

**BOROUGH OF PENNINGTON
RESOLUTION 2023 - 1.8**

**RESOLUTION APPOINTING BOROUGH ENGINEER FOR THE
YEARS 2023 THROUGH 2025**

WHEREAS, the Borough of Pennington is required by law to appoint a Municipal Engineer and to contract for related engineering services;

WHEREAS, the Mayor nominates as Borough Engineer Brandon Fetzer of Van Note Harvey Associates, a licensed professional engineer of the State of New Jersey, subject to advise and consent of Council and agreement on a final contract for professional services with Mr. Fetzer and his firm Van Note Harvey Associates;

WHEREAS, a proposed form of professional services agreement is attached to this Resolution;

WHEREAS, the Borough Clerk has determined and has certified in writing that the anticipated value of this contract for professional services will exceed \$17,500;

WHEREAS, approval of this contract complies with the Local Pay-To-Play Law, N.J.S.A. 19:44A-20.5, effective January 1, 2006, which, except in prescribed circumstances, prohibits the award of contracts with a value in excess of \$17,500 to any person or business entity which makes reportable contributions to local political or candidate committees representing members of the governing body;

WHEREAS, this appointment also complies with the Code of the Borough of Pennington, Section 15-1, et seq., prohibiting the award of public contracts to certain political contributors;

WHEREAS, Brandon Fetzer and Van Note Harvey Associates have completed and submitted a Business Entity Disclosure Certification which certifies that the firm has made no reportable contribution to a political or candidate committee in the Borough of Pennington and shall not make any such contribution through the term of the contract;

WHEREAS, award of this contract is also in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., because as a professional services contract it is not required to be subject to advertising for proposals or competitive bidding because the services contracted for are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for the purpose of this contract in the Engineering Current Fund and Water Sewer Operating Funds (3-01-20-165-000-262, 3-01-20-146-000-255, 3-05-55-501-000-262 and 3-05-55-502-000-262);

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 the Borough Council of the Borough of Pennington that Brandon Fetzer of Van Note Harvey Associates is hereby appointed as the Municipal Engineer of the Borough of Pennington for a term of three years expiring on December 31, 2025;

BE IT FURTHER RESOLVED, that the Mayor, with the attestation of the Clerk, is hereby authorized to enter into a professional services agreement with Brandon Fetzer and the firm of Van Note Harvey Associates for a sum not to exceed \$35,000.00 from the Current Fund and \$36,750.00 from the Water/Sewer Operating Fund subject to negotiation of a final agreement substantially in the form attached hereto and subject to approval of a list of engineering projects for 2023;

BE IT FURTHER RESOLVED, that the final agreement shall be subject to approval as to form by the Borough Attorney;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published in the Hopewell Valley News as required by law within ten (10) days of its adoption.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone									
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 4, 2023.

Elizabeth Sterling, Borough Clerk