



**RESOLUTION 21-373**

**Resolution to Authorize Payment to Earle Asphalt Company in the Not to Exceed Amount of \$82,848.76 for Emergency Repairs to Curbing, Sidepath, Roadway Embankment, and the Storm Sewer System on Rosedale Road Between the Stony Brook Bridge and General Johnson Road**

WHEREAS, by Memorandum dated October 4, 2021, the Princeton Engineer advised the Administrator of the need for Princeton to undertake an emergency repair to various sites in Princeton as a result of damage sustained by Tropical Storm Ida on September 1-2, 2021; and

WHEREAS, while Rosedale Road (County Route 604) was not specifically identified in said Memorandum, it sustained extensive damage to the curb, storm sewer system, and sidewalks, which are Princeton's obligation by State Statute to maintain; and

WHEREAS, the sidewalk on Rosedale Road is an essential component in Princeton's transportation system to the Johnson Park Elementary School; and

WHEREAS, Princeton solicited a proposal from Earle Asphalt Construction of Farmingdale, New Jersey to complete the emergency repair, which contractor is currently under contract with Princeton for two separate roadway projects; and

WHEREAS, on October 1, 2021, Earle Asphalt was authorized to perform the work based on time and materials due to the extent of the damage and the indeterminate nature of the repairs that were required; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6, and section 2-1.6(o) of the Princeton Code authorize the Administrator to award a contract exceeding the bid threshold without public bidding therefor when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, pursuant to the LPCL and as authorized by section 2-1.6(o), and based on the Engineer's Memorandum and recommendation, the Administrator determined that an emergency affecting the public health and safety existed, satisfying the requirements of the LPCL, and necessitating the immediate performance of the work by Earle Asphalt Construction; and

WHEREAS, Earle Asphalt Construction satisfactorily completed the emergency repairs at a final cost of \$82,848.76, excluding the cost of uniformed traffic directors; and

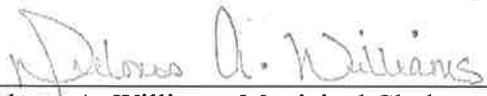
WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from 04-215-19-021-076-345.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40A:11-6, the Council hereby ratifies the Administrator's award of the emergency repair agreement to Earle Asphalt Construction based on the reasons set in the "Whereas" clauses, the October 4, 2021 Memorandum from the Engineer and Engineer's recommendation.
2. Payment in the amount of \$82,848.76 shall be made to Earle Asphalt Construction.
3. A copy of this Resolution shall be placed on file in the Office of the Clerk

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X	X		X			
Ms. Fraga		X			X			
Ms. Niedergang		X		X	X			
Ms. Pirone Lambros		X			X			
Ms. Sacks		X			X			
Mr. Williamson		X			X			
Mayor Freda		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held December 13, 2021.

  
 Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- Memo for Earle - Rosedale Payment (DOCX)