

**Pennington Borough Council
Regular Meeting – January 2, 2024**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:34 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Marciante, Stern and Valenza in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator Donato Nieman, Administrative Coordinator Mona Habiby, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Police Chief Doug Pinelli.

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

Open to the Public

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.

MAYOR'S BUSINESS

Mayor Davy stated that the NJ Department of Transportation has notified the Borough of a grant award for the road work on Abey Drive, Mallard Place and Queens Lane in the amount of \$478,710.00.

Mayor Davy announced that the Borough submitted a grant application to the NJEDA for a New Jersey Asset Activation Planning Grant and that application was denied.

APPROVAL OF MINUTES

Council Member Chandler made a motion to approve the minutes of the December 4, 2023 Regular Meeting, second by Council Member Gnatt with all members present voting in favor.

APPROVAL OF CLOSED SESSION MINUTES (For content but not for release)

Council Member Chandler made a motion to approve the Closed Session Minutes of November 27, 2023, second by Council Member Gnatt with all members present voting in favor.

Council Member Angarone stated that she submitted some edits to the Closed Session Minutes for December 4, 2023 to Mrs. Sterling so she would like to hold off on approving the minutes. Mrs. Sterling stated that she will put the minutes on the next Closed Session for discussion.

COMMITTEE REPORTS

Planning & Zoning / Personnel / Economic Development – Ms. Gnatt reported that the Personnel Committee has decided to hold second interviews for the three candidates that were interviewed and those will be held on January 8th. Ms. Gnatt stated that the Planning Board met in December, Kaitlyn Macellaro was appointed Planning Board Secretary, there were no applications to consider and Borough Planner Jim Kyle gave a presentation on his report of the preliminary investigation of the Landfill as an area in need of redevelopment. Mayor Davy stated that he is planning to invite Mr. Kyle to the next work session so that Council can have an opportunity to hear his recommendation. Mayor Davy stated that he will also follow up with Excel Environmental to see where they are with their report. Ms. Stern asked a few questions regarding the process for the interviews and asked if Council would have an opportunity to interview the candidates. Mayor Davy stated that Council would have an opportunity to ask questions of the final candidate but not all three. Ms. Stern asked if the position would be posted again now that we are into the New Year and Mayor Davy stated that the Personnel Committee will consider that on January 8th.

Public Work / Open Space / Shade Tree – Ms. Stern reported that Open Space and Shade Tree did not meet in December. Ms. Stern stated that Public Works met and deferred their strategic discussion of garbage and bulk collections to a later meeting. Ms. Stern stated that they discussed the possibility of rubber surfacing at Kunkel Park and Sked Street Park and clarified that Green Acres Funding could not be used for this purpose, though we could possibly use Open Space Funds. Ms. Stern stated that she and the committee will be putting together the pros and cons for the next work session. Ms. Stern stated that Public Works will meet on Dec 17th to finalize the document. Ms. Stern stated that they discussed the

ordinances that are required to maintain our MS4 permit related to Storm Water Management. Ms. Stern stated that she and Rick Smith will be meeting with Walter Bliss to talk about the proposed ordinances and put together a draft for discussion. Ms. Stern stated that with regard to funding for Lead Service Line Replacement and other water related projects, when she attended a conference recently she met the Executive Director of the I-Bank and she has pursued the idea of having a representative from the I-Bank attend a work session to explain the I-Bank and what the process is and that will be scheduled at one of the upcoming work session meetings. Ms. Stern stated that the committee got an update on two projects that Van Note Harvey is working on, Stormwater Mapping and PFAS water analysis.

Finance & Technology / Public Safety / Aboretum / Landfill – Mrs. Chandler stated that she had nothing to report for the Landfill but she was going to ask Mayor Davy to follow up with Excel to see where we are with their report. Mrs. Chandler stated that she is working with Mona on a grant for the Arboretum but she is not sure that we will qualify as the amount required to be requested is more than what is needed at the Arboretum. Mrs. Chandler stated that Public Safety met and discussed some data recorded from the traffic monitors and she is working with Mona on collecting and organizing the data. Mrs. Chandler stated that there is a lot of data that can be used for comparison for example tracking impact of changes in traffic patterns for example on Ingleside. Mrs. Chandler stated that another discussion was grants that are available for the Police Department and Chief Pinelli is working with Mona on some grant opportunities. Mrs. Chandler stated that there are many grant opportunities that come around each year and she encouraged everyone to reach out to Mona for assistance with applying for grants.

Mrs. Chandler stated that Finance Committee met and did a very high end overview of the budget for 2024 mainly discussing the increases in the budget that we know of including insurance, pension costs, the hiring of an administrator, mill and overlay requested fund. Mrs. Chandler stated that on January 30th, the Finance Committee is requesting a Budget Work Session to discuss the preliminary budget for 2024. Mrs. Chandler stated that in terms of technology, the committee discussed better meeting management in the sense that one of the downsides of COVID is the increase in ZOOM meetings. Mrs. Chandler stated that pre-COVID meetings were held in person and everyone showed up and the meeting was held. Mrs. Chandler stated that she is working with Betty to set up recurring meetings and she is asking that everyone talk to their committees about picking a set date and time each month and sticking to it. Mrs. Chandler stated that the option to meet in person is available as well. Mrs. Chandler stated that ZOOM is a convenience for some but not for the Borough Staff that has to start the meetings. Mrs. Chandler stated that we are looking into options that might make it easier. Ms. Angarone asked if there was any flexibility in the burden and is there some reason that others can't start the meetings. Mrs. Sterling stated that giving out the password to multiple people is not something that our IT consultant is in favor of. Ms. Stern stated that setting a meeting date and time that is consistent so that a recurring link can be set up so that a staff member does not have to be available to start each meeting. Mrs. Sterling stated that she is working on setting up recurring links that will hopefully address the need to have a staff member start the meetings. Mrs. Chandler stated that we are also getting an upgrade to the website in the next few months and hopefully some of the things that we have been looking at will be addressed with that upgrade. Mrs. Chandler stated that the last item we discussed was the document repository and Mrs. Stern stated that the committee decided that we should demonstrate the document repository at a work session meeting. Mrs. Stern stated that with regard to meetings, the committee felt that meetings should be held at a set time in the evening to accommodate Council Members but that is big ask for the Borough Staff who are asked to attend. Mrs. Sterling stated that the problem with meeting during the day, she works and though she can sometimes use her lunch hour but it could become a problem. Mr. Neiman stated that the problem is that the Borough has a small staff and a lot of meetings. Mayor Davy stated that the committees are reliant on the staff and professionals for advice and guidance. Mr. Neiman stated that having a set schedule where the staff can plan accordingly would be helpful.

Mr. Valenza stated that there was an article in a local publication regarding Officer D'Ascoli and he would recommend that the article be shared with the community as it was a nice article and shows his dedication to the community and the children of Pennington.

Historic Preservation / Library – Ms. Angarone stated that the Library Board met but she was sick and could not attend. Ms. Angarone stated that the Library is hiring a part-time person to assist with increasing Saturday hours. Ms. Angarone stated that at the next work session the Friends of the Library would like to attend to discuss two projects that they are working on, a library book drop and a new sign.

Ms. Angarone stated that Historic Preservation did not meet, but they will be meeting on January 16th.

Board of Health / Environmental Commission – Mr. Valenza stated that the Board of Health did not meet. Mr. Valenza reported that Environmental Commission met and discussed the MS4 permit and the ordinances that will be coming. Mr. Valenza stated that the Environmental Commission would like to be included in the discussions in the future.

Senior Advisory Board – Mayor Davy had no report.

Parks & Recreation – Mr. Marciante stated that Parks and rec is working on a safe bicycle course and they will be meeting again next week.

NEW BUSINESS

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 - 1.18**

**RESOLUTION AUTHORIZING AND APPROPRIATING A TEMPORARY BUDGET FOR THE
 BOROUGH OF PENNINGTON FOR THE YEAR 2024**

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 2023 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 2023 budget exclusive of any appropriations for interest, debt redemption charges, Capital Improvement Fund and Public Assistance, in the said budget, is the sum of \$ 1,074,499.24 for the current fund budget and \$ 419,198.00 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				Marciante	M			
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-1.18, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 1.19**

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN
 FOR THE YEAR 2024**

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.
Angarone	X				Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-1.19, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 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 \$ 40,198.64 from the following accounts:

Current	\$ 3,610.97
W/S Operating	\$ 2,187.50
Grant Fund	\$ 533.87
General Capital	\$ 24,286.85
Water/Sewer Capital	\$ 1,218.19
Open Space	\$ 8,167.50
Other Trust Fund	\$ 185.71
Recreation Trust	\$ 1.27
Animal Control Trust	\$ 6.78
TOTAL	\$ 40,198.64

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-1.20, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-1.21**

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PACE LABORATORIES (formerly NJ Analytical) FOR WATER ANALYSIS FOR THE PERIOD JANUARY 1, 2024 TO DECEMBER 31, 2024

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 B, 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 \$2,298.08 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;

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 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, et 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 either statute or the Borough Code 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 #: 4-05-55-501-000-256;

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 \$27,576.96 for a period of one year from January 1, 2024 through December 31, 2024, 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				Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-1.21, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-1.22**

**RESOLUTION AUTHORIZING SOFTWARE SUPPORT AGREEMENT WITH EDMUNDS
 GOVTECH FOR 2024**

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 2024, the firm of Edmunds GovTech (“EGT”) of Northfield, New Jersey;

WHEREAS, the professional services to be provided by EGT are described in the attached EGT Invoice #23-IN6553, which is attached to this Resolution;

WHEREAS, the cost of the proposed services shall total \$13,390.11 as itemized in EGT’s invoice #23-IN6553;

WHEREAS, it is understood that the total cost of services under this contract shall not exceed \$13,390.11 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 2024 Annual Support Maintenance Services, for a sum not to exceed \$13,390.11 as itemized in EGT’s invoice #23-IN6553, 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	X				Marciante	X			
Chandler	M				Stern	S			
Gnatt	X				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-1.22, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-1.23**

RESOLUTION AWARDING CONTRACT FOR CONTINUATION OF JANITORIAL SERVICES TO EAGLE JANITORIAL SERVICES ON A MONTHLY BASIS IN 2024

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, for the year 2023; and

WHEREAS, Eagle Janitorial Services of Pennington (“Eagle”) has submitted a proposal dated November 2, 2023 which would have Eagle continue to provide these services 5 days per week, except as otherwise specified, at the rate of \$1,560.00 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 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 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 #: 4-01-26-310-000-227 with a portion of the contract to be charged to the Library budget;

WHEREAS, circumstances have prevented the Borough from obtaining competitive quotes for this service as required by the Local Public Contracts Law and a contract for the Year cannot therefore be awarded at this time; and

WHEREAS, the Borough seeks a contract with Eagle on a prorated monthly basis until this can be resolved; and

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 services of Eagle Janitorial Services on a monthly basis at the rate of \$1,560 per month.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	X			
Chandler	S				Stern	X			
Gnatt	M				Valenza	X			

Council Member Gnatt made a motion to approve Resolution 2024-1.23, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024 – 1.24**

**STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 GREEN ACRES PROGRAM**

ENABLING RESOLUTION for SUPPLEMENTAL FUNDING REQUEST

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Pennington has previously obtained a Green Acres grant of \$1,375,000.00 from the State to fund the following project(s):

**#1108-02-001
 Pennington Greenbelt Planning Incentive; and**

WHEREAS, the State and the Borough of Pennington intend to increase Green Acres funding by \$300,000.00, to increase Green Acres funding to a total of \$1,675,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE, Borough Council of the Borough of Pennington that:

1. The Mayor of the above-named body or board is hereby authorized to execute an agreement and any amendment(s) thereto with the State known as Pennington Greenbelt Planning Incentive, and;
2. The applicant agrees to provide its matching share to the Green Acres funding, if a match is required, in the amount of \$1,675,000.00
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
4. This resolution shall take effect immediately.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				abstain	Marciante	X			
Chandler	M				Stern	X			
Gnatt	S				Valenza	X			

Council Member Chandler made a motion to approve Resolution 2024-1.24, second by Council Member Gnatt. Mr. Valenza stated that he would like some clarification of the Resolution as it is very confusing. Mr. Bliss stated that we share the confusion. Mr. Bliss stated that essentially, Green Acres has a bank of funds available on a fifty percent match basis and we can submit projects but we are not committed to the match until we accept the funds from Green Acres. Upon a roll call vote all members present voted in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-1.25**

RESOLUTION AUTHORIZING CONTRACT WITH WATER RESOURCE MANAGEMENT FOR SERVICES AS WATER AND SEWER COMPLIANCE OFFICER AND FOR PREPARATION OF CONSUMER CONFIDENCE REPORT, OPERATIONS AND MAINTENANCE (O & M) MANUAL AND EMERGENCY RESPONSE PLAN (ERP) FOR THE YEAR 2024

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 2024;

WHEREAS, the Borough also seeks the services of Water Resource Management for preparation of Consumer Confidence Report and Lead Service Line Replacement Documentation;

WHEREAS, Water Resource Management has supplied a letter dated December 19, 2023 describing the services it will provide as Water and Sewer Compliance Officer and with respect as well to Consumer Confidence Report and Lead Service Line Replacement Documentation; and

WHEREAS, as further described in the Compliance Officer Proposal, Water Resource Management will provide the Compliance Officer services for a flat fee of \$460 per month, the Consumer Confidence Report for not to exceed \$2,750, O&M Manual and Emergency Response Plan (ERP) Updates for not to exceed \$11,000;

WHEREAS, at the Borough’s request, Water Resource Management also 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 on an hourly basis at the rate of \$138.00 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 #: 4-05-55-501-000-260;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that the attached Proposal by Water Resource Management is hereby accepted and Water Resource Management is hereby appointed Water and Sewer Compliance Officer for Pennington Borough for 2024 and also charged with performing the additional services as described above, subject to the following conditions:

1. that the Compliance Officer 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 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;
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, for preparation of Consumer Confidence Report, O & M and ERP in accordance with the related Proposals, and for the additional services and costs covered by the Additional Services Proposal, and the terms and conditions of this Resolution; and
6. that no work shall begin under this Resolution and agreement until approved in advance and in writing by Borough Council and a related purchase order has been issued.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				abstain	Marciante	M			
Chandler	S				Stern	X			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-1.25, second by Council Member Chandler with all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON
 RESOLUTION 2024-1.26**

**RESOLUTION AUTHORIZING SETTLEMENT OF LATE FEE DISPUTE WITH STONYBROOK
 REGIONAL SEWERAGE AUTHORITY**

WHEREAS, the Borough of Pennington has contested a late fee charged by the Stony Brook Regional Sewerage Authority (SBRSA) in connection with payment of the Borough’s Fourth Quarter 2022 estimated sewerage charges;

WHEREAS, the SBRSA has offered to resolve this controversy by reducing the late fee from \$2,326.95 to \$821.28, provided same is received by SBRSA no later than February 15, 2024;

WHEREAS, the misunderstanding which is the reason for this dispute concerns in part whether SBRSA, once having issued estimated charges for the year, must invoice each quarterly payment when due;

WHEREAS, the Borough is required by law to pay for services only when invoiced;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the proposed payment to SBRSA in the compromised amount of \$821.28 is hereby approved, provided, however, that SBRSA confirm in writing that henceforth the Borough will receive from SBRSA invoices, for all payments due.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Marciante	M			
Chandler	X				Stern	S			
Gnatt	X				Valenza	X			

Council Member Marciante made a motion to approve Resolution 2024-1.26, second by Council Member Stern with all members present voting in favor.

Professional Reports

Borough Administrator – Mr. Nieman reported that the Pennington First Aid Building sub-committee will be meeting tomorrow. Mr. Nieman stated that he spoke to Hopewell Township regarding the trucks coming through Pennington and Beigene has changed companies so that should take care of the problem.

Borough Attorney – Walter Bliss – Mr. Bliss reported that he is working on the final brief on the PILOT litigation.

Administrative Coordinator – Mona Habiby – Mrs. Habiby had no report.

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

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

Chief of Police – Doug Pinelli – Chief Pinelli had no report.

Superintendent of Public Works – Rick Smith – Mr. Smith had no report.

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.

At:8:22 PM, Council Member Gnatt made a motion to adjourn the meeting, second by Council Member Angarone with all members present voting in favor.

Respectfully submitted,

Elizabeth Sterling
 Borough Clerk