

**Pennington Borough Council
Regular Meeting – November 13, 2017**

Council President Joseph Lawver called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Chandler, Gnatt, Griffiths, Lawver, Marciante and Mills in attendance. Mayor Persichilli was absent.

Also present were Borough Administrator Eileen Heinzl and Borough Attorney Walter Bliss.

Mr. Lawver announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the bulletin board in Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Mr. Lawver asked everyone to stand for the flag salute.

Open to the Public – Agenda Items Only

Mr. Lawver read the following statement:

The meeting is now 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 3 minutes.**

There were no comments from the public.

Mayor's Business

Mr. Lawver announced the resignation of Emily Matticoli from the Economic Development Commission.

Mr. Lawver read the following Proclamation:

PROCLAMATION

WHEREAS, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 67,778 women, 13,007 children and 4,639 men. Additionally, Womanspace has assisted more than 271,401 hotline callers over the last 40 years; and

WHEREAS, the Borough of Pennington commends the efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

WHEREAS, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 4, 2017, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2017 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, I, Anthony J. Persichilli, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 4, 2017, as

COMMUNITIES OF LIGHT DAY

and hereby commend Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Mayor's Appointments

Mr. Lawver announced the appointment of Sherri M. Salvatore, DMD to the Economic Development Commission for an unexpired term ending December 31, 2020.

Mayor's Appointments (with Council Approval)

Mr. Lawver announced the appointment of Katrina Angarone to the Shade Tree Commission for an unexpired term ending December 31, 2021. Council Member Chandler made a motion to approve the appointment, second by Council Member Marciante with all members present voting in favor.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the October 2, 2017 Regular Council Meeting, second by Council Member Gnatt with all members present voting in favor.

Council Member Marciante made a motion to approve the minutes of the October 10, 2017 Special Meeting, second by Council Member Mills with all members present voting in favor with the exception of Council Members Griffiths and Lawver who both abstained.

Committee Reports

Planning & Zoning / Open Space – Mrs. Gnatt stated that the Open Space Committee did not meet this month but the Planning Board did. Mrs. Gnatt reported that the Planning Board approved a Resolution of Memorialization for Cugino's amended preliminary and final site plan. Mrs. Gnatt stated that Mr. Eric Holtermann, Chairman of the Historic Preservation Committee made a presentation requesting inclusion of the Pennington African Cemetery in the Borough's Historic District which would allow them to apply for and receive certain grants.

Public Safety / Personnel – Mr. Marciante asked Mrs. Heinzl if she knew the status of recalls on two SUV's in the Police Department. Mrs. Heinzl stated that she would have to check with Mr. Meytrott. Mr. Marciante stated that the Stalker Radar Unit has been placed around town and seems to be working fine.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver reported that the parking lot at the Senior Center has been repaved thanks to Mercer County. Mr. Lawver stated that some of the concrete has also been repaired. Mr. Lawver stated that we are still waiting for estimates and specs so that we can begin the grant application to Mercer County which will require a one-to-one match. Mr. Lawver stated that the biggest obstacle once we have the estimate in hand will be determining how the three municipalities will fund the match.

Mr. Lawver reported that the Shade Tree Committee is in the process of completing an update of the tree inventory which was last done over ten years ago and there have been some significant changes since then.

Mr. Lawver reported that the Public Works Committee began negotiations on the Teamsters Contract. Mr. Lawver stated that a pre-construction meeting was held for the Curlis/Weidel Water Main Project. Mr. Lawver stated that they are exploring options for custodial services as the Public Works Department has decided that they do not want the overtime. Mr. Lawver stated that most importantly, we have begun the budgeting process for the engineering budget for 2018, 2019 and 2020 because we have a number of grant projects that we need to make room for in the budget.

Finance – Mr. Griffiths stated that he ran some numbers on the Utility collections and we are almost seven percent ahead of last year though we are still carrying about five percent of the forecasted revenue as receivables mostly from Brandywine.

Parks and Recreation – Mrs. Mills reported that new grills have been installed at Kunkel Park and the committee is talking about putting in a new fountain and a coal box for dispensing the hot coals. Mrs. Mills stated that the Boy Scouts helped clean up the loop trail and Michelle Needham will be reaching out to Rick Smith to determine who is responsible for large trees and brush at Kunkel Park. Mrs. Mills stated that the Adopt-a-Flag program will be focused on Veteran's and the concert season went very well this year. Mrs. Mills stated that all of the concerts were well attended and the food from Antimo's was a big hit and the committee is hoping to repeat that next year. Mrs. Mills reported that Trail Day was not as well attended as in past years with only forty to fifty people in attendance.

Mrs. Mills stated that the Library participated in the Spirits of Hopewell reenactment of eight local figures that are buried at the Methodist Cemetery and the Pennington African Cemetery. Mrs. Mills stated that this event was very well attended and they have been asked to do it again. Mrs. Mills stated that the Library held a Halloween drop-off, decorating pillows on November 4th and a local author Melissa Brun held a reading and family art workshop and Mark Twain 20/20 was held on November 5th. Mrs. Mills stated that the Library has advertised for and is hoping to fill the position that will become vacant when Anna Mortimer leaves at the end of the year.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler stated that the Board of Health did not meet but an Ordinance is on the agenda later in the meeting regarding e-cigarettes.

Mrs. Chandler stated that the Economic Development Committee met and they welcomed Rick Smith and Joe Lawver to discuss the Pennington Borough Grease Trap Ordinance as compared to surrounding municipalities. Mrs. Chandler stated that the outcome of that was to invite a representative from Stonybrook Sewer Authority to come and speak to Council regarding the ordinance. Mrs. Chandler stated that the goal is to keep Pennington competitive in the restaurant market.

Mrs. Chandler stated that the Environmental Commission is moving forward with the ANJEC grant project behind Tollgate School for a possible Arboretum. Mrs. Chandler stated that a meeting with members of Parks and Recreation, Shade Tree, Open Space and the Environmental Commission was held and just last week a group met at the site and walked the current path. Mrs. Chandler stated that the ANJEC grant is limited and will only fund the plan but there is no point in coming up with a plan if the plan is not feasible so there are a lot of pieces that have to come together.

Mrs. Chandler stated that Historic Preservation has been busy. Mrs. Chandler stated that the commission did make a presentation to the Planning Board regarding the inclusion of the African Cemetery into the Historic District and that was preliminarily approved with the Board making some suggestions for the ordinance. Mrs. Chandler stated that the question came up about whether there should be a buffer around the cemetery because it is unclear where the burial line is and there is some concern about digging in or close to the perimeter of the cemetery. Mrs. Chandler stated that the ordinance will come to Borough Council in January.

Mrs. Chandler stated that Historic Preservation also reviewed two applications for demolition, one at 241 South Main Street and one at 63 North Main Street. Mrs. Chandler stated that the application on South Main Street was denied and they have not heard back from the homeowner yet. Mrs. Chandler stated that the discussion of North Main Street was well attended by the neighbors, a representative from the bank and a builder who was interested in restoring the house. Mrs. Chandler stated that there were neighbors on both sides, some wanting to preserve the house and others who just want it to go away. Mrs. Chandler stated that for the Historic Commission, the bottom line is that the bank still owns the property. Mrs. Chandler stated that there is interest in the property, an auction was held and someone bid on the house. Mrs. Chandler stated that at this point a clear owner needs to be determined and then that person can come before Historic Preservation and present a desire to either demolish the house or to restore it.

Council Discussion

There were no items for Council Discussion.

Ordinances for Introduction

Mr. Lawver read Ordinance 2017-17 by title.

BOROUGH OF PENNINGTON ORDINANCE 2017-17

ORDINANCE REQUIRING LICENSING OF ESTABLISHMENTS SELLING ELECTRONIC SMOKING DEVICES, AND IMPOSING FEES

WHEREAS, the Surgeon General has found that electronic cigarettes and related devices pose a significant health risk for youth, and

WHEREAS, in order to assure that these devices are not being sold to under-age individuals, the Board of Health is in need of a means to monitor the establishments where these devices are sold, and

WHEREAS, the licensing of these establishments has been delegated to local authorities by the State of New Jersey,

WHEREAS, adoption of this Ordinance is recommended by the Board of Health of the Borough of Pennington;

NOW, THEREFORE, BE IT ORDAINED, BY THE BOROUGH COUNCIL OF the Borough of Pennington, that Chapter 192 of the Code of the Borough of Pennington, hereafter to be titled Tobacco and Electronic Smoking Devices, is hereby amended by the addition of a new Article IV, Electronic Smoking Devices, as follows:

1. Definitions

Electronic smoking device means an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product including but not limited to any substances used in such devices, such as liquids or

powders.

Health department means the Health Department.

Health Officer means the Health Officer or designee.

Nicotine delivery product means any product that is designed to deliver nicotine or vapor, including, but not limited to, what are commonly known as "e-cigarettes" or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including but not limited to any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

Person means an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Retail electronic smoking device establishment means a physical establishment, duly licensed by the Board of Health, that sells, offers for sale, gives, distributes or furnishes electronic smoking devices designed for consumption through inhalation.

2. Requirements and Prohibitions

A. No person shall sell nicotine delivery products, or electronic smoking devices in the Borough unless an employee of the establishment controls the sale of such products. A person may only sell nicotine delivery products or electronic smoking devices in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines dispensing nicotine delivery products or electronic smoking devices are prohibited.

B. No person or retailer selling tobacco, nicotine delivery products or electronic smoking devices shall allow an employee to sell or distribute such products until the employee has read the Pennington Board of Health Code and state laws pertaining to the sale or distribution of tobacco, nicotine delivery products or electronic smoking devices and has signed a statement that the employee has read such Code and State laws. Form statements will be supplied by the Health Department and the signed original statement shall be filed with the Health Department and a copy shall be kept on file by the retailer and made available for review by the Health Officer or designee.

3. License Required; Fees.

A. No person shall conduct, maintain or operate a retail electronic smoking device establishment that sells, or offers for sale at any cost or no cost, distributes, furnishes or gives electronic smoking devices without first obtaining from the Health Department a license to do so on the premises

B. No itinerant establishments or vendors shall be permitted to obtain an electronic smoking device establishment license.

C. All licensees shall pay an annual electronic smoking license fee as set forth in Chapter 98 of the Borough Code. License fees will not be prorated for periods of fewer than twelve months.

D. Licenses issued under the provisions of this article, unless forfeited to or revoked by the Board of Health, shall expire annually on the 31st day of January each year or whenever the licensed establishment is no longer operating as a retail electronic smoking device establishment, whichever occurs first. Renewal applications are to be filed on or before January 31 each year.

E. The license shall be posted in a conspicuous place in the licensed premises.

F. All licensing fees shall be paid to the Borough of Pennington.

4. License Transfers

No license is transferrable by sale or otherwise. A license is valid only for the specific premises and person listed thereon.

5. Enforcement.

A. The enforcement authority for this chapter shall be the Chief of Police, Health Officer, or their designees.

B. The Health Officer may, after giving proper identification, inspect any matter, thing, premise, place, person, record, vehicle, incident, or event as necessary to execute all official duties in a manner prescribed by law.

C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the Health Officer in the enforcement of this chapter, and the Health Officer may request the assistance of the Police Department when necessary to enforce this chapter .

6. Penalties.

Civilian complaints may be filed in Municipal Court against violators of this ordinance. Any person who violates the provisions of this chapter, (including any employee of a tobacco retailer licensed under N.J.S.A. 54:40A-1 et seq.) who actually sells or otherwise provides tobacco products or electronic smoking devices to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation. Complaint shall be made in the municipal court of Pennington Borough or before such other judicial officer having authority under the laws of the State of New Jersey.

BE IT FURTHER ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 98 of the Code of the Borough is amended by adding to Miscellaneous Non-Land Use Fees, at new Section 98-30.D:

Annual fee for Electronic Smoking Device Establishment License: \$600. .

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon passage and publication as required by law.

Council Member Chandler made a motion to introduce Ordinance 2017-17, second by Council Member Griffiths. Mr. Lawver asked if the Borough licenses establishments that sell tobacco products. Mrs. Chandler stated that tobacco products are licensed through the State, but there is no State license for e-cigarettes. Mr. Lawver stated that this pertains currently to only one location in Pennington. Upon a roll call vote all members present voted in favor.

Mr. Lawver read Ordinance 2017-18 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-18**

**AN ORDINANCE BANNING THE SALE OF CERTAIN
DOGS AND CATS FROM PET SHOPS**

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, Commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; Inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter; lack of socialization, lack of adequate space, and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 1,500 in the County of Camden; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, and many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her

choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Borough Council believes it is in the best interests of the Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 67 of the Code of the Borough of Pennington is hereby amended by the addition of a new Article concerning Pet Shop Sales of Dogs and Cats, as follows:

1. Definitions

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

2. Restrictions on the Sale of Animals

A. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (1) An animal care facility; or
- (2) An animal rescue organization.

B. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

4. Effective Date.

This ordinance shall become effective 90 days after passage and publication.

Council Member Chandler made a motion to introduce Ordinance 2017-18, second by Council Member Gnatt. Mrs. Chandler stated that the ordinance refers to puppies and kittens but there is a definition for cat and dog, there is no definition for puppy and kitten. Mrs. Chandler asked if we should use one or the other. Mr. Bliss stated that puppy and kitten are used in the whereas clause which simply explains the rationale used. Mr. Bliss stated that dog and cat is inclusive of puppies and kittens. Mr. Bliss stated that the operative language is in paragraph two on page two and states that "pet shops may offer for sale only those dogs and cats that a pet shop has obtained from". Mrs. Chandler asked if dogs and cats include puppies and kittens and Mr. Bliss stated that it does.

Mr. Griffiths asked what if a dog or cat comes from a legitimate breeder and not from a puppy mill. Mr. Griffiths stated that the definition and distinction are not clear to him. Mr. Griffiths stated that puppy mill is intended to mean animals that are bred in high volume facilities and not cared for but that is not a very good definition. Mr. Griffiths stated that his point being that if someone wants to sell animals from a legitimate or even hobby breeder it is prohibited by this ordinance. Mrs. Chandler stated that for the most part pure-bred dogs are not sold retail. Mr. Griffiths stated that it would be prohibited by the ordinance. Some discussion took place regarding hobby breeders. Mr. Bliss stated that the ordinance is limited to pet

shops. Mr. Bliss stated that a hobby breeder can sell animals, but they cannot maintain a retail establishment or sell through a retail establishment. Mr. Griffiths stated that the ordinance is a little too sweeping for him. Mr. Lawver stated that he applauds the intent of the ordinance but he does not think it is applicable to Pennington and it does not address other animals such as hamsters and gerbils. Mr. Bliss stated that cats are the number one rabies vector among domestic animals. Mr. Bliss stated that unwanted cats end up as strays, they interact with wild animals, they contract rabies and they then become very dangerous. Mr. Lawver stated that this ordinance does not do anything about that. Mrs. Chandler stated that the ordinance is trying to reduce the number of unwanted animals either accidentally or on purpose bred for sale and to prohibit the retail sale of these animals. Further discussion took place with regard to the language of the ordinance. Mrs. Chandler stated that this ordinance was at the State level and they declined to rule at the State level saying that they would allow municipalities to make the decision. Mrs. Chandler stated that it is very important for municipalities to make the decision because it will not be addressed at the State level. Mr. Lawver asked if any of the Borough zoning allows for pet shops. Mrs. Heinzel stated that she spoke to the Zoning Officer and you could make an argument for a pet shop in Pennington Borough. Mrs. Chandler stated that she asked at the last meeting if an ordinance could be done retroactively if a pet shop comes into town and the answer was no. Mr. Lawver suggested that we try to define hobby breeder and that it be included in the ordinance. Upon a roll call vote all members present voted no to introduction of the ordinance with the exception of Mrs. Chandler who voted in favor of introduction. Mr. Griffiths stated that he agrees with the intent, but the language needs to be cleaned up. Mr. Lawver suggested going back to the organization that sent this ordinance to the Borough and conveying the concerns with the ordinance as written.

Mr. Lawver read Ordinance 2017-19 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2017-19**

AN ORDINANCE CONCERNING REGISTRATION AND MAINTENANCE OF VACANT BUILDINGS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON.

WHEREAS, the Borough of Pennington is confronted periodically with the presence of deteriorating vacant properties in close proximity to occupied residences and businesses, creating public health problems, reducing the property values of neighboring properties and diminishing the quality of life for residents and business owners;

WHEREAS, Borough Council believes that existing code enforcement measures applicable to these properties should be supplemented to provide for (1) registration of all vacant properties, as defined, to ensure identification of persons and entities responsible for the property and accountable for its condition, (2) affirmative requirements for securing and maintaining the property, and (3) imposition of fines and penalties for non-compliance;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington that the Code of the Borough of Pennington is hereby amended by supplementing Chapter 136, Nuisances and Public Health, with a new subchapter entitled "Registration and Maintenance of Vacant Properties," which shall read as follows:

1. Definitions

"Abandoned property" is defined as set forth in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., which provides:

- (1) Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:
 - a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
 - b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination by the public officer pursuant to this section;
 - c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of New Jersey Statutes as of the date of a determination by the public officer pursuant to this section; or
 - d. The property has been determined to be a nuisance by the public officer in accordance with the standards set forth at N.J.S.A. 55:19-82
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of

the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection (l)(a) or Subsection (l)(d) of this definition.

“Evidence of vacancy” means:

(1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

(2) Property determined to be "abandoned property" as defined herein and in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. shall also be deemed to be vacant property.

“Owner” shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:1 OB-51, or any other entity determined by the Borough of Pennington to have authority to act with respect to the property.

“Vacant property” means , in addition to any property determined to be an “abandoned property,” any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

2. Registration Requirement

A. The owner of any vacant property as defined herein shall, within 3 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough Construction Code Official on forms provided by that office for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Chapter 98 of the Borough Code for each vacant property registered.

B. Any owner of a building that meets the definition of a “vacant property” prior to the effective date of this ordinance shall file a registration statement for that property on or before 30 days from the effective date of this ordinance. The registration statement shall include the information required under this section as well as any additional information that the Construction Code Official may reasonable require.

C. The owner shall notify the Construction Code Official within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Construction Code Official for such purpose.

D. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Pennington against the owner or owners of the building.

3. Required Contents of Registration Statement

The registration statement shall include the name, street address, email address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

4. Receipt of Notices

By designating an authorized agent, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Pennington of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

5. Required Access to the Property

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Construction Code Official if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a certificate of occupancy inspection as provided in Chapter 98 of the Borough Code.

6. Registration Fees.

The registration fee for each building, initially and annually, is set forth in Chapter 98 of the Borough Code.

7. Additional Requirements for Owners of Vacant Property

The owner of any building that has become vacant as defined herein, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, immediately:

A. Post a sign affixed to the inside of the building indicating the name, street address, email address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and

B. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, and maintain the sign required in Subsection A above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

C. Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Borough Code; and

D. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property; and

E. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; and

F. Make provision for the cessation of electric or gas utility services to the property; and

G. Make provision for the regular maintenance of the exterior of the property.

8. **Violations and Penalties**

A. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 7, or such other matters as may be established by the rules and regulations of the Borough shall be deemed to be in violation of this ordinance.

9. Severability of Ordinance Provisions

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

BE IT FURTHER ORDAINED, by the Borough Council of the Borough of Pennington, that

Chapter 98 of the Code of the Borough is amended by adding to Miscellaneous Non-Land Use Fees, at Section 98-30.C:

Registration of Vacant Building, as required by Chapter 136, initially and annually: \$250.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon passage and publication as required by law.

Council Member Marciante made a motion to introduce Ordinance 2017-19, second by Council Member Mills. Mr. Lawver questioned the reference to “public officer”. Mr. Lawver asked who the public officer is and what qualifies someone as the public officer. Mr. Bliss stated that in this ordinance the public officer is the Construction Code Official so that enforcement of this ordinance would be under the same roof as the enforcement of the Uniform Construction Code. Mr. Lawver asked if it could just say Construction Code Official. Mr. Bliss stated that it is in the ordinance it is just that the definition is not sensitive to who the public officer is. Mr. Bliss stated that the ordinance refers to the registration process and that names the Construction Code Official and then also throughout the ordinance. Mr. Lawver stated that he was just seeking clarity on who makes the initial determination. Mr. Lawver stated that the first part is about the determination that a property is in fact abandoned. Mr. Bliss stated that the definition of abandoned property is borrowed verbatim from the Abandoned Properties Rehabilitation Act and the only reason that we have it in the ordinance is to enlarge the definition of vacancy. Mr. Bliss stated that he worked with the language in the Jackson Township Ordinance. Mr. Bliss stated that the operative term in this ordinance is whether a structure is vacant and we have a definition for vacant property. Mr. Bliss stated that the definition of abandoned property is then included in the definition of vacant and the Statute does use that language. Mr. Lawver stated that in some places the ordinance refers to being vacant for three months and in other places it refers to six months. Mr. Bliss stated that is right because there are two different standards and the difference is that an abandoned property is a tougher definition but it is a far more egregious situation than a vacant property. Mr. Bliss stated that this avoids the anomaly of having vacant properties regulated but not necessarily abandoned. Mr. Lawver asked if Mr. Bliss saw any reason not to make them consistent at six months. Mr. Bliss stated that he would rather see it made consistent at three months. Mr. Bliss stated that the idea of the ordinance is to permit the town to be proactive and not have to wait around for the inevitable. Mr. Bliss stated that the definition of abandoned property in the State Statute refers to six months and making a change could bring a challenge to the ordinance. Mr. Lawver also pointed out a typo on page two. Mr. Lawver stated that the ordinance requires registration and how would people know to register the property. Mr. Bliss stated that the ordinance defines the registration requirements. Mr. Lawver asked if there are vacant properties currently in town, how the owner of the property would know to register the property. Mr. Bliss stated that we would have to get the word out somehow. Mr. Bliss outlined the penalty requirements for not complying with the ordinance. After some discussion, Council decided to leave the ordinance as written with the exception of correcting the typo on page 2. Upon a roll call vote all members present voted in favor of introduction.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 11.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Kathleen S. Connolly, 2 West Franklin Avenue, Pennington, NJ 08534, for an overpayment of a COAH payment in the amount of \$7.50.

BE IT RESOLVED, that a refund be issued to TD Bank c/o Corelogic Centralized Refunds, PO Box 9202, Coppel, TX 75019-9760 , for refund of overpayment of 2017 fourth quarter taxes, Block 801, Lot 19, also known as 17 East Curlis Avenue, in the amount of \$3,318.33.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	S				Mills	X			

Council Member Marciante made a motion to approve Resolution 2017-11.1, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 11.2**

RESOLUTION 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 \$ 1,019,841.76 from the following accounts:

Current	\$ 852,786.33
W/S Operating	\$ 118,714.50
Grant Fund	\$ 329.00
Developer's Escrow	\$ 41,494.13
Water/Sewer Capital	\$ 1,190.50
General Capital	\$ 5,007.50
Other Trust Fund	\$ 315.00
Animal Control	\$ 4.80
TOTAL	\$ 1,019,841.76

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	M				Mills	X			

Council Member Griffiths made a motion to approve Resolution 2017-11.2, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017 – 11.3**

**RESOLUTION TO AMEND THE 2017 ADOPTED BUDGET (CHAPTER 159)
SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR
STATE OF NEW JERSEY – BODY ARMOR 2017**

WHEREAS, NJSA 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Pennington has received \$901.73 from the State of New Jersey – Body Armor 2017 and wishes to amend its 2017 Budget to include this amount as revenue;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Pennington hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget of the year 2017 in the sum of \$901.73, which is now available as revenue from:

State Body Armor Replacement Fund

BE IT FURTHER RESOLVED that a like sum of \$901.73 be and the same is hereby appropriated under the caption of:

State Body Armor Replacement Fund

BE IT FURTHER RESOLVED that the Borough Clerk shall file this resolution with the Director of Local Government Services as required by Statute.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	X				Mills	S			

Council Member Chandler made a motion to approve Resolution 2017-11.3, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-11.4**

RESOLUTION APPOINTING EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, with permission of the State of New Jersey Office of Emergency Management, Pennington Borough entered into a joint agreement with the Township of Hopewell and the Borough of Hopewell creating a Joint Emergency Management Council, to ensure a common plan of action in the event of disasters and emergencies;

WHEREAS, the Borough Council of the Borough of Pennington seeks to ensure the continued operation of the Council by joining in the appointment of the Executive Coordinator of the Council as well as appointing Pennington's Emergency Management Coordinator;

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

1. The Borough concurs in the appointment of Lance Maloney, Chief of Police of the Hopewell Township Police Department, to serve as the Executive Coordinator of the aforesaid Joint Emergency Management Council to serve indefinitely until his successor is appointed and qualified.

2. Borough resident Kenneth Baker is hereby appointed Emergency Management Coordinator of the Borough of Pennington to represent the Borough on the Joint Emergency Management Council and to perform such other duties as set forth in the joint agreement, for a term of three (3) years effective October 16, 2017 and continuing thereafter until his successor is appointed and qualified.

3. That the Borough Clerk shall forward a copy of this resolution to the State of New Jersey Office of Emergency Management.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-11.4, section by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-11.5**

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MID-STATE EQUIPMENT CO., INC. THROUGH THE NATIONAL JOINT POWERS ALLIANCE CONTRACT #: 062117-KBA FOR AN L47TLB-LB BACKHOE FOR USE BY THE PENNINGTON PUBLIC WORKS DEPARTMENT

WHEREAS, the Superintendent of the Pennington Public Works Department has identified the need to purchase a Backhoe; and

WHEREAS, the Superintendent of Public Works has determined that the required equipment is available from Mid-State Equipment Co., Inc. through the National Joint Powers Alliance; and

WHEREAS, Pennington Borough joined the National Joint Powers Alliance by Resolution 2017-6.5 in June of 2017; and

WHEREAS, the National Joint Powers Alliance accepted Pennington Borough's request to join and assigned Member #: 132214 to the Borough; and

WHEREAS, Mid State Equipment Co. Inc. located in Titusville, New Jersey is an authorized dealer for Kubota equipment and they have provided the Borough with Quote #: 849175 dated September 11, 2017; and

WHEREAS, a copy of the quote from Mid-State Equipment Co. Inc. in the amount of \$60,419.64 is attached to this Resolution; and

WHEREAS, purchase of the equipment through the National Joint Powers Alliance conforms with the Local Public Contracts Law and does not require further public bidding; and

WHEREAS, the Chief Financial Officer has certified that funds are available under Ordinance 2017-15, account #: C-04-17-015-000-250;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that the purchase of one (1) L47TLB-LB Front Loader Backhoe for the Pennington Borough Public Works Department pursuant to the attached proposal from Mid-State Equipment Co, Inc. is hereby authorized, and the Borough Administrator and Borough Clerk are further authorized to execute such purchase orders and other documents as are needed to effectuate the purchase.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-11.5, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-11.6**

**RESOLUTION AUTHORIZING CHANGE OF STATUS OF
JONATHAN LOUIS PAUCIULLO FROM PROBATIONARY TO PERMANENT
POLICE OFFICER**

WHEREAS, by Resolution of Borough Council 2016-10.8, Jonathan Louis Pauciullo was appointed to the position of Police Officer in the Pennington Borough Police Department, to serve on a probationary basis, beginning October 21, 2016;

WHEREAS, Officer Pauciullo has successfully completed his probationary period and is recommended by the Director of Public Safety for permanent appointment effective October 21, 2017;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that Jonathan Louis Pauciullo is hereby appointed in permanent status as a Police Officer of the Borough of Pennington effective October 21, 2017.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	X				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-11.6, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 11.7**

RESOLUTION AUTHORIZING BUDGET TRANSFERS

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2017 budget appropriations:

<u>Appropriations:</u>	<u>To:</u>	<u>From:</u>
Tax Collector – Salaries	\$ 1,000.00	
Tax Assessment – Salaries	\$ 1,000.00	
Legal Services	\$ 5,000.00	
Planning Board – Salaries	\$ 500.00	
Trash – Salaries	\$21,000.00	
Telephone	\$ 7,700.00	
DCRP – Admin./PW Clerical	\$ 1,500.00	
Streets –Salaries		\$21,000.00
Group Insurance – Active		\$16,700.00
Total Current Fund	\$37,700.00	\$37,700.00

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Lawver	X			
Gnatt	M				Marciante	X			
Griffiths	S				Mills	X			

Council Member Gnatt made a motion to approve Resolution 2017-11.7, second by Council Member Griffiths. Mr. Griffiths had a couple of questions regarding the salary transfers. Mrs. Sterling explained that some of the salary allocations were adjusted during the budget process between streets and trash. Upon a roll call vote all members present voted in favor.

**PENNINGTON BOROUGH
RESOLUTION 2017-11.8**

**RESOLUTION AUTHORIZING ADDITIONAL COSTS FOR SERVICES OF BOROUGH
ATTORNEY**

WHEREAS, by Resolution 2017-1.4 adopted on January 9, 2017, Borough Council appointed Walter R. Bliss, Jr. as Borough Attorney subject to a professional services agreement which provided that he be compensated for his services at the hourly rate of \$120 per hour together with reimbursement for certain out-of-pocket costs;

WHEREAS, the contract for professional services between Mr. Bliss and the Borough further provided that total fees for his legal services, including reimbursed costs, not exceed in the aggregate \$40,000. without the prior written approval of Borough Council;

WHEREAS, fees and reimbursements paid or to be paid to Mr. Bliss through September 2017 total \$39,815.49;

WHEREAS, Mr. Bliss' invoice for fees and reimbursements in October 2015 totals \$2,823.48, which if approved, would cause total fess and reimbursements for the year to exceed \$40,000;

WHEREAS, Mr. Bliss' fees in November and December 2015 are expected to require additional sums not to exceed \$7,000;

WHEREAS, payment of Mr. Bliss' October invoice plus a reserve for his fees and reimbursements in November and December will require a total of \$9,638.97 in excess of the \$40,000 cap on his annual compensation;

WHEREAS, the reasons for this cost overrun relate to unanticipated hours expended on non-routine matters, such as tax appeals including Assessor's appeal, developer's agreement and other contract negotiations, preparation of public bidding documents, sale of liquor license, sewer service issues, code enforcement issues and the like;

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2017 Legal budget line #7-01-20-155-000-261;

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

Pennington, that an increase in the total annual expenditures for the services and expenses of the Borough Attorney are hereby authorized in the amount of \$9,638.97.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	S				Mills	X			

Council Member Chandler made a motion to approve Resolution 2017-11.8, second by Council Member Griffiths. Mr. Griffiths asked Mr. Bliss if there was anything in particular that caused the increase. Mr. Bliss stated that he mentions in the resolution the assessor's appeal which was a full blown litigation and the developer's agreement for American Properties. Upon a roll call vote all members present voted in favor.

Professional Reports

Mrs. Heinzl stated that the contractor has planted buffer trees at the Public Works site. Mrs. Heinzl stated that the water main project at Curlis and Weidel is scheduled to start December 11th. Mrs. Heinzl stated that she distributed a copy of a newsletter that will go out with the water/sewer bills later in the month. Mrs. Heinzl asked that Council Members forward any changes to her as soon as possible.

Public Comment

Mr. Lawver asked that anyone wishing to speak to Council please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

Council Discussion

Mr. Marciante stated that he had a discussion with Mrs. Heinzl regarding the curbs in the downtown streetscape are. Mr. Marciante asked Mrs. Heinzl to try and get a price to grind down the edges so that tires don't get damaged. Mr. Marciante stated that with that he has been asked to request removal of the chains. Mr. Lawver stated that the chains were installed because of the step up on the sidewalk. Mr. Griffiths stated that in order to get rid of the chains the street would have to be lowered or raised. Mr. Marciante asked if it could be looked into. Mrs. Heinzl pointed out that the chains were installed for safety reasons. Mr. Griffiths stated that the curb is unusually high and to avoid a trip hazard the chains were installed as the best solution.

Mr. Marciante stated that the fire whistle is back up and running and it will not go off at night unless there is a working fire.

Mr. Marciante stated that he did some research into the First Aid Squad regarding paid service. Mr. Marciante stated that it is not the intent of the First Aid Squad to charge Pennington residents for services. Mr. Marciante stated that what they would like to do is have paid personnel in the First Aid Squad. Mr. Marciante stated that the Township is looking to cut out any funding to the Squad which will have a devastating impact on them and it will ultimately affect the Borough. Some discussion took place with regard to what would happen if the squad can't sustain the services. Mr. Griffiths stated that multiple ambulances respond already so we can address the situation if it happens.

Mr. Marciante stated that he has heard some rumblings about the website. Mr. Marciante stated that the website is better than it was.

Approval of Closed Session Minutes (for Content but not for Release)

Council Member Chandler made a motion to approve the October 2, 2017, Closed Session Minutes for content but not for release, second by Council Member Marciante. Upon a roll call vote all members present voted in favor.

With no further business to come before Council the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk