500.00 for 2019, 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	X				Lawver	M			
Gnatt	X				Marciante	X			
Griffiths	X				Mills	S			

Council Member Lawver made a motion to approve Resolution 2018-1.22, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2018 – 1.23**

RESOLUTION AUTHORIZING CONTRACT WITH WATER RESOURCE MANAGEMENT AS WATER AND SEWER COMPLIANCE OFFICER

WHEREAS, the Borough seeks to enter into a contract with Water Resource Management to provide professional services as Water and Sewer Compliance Officer for the Borough in 2018;

WHEREAS, Water Resource Management has supplied a letter dated December 27, 2017 (“Compliance Officer Proposal”) describing the scope of services it will provide as Water and Sewer Compliance Officer, as set forth in the numbered paragraphs 1, 2, 3, 4 and 5 of the Compliance Officer Proposal;

WHEREAS, as further described in the Compliance Officer Proposal, Water Resource Management will provide the Compliance Officer services for a flat fee of \$385 per month;

WHEREAS, at the Borough’s request, Water Resource Management has supplied a second letter dated December 27, 2017 (“Additional Services Proposal”) which provides for the performance of emergency call out and additional professional services for work beyond the scope of services described in the Compliance Officer Proposal;

WHEREAS, as provided in the Additional Services Proposal, Water Resource Management will provide emergency call out and professional services beyond the scope of Compliance Officer services on an hourly basis at the rate of \$120 per hour plus additional costs as needed on a case by case basis;

WHEREAS, Water Resource Management and its personnel hold all required New Jersey DEP licenses required to perform the services described in the Compliance Officer Proposal and the Additional Services Proposal;

WHEREAS, the Chief Financial Officer has certified that funds necessary to pay for these services are available in account #: W-05-55-501-000-260;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Compliance Officer Proposal and Additional Services Proposal are hereby accepted and Water Resource Management is hereby appointed Water and Sewer Compliance Officer for Pennington Borough for 2018, subject to the following conditions:

1. that the Compliance Officer Proposal and Additional Services Proposal be amended to ensure compliance by Water Resource Management with Anti-Discrimination and Affirmative Action requirements of the State of New Jersey as set forth in the annexed Exhibit A;
2. that the Compliance Officer Proposal and Additional Services Proposal be further amended to provide that the contract between Water Resource Management and the Borough shall be terminable on 30 days prior written notice by either party;
3. that the Additional Services Proposal be supplemented by a provision that expenditures for additional services and costs under that Proposal not exceed on an annual basis \$1,000.00 unless approved in advance, in writing, by Borough Council;
4. that Water Resource Management demonstrate coverage by sufficient professional liability insurance, to be approved by the Borough Attorney; and
5. that the Mayor and/or Borough Administrator are authorized to issue such purchase orders and contract documents as further necessary to retain and pay for the services of Water Resource Management as Water and Sewer Compliance Officer consistent with the Compliance Officer Proposal as well as for the additional services and costs covered by the Additional Services Proposal.

Record of Council Vote on Passage

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

Council Member Lawver made a motion to approve Resolution 2018-1.23, second by Council Member Gnatt. Mr. Griffiths asked if this will decrease as Mr. Smith gets his water licenses. Mr. Smith stated that this is different than the Licensed Water Operator. Mr. Smith explained that in the past compliance was handled through NJ Analytical by a service called McGowan. Mr. Smith stated that having Water Resource Management handle this is money better spent for compliance. Upon a roll call vote all members present voted in favor.

Council Discussion

Mayor Persichilli stated that he has gotten a lot of positive feedback from residents regarding the newsletter that went out with the 4th Quarter Water/Sewer bills. Mayor Persichilli stated that it would be nice to do another newsletter in three or four months and he encouraged Council members to be thinking about topics to include in the newsletter.

Professional Reports

Mr. Bliss stated that there is a brief closed session scheduled for after the meeting.

Public Comment

Mayor Persichilli 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.

There were no comments from the public.

Closed Session

AT, 7:29 PM, BE IT RESOLVED, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Negotiations with Cugino Holdings – Re: Parking

AT, 7:40 PM, Mayor and Council returned to open session.

With no further business to come before Council the meeting Council Member Chandler made a motion to adjourn the meeting, second by Council Member Gnatt.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk