

Pennington Borough Council
Regular Meeting - January 6, 2025

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:20 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante, Rubinstein, Stem and Valenza in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Sergeant Daryl Burroughs and Sergeant Novin Thomas.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times, and Trentonian 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

Mayor Davy read the following statement.

The meeting is now open to the public for comments. 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 you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

ORDINANCES FOR INTRODUCTION

Mayor Davy read Ordinance 2025-1 by title.

BOROUGH OF PENNINGTON
COUNTY OF MERCER

ORDINANCE NO. 2025-1

AN ORDINANCE INCREASING RATES CHARGED BY THE PENNINGTON
BOROUGH WATER AND SEWER UTILITY, AND AMENDING THE CODE OF
THE BOROUGH OF PENNINGTON

WHEREAS, the Pennington Borough Water and Sewer Utility continues to incur increased costs;

WHEREAS, Borough Council of the Borough of Pennington has determined that as a result of these increased costs the rates charged by the Utility for water and sewer services must be increased and the rates must be further differentiated for customers based on amount of usage;

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

1. **Section 98-41 of the Code, concerning base and usage charges for water and sewer customers, is hereby amended as follows (with language in brackets deleted, new language underlined and percentage changes indicated in parenthesis):**

A. There are hereby established the following quarterly charges for water customers:

Meter Size (inches)	Base Charge [4,000] <u>2,000</u> Gallons or less	First Excess Usage Block Charge [4001] <u>2,001</u> -20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons
Less than 1	[\$50.85] <u>\$51.87</u>	[\$7.49] <u>\$7.64</u>	[\$8.91] <u>\$9.09</u>	[\$9.78] <u>\$9.98</u>	[\$11.44] <u>\$11.67</u>
1	[\$77.63] <u>\$79.19</u>	[\$7.49] <u>\$7.64</u>	[\$8.91] <u>\$9.09</u>	[\$9.78] <u>\$9.98</u>	[\$11.44] <u>\$11.67</u>
2	[\$221.79] <u>\$226.23</u>	[\$7.49] <u>\$7.64</u>	[\$8.91] <u>\$9.09</u>	[\$9.78] <u>\$9.98</u>	[\$11.44] <u>\$11.67</u>
3	[\$494.77] <u>\$504.67</u>	[\$7.49] <u>\$7.64</u>	[\$8.91] <u>\$9.09</u>	[\$9.78] <u>\$9.98</u>	[\$11.44] <u>\$11.67</u>
4	[\$681.70] <u>\$695.34</u>	[\$7.49] <u>\$7.64</u>	[\$8.91] <u>\$9.09</u>	[\$9.78] <u>\$9.98</u>	[\$11.44] <u>\$11.67</u>

6	[\$1,358.72] \$1,385.90	[\$7.49] \$7.64	[\$8.91] \$9.09	[\$9.78] \$9.98	[\$11.44] \$11.67
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NOTE: Usage charges are per one-thousand-gallon increments, or portion thereof.

B. There are hereby established the following quarterly charges for sewer customers:

Base Charge [4,000] <u>2,000</u> Gallons or Less	First Excess Usage Block Charge [4,001] <u>2,001</u> - 20,000 Gallons (per 1,000 Gallons)	Second Excess Usage Block Charge 20,001-60,000 Gallons (per 1,000 Gallons)	Third Excess Usage Block Charge 60,001-200,000 Gallons (per 1,000 Gallons)	Fourth Excess Usage Block Charge More than 200,000 Gallons (per 1,000 Gallons)
[\$57.71] <u>\$58.87</u>	[\$8.19] <u>\$8.36</u>	[\$9.83] <u>\$10.03</u>	[\$10.56] <u>\$10.78</u>	[\$11.36] <u>\$11.59</u>

NOTE: Usage charges are per one-thousand-gallon increment, or portion thereof

- A. The minimum quarterly base charge for multiunit residential or multiunit commercial or a combination thereof serviced through a single water meter shall be determined by the product of the number of units by the minimum quarterly base charge of a one-inch meter, regardless of the size of the meter(s) that feeds the units.
- B. Sewage or other wastes containing unduly high concentrations of other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Borough on the basis of the character and volume for such sewage and wastes. Where, in the opinion of the Borough, sewage and other wastes of a deleterious character adversely affect the treatment processes, the Borough reserves the right to require that such sewage and wastes be treated by the contributor to remove or neutralize the objectionable substances before discharge into the sewers.
- C. Base and usage charges shall be due on January 31, April 30, July 31, and October 31.
- D. Premises introducing water into a permanent private pool may be allowed a reduction in the charge of sewer usage in an amount equal to the volume of water introduced into the pool. This will require the installation and rental of a temporary meter in conformance with the Borough Code.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Chandler made a motion to introduce Ordinance 2025-1, second by Council Member Stem. Mr. Marciante asked how this came about. Mrs. Chandler explained that this is the recommendation of Phoenix Advisors when they did their analysis of the Water/Sewer Utility. Mr. Marciante stated that he will only agree to this if there is no revenue allocation from the utility in the current fund budget. Ms. Angarone stated that this is a good practice and is recommended by the Federal Government as part of the commitment to provide safe drinking water. Upon a roll call vote all members present voted in favor.

COMMITTEE REPORTS

Personnel/ Economic Development- Ms. Angarone stated that Personnel met on December 29th and the Borough Administrator will report on personnel discussions.

Ms. Angarone stated that Economic Development and the PBPA held two great events in December and she thanked everyone who helped and participated.

Public Work/ Planning Board/ Historic Preservation - Ms. Stem stated that none of these committees met so she had no report.

Finance & Technology/ Public Safety/ Aboretum / Landfill - Mrs. Chandler stated that Public Safety will be meeting this week. Mrs. Chandler stated that Excel Environmental will begin work supplemental testing this week at the Landfill. Mr. Marciante asked if we could invite the deer expert to attend the next meeting to discuss deer management in relation to deer on the borders of Pennington and to determine if baiting deer is actually drawing more deer into Pennington.

Environmental Commission / Shade Tree/ Library Board - Mr. Valenza reported that the Environmental Commission is planning a community event on recycling for later in January

Parks & Recreation - Mr. Marciante stated that Parks and Rec is in need of volunteers.

Board of Health/ Net Zero Committee - Mr. Valenza stated that the Board of Health did not meet in December but they will be meeting later in January. Mr. Valenza stated that he is sending monthly summaries to Betty Sterling for posting on the website.

Senior Advisory Board - No report. Ms. Angarone stated that she and Mr. Marciante are looking forward to getting involved with this group.

Mr. Marciante brought up a concern that MercerMe is reporting Pennington information incorrectly and that the news seems to favor Hopewell Township. Mr. Valenza agreed and stated that reporting on the Hopewell PILOT litigation seemed biased towards the Township. Ms. Stem suggested contacting the newspaper and meeting with them and going forward we should proactively provide items to them for publication.

NEW BUSINESS

**BOROUGH OF PENNINGTON
RESOLUTION 2025 - 1.18**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
BOROUGH OF PENNINGTON FOR THE YEAR 2025**

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 2024 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 2024 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of\$1,092,675.29 for the current fund budget and \$451,639.23 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
Angarone	X				Rubenstein	X			
Chandler	S				Stem	X			
Marciante	M				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2025-1.18, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 - 1.19**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN
FOR THE YEAR 2025**

WHEREAS, the State of New Jersey amended the State laws concerning investment oflocal 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 Cpuncil 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
Angarone	X				Rubenstein	X			
Chandler	M				Stem	X			
Marciante	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2025-1.19, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 - 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\$ 128,482.36 from the following accounts:

Current	\$98,009.59
W/S Operating	\$20,952.24
Other Trust Fund	\$ 1,100.00
General Capital	\$ 7,641.53
Developer's Escrow	\$ 779.00
TOTAL	\$ 128,482.36

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B
Angarone	X				Rubenstein	X			
Chandler	M				Stem	S			
Marciante	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2025-1.20, second by Council Member Stem with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-1.21**

**A RESOLUTION AUTHORIZING SHARED
SERVICES AGREEMENT WITH THE BOARD OF FIRE COMMISSIONERS
OF HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1 TO PROVIDE ALL
REQUIRED FIRE INSPECTION SERVICES FOR THE PERIOD
JANUARY 1, 2025 THROUGH DECEMBER 31, 2026**

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

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

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

WHEREAS, the term of this Shared Services Agreement shall be two years, from January I, 2025 through December 31, 2026;

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

the Borough Attorney.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B
Angarone	X				Rubenstein	X			
Chandler	M				Stem	X			
Marciante	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2025-1.21, second by Council Member Angarone with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2025-1.22

RESOLUTION AUTHORIZING SOFTWARE SUPPORT AGREEMENT WITH EDMUNDS
GOVTECH FOR 2025

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 2025, the firm of Edmunds GovTech ("EGT") of Northfield, New Jersey;

WHEREAS, the professional services to be provided by EGT are described in the EGT proposal dated October 31, 2024 (hereafter "Proposal"), which is attached to this Resolution;

WHEREAS, the cost of the proposed services shall total \$14,059.63 as itemized in EGT's Proposal;

WHEREAS, it is understood that the total cost of services under this contract shall not exceed \$14,059.63 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, Construction, Water/Sewer Operating and Animal Control Funds;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Chief Financial Officer is hereby authorized to issue a Purchase Order on behalf of the Borough as per the attached schedule of 2025 Annual Support Maintenance Services, for a sum not to exceed \$14,059.63 as itemized in EGT's Proposal, the terms of agreement to be 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
Angarone	S				Rubinstein	X			
Chandler	X				Stem	M			
Marciante	X				Valenza	X			

Council Member Stem made a motion to approve Resolution 2025-1.22, second by Council Member Angarone with all members present voting in favor.

BOROUGH OF PENNINGTON
RESOLUTION 2025-1.23

RESOLUTION AWARDING CONTRACT TO EAGLE JANITORIAL FOR CONTINUATION OF
JANITORIAL SERVICES IN 2025

WHEREAS, the Borough of Pennington seeks to contract with a qualified janitorial service for cleaning services for the building, including the library and the police department, on a month-to-month basis in 2025 pending compliance with the Local Public Contracts Law; and

WHEREAS, Eagle Janitorial Services of Pennington ("Eagle") has submitted a proposal dated October 18, 2024 which would have Eagle continue to provide these services 5 days per week, except as otherwise specified, at the rate of \$1,598.00 per month;

WHEREAS, the Eagle proposal contains a specific description of tasks and related frequency of service and is comprehensive in its coverage;

WHEREAS, the work shall include all labor, supervision, material and equipment necessary to perform the services, except as indicated;

WHEREAS, special services including carpet cleaning, stripping and re-waxing of hard surface floors and cleaning of exterior windows are not included in the service but are available subject to separate quotation;

WHEREAS, Eagle has previously provided cleaning services to the Borough and has performed satisfactorily (5) days per week;

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 N.J.S.A. 19:44A-20.5 effective January 1, 2006, which prohibits 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 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#: 5-01-26-310-000-227 with a portion of the contract to be charged to the Library budget;

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 for the month-to-month services of Eagle Janitorial Services at the rate of \$1,598.00 per month.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubinstein	X			
Chandler	S				Stem	X			
Marciante	M				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2025-1.23, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-1.24**

RESOLUTION ESTABLISHING ON-LINE BANKING AND CREDIT CARD ACCEPTANCE FOR THE PAYMENT OF TAX AND UTILITY CHARGES FOR THE YEAR 2025

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 \$1,478.52 per billing module, for a total of \$2,957.04 for the year 2025 (items 1-RM-1315-5 and 1-RM-1317-5); 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.
Angarone	X				Rubenstein	X			
Chandler	M				Stem	S			
Marciante	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2025-1.24, second by Council Member Stem with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-1.25**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH OCCUPATIONAL HEALTH, A PROGRAM OF PENN MEDICINE PRINCETON MEDICAL CENTER FOR ALCOHOL AND DRUG TESTING SERVICES AND OTHER SERVICES FOR THE BOROUGH OF PENNINGTON FOR THE YEAR 2025

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 CFR40; and

WHEREAS, Occupational Health Services, a program of Penn Medicine Princeton Medical Center ("Occupational 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 Occupational Health for the provision of specific services through Occupational Health Services in accordance with the Price Quotation;

WHEREAS, the Borough agrees to the annual flat fee of\$1,500.00 for Substance Abuse Testing Randomization Program and agrees to the fees per service (ranging from \$47.00 to \$157.00) for DOT Drug Screen, Breath Alcohol Test and Breath Alcohol Test Confirmation (if required); and

WHEREAS, the Borough also seeks to contract with Occupational Health to provide Return to Work and Fitness for Duty Evaluations and agrees to the Return to Work Evaluation fee of\$121.00 and Fitness for Duty Evaluation Fee of\$183.00 as per the attached proposal and for Non-Department of Transportation (DOT) Physical Examination for \$132.00 and for Audiogram only if Whisper Test is abnormal for \$47.00; and

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, Penn Medicine Princeton Medical Center has completed and submitted 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 state statute;

WHEREAS, Occupational Health shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Schedule A;

WHEREAS, total fees of Occupational Health pursuant to the attached Price Quotation, including expenses, shall not exceed \$6,000.00 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#: 5-01-26-305-000-250;

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 Occupational Health on behalf of the Borough for the provision of Alcohol and Drug Testing Services, Return to Work and Fitness for Duty Evaluations, and other services specified above for the year 2025.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubenstein	X			
Chandler	S				Stem	X			
Marciante	M				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2025-1.25, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025-1.26****RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PACE
LABORATORIES (formerly NJ Analytical) FOR WATER ANALYSIS FOR THE PERIOD
JANUARY 1, 2025 TO DECEMBER 31, 2025**

WHEREAS, the Borough of Pennington requires professional services for routine sampling, analysis and consulting services related to operation of the Borough's potable water system;

WHEREAS, Pace Laboratories (formerly NJ Analytical), having its office at 812 Silvia Street, Building 8, Ewing, NJ 08628 is a laboratory licensed by the New Jersey Department of Environmental Protection and is able to provide the professional services required;

WHEREAS, Pace Laboratories has submitted a proposal for the work for a contract price of \$2,006.00 per month;

WHEREAS, the work shall include all routine laboratory sampling and analysis as set forth in the proposal, a copy of which is attached;

WHEREAS, the aforesaid proposal also provides that if additional sampling and analysis services are required by the New Jersey Department of Environmental Protection (NJDEP) they shall be invoiced separately;

WHEREAS, a condition of any agreement must include a requirement that Pace Laboratories shall file all analytical reports with the appropriate regulatory agency within the time prescribed by law and shall be responsible for any untimely filings, including all fines and penalties;

WHEREAS, before the agreement may be effective, Pace Laboratories shall supply proof of general and contract liability insurance and professional liability insurance with minimum limits of \$1,000,000 respectively, naming the Borough of Pennington as an additional insured as appropriate;

WHEREAS, approval of this contract complies with N.J.S.A. 19:44A-20.5, which prohibits the award of certain professional services contracts to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, this contract is being awarded as a professional services contract in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, fil seq., without advertising for proposals or competitive bidding;

WHEREAS, New Jersey Analytical Laboratories has completed and submitted 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 the statute concerning pay-to-play;

WHEREAS, New Jersey Analytical Laboratories shall comply with requirements for Anti-Discrimination and Affirmative Action as set forth in the annexed Exhibit A;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract in the Water/Sewer Operating Budget-Account#: 5-05-55-501-000-256;

WHEREAS, the Local Public Contracts Law requires that a resolution authorizing an award of contract for professional services without competitive bid be publicly advertised following adoption;

NOW, THEREFORE, BE IT RESOLVED, by 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 Pace Laboratories for a contract price not to exceed \$24,072.00 for a period of one year from January 1, 2025 through December 31, 2025, provided such agreement shall be further subject to such amendments for supplemental services required by NJDEP as may hereafter be agreed upon, and provided further that such agreement shall state explicitly that Pace Laboratories shall indemnify and hold harmless the Borough from all negligent acts and omissions in connection with performance of the agreement by Pace Laboratories, including but not limited to the timely filing of all analytical reports required by law, this agreement to be subject to review and approval as to form by the Borough Attorney.

BE IT FURTHER RESOLVED, that a copy of this resolution 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.
Angarone	X				Rubenstein	X			
Chandler	S				Stern	M			
Marciante	M				Valenza	X			

Council Member Stern made a motion to approve Resolution 2025-1.26, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2025 - 1.27**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

WHEREAS, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

WHEREAS, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2024 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Trash – Other Expense	\$5,000.00	
Streets – Other Expense		\$5,000.00
Total Current Fund	\$5,000.00	\$5,000.00

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubenstein	X			
Chandler	M				Stern	S			
Marciante	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2025-1.27, second by Council Member Stern with all members present voting in favor.

Professional Reports

Borough Administrator - Mr. Caminiti reported on a summary of 2024 and an outlook for 2025. Mr. Caminiti reminded Council of the classes offered for Borough Officials. Mr. Caminiti updated Council on some personnel matters and the new survey and performance appraisal that will be implemented going forward. Mr. Caminiti stated that some staffing changes will take place in the Police Department and our Zoning Officer will be retiring early this year. Mr. Caminiti stated that he will be focusing on Code Enforcement and trying to get more revenue into the Borough. Mr. Caminiti stated that he has been working on a dashboard of sorts which a scoreboard of how the Borough is doing and that will be rolled out early in 2025. Mr. Caminiti stated that there are some challenges that he will address in 2025 including ordinance review, IT review and Cybersecurity.

Borough Attorney- Walter Bliss - Mr. Bliss stated that there will be a closed session after the meeting.

Borough Clerk - Betty Sterling - Mrs. Sterling has no report.

Chief Financial Officer - Sandy Webb - Mrs. Webb had no report.

Superintendent of Public Works - Rick Smith - Mr. Smith stated that Mercer County is now collecting #5 plastics. Mr. Smith stated that information will be provided at the Environmental Commission event in January.

Sergeant Thomas - Sergeant Thomas reminded everyone of the snow regulations regarding parking during snow storms.

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

CLOSED SESSION

AT 8:04 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:

Open Space Acquisition - (Dan Pace/Alan Hershey)

Sewer Connection - 115 Lewis Brook Road

Use & Occupancy Agreement- Pennington Fire District #1

Contract Negotiations - Teamsters and PBA

Mayor Davy stated that Council will return to Open Session to possibly take action on two Resolutions and we will attempt to keep this link open for anyone who wishes to remain in the meeting. Council Member Chandler made a motion to convene in Closed Session, second by Council Member Marciante with all members present voting in favor.

AT 9:00 PM, Mayor and Council adjourned the Closed Session and did not return to Open Session.

ADJOURNMENT

At: 9:00 PM, the regular meeting was also adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk