

**Pennington Borough Council
Regular Meeting – October 1, 2007**

Council President Edwin Tucker called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Garber, Heinzl, Lawver, Tucker and Zompa in attendance. Mayor Persichilli and Council Member DiFalco were both absent.

Also present were Superintendent of Public Works, Jeff Wittkop, Public Safety Director, Bill Meytrott, Borough Administrator, Eugene Dunworth, Borough Attorney, Walter Bliss, Borough Auditor Bob Morrison, Chief Financial Officer Sandra Webb and Borough Clerk, Betty Sterling.

Mr. Tucker announced that notice of this meeting has been given to the Pennington Post, Hopewell Valley News, The Times of Trenton and The Trentonian and was posted on the bulletin board in Borough Hall according to the regulations of the Open Public Meetings Act.

Salute to the Flag

Mr. Tucker announced that Mr. Ron Templan, Assistant Scout Master of Troop 44 and members of Troop 44 were in attendance and would like to lead Borough Council in the Flag Salute. Mr. Templan asked members to introduce themselves and then the Troop led Borough Council in the Salute to the Flag. Mr. Tucker thanked Troop 44 for attending the meeting.

Open to the Public – Agenda Items Only

Mr. Tucker made the following announcement:

Meeting 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 5 minutes.**

There were no comments from the public on agenda items.

Mayors Business

Council Member Tucker recommended the following appointments to the newly formed Flood Mitigation Committee:

- Gene Dunworth, Borough Administrator
- Mark Blackwell, Planning Board Representative
- Bill Meytrott, Director of Public Safety
- Weed Tucker, Council Member

Approval of Minutes

Council Member Garber made a motion to approve the minutes of the September 10th, Regular Meeting, second by Council Member Zompa with all members present voting in favor.

Presentation of 2006 Audit

Mr. Tucker introduced Bob Morrison of Hodulik and Morrison to present the audit for 2006. Mr. Morrison gave an overview of the 2006 Audit for Council and stated that there are no negative comments in the audit report. Mr. Morrison stated that during the course of the audit, various tests were done to make sure that the Borough is in compliance with laws, regulations and the Borough Code. Mr. Morrison stated that everything that was tested was found to be in compliance with applicable laws and regulations. Mr. Morrison stated that internal controls were also evaluated to determine whether or not they are adequate for an organization of this size. Mr. Morrison explained a new requirement of the AICPA that requires procedure manuals for all major types of transactions performed by the Borough. Mr. Morrison stated that even though the regulations require that he report this as a deficiency in the audit, he does not consider it a control deficiency.

Mr. Morrison reviewed the financial information contained in the audit and stated that the good news is that the numbers are just about exactly where we expected them to be at budget time and the bad news is that the numbers are down from where they were last year. Mr. Morrison stated that State government is pressuring municipalities to use their surplus to fund operations to keep taxes down. Mr. Morrison explained that as budgets have gotten tighter a greater percentage of the budget is being spent with less and less being rolled into surplus. Mr. Morrison explained that a similar situation is occurring in the Water/Sewer Utility budget. Mr. Morrison explained that with the new legislation on levy caps this year, the Borough's ability to levy additional taxes for services has now been eliminated by the State of New Jersey. Mr. Morrison explained that the State has essentially said that municipalities will be forced to go to a referendum that will require a 60 percent affirmative vote unless the municipality can convince the Local Finance Board of the need for a waiver on cap restrictions. Mr. Morrison stated that this is going to create huge hurdles for the Finance Committee and Borough Council with regard to budget adoption. Mr. Morrison explained that this process would very likely take municipalities well into midyear before a budget can be finally adopted. Mr. Morrison stated that on tonight's agenda, Borough Council is being

asked to pass a Resolution and sign a group affidavit that at a minimum Borough Council Members have reviewed the general comments and recommendations section of the audit report, pages 105 to 113. Mr. Morrison briefly reviewed these pages for Council. Mr. Morrison stated that basically what was found was that the offices are accounting for the money coming in properly and accounting for the money going out properly. Mr. Morrison stated that controls are in place to ensure that there are approvals for all of the expenditures that occur. Mr. Morrison stated that tests were done with no exceptions found. Mr. Morrison stated that there are no recommendations in the report and they do not issue reports with no recommendations very often. Mr. Morrison stated that credit should be given to the management of the Borough; things are running very well, financial reports that are generated are very accurate and can be relied on for planning purposes.

Ms. Heinzel asked with regard to the Library and the third of a mil calculation that determines the budget for the Library and will likely be beyond what the tax levy is, if Mr. Morrison foresees a problem for next year. Ms. Heinzel stated that Lambertville has a referendum question on the ballot in November as to whether to continue their library. Mr. Morrison stated he thinks that for levy cap purposes, the library is either going to be an automatic add on or allowed as an exception with Local Finance Board Approval without the formal waiver process. Mr. Morrison explained that a couple of his clients are considering elimination of their library entirely or elimination of branches of their library. Mr. Morrison explained that 51 municipalities operate on a State Fiscal Year and they are in the process of applying to the Local Finance for Board for waivers and very likely there are municipalities asking for waivers for their libraries. Mr. Morrison stated that if waivers are not granted then meeting the third of a mil number will be tough for a lot of places.

Mr. Tucker thanked Mr. Morrison for his report and congratulated the Borough staff for their efforts.

Mayor's Business

Mr. Tucker congratulated Jeff Wittkop who became a grandfather recently with the birth of his grandson, Gavin Thomas.

Ordinances for Introduction

Mr. Tucker read Ordinance 2007-9 by title.

BOROUGH OF PENNINGTON COUNTY OF MERCER

ORDINANCE NO. 2007-9

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,200,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for water and sewer repairs and infrastructure improvements, including, but not limited to, meters, well redevelopment and service line upgrades, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the

chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 27.22 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,200,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council Member Lawver made a motion to introduce Ordinance 2007-9, second by Council Member Garber. Mr. Lawver stated that the Finance Committee met several weeks ago to discuss the Borough's capital needs over the next five-year period. Mr. Lawver stated that the needs are significant especially on

the water and sewer side. Mr. Lawver stated that upcoming projects include a new water tower, new water meters, new well development or redevelopment of an existing well, water main replacements and additional treatment capacity for volatiles at Well 8. Mr. Lawver explained that this amounts to a total identified need over the next five years of \$3.6 million for water and sewer. Mr. Lawver stated that after discussing these needs with Borough Auditor, Bob Morrison and Bond Counsel, Ed McManimon it was agreed that the most prudent way to proceed would be to put forward a bond ordinance in the amount of \$1.2 million this year and to fund the balance through a subsequent bond ordinance at a later date. Mr. Lawver reviewed the potential impact on debt service to upcoming budgets over the term of the bonds. Mr. Lawver thanked all members of the finance committee for their role in pulling this together. Mr. Garber stated that these significant and wide ranging improvements are due to the fact that the Borough has an aging infrastructure to which upgrades and repairs have been deferred over the years. Mr. Lawver explained that funding for additional debt service will come primarily from rate increases, however with the installation of new water meters, the big issue of water leakage should be solved with the result being that consumers will be billed more accurately for the amount of water that they are using. Upon a roll call vote all members present voted in favor.

Mr. Tucker read Ordinance 2007-10 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2007-10**

ORDINANCE APPROPRIATING \$75,000 TO PROVIDE FOR THE ACQUISITION OF A BACKHOE IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

\$75,000 is hereby appropriated from the Capital Improvement Fund, \$15,000 of which is from General Capital and \$60,000 of which is from Water/Sewer Capital of the Borough of Pennington, in the County of Mercer, New Jersey (the "Borough") to provide for the acquisition of a backhoe, including all related costs and expenditures incidental thereto.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

Council Member Garber made a motion to introduce Ordinance 2007-10, second by Council Member Zompa. After a brief discussion and upon a roll call vote, all members present voted in favor.

Ordinances for Public Hearing and Adoption

Council Member Tucker read Ordinance 2007-8 by title.

**BOROUGH OF PENNINGTON
COUNTY OF MERCER**

ORDINANCE NO. 2007-8

AN ORDINANCE INCREASING CERTAIN APPLICATION FEES AND OTHER CHARGES FOR THE PLANNING BOARD AND THE PLANNING BOARD ACTING AS A BOARD OF ADJUSTMENT, AMENDING CHAPTER 98 OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, Borough Council of the Borough of Pennington recognizes a need to amend the fees and other charges for processing and review of applications and the performance of administrative functions by the Planning Board of the Borough of Pennington and the Planning Board acting as the Board of Adjustment;

WHEREAS, these fees and charges were last amended in 1999;

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

1. **Section 98-11 of the Code of the Borough of Pennington ("the Code"), concerning application fees, escrow deposits and inspection fees, is amended to read as follows:***

Applications for development shall be accompanied by the payment to the Borough of an application fee, escrow deposit and, if appropriate, an inspection fee. The application fee and escrow deposit shall be paid separately according to the following schedule:

APPLICATION	FEE	ESCROW
MINOR SUBDIVISION	\$[300.00] <u>400.00</u>	\$500.00 per lot
Resubmission		
Or Amendment	\$100.00	
Concept Review	\$300.00	\$300.00 to be credited
MAJOR SUBDIVISION		
Preliminary	\$[500.00] <u>600.00</u>	\$[500.00] <u>600.00</u> per lot
Final	\$[300.00] <u>400.00</u>	\$400.00 per lot
Resubmission		
Or Amendment	\$300.00	\$400.00 per lot
Extension	\$100.00	
Concept Review	\$500.00	\$500.00 to be credited
SITE PLAN		
Preliminary Residential	\$[500.00] <u>\$600.00</u>	\$10.00 per unit Minimum \$500.00
Nonresidential	\$[500.00] <u>\$600.00</u>	\$0.10 per sq. ft. improved Minimum \$500.00
Final Residential	\$[300.00] <u>\$400.00</u>	\$10.00 per unit Minimum \$300.00
Nonresidential	\$[300.00] <u>\$400.00</u>	\$0.05 per sq. ft. improved Minimum \$300.00
Resubmission or		
Amendment-Residential	\$300.00	\$300.00 + \$10.00/unit
Nonresidential	\$300.00	\$300.00+ \$0.10/sq. ft. improved
Waiver	\$300.00	\$200.00
Extension	\$100.00	\$300.00
Concept Review	\$200.00	\$500.00 to be credited
CONDITIONAL USES		
Residential	\$[150.00] <u>\$300.00</u>	\$[300.00] <u>\$400.00</u>
Nonresidential	\$[300.00] <u>\$400.00</u>	\$[500.00] <u>\$800.00</u>
INTERPRETATIONS		
Residential	\$[100.00] <u>\$200.00</u>	\$[200.00] <u>\$600.00</u>
Nonresidential	\$300.00	\$[300.00] <u>\$600.00</u>
APPEALS		
Residential	\$[100.00] <u>\$200.00</u>	\$[200.00] <u>\$500.00</u>
Nonresidential	\$[300.00] <u>\$400.00</u>	\$500.00
VARIANCES		
Bulk – Residential	\$[200.00] ¹ <u>\$250.00/variance</u>	\$[300.00] <u>\$1000.00</u>
Nonresidential	\$[300.00] <u>\$400.00/variance</u>	\$[500.00] <u>\$1000.00/variance</u>
Use – Residential	\$300.00	\$[300.00] <u>\$1000.00</u>
Nonresidential	\$500.00	\$[500.00] <u>\$1500.00</u>
SPECIAL MEETING OF BOARD	\$500.00	
ZONING PERMITS	\$[25.00]	
Residential – Principal Use	<u>\$ 50.00</u>	
Accessory Use	<u>\$ 25.00</u>	
Commercial – Principal	<u>\$ 100.00</u>	
Use		

<u>Accessory Use</u>	<u>\$ 50.00</u>
<u>Temporary Activity Permit</u>	<u>\$ 25.00</u>
<u>Residential Conversion</u>	<u>\$ 50.00</u>

2. Section 98-19 of the Code, concerning miscellaneous fees, is amended to read as follows:

Miscellaneous fees shall be as follow:

- A. Copy of zoning ordinance: \$40.00.
- B. Copy of Master Plan: \$25.00.
- C. Subdivision approval certificate: \$25.00.
- D. Certified list of property owners: \$10.00.
- E. Tape of meeting - \$25.00.
- F. CD copy of meeting - \$8.00.

3. Any ordinance or portion thereof inconsistent herewith is hereby repealed.

[¹ The application fee for up to two residential bulk variances is \$250. Each bulk variance above two will be an additional \$200 each.]

4. This ordinance shall take effect upon final passage and publication in accordance with law.

Council Member Heinzl made a motion to open the Public Hearing on Ordinance 2007-8, second by Council Member Garber. Mr. Tucker asked for comments from the public, there were none. Council Member Garber made a motion to close the Public Hearing, second by Council Member Heinzl with all members present voting in favor. Council Member Lawver made a motion to adopt Ordinance 2007-8, second by Council Member Garber with all members present voting in favor.

Committee Reports

Planning & Zoning/Library – Ms. Heinzl reported that the Girl Scout garden was dedicated on September 13th and Ms. Heinzl once again thanked the Girl Scouts for their work on this project.

Ms. Heinzl reported that the Library Board of Trustees met on September 25th and she will have a report at the next meeting.

Ms. Heinzl stated that the Planning Board met on September 12th to review two applications and one review of minor sub-division. Ms. Heinzl stated that the Board also discussed drainage issues, from property to property, which is a top priority with the Board. Ms. Heinzl stated that Borough Planner, Cindy Coppola would be working on an Ordinance on this issue. Ms. Heinzl stated that Mayor Persichilli asked Ms. Coppola to review ordinances that the Planning Board has recommended in the past and offer an estimate on what the cost to update the ordinances would be. Ms. Heinzl stated that the next meeting would be October 10th.

Ms. Heinzl reported that the Environmental Commission met on September 13th and she will have a report for the next meeting.

Ms. Heinzl stated that the traffic calming initiative has been working very hard and will shortly have some recommendations for Council to review and consider. Ms. Heinzl stated that Mr. Meytrott has arranged for a meeting with an official in Princeton Borough to look at their records with regard to speed humps. Ms. Heinzl stated that the committee also discussed general safety issues in town. Ms. Heinzl stated that a request was made at the meeting for a legal opinion on how and if the Borough could accept private donations. Ms. Heinzl asked if Mr. Bliss could prepare a brief memorandum addressing this question.

Ms. Heinzl stated that she prepared a brief summary of the DOT recommendations for improvements at Route 31 and Delaware Avenue that was distributed in the packets. Ms. Heinzl asked if anyone from Council had questions on the summary. Mr. Garber stated that at a prior meeting there was discussion of traffic safety devices for certain crosswalks in the Borough. Mr. Garber inquired as to the status of these devices. Mr. Meytrott stated at this point he is still waiting for approval from the County. Ms. Heinzl reviewed the recommendations made for the intersection of Route 31 and Delaware Avenue.

Ms. Heinzl reported that she has also been working on an Underage Drinking Ordinance. Ms. Heinzl stated that Hopewell Township has forwarded a sample Ordinance prepared by the Township Attorney, which was included in the Council packets. Ms. Heinzl stated that Hopewell Township is reviewing this Ordinance tonight at their agenda meeting. Ms. Heinzl stated that essentially this ordinance is the same ordinance as the one passed by Hopewell Borough a year or so ago. Ms. Heinzl reported that at the time there were some questions and so a task force was formed and met over several months to address questions and concerns. Ms. Heinzl stated that over the course of the process the task force also met with students for their input. Ms. Heinzl stated that what came out of these meetings and the difference

between this ordinance and the one passed by Hopewell Borough is that two clauses are included, a Good Samaritan exemption and a call for aid exemption. Ms. Heinzel asked if Council Members had a chance to look at the ordinance and if there were any questions. Mr. Garber felt that these two exemptions were important so that if something happens another underage drinker will not be afraid to call for help. Ms. Heinzel stated that it is important to look at this ordinance as a health and safety ordinance rather than an enforcement ordinance. Further discussion took place as to enforcement of underage drinking, both now and if this ordinance were to be adopted. Mr. Meytrott explained that the main reason for Pennington Borough to pass this ordinance is so that the Borough would not be the hole in the donut with both Hopewell Township and Hopewell Borough having an ordinance in place. Mr. Meytrott explained that would open up Pennington Borough as a magnet for underage drinking. Mr. Meytrott also stated that it is better to be proactive instead of waiting for a serious incident to occur and then facing allegations from the community that Council knew this was going on and did nothing. Ms. Heinzel stated that one of the good things about having a task force is the communication with the school and the discussion of a partnership to educate and get the message out and to deter underage drinking. Mr. Meytrott stated that it is important that the three municipalities work and agree on the language of the ordinance.

Public Works - Mr. Garber gave the following water and trash report for the month of September 2007.

PENNINGTON BOROUGH PUBLIC WORKS

TO: David Garber, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: October 1, 2007

RE: **COUNCIL REPORT FOR THE MONTH OF SEPTEMBER 2007**

WATER

Water pumped for the month of September 2007-	8,903,000
Daily-	296,700
Water pumped for the month of September 2006 –	7,949,000
Daily-	264,900

For the month of September 2007 we averaged 31,800 gallons more per day than 2006.

TRASH

82.33	tons of household trash for the month of September 2007 vs.
91.90	tons in September 2006

Leaf pickup has started. Leaves should be blown or raked to the curb, but away from storm water inlets. The Borough will for a short time be collecting leaves on the County roads, Delaware, Main and Ingleside in recognition of the fact that the County is helping with the paving of the new Public Works Site.

Mr. Garber reported that the Public Works building is nearing completion with pads for the fuel tanks underway and paving to begin on or about October 12th.

Mr. Garber stated that infrastructure repairs are underway at Baldwin Street and Maple Avenue to be followed by roadwork, curbing and sidewalks to follow. Mr. Garber reported that later on agenda is a resolution to award the next road project, which is Brookside Avenue to be done in 2008.

Mr. Garber stated that the Public Works Committee did not meet since the last Council meeting.

Personnel – Ms. Zompa reported that the Personnel Committee has not met since the last Council meeting.

Community Services- Mr. DiFalco was absent.

Finance – Mr. Lawver had no report.

Public Safety – Mr. Tucker reported that the Hopewell Valley Schools opened for the year and a Police Officer has been stationed at the intersection of Route 31 and Delaware Avenue for morning and afternoon crossings.

Mr. Tucker reported that a mediation session was held with Pennington Police with regard to the Bargaining Contract between Pennington Borough and the FOP. Mr. Tucker stated that further discussion would take place during the closed session.

Mr. Tucker reported that on September 18th a meeting was held with the NJ DOT to discuss the situation and possible improvements to Route 31 and Delaware Ave. Mr. Tucker thanked Ms. Heinzel for her extraordinary report of the meeting with DOT.

Mr. Tucker reported that on September 19th a meeting of the Traffic Calming Initiative was held, several items with regard to traffic safety were discussed.

Mr. Tucker reported that on September 27th, Public Safety Director, Bill Meytrott and Borough Administrator, Gene Dunworth met with representatives from NJ Transit to discuss the bus stop on Broemel Place and the possibility of bus shelters on Broemel Place and Green Street.

Mr. Meytrott reported the following statistics for the month of September 2007:

99	Motor Vehicle Stops
55	Motor Vehicle Summonses
29	Parking Summonses
35	Warnings
11	Motor Vehicle Accident Reports
8	Investigative Reports
5	Adult Males Arrests
1	Adult Female Arrest

Mr. Lawver reported that the Economic Development Commission is hosting a town meeting for Business Owners and Business Property Owners on Wednesday, October 10th, 2007 from 5 to 7 pm at the home of Sue and Bob Riley. Mr. Lawver stated that the purpose of the meeting is to give business owners a chance to voice their concerns and thoughts on how to make Pennington Borough more business friendly.

New Business

**Borough of Pennington
Resolution #2007-10.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Joseph and Teri Lawver, 304 Burd Street, Pennington, NJ 08534, Block 705, Lot 12 in the amount of \$625.60 for a refund for the balance of a Planning Board escrow account (P05-014).

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver				X
Garber	X				Tucker	X			
Heinzel	S				Zompa	M			

Council Member Zompa made a motion to approve Resolution 2007-10.1, second by Council Member Heinzel with all members present voting in favor with the exception of Mr. Lawver who abstained.

**Borough of Pennington
Resolution #2007 – 10.2**

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 \$684,463.93 from the following accounts:

Current	\$ 618,377.91
W/S Operating	\$ 29,799.40
Developers Escrow	\$ 24,015.22
Grant Fund	\$ 12,060.00
Animal Control Fund	\$ 11.40
Other Trust – Public Defender	\$ 200.00
TOTAL	\$ 684,463.93

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	X			
Garber	M				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-10.2, second by Council Member Heinzel. Some discussion followed with regard to specific bills on the bill list. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007-10.3**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR
PUBLIC BIDS FOR FURNISHING LOADER BACKHOE**

WHEREAS, the Borough of Pennington has a need for a current model year loader backhoe, complete with certain equipment, for use by the Department of Public Works;

WHEREAS, the needed loader backhoe shall comply with specifications approved by the Borough Engineer;

WHEREAS, necessary funding for acquisition of the backhoe is presently available;

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

(1) the Borough Engineer is hereby authorized to prepare all specifications and other documents required for acquisition of the aforesaid loader backhoe;

(2) the Borough Administrator, in coordination with the Borough Engineer, is hereby authorized to advertise publicly for bids for acquisition of the loader backhoe, in compliance with the Local Public Contracts Law.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	X			
Garber	M				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-10.3, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution 2007-10.4**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
MID-JERSEY JOINT INSURANCE FUND**

WHEREAS, the Borough of Pennington is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2008*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desire to renew said membership;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Borough of Pennington agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2008, and ending January 1, 2011*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk/Administrator/Manager shall be and herby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	M			
Garber	S				Tucker	X			
Heinzel	X				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-10.4, second by Council Member Garber with all members present voting in favor.

**Borough of Pennington
Resolution #2007-10.5**

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE BOROUGH COUNCIL
OF THE BOROUGH OF PENNINGTON HAVE REVIEWED THE SECTIONS OF THE
2006 ANNUAL AUDIT ENTITLED GENERAL COMMENTS AND
RECOMMENDATIONS**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	M			
Garber	X				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Lawver made a motion to approve Resolution 2007-10.5, second by Council Member Heinzel with all members present voting in favor.

**Borough of Pennington
Resolution #2007 – 10.6**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1
TO PENN-BOWER, INC., FOR WORK COMPLETED
ON THE 2007 PUBLIC WORKS MAINTENANCE AND EMERGENCY SERVICES CONTRACT**

WHEREAS, Penn Bower, Inc. has completed certain work pursuant to the 2007 Public Works Maintenance and Emergency Services Contract (VNHA #37473-500-52) relating to excavation of test pits on Baldwin and Maple Avenues; and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed and inspected the improvements that have been constructed and has approved payment for same pursuant to the contractor’s Request for Payment No. 1 (\$2,690.70) net of two percent retainage (\$53.81), the net due therefore amounting to \$2,636.89; and

WHEREAS, this is a partial payment under the contract;

WHEREAS, funds are available in account # W-06-00-553-000-250, Ordinance 98-3 – Improvements to Water Supply System;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that

1. Payment Request No. 1 in the amount of \$2,636.89 be authorized to Penn-Bower, Inc.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	S			
Garber	M				Tucker	X			
Heinzel	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-10.6, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2007-10.7**

**RESOLUTION AUTHORIZING USE OF “MERCER AT PLAY”
GRANT MONIES FOR ACQUISITION AND INSTALLATION OF PLAYGROUND EQUIPMENT
FOR KUNKEL PARK**

WHEREAS, the Borough of Pennington has been awarded funds by Mercer County in the amount of \$16,709. under the “Mercer at Play” grant program;

WHEREAS, by Resolution 2006-12.13 adopted on December 4, 2006, on the recommendation of the Recreation Commission, Borough Council authorized the Borough Administrator to work with the Recreation Commission, with the advice of the Borough Engineer, to obtain proposals from appropriate contractors for construction of a half basketball court at Kunkel Park in anticipation of using the County grant for this purpose;

WHEREAS, in the intervening months the Recreation Commission has reconsidered this project and has withdrawn this proposal in favor of acquiring playground equipment for Kunkel Park;

WHEREAS, Borough Council endorses this new proposal and supports use of the aforesaid County grant for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Administrator is hereby authorized to work with the Recreation Commission, with the advice of the Borough Engineer, to obtain proposals from appropriate contractors for acquisition and installation of the desired playground equipment, within the amount of the grant and consistent with its terms.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	X			
Garber	X				Tucker	X			
Heinzel	M				Zompa	S			

Council Member Heinzel made a motion to approve Resolution 2007-10.7, second by Council Member Zompa. Mr. Dunworth explained that originally the Mercer at Play Grant money was to be used for construction of a

half-court basketball court. Mr. Dunworth explained that some of the neighbors came out against the basketball court. Mr. Dunworth stated that after an inspection by the Joint Insurance fund, which found some of the Borough playground equipment to be unsafe, the recreation committee decided to use the grant money to replace playground equipment. Some discussion took place with regard to the cost of the equipment and whether or not installation was included. Ms. Heinzl stated that the grant requires a fifty percent match from the Borough, which can be in kind services. Mr. Lawver asked if there were any urgency to approving this Resolution tonight without having quotes in hand. Mr. Garber stated that this Resolution does not authorize the purchase of equipment, just changes the use of the funds from the basketball court to the purchase of playground equipment. Upon a roll call vote all members present voted in favor.

**Borough of Pennington
Resolution #2007-10.8**

**RESOLUTION AUTHORIZING THE SALE OF
BOROUGH EQUIPMENT AND PERSONAL
PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, the Borough is in possession of certain equipment and personal property no longer needed for public use; and

WHEREAS, it is the desire of the Mayor and Council to sell these items at public auction;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington that the Borough is hereby authorized to sell certain equipment and personal property no longer needed for public use at a public auction to be held on November 3rd, 2007 at the Public Works Facility on West Delaware Avenue in Pennington and the Borough Clerk is hereby authorized and directed to advertise same in accordance with the requirements of N.J.S.A. 40A:11-36(3).

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				absent	Lawver	S			
Garber	M				Tucker	X			
Heinzl	X				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-10.8, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2007-10.9**

**RESOLUTION AWARDING ASPHALT CONTRACT TO
ARAWAK PAVING CO. INC. PURSUANT TO COOPERATIVE
PRICING SYSTEM WITH HOPEWELL TOWNSHIP**

WHEREAS, Pennington Borough and Hopewell Township have entered into a cooperative pricing system (Cooperative Pricing System #87HTCPS) in which Hopewell Township is the lead agency;

WHEREAS, on September 4, 2007, Hopewell Township, in its capacity as lead agency, advertised for bids for road materials including the asphalt required by Pennington Borough for paving on the grounds of the Public Works Facility;

WHEREAS, on September 18, 2007, Hopewell Township opened the two (2) bids received;

WHEREAS, the Purchasing Agent and Township Administrator of Hopewell Township have reviewed the bids and made the recommendation to award a contract to Arawak Paving Co.Inc. as the lowest responsible, responsive bidder as outlined on the attached worksheet, which is incorporated by reference in this resolution;

WHEREAS, on the basis of this recommendation and the attached worksheet as applicable to Pennington Borough, Borough Council intends to award the contract for Pennington to low-bidder Arawak Paving Co. Inc. in the total amount not to exceed \$53,677.50;

WHEREAS, the contemplated contract includes purchase of 850 tons (plus/minus 20%) of Stabilized Base 1-2 at the unit price of \$34.00 per ton (f.o.b.) and 425 tons (plus/minus 20%) of FABC 1-5 at the unit price of \$37.25 per ton (f.o.b.), to be picked up by the Borough at Arawak Paving's Morrisville, Pennsylvania location;

WHEREAS, the Chief Financial Officer of the Borough of Pennington has certified that the needed funds are available;

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

1. that a contract is hereby awarded Arawak Paving Co. Inc., 7503 Weymouth Road, Hammonton, NJ 08037 for the asphalt needed by Pennington as aforesaid;
2. that the contract is not to exceed \$53,677.50;
3. that the Mayor, with the attestation of the Clerk, is hereby authorized to sign this contract, 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.
DiFalco				Absent	Lawver	X			
Garber	M				Tucker	X			
Heinzel	X				Zompa	S			

Council Member Garber made a motion to approve Resolution 2007-10.9, second by Council Member Zompa. Mr. Lawver inquired as to why the Borough was not getting the asphalt from Mercer County as discussed at a prior meeting. Mr. Wittkop explained that the cooperative pricing agreement did not extend prices to Municipalities. Mr. Wittkop explained that Hopewell Township offered to do a cooperative pricing agreement with Pennington Borough and this Resolution is the result. Mr. Wittkop explained that this Resolution is for the purchase of the asphalt and then Mercer County will be doing the application at no cost to the Borough. Upon a roll call vote all members present voted in favor.

Mr. Dunworth stated that Mercer County had requested that when the paving work begins, the workers be provided with coffee and donuts each day. Mr. Dunworth asked if Council would have a problem with providing the workers with coffee and donuts. Mr. Garber stated that the County is saving the Borough a tremendous amount of money and he would recommend that the request be granted. Mr. Garber asked how many men would be working on the job. Mr. Wittkop stated between twenty and thirty men for ten days. Mr. Dunworth stated that the cost would be a few hundred dollars. Ms. Zompa stated that it should first be determined whether acceptance of coffee and donuts would be a conflict of interest for County employees. Ms. Zompa stated that for State employees, it would be prohibited. Mr. Bliss stated that there is no specific rule other than the Local Government Ethics Law. Mr. Bliss suggested that Mr. Dunworth make a phone call to make sure that providing coffee and donuts would be ok.

**Borough of Pennington
Resolution #2007-10.10**

**RESOLUTION AWARDING CONTRACT FOR BROOKSIDE AVENUE
RECONSTRUCTION TO DESANTIS CONSTRUCTION, INC.**

WHEREAS, the Borough Council of the Borough of Pennington has authorized advertisement for bids for the project known as Reconstruction of Brookside Avenue (VNHA #36713-220-52);

WHEREAS, on September 25, 2007 the Borough received five bids for the project;

WHEREAS, the bid of DeSantis Construction, Inc., 491 Elizabeth Avenue, Somerset, New Jersey 08873, in the amount of \$142,288.30, is the lowest responsible bid;

WHEREAS, the Borough Engineer has reviewed the bid and its conformity with bid specifications as well as the bidder's experience and ability to perform the work;

WHEREAS, the Borough Engineer has recommended that the Borough award the contract to DeSantis Construction, Inc., subject to concurrence by the New Jersey Department of Transportation;

WHEREAS, a summary of the bids is available in the office of the Borough Clerk;

WHEREAS, the Chief Financial Officer of the Borough has certified that Funds are available for the project in account #G-02-44-931-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Pennington as follows:

1. The contract entitled "Brookside Avenue Reconstruction" is hereby awarded to DeSantis Construction, Inc. for the total bid amount of \$142,288.30, subject to approval by the State Department of Transportation.
2. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute and enter into the said contract on behalf of the Borough upon approval of same by the Department of Transportation.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
DiFalco				Absent	Lawver	X			
Garber	M				Tucker	X			
Heinzel	S				Zompa	X			

Council Member Garber made a motion to approve Resolution 2007-10.10, second by Council Member Heinzel with all members present voting in favor.

Resolution 2007-10.11 listed on the agenda as to be provided has been deleted. Mr. Bliss explained that Mr. Chris Tarr, Attorney for Bristol Myers Squibb had advised him that there were some changes made by the legal department to the agreement and Mr. Tarr asked if a Resolution could be included on the agenda. Mr. Bliss stated that today he received the language changes and it only affects one recital on page one of the agreement. Mr. Bliss stated that he provided copies to Council and since the change does not appear to have any substantive significance he would like to request authorization to have the Mayor sign the agreement in its revised form. Council Member Heinzel made a motion to authorize the Mayor to sign the agreement in its revised form, second by Council Member Garber with all members present voting in favor.

Council Discussion

Catering Permit – Wine Tasting – October 10, 2007 – Ms. Sterling explained that Mr. Vu of Hopewell Wine and Spirits would like to hold a wine tasting at Avanti’s on October 10th. Ms. Sterling stated that Mr. Vu has obtained a catering permit to hold the event from Alcohol and Beverage Control, but since Avanti’s is in the Borough, the permit needs to be signed by Pennington Borough’s Public Safety Director and the Borough Clerk on behalf of Borough Council. Ms. Sterling stated that she called ABC and after asking some questions found out that by signing the permit, Borough Council and the Police Department are acknowledging that they know the event is going on only. The ABC will actually be approving the permit. Council Member Garber made a motion to authorize the Borough Clerk and the Public Safety Director to sign off on the catering permit, second by Council Member Heinzel with all members present voting in favor.

Pets at Public Events – Ms. Heinzel stated that she asked that this item be included on the agenda for discussion. Ms. Heinzel asked Mr. Robert Hage of 413 Burd Street to come forward. Mr. Hage stated that he is the father of three children and he has concerns with dogs being allowed at certain public events that attract lots of small children, such as concerts, parades and Pennington Day. Mr. Hage stated that he likes animals very much, but feels that allowing dogs at public events is a potential disaster waiting to happen. Mr. Hage related some incidents that have been reported in the news and stated that even though a dog owner might think that their dog is friendly, dogs can and do act unpredictably especially in unfamiliar, noisy, chaotic environments. Mr. Hage asked that Council have a discussion on the potential risk to small children when dogs are allowed at public events. Mr. Hage suggested a ban on dogs, strong discouragement or requiring that dogs be muzzled as possible courses of action.

Ms. Heinzel stated that Mr. Hage approached her when she was still the liaison to the recreation commission. Ms. Heinzel stated that she discussed this with the Recreation Commission and they agreed to discourage people from bringing dogs to concerts and public events. Ms. Heinzel stated that the Recreation Commission did not necessarily see this as a problem. Ms. Heinzel stated that she knows that the school has a policy saying not to bring dogs to school at pick up times.

Mr. Hage stated that this is along the same line as the underage drinking ordinance and why wait for something to happen before enacting an ordinance. Mr. Lawver asked Mr. Hage if he were aware of any other towns that have enacted ordinances banning or restricting dogs at public events. Mr. Lawver inquired as to how the ordinance would be enforced. Mr. Lawver stated that his concern is putting ordinances in place that the Borough does not have that ability or manpower to enforce. Mr. Garber stated that he would not be in favor of banning dogs from public events. Mr. Garber stated that having lived her for twelve years and having gone door to door campaigning, pets are the fabric of this town and most people in town own a dog. Mr. Garber stated that while he shares some of the concerns voiced by Mr. Hage, a lot of people in town would be upset if told that they could not bring their pets to public events. Mr. Hage stated that there are other options aside from banning dogs, such as muzzling.

Mr. Garber thanked Mr. Hage for coming and for beginning a dialogue on the issue. Ms. Heinzel stated that the Recreation Commission would be open to putting the word out to discourage people from bringing dogs to concerts and Borough sponsored events. Mr. Lawver stated that it would be helpful for Mr. Hage to do further research and see if other towns have enacted ordinances and why. Mr. Lawver suggested bringing other concerned citizens with their opinions as well so that Council can make a more informed decision.

Administrator’s Report

Mr. Dunworth stated that he provided to Council a copy of an e-mail from George Myers regarding a Special Needs Registry. Mr. Dunworth stated that this is an attempt to formulate a registry of residents in the Hopewell Valley with special needs such as oxygen. Mr. Dunworth stated that these residents could register their needs and this registry would be kept in the various Police Departments and if there is an event or emergency of some kind, Police will be better able to assist residents with special needs. Mr. Dunworth stated that forms are available at Borough Hall. Mr. Lawver asked that the form be posted on our Borough Website.

Mr. Dunworth reported that the Department of Community Affairs has put out a new regulation with regard to Construction Officials. Mr. Dunworth stated that “any inspections for public officials and employees who have either direct or indirect control over funding or operations of an enforcing agency and their close relatives and household members may not be conducted by the local agency, but must be performed by a different enforcing agency”. Mr. Dunworth stated that this is a big problem for small municipalities and the question becomes who is going to do the inspection? Mr. Dunworth stated that this would require some sort of agreement between municipalities to account for the time spent by the inspector and the payment for that time. Mr. Dunworth stated that this is a fairly new regulation and how it will play out is yet to be figured out.

Mr. Dunworth announced that Abigail Waugh would be collecting lightly used medical equipment to be donated to needy persons on October 13th from 9 to 1 at the Pennington Quality Market.

Mr. Dunworth reported that today was the deadline for receipt of proposals for the Feasibility Study on Consolidation of the Police Department and four proposals were received. Mr. Dunworth stated that the next step would be to contact the State, review the proposals at a Public Safety Meeting and then make an award at a future meeting.

Professional Reports

Mr. Bliss asked that Presbyterian Homes Tax Appeal be added to the items for closed session discussion.

Public Comment

Mr. Tucker asked anyone wishing to address Council to come forward and state their name and address for the record and to please limit comments to the Governing Body to a maximum of 5 minutes.

Ms. Lee Herman of 45 North Main Street came forward and spoke on various traffic and pedestrian safety issues. Ms. Herman thanked Ms. Heinzl and Council for all the work that has been done on safety.

At 9:55 pm, Mr. Garber had to leave the meeting.

Kate Fuger of 6 Baldwin Court came forward to remind Council of the drainage issue on her property. Mr. Wittkop stated that he met with the contractor who will be doing the work, they looked at the drainage problem and he is waiting for a price from the contractor.

Mr. Tucker read the following Resolution to convene in Closed Session.

AT, 9:57 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:

- Contract Negotiations – Police
- Presbyterian Homes Tax Appeal

Council Member Lawver made a motion to convene in closed session, second by Council Member Heinzl with all members present voting in favor.

At, 10:37 PM, Mayor and Council returned to open session.

Council Member Heinzl made a motion to approve the minutes of the September 10th, 2007, Closed Session for content but not release, second by Council Member Zompa with all members present voting in favor.

At 10:38 pm, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Zompa.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk