

**Pennington Borough Council
Regular Meeting – November 2, 2009**

Mayor Persichilli 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, Griffiths, Heinzl, Lawver, Ogren and Tucker in attendance.

Also present were Borough Administrator, Eugene Dunworth, Public Works Superintendent Jeff Wittkop, Public Safety Director Bill Meytrott and Borough Attorney, Walter Bliss.

Mayor Persichilli 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 and on the Borough Website according to the regulations of the Open Public Meetings Act.

Flag Salute

Mayor Persichilli asked everyone to stand for the Flag Salute.

Approval of Minutes

Council Member Chandler made a motion to approve the minutes of the October 5, 2009, Regular Meeting, second by Council Member Heinzl with all members present voting in favor.

Open to the Public – Agenda Items Only

Mayor Persichilli 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 5 minutes.

There were no comments from the public on agenda items.

Mayor's Business

Mayor Persichilli 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, Womenspace, 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, Womenspace 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 39,169 women, 5,383 children and 1,016 men. Womenspace has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, the Borough of Pennington applauds the efforts of Womenspace to bring an end to the circle of abuse imposed on women; and

WHEREAS, as Mayor of Pennington Borough 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 Sunday, December 13, 2009, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2009 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, BE IT PROCLAIMED THAT, I Anthony Persichilli, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby Proclaim December 13, 2009, 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 Persichilli announced that Pennington Borough will be receiving \$290,000 for a Fiscal Year 2010 Municipal Aid Award for Green Street Reconstruction.

Mayor Persichilli made the following appointments to the Hopewell Valley Green Future Task Force:

| | |
|--------------------------------|---|
| Governing Body Liaison | – Eileen Heinzel |
| Municipal Staff Representative | – Eugene Dunworth, Borough Administrator Joshua Levy, Planning Board |
| Public Representatives | - Joann Held and James Davy |

Mayor Persichilli made the following appointment to the Open Space Committee:
Dan Pace as Alternate #1 for an unexpired term ending December 31, 2010

Mayor Persichilli invited Mr. Brit West to come forward to talk about the Holiday Walk. Mr. West thanked Mayor and Council for giving him the time to speak on the Holiday Walk. Mr. West stated that he is President of the Pennington Business and Professional Association and he would like to ask for Mayor and Councils support for the annual Holiday Walk to be held on December 4th from 6 to 9 pm. Mr. West stated that there will be the traditional tree lighting at Howe Commons with Santa followed by food and drinks provided by local merchants, pictures with Santa at Sun Bank, Pennington Dance at the church, children's stories at the library, children's games at the YMCA at the center of town and much more. Mr. West stated that the Holiday Snowflakes sponsored by businesses and residents of Pennington will be lit. Mr. West reminded Council that the electricity to light the snowflakes is paid for through the Business Association. Mr. West stated that all of these events are taking place to bring some Holiday cheer back to the community. Mr. West asked for support from the Public Works and Police Departments as in the past. Mr. West encouraged everyone to attend the Holiday Walk and asked the Mayor or his representative to say a few words at the tree lighting.

Ordinances for Introduction

Mayor Persichilli read Ordinance 2009-11 by title.

Borough of Pennington Ordinance #2009-11

AN ORDINANCE REVISING REGULATIONS PERTAINING TO YARD WASTE AND AMENDING CHAPTER 172 OF THE CODE OF THE BOROUGH OF PENNINGTON

WHEREAS, Borough Council of the Borough of Pennington, on the recommendation of the Public Works Committee, seeks to revise and supplement provisions of Chapter 172, Article III of the Code of the Borough of Pennington, concerning Yard Waste;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 172, Article III, of the Code of the Borough of Pennington, is amended as follows:

1. Section 172-18 of the Code, concerning definitions, is hereby amended to include in proper alphabetic order a definition of "CONTRACTOR" as follows:

BRUSH – Branches and shrubs suitable for disposal in a chipper. Brush does not include grass clippings, leaves, cuttings, twigs or miscellaneous organic matter.

CONTAINERIZED – The placement of yard waste in a trash can, bucket, bag or other container sufficient to prevent the yard waste from spilling or blowing into the street.

CONTRACTOR – **Any person, persons, company or other entity hired for the purpose of altering, cleaning, clearing, removing, pruning, maintaining or modifying the lawn, trees, shrubs, plantings or other natural materials on a property.**

CUTTINGS AND TWIGS – Small diameter branches collected from yards or pruned from trees or shrubs. Cuttings and twigs are too small for disposal in a chipper.

LEAVES – Leaves collected from yard areas exclusive of grass clippings, cuttings, twigs, brush or other organic matter.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET - Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may include pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE – Brush, cuttings and twigs, [leaves] grass clippings and miscellaneous organic material resulting from yard maintenance.

2. Section 172-21 of the Code, concerning collection of yard waste, is amended and supplemented as follows:

A. Leaves may be placed in a Borough-owned street for collection by the Borough no more than seven days immediately prior to a scheduled collection. Leaves will be scheduled for collection by the Borough on an ongoing basis, as often as practicable, during the period from October 1 to January 1 and from April 1 to June 1. Scheduled collections will be announced through local newspapers and by notices posted in the municipal building. Leaves placed in the street in anticipation of collections during the period from October 1 to January 1 need not be containerized. Leaves placed in a Borough-owned street in anticipation of collections during the period April 1 to June 1 must be containerized. When containerized, the leaves must be contained in bags which when full shall not weigh more than 45 pounds per bag. Whether or not containerized, leaves placed in the street for collection shall not include grass clippings or other yard waste.

B. The placement of uncontainerized leaves in a street owned by the County or State shall be subject to regulation by them. However, containerized leaves may be placed in a State or County street for collection by the Borough during the period from April 1 to June 1, subject to the weight limitations set forth above.

C. Other yard waste, exclusive of grass clippings, may be placed in any street during the day immediately prior to a collection scheduled by the Borough for that type of yard waste and at no other time. All such yard waste shall be containerized, except brush must be stacked neatly with the large end of the trunk or stem facing the street and need not be tied or containerized. **Tree trunks and limbs in excess of six inches (6") in diameter will not be collected except in compliance with regulations governing bulk trash service as provided in the Borough Code.** Grass clippings may not be included or mixed with this waste. Placing grass clippings in the street, whether or not containerized, is prohibited at all times.

D. Weekly collections shall be scheduled as follows:

(1) Collection of cuttings and twigs and yard waste other than brush, leaves and grass clippings, shall be scheduled for every Monday, exclusive of holidays, throughout the year.

(2) Collection of brush shall be scheduled for every Tuesday, exclusive of holidays, throughout the year.

E. [Any person who violates or neglects to comply with any provision of this article shall, upon conviction, be subject to a fine not to exceed \$1,000, imprisonment for a period not to exceed 90 days, or a period of community service not to exceed 90 days, or any combination thereof; except a person who has received notice from the Borough to remove yard waste unlawfully placed in a street and fails to do so within seven days from receipt of the notice shall be subject to a mandatory minimum fine of \$100 for each day the violation continues after the seventh day. Each day the violation so continues shall be deemed a separate offense. . In addition, any person who violates this chapter shall be liable to the Borough for expense, loss or damage incurred by the Borough as a result of the violation.] **To the extent yard waste is permitted by this Article to be placed in the street in bags or containers, no more than twenty (20) bags or containers may be placed at the curb for collection at any one time. Yard waste permitted to be placed in the street without bags or containers shall be placed in a pile no larger than four feet (4') wide by four feet (4') high by fifteen feet (15') long. Each property is limited to one such pile per week.**

F. (new) All yard waste generated by a Contractor must be removed from the property by the Contractor and may not be left at the curb. Leaves shall be left at the curb in compliance with subsection A of this section.

3. Section 172-22 of the Code, concerning violations and penalties, is amended as follows:

Any person who violates or neglects to comply with any provision of this article **or any regulation promulgated pursuant thereto** shall [, upon conviction] **receive at least one warning before an enforcement action is brought but thereafter shall** be subject to a fine not to exceed \$[1,000] **500** [, imprisonment for a period not to exceed 90 days, or a period of community service not to exceed 90 days, or any combination thereof; except a person who has received notice from the Borough to remove yard waste unlawfully placed in a street and fails to do so within seven days from receipt of the notice shall be subject to a mandatory minimum fine of \$100 for each day the violation continues after the seventh day]. Each day the violation [so] continues shall constitute [be deemed] a separate offense. [In addition, any person who violates this chapter shall be liable to the Borough for expense, loss or damage incurred by the Borough as a result of the violation.]

4. This ordinance shall take effect upon its passage and publication as provided by law.

Council Member Lawver made a motion to introduce Ordinance 2009-11, second by Council Member Chandler. Mr. Lawver stated that this ordinance has been cleaned up and concerns from last meeting have been addressed. Upon a roll call vote all members present voted in favor of introduction of the Ordinance.

Mayor Persichilli read Ordinance 2009-12 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2009-12**

**AN ORDINANCE DESIGNATING WESTBOUND CURLIS AVENUE A “STOP” STREET AT
BURD STREET AND AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF
PENNINGTON**

WHEREAS, the Borough of Pennington wishes to replace existing “Yield” control on Curlis Avenue at Burd Street with a “Stop” sign at westbound Curlis Avenue where it intersects Burd Street;

WHEREAS, the Borough Engineer has determined that in the interest of safety and the expeditious flow of traffic, Curlis Avenue should be designated the “Stop” street and the existing “Yield” control on Curlis Avenue at Burd Street should be removed;

WHEREAS, the Borough Council of the Borough of Pennington directs that the Yield sign on Curlis Avenue be removed and that a Stop sign should be installed on Curlis Avenue at Burd Street and these changes are in accordance with law;

WHEREAS, Article II of Chapter 200 of the Code of the Borough of Pennington (“Code”) designate stop intersections and the location of stop signs in the Borough;

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

1. Article II of the Code at Section 200-6 is hereby amended to add to the intersections designated as stop intersections and the locations of stop signs the following:

| Intersection | Stop Sign on |
|-------------------------------|---------------|
| Curlis Avenue and Burd Street | Curlis Avenue |

2. This ordinance shall be effective upon adoption and publication as provided by law.

Council Member Ogren made a motion to introduce Ordinance 2009-12, second by Council Member Tucker. There was no discussion on the Ordinance. Upon a roll call vote all members present voted in favor of introduction of the Ordinance. Ms. Heinzl stated that this Ordinance came about as part of the traffic calming committee report and Mr. Ogren stated that this intersection was also discussed as part of the Safe Routes to Schools grant.

Mayor Persichilli read Ordinance 2009-13 by title.

**BOROUGH OF PENNINGTON
ORDINANCE 2009-13**

**AN ORDINANCE SUSPENDING ENFORCEMENT OF CERTAIN SHORT-TERM PARKING
RESTRICTIONS IN THE MUNICIPAL PARKING LOT DURING THE MONTH OF
DECEMBER 2009 AND AMENDING SECTION 200-15 OF THE CODE OF THE BOROUGH OF
PENNINGTON**

WHEREAS, the Section 200-15 of the Code of the Borough of Pennington, at subsection A, B, C and D, prescribes time limitations of two hours, one hour, 30 minutes and 15 minutes, respectively, in designated spaces in the Municipal Parking Lot;

WHEREAS, these time limitations are intended to be effective between 8:00 AM and 6:00 PM, prevailing time, except Sundays and holidays;

WHEREAS, in order to facilitate shopping and other activities in the Town Center during the holiday season, Borough Council seeks to suspend these time limitations for the affected spaces from December 1 through December 31, 2009, while maintaining all other regulations and time limitations affecting the Municipal Parking Lot in full effect;

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

2. Section 200-15 of the Borough Code, regulating parking in the Municipal Parking Lot, is amended as follows:

Certain parking spaces **in the Municipal Parking Lot** are hereby designated as “2 Hours”, “1 Hour”, “30 Minute”, “15 Minute”, “Long Term” or “Reserved” as shown on the attached drawing of the parking lot to be kept on file in the office of the Borough Clerk. Appropriate signs advising

of the time limitations shall be erected in the immediate area of the parking spaces affected by this section.

- A. **Between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays, n**[N]o person shall park continuously for more than two consecutive hours in those spaces so designated in the municipal parking lot.
 - B. **Between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays, n**[N]o person shall park continuously for more than one hour in those spaces so designated in the municipal parking lot.
 - C. **Between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays, n**[N]o person shall park continuously for more than 30 minutes in those spaces so designated in the municipal parking lot.
 - D. **Between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, except Sundays and holidays, n**[N]o person shall park continuously for more than 15 minutes in those spaces so designated in the municipal parking lot.
 - E. No person shall park continuously for more than 48 hours in the spaces designated "Long Term" or spaces not otherwise restricted in the municipal parking lot.
 - F. No person shall park in those spaces designated as "Reserved for Library Volunteers" during the hours of operation of the library, unless a valid parking permit, issued by the library, is displayed.
 - G. No person shall park at any time in those spaces designated as "Reserved for Police" in the municipal parking lot.
2. The time restrictions for parking in spaces in the Municipal Parking Lot set forth in Section 200-15, subsections A, B, C and D of the Borough Code, are hereby suspended from December 1 through December 31, 2009.
 3. All provisions of Section 200-15 otherwise remain in full force and effect.
 4. This ordinance shall be effective upon adoption and publication as provided by law.

Council Member Tucker made a motion to introduce Ordinance 2009-13, second by Council Member Chandler. Mayor Persichilli asked Mr. Meytrott to comment on this Ordinance. Mr. Meytrott stated that this was brought up at a meeting of the Pennington Business and Professional Association and was overwhelmingly accepted. Mr. Meytrott stated that many municipalities extend their parking limitations during the month of December to try to encourage shoppers to stay in town longer. Mr. Meytrott stated that he mentioned at the meeting that possibly the Borough could consider suspending the time limits in the Borough Parking lot for the month of December. Mr. Meytrott stated that very few people with businesses on Main Street were at the meeting so he contacted as many of the business owners as he could to get their opinion. Mr. Meytrott stated that with one exception the response was overwhelmingly in favor. Ms. Chandler asked how this would be done. Mr. Meytrott indicated that the Police Department would cover the signs with bags for the month of December. Upon a roll call vote, all members present voted in favor of introduction of the Ordinance with the exception of Mr. Lawver who voted no.

Committee Reports

Planning & Zoning / Environmental Commission / Library – Ms. Heinzl reported that the Planning Board met on October 5th, one application for a front and side yard variance at 56 North Main Street was heard. Ms. Heinzl stated that the residents were building a brick patio in front of the house and discovered that they needed to apply for a variance. Ms. Heinzl stated that this was required because the patio was interpreted to be an attached accessory structure. Ms. Heinzl stated that the Planning Board granted this variance with two conditions. Mr. Lawver stated that this was all done after the fact and wanted to know how that happened. Mr. Lawver stated that when they applied for permits they should have been notified that they needed other approvals as well. Mr. Lawver stated that between this and the house at 228 South Main Street he is wondering if there is a disconnect between the permitting/inspection process and Planning Board decisions. Mr. Lawver asked Mr. Dunworth what is being done to resolve these situations so that these problems will not occur in the future. Mr. Lawver stated that it seems a lot of the work the Planning Board is doing is after the fact work and that leads to very poor choices and it seems most variances are granted. Ms. Heinzl stated that with respect to the patio, she does not think that the variance was granted because the patio was already there. Mr. Lawver stated that he does not have a problem with the project. Ms. Heinzl stated that her understanding was that there was some confusion as to whether this patio required a variance or not. Mr. Dunworth stated that the two types of permits, building and zoning, are issued by two separate people. Mr. Dunworth stated that there have been very few problems with monitoring of building permits; however there is a gap sometimes in the overall question of who enforces the Planning Board actions. Mr. Dunworth stated that Zoning Officer, John Flemming is very part time, working only one hour per week. Mr. Dunworth stated that John Hall is the Building Inspector, not the Zoning Officer. Mayor Persichilli agreed that there is a gap and stated that the question has been raised as to who should be responsible for making sure that homeowners adhere to decisions of the Planning Board. Mr. Lawver stated that with regard to 228 South Main Street, someone in the Construction Office would have had to go out to inspect the foundation. Mr. Lawver asked why the construction official did not know that the foundation was too high. Mr. Dunworth stated that the Construction office is concerned with whether structures are built in compliance with the building code. Mr. Dunworth stated that there is a gap that needs to be resolved. Mr. Bliss stated that the solution is in the definition of when a zoning permit is required. Mr. Bliss stated that he would think that to build a patio attached to the house would require a zoning permit. Mr. Bliss stated that would then constitute the opinion of the Zoning Officer as to whether

the proposed development is within compliance of the Zoning Laws and if not then the owner can appeal to the Zoning Board. Ms. Chandler inquired as to who would tell her if she filed building permits that she needed a zoning permit. Mr. Dunworth stated that the office staff is very good about telling people that everything starts with a zoning permit. Mr. Dunworth stated the office is good on that, and the problem is who enforcing the Zoning Officers decisions.

Ms. Heinzl stated that the Zoning Ordinance does not indicate in the list of examples, that a patio is a structure and that is how this situation came about. Ms. Heinzl stated that the simple solution in this case is to amend the ordinance to include patios as a specific structure. Mr. Lawver stated that even so wouldn't it have gone before the Zoning Officer to check lot coverage ratios etc. and why was it not caught at that point. Mr. Meytrott stated that it was his understanding that the homeowners did not think that they needed any permits for the work until a resident in that area reported to Borough Hall that this work was being done without a permit.

Ms. Heinzl stated that also discussed at the Planning Board during the work session was the house at 228 South Main Street. Ms. Heinzl stated that a stop work order has been issued due to a question regarding the height of the building. Ms. Heinzl stated that the applicants had presented a height of 32 feet and as constructed that height is actually 15 inches over the 32 feet. Ms. Heinzl stated that the builder requested to continue with the project with respect to the garage and the water/sewer hookup. Ms. Heinzl stated that the owner was required to send a letter stating that they would do that work at their own risk. Ms. Heinzl stated that Planning Board will meet in November to hear an amended site plan application on that property. Mr. Wittkop stated that it is the exposed foundation that is 15 inches to high, not the actual height of the building. Mr. Dunworth stated that the stop work order was issued by Construction Official John Hall after getting a letter of approval from Zoning Officer John Flemming. Mr. Dunworth stated that Mr. Hall was saying that the structure was up to code, but he needed Mr. Flemming to say that there was a violation. Ms. Chandler asked since this was a Zoning Violation, why Mr. Flemming did not issue the stop work order. Mr. Dunworth stated that a stop work order has to come from the Construction Office.

Ms. Heinzl stated that another item that was discussed in the work session was a request from the Cyrus Lodge to put up a sign in front of their building on Burd Street. Ms. Heinzl stated that discussion was held and it was determined that they would need Planning Board approval to put up a 4 foot by 8 foot sign in front of the lodge.

Ms. Heinzl stated that the Planning Board heard a very interesting presentation of the draft Master Plan Amendment on the Historic Preservation Element. Ms. Heinzl broadly outlined the process going forward. Ms. Heinzl stated that at this point in time the Planning Board has heard the outline of the plan, a sub-committee of the Planning Board will meet to talk about the draft plan and to make recommendations and revisions for the Planning Board to consider for adoption.

Ms. Heinzl reported that the Environmental Commission met on October 19th, the discussion focused mainly on the Sustainable New Jersey Program. Ms. Heinzl stated that Sustainable New Jersey is one of the things that the Green Future Task Force will be taking up. Ms. Heinzl stated that the task force met on October 29th. Ms. Heinzl stated that this is a great team of professionals including planners, architects, environmental attorneys and interested people who are willing to work hard. Ms. Heinzl stated that they will be looking at the Sustainable NJ plan and come up with programs for each of the three municipalities with the goal that all three municipalities would gain certification as sustainable municipalities.

Ms. Heinzl reported that the Friends of the Public Library will be hosting an Open House on November 12th from 7 to 9 pm. Ms. Heinzl stated that the Library is beginning to form an Adult Program Committee. Ms. Heinzl stated that the Adult Program feature a film series and lectures. Ms. Heinzl reported that the Library budget is on track and the amount for next years budget will be \$175,096.

Ms. Heinzl reported that the Pennington Farmers Market has concluded for the season, but there is a really good cookbook available at local businesses featuring a collection of recipes put together by the farmers and local chefs.

Public Works / Economic Development – Mr. Lawver gave the following report for Water and Trash for the month of October 2009.

PENNINGTON BOROUGH PUBLIC WORKS

TO: Joseph Lawver, Chairman
Public Works Committee

FROM: Jeff Wittkop, Superintendent

DATE: November 2, 2009

RE: **COUNCIL REPORT FOR THE MONTH OF OCTOBER 2009**

WATER

| | |
|--|-----------|
| Water pumped for the month of October 2009 - | 8,285,000 |
| Daily- | 267,200 |

| | |
|---|-----------|
| Water pumped for the month of October 2008- | 8,460,000 |
| Daily- | 272,900 |

For the month of October 2009 we averaged 5,700 gallons **less** per day than October 2008.

TRASH

81.91 tons of household trash for the month of October 2009 vs. 80.46 tons in October 2008

Leaf pick-up has started. Leaves should be blown or raked to the curb and should be placed at least 20 feet from stormwater inlets. Leaves may be raked or blown to the street in long windrows and should be free of any debris such as sticks, branches or other debris.

Mr. Lawver reported that the Borough Auction was held on October 24th with net proceeds amounting to \$578.00.

Mr. Lawver reported that a major water break on Main Street has been repaired. Mr. Lawver stated that the Public Works Department is still looking for additional leaks that may contribute to the Borough's unaccounted for water.

Mr. Lawver stated that two large meter customers that are not in compliance with the ordinance have been issued letters notifying them that they have until January 1st to comply or the Borough will move to the enforcement stage.

Mr. Lawver stated that beginning in January, Pennington will move from segregated recycling to mixed recycling. Mr. Lawver encouraged Council Members to spread the word.

Mr. Lawver reported that the Economic Development Commission met and they are seeking nominations for the Business Person of the Year Award. Mr. Lawver stated that the Streetscape Plan was discussed and the Economic Development Commission is interested in taking a lead role in trying to find a way to implement the plan.

Personnel/Shade Tree – Mr. Ogren stated that the Personnel Committee did not meet in October. Mr. Ogren reported that the Shade Tree Commission met in October and discussed a draft shade tree protection ordinance.

Community Services – Ms. Chandler stated that Parks and Recreation had two events in October, movie night featuring Ghostbusters at Howe Commons and the Chili Cookoff which had to be relocated to the Fire House due to weather. Ms. Chandler stated that the Carol Sing planned for December 20th has been changed to December 13th to coincide with the Communities of Light.

Public Safety – Mr. Tucker reported that the annual Homecoming Parade was held on October 10th with no reported incidents. Mr. Tucker reported that on October 16th Pennington School held their annual Homecoming bonfire with no reported incidents. Mr. Tucker reported that Mr. Meytrott and Sergeant Friedman attended a meeting of the Hopewell Valley Regional School Safety Committee; safety drills for all schools are being planned. Mr. Tucker that there were no reported incidents for Halloween this year.

Mr. Tucker reported the following statistics for the month of October 2009.

| | |
|-----|---------------------|
| 132 | Motor Vehicle Stops |
| 48 | Warnings |
| 26 | Parking Summons |
| 2 | Adult Male Arrests |
| 1 | Adult Female Arrest |
| 2 | Juvenile Arrests |

Mr. Tucker reported that the first round of police contract negotiations will be held on November 9th, 2009.

Finance – Mr. Griffiths reported that the Finance Committee did not meet in October. Mr. Griffiths reported that the finance committee is scheduled to meet next week to review the thirty year capital projections, discuss water rates and whether an increase is needed and to discuss overhead allocations and a master fee schedule.

New Business

**Borough of Pennington
Resolution #2009-11.1**

RESOLUTION AUTHORIZING REFUNDS

BE IT RESOLVED, that a refund be issued to Wells Fargo Real Estate Tax Services, LLC, ATTN: Financial Support Unit – Region 1, 1 Home Campus, MAC X2302-045, Des Moines, IA 50328-0001 for an overpayment of fourth quarter 2009 taxes in the amount of \$1,029.34 for Block 1005, Lot 4.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | M | | | | Lawver | X | | | |
| Griffiths | X | | | | Ogren | X | | | |
| Heinzel | X | | | | Tucker | S | | | |

Council Member Chandler made a motion to approve Resolution 2009-11.1, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 11.2**

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 \$ 1,427,533.10 from the following accounts:

| | |
|---------------------|------------------------|
| Current | \$ 1,310,597.74 |
| W/S Operating | \$ 108,232.01 |
| Grant Fund | \$ 1,679.68 |
| Developers' Escrow | \$ 2,396.05 |
| Water/Sewer Capital | \$ 1,968.00 |
| Animal Control Fund | \$ 222.00 |
| Trust Other | \$ 1,937.40 |
| Unemployment Trust | \$ 500.22 |
| TOTAL | \$ 1,427,533.10 |

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | M | | | | Lawver | X | | | |
| Griffiths | X | | | | Ogren | X | | | |
| Heinzel | X | | | | Tucker | S | | | |

Council Member Chandler made a motion to approve Resolution 2009-11.2, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009-11.3**

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 2009 budget appropriations:

| <u>Appropriations:</u> | <u>To:</u> | <u>From:</u> |
|------------------------------|---------------------|--------------------|
| Tax Collection – Salaries | \$ 5,200.00 | |
| Municipal Clerk – Salaries | | \$ 5,200.00 |
| Construction – Salaries | \$ 5,410.00 | |
| Streets – Other Expense | | \$ 2,500.00 |
| Group Insurance – Retired | | \$ 2,110.00 |
| Celebration of Public Events | | \$ 800.00 |
| Total Current Fund | \$ 10,610.00 | \$10,610.00 |

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | M | | | | Lawver | X | | | |
| Heinzel | X | | | | Ogren | X | | | |
| Griffiths | X | | | | Tucker | S | | | |

Council Member Chandler made a motion to approve Resolution 2009-11.3, second by Council Member Tucker. Council Member Lawver asked for an explanation on this resolution. Mr. Dunworth stated that when the budget was done, Irene Billings was still here and the Deputy Clerk portion of her salary was charged to Clerk Salaries. Mr. Dunworth explained that Wayne does not have the Deputy Clerk title and the salary should have been adjusted to reflect that. Mr. Dunworth stated that he would look further into the reason for the transfer to Construction Salaries. Upon a roll call vote, all members present voted in favor.

**Borough of Pennington
Resolution #2009 – 11.4**

**A RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 1 TO
LIBERTY CONSTRUCTION AND DEVELOPMENT, INC. FOR WORK COMPLETED ON THE
WELL 8 WATER TREATMENT SYSTEM PROJECT**

WHEREAS, Liberty Construction and Development, Inc. has completed certain work pursuant to contract for the Well 8 Water Treatment System Project (VNHA #39203-500-22); and

WHEREAS, Van Note Harvey Associates, P.C. has reviewed the application and recommends payment for completed work and stored materials pursuant to the Contractor’s Request for Payment No. 1 (\$ 30,812.27) less two percent (2%) retainage (\$ 616.25), the net due therefore amounting to \$30,196.02; and

WHEREAS, this is a partial payment under the contract; and

WHEREAS, funds are available in the Water/Sewer Capital budget;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that payment to Liberty Construction and Development, Inc. in the amount of \$ 30,196.02 pursuant to payment request No. 1 is hereby authorized.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | X | | | | Lawver | M | | | |
| Griffiths | X | | | | Ogren | X | | | |
| Heinzel | X | | | | Tucker | S | | | |

Council Member Lawver made a motion to approve Resolution 2009-11.4, second by Council Member Tucker with all members present voting in favor.

**Borough of Pennington
Resolution #2009 – 11.5**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE
STATE FOR A COMMUNITY STEWARDSHIP INCENTIVE PROGRAM – BUSINESS
STIMULUS FUND GRANT**

WHEREAS, the Governing Body of the Borough of Pennington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$7,000.00 from the Community Stewardship Incentive Program – Business Stimulus Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body resolves that Anthony J. Persichilli or the successor to the office of Mayor is authorized to make application for such a grant and, if awarded, to execute a grant agreement with the State for a grant in the amount of \$7,000.00;

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Pennington, authorizes Borough Administrator, Eugene Dunworth to comply with conditions of the grant agreement. The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | X | | | | Lawver | X | | | |
| Griffiths | X | | | | Ogren | S | | | |
| Heinzel | X | | | | Tucker | M | | | |

Council Member Tucker made a motion to approve Resolution 2009-11.5, second by Council Member Ogren. Mr. Ogren stated that this is a grant program that the State has had for a number of years and this year because of Stimulus funds the program has been resurrected and funds are available for tree planting specifically. Mr. Ogren stated that the application is for trees in the downtown area. Mr. Ogren explained the plan and where the proposed trees would be planted. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2009-11.6**

**A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY
IN ACCORD WITH THE FTC'S "RED FLAG RULE"**

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective November 1, 2009, and require municipalities operating utilities to implement an identity theft program and policy, and

WHEREAS, those rules apply only to a municipality that operates a utility or engages in other activity that extends credit; and

WHEREAS, those rules do not affect the property tax billing and collection process or fiscal activities where users are billed in advance and credit is not provided; and

WHEREAS, Pennington Borough in the County of Mercer has determined that the following policy is in the best interest of the Borough and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pennington that the Identity Theft Policy annexed here to is hereby approved:

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|------------|-----|-----|------|------|------------|-----|-----|------|------|
| Chandler | X | | | | Lawver | M | | | |
| Griffiths | S | | | | Ogren | X | | | |
| Heinzel | X | | | | Tucker | X | | | |

Council Member Lawver made a motion to approve Resolution 2009-11.6, second by Council Member Griffiths. Mayor Persichilli asked for an explanation of this resolution. Mr. Bliss stated that this Resolution and plan are model documents from a Local Finance Notice put out by the Department of Community Affairs. Mr. Bliss stated that Pennington Borough's Water Department falls within these regulations. Mr. Bliss explained the regulations and stated that the model policy could be cut down substantially but he would seek input from the affected entities. Mr. Bliss stated that this explicitly does not apply to tax collection so the only issue is the extent to which any of these provisions would apply. Mr. Bliss asked for Council Members concerns. Mr. Lawver stated that much of the model plan could be eliminated as the vast majority does not apply to Pennington Borough. Mr. Dunworth stated that we are supposed to have this plan in place effective November 1st in order to be in compliance. Mr. Lawver stated that he would agree with adopting the plan if sections 4.A.1.c, 4.A.1.d and 4.A.1.e (2, 3, and 5) were eliminated. Mr. Bliss stated that it seems to him that Section 5 applies to entities that lend credit and in our business the only credit extended is to the homeowner with a fixed location/fixed identity. Mr. Bliss stated that Section 6 also does not appear to apply to the Borough and Section 7 simply addressed periodic update to the plan and Section 8 is Program Administration which applies to everybody. Mr. Bliss stated that one of the compromises in terms of compliance might be to adopt the policy without Section 5 and Section 6. Mr. Bliss stated that one of the problems with adopting and then amending later is that we are locked into acceptance of Red Flag Procedure as relevant to us. Mr. Bliss stated that if Council is going to adopt now and amend later, he would recommend adopting minimally now so that if the plan is amended later it would be to add as opposed to subtract. Discussion followed regarding Electronic Distribution. Mr. Bliss suggested that Section 4.A.3 be amended. Upon a roll call vote the resolution with the amended plan was approved with all members present voting in favor.

Council Discussion

Resolution 2009-10.4, Payment to Top Line Construction – Ms. Sterling stated that there was an error on Resolution 2009-10.4 when it was approved at the October meeting. Ms. Sterling stated that the amount should be \$1,679.68 which is the amount that was paid. Ms. Sterling stated that there was an error on the backup documents. Mr. Bliss stated that Council could ratify this change by a voice vote. Council Member Lawver made a motion to approve the correction, second by Council Member Heinzl with all members present voting in favor by voice vote.

Standards for Parking Ordinances in Pennington Borough – Mr. Dunworth stated that Mr. Meytrott requested that his item be on the agenda. Mr. Dunworth stated that Mr. Ogren brought up a question as to what standards are being used to determine parking restrictions on Borough roads which was prompted by a discussion of parking at the intersection of Academy and Burd Streets. Mr. Dunworth stated that Pennington Borough does not currently utilize any State or Federal regulations. Mr. Ogren stated that in connection with the Safe Routes to Schools Grant, the Borough will need to adopt standards to address crosswalk intersections that will be improved. Discussion followed as to what standards should be used. Mr. Meytrott stated that the only recognized State guideline is the ASHTO Standard. Mr. Meytrott stated that with standards in place it would be more defensible if someone were to ask how no parking restrictions were determined. Mr. Lawver suggested getting the ASHTO standard as a starting point.

Mayor Persichilli asked for an update on the proposed back parking area. Mayor Persichilli stated that the Borough received verbal ok from the Pennington School to use a piece of the property for parking. Mayor Persichilli stated that the proposed lot would be for Borough employees and would free up about eight or ten spots in the Borough lot. Mayor Persichilli asked if anything has been done with regard to the additional parking. Mr. Lawver stated that he has talked to the Borough Engineer and requested an estimate for what it would cost to construct the additional parking. Mr. Lawver stated that the design the Borough Engineer has come up with is the Cadillac version and the estimate was \$145,000, \$100,000 construction and \$45,000 design and permits. Mr. Lawver stated that the bulk of the \$45,000 was for permitting which after consideration he does not think is needed. Mr. Lawver stated that what is driving the cost estimate is that the Borough Engineer is addressing an already existing water run-off problem from the Borough Parking Lot. Mr. Lawver stated that presently there is a lot of water that runs behind the houses and coming out on North Main Street. Mr. Lawver stated that the Borough Engineer also included an estimated cost for lighting and modification to the building to address safety of anyone utilizing the back entrance of the building. Mr. Ogren stated that he feels that this job could be done by a landscape contractor and does not require engineering or design work. Mr. Ogren stated that he thinks a retaining wall and some drainage work is needed, all of which could be done by a landscape contractor. Mr. Ogren proposed sitting down with a landscape contractor to pursue this as another option. Mr. Dunworth stated that he has discussed this project with Mr. Wittkop who has expressed some concerns. Mayor Persichilli suggested that a meeting be held with all concerned to find a middle ground between the Cadillac solution and the landscape contractor solution.

Interlocal Agreements – Mayor Persichilli stated that a letter was sent to Hopewell Township requesting an extension of the November 1 deadline to pursue other options. Mayor Persichilli stated that the request for an extension was denied by the Township Administrator. Mayor Persichilli stated that he met with Mayor Sandom, sent her another letter to request the extension and now the deadline has been extended to December 1. Mayor Persichilli stated that the current agreements need to be reviewed to see if there is room for negotiating and/or other options need to be looked at. Mr. Dunworth stated that this item was put on the agenda as a result of a meeting that was held at the Township. Mr. Dunworth stated that this has to do with a discussion regarding the Police Department. Mr. Dunworth stated that Mr. Ogren was at the meeting and he was the driving force behind bringing back together Mr. Meytrott and Chief Meyers to finish the internal study regarding consolidation. Mr. Meytrott stated that what has been suggested is a very scaled down version of the original study. Mr. Meytrott stated that this can be done by the end of the year provided that the Township provides the necessary information. Mr. Meytrott stated that one issue that should be considered before the Borough moves forward is that you want to be careful about putting together too small of a package. Mr. Meytrott stated that this is going to be a very controversial issue. Mr. Lawver and Ms. Chandler expressed confusion as to what was being discussed. Mr. Ogren stated that Mr. Meytrott and Chief Meyers were pursuing what they had outlined last December regarding the possible merging of the two police departments. Mr. Ogren stated that the study was sidetracked and he brought up at the meeting the idea of resurrecting some version of the study so that a report could be provided by the end of the year. Mr. Meytrott stated a much smaller version of the complete package which was originally being studied which would have explored several options; merger, consolidation, fee for service contract etc. Mr. Lawver asked how the original study became sidetracked. Mayor Persichilli stated that about six weeks ago Hopewell Township stated that they would no longer discuss the possibility and that Chief Meyers should stop working on the study. Mr. Meytrott stated that last week at a meeting, Mr. Ogren stated that he would like to see the study move forward, but on a much more simplified scale. Mr. Meytrott stated that it could be done, however Pennington Borough needs to be sure that all information gets out and gets out correctly. Mr. Dunworth stated that how this all started is that Hopewell Township held several meetings on shared services and invited the two Boroughs to come in to listen to their thoughts on shared services on all different issues. Mr. Dunworth stated that these were internal meetings with Administrators and Department Heads. Mr. Dunworth stated that Mayor Persichilli suggested that Mr. Ogren also attend the meetings and that is how this has derived. Mr. Griffiths asked for an explanation of a scaled down analysis. Mr. Ogren stated that he does not honestly know, but felt that there was nothing to lose with going forward. Mr. Meytrott stated that scaled down in his opinion would be to look at a couple of options and limit the analysis to those couple options. Mr. Griffiths asked if all the options would result in elimination of the Police Department. Mr. Ogren stated that the whole thing is predicated on a shared service. Ms. Chandler stated that we are looking at pulling away from other shared services and now this is on the table? Mayor Persichilli stated that if Council does not want to proceed with the study, then they

won't. Mr. Lawver asked when a discussion of interlocals would be taking place. Mayor Persichilli stated not in the next couple days, but before November 31st. Mr. Meytrott stated that as he envisions this Hopewell Township would supply Pennington Borough with three or four different scenarios for provided Police services. Mr. Meytrott stated that proceeding with the study on this smaller scale would severely limit Pennington Borough's options. Ms. Heinzl stated that she does not like this approach and feels like then the Township is defining what the Borough's options are. Ms. Heinzl stated that she would like to be part of the discussion of this. Mr. Ogren stated that Chief Meyer is working with Mr. Meytrott on the analysis. Mr. Meytrott stated that this approach is one directional as opposed to uni-directional. Mr. Meytrott stated that what that means is the Borough would only be looking at Hopewell Township provided services and not looking at keeping the department or going elsewhere. Mr. Lawver asked if it could be decided who would be sitting at the table to discuss this with Hopewell Township. Mayor Persichilli stated that a meeting will take place in a couple days to talk about shared services in general and displeasure with the proposed increases. Mr. Meytrott stated that Chief Meyer was ordered by Hopewell Township several months ago to cease and desist doing any work on this study because the entire overriding issue of shared services came up and that's what prompted Mr. Ogren to move ahead in this area.

Increased Dog/Cat License Fees – Mr. Ogren stated that he provided a fact sheet and during a shared services meeting he found out that the Hopewell Township fee is \$15.00 and Pennington Borough's is \$5.50. Mr. Ogren stated that Pennington Borough's fee has not been increased in some time and though it is too late to increase for 2010, it should be considered for 2011. Mr. Griffiths stated that he is working on a master fee schedule including all fees that are charged throughout the Borough. Mr. Griffiths stated that this doesn't mean that any fees will be increased just that they will all be contained in one place which would compel the finance committee to review the fees every year and make adjustments as needed. Ms. Heinzl stated that Council should be careful not to collect fees in excess of what a service costs. Ms. Heinzl stated that to the extent that the interlocal agreement for animal control covers all residents in town and now the cost would be on the backs of residents that own pets does not seem fair. Discussion followed as to what is covered by the interlocal and whether the dog/cat license fees should be raised to cover the interlocal agreement. Mr. Griffiths stated that the finance committee will be discussing all fees in comparison to overhead costs. Ms. Heinzl stated that the purpose of licensing dogs and cats is to make sure that pets have had their rabies shots it is not to make sure that residents who own pets are paying for the interlocal that provides animal control services. Mayor Persichilli stated that since the fee is already set for next year, this discussion should be revisited for 2011.

Ad-Hoc Committee on Sight Triangle Standards – Mr. Dunworth asked if an Ad-Hoc Committee has been appointed. After a brief discussion Mayor Persichilli asked Bill Meytrott, Jeff Wittkop, Tom Ogren and Weed Tucker to serve on a committee to study Sight Triangle Standards.

Senior Center Land Swap – Mayor Persichilli stated that somewhere along the way, Mayor Sandom got the idea that Pennington Borough would be donating some land to the Senior Citizens. Mr. Tucker stated that there had at one point been some discussion in the abstract about the possibility of swapping the Senior Center for the Pennington School land to provide parking. Mr. Tucker stated that somehow, Bill Farmer of the Senior Advisory Board thought that Pennington could sell the Senior Center and that money could go back to the seniors for the new Senior Center. Mr. Tucker stated that he explained to Mr. Farmer that these are two separate issues and at no time was there discussion of a land swap. Mayor Persichilli stated that the reason this is coming up is because Mayor Sandom is writing to Mercer County about matching funds for a grant and part of the proposal was that Pennington Borough would swap land as Pennington's piece of the match. Mr. Ogren stated that his understanding was that it would not be a land swap, but would be a donation as a match for the County Grant instead of putting up cash. Mr. Lawver stated that this is putting the cart before the horse because he is not in favor of Pennington signing on to any grant applications until there is a plan for the Senior Center that is reasonable for Pennington. Mr. Lawver stated that currently the Seniors are marching down the yellow brick road to the Taj Mahal. Mr. Griffiths stated that currently the proposed Senior Center is off the table until a written plan is presented. Mayor Persichilli stated that he advised Mayor Sandom that Pennington Borough is not willing to donate the Senior Center property towards any grants. Council Members agreed not to get involved in any grant applications until a Senior Center plan is presented that everyone can agree on. Mr. Lawver stated that he does think that Pennington needs to find another representative for the Senior Advisory Board to replace Mr. Riley.

Sunesys – Mr. Bliss stated that Sunesys has sent a request asking to install fiber optic cabling either underground or on the poles along a portion of Delaware Avenue and they are seeking a license/use agreement with the Borough. Mr. Bliss stated that the agreement would authorize a fee to be paid to the Borough and would be good for a period of forty to fifty years. Mr. Bliss stated that he would like to have comments from Mr. Wittkop, the Borough Engineer, Mercer County and the Mid Jersey JIF as to potential complications so that Council can assess the provisions of the agreement and the fee that is proposed. Discussion followed as to how to proceed with this request. Mr. Bliss stated that Ms. Sterling has forwarded the proposed agreement to Mercer County, because these are County roads, to the Borough Engineer and to Mr. Wittkop. Mr. Lawver indicated that there is no reason to refer this to the Borough Engineer and asked that an e-mail be sent to Don Fetzer as the Borough does not need to incur engineering costs for this request. Mr. Bliss stated that his issue on this is whether to have informed consent or blind consent. Mr. Lawver stated that the poles are owned by Verizon and have been in place for years and so he does not see any engineering concerns. Mr. Ogren stated that the only thing that Council needs to decide is how to accept the fee. Council Members agreed to review the agreement and to discuss it further at the December meeting.

Administrator's Report

Mr. Dunworth stated that a resident came in today and raised a complaint about ads that the Trenton Times has been throwing on to his lawn. Mr. Dunworth stated that this particular resident felt that this is a

nuisance and is considered littering and that it should be stopped. Mr. Bliss stated that towns can regulate the manner of distribution only. Mr. Griffiths stated that rural towns require a paper box and if a resident does not have a paper box the ads can not be delivered. Mr. Bliss stated that an ordinance requiring a slot under the mailbox for newspapers so that if the homeowner consents to getting these advertisements, he would have a slot under the mailbox. Mr. Wittkop stated that would also deal with stormwater issues as many of these bags that are thrown end up in the storm drains. Council agreed that an ordinance should be done to resolve this problem. Mr. Bliss stated that he would look for model ordinances from other municipalities on this issue.

Professional Reports

Mr. Bliss stated that he has asked for a closed session following the regular meeting.

Mr. Ogren stated that a memo has been distributed from Tax Assessor, Toni Sost regarding spot revaluation. Mr. Dunworth stated that the Tax Assessor has the right to do spot revaluation and her only job is to inform Council. Mr. Dunworth stated that Toni Sost has told him that based on the sales that have come in that she has reviewed the neighborhoods indicated on the memo are assessed too high and she is going to lower these sectors based on sales data that has come in. Mr. Dunworth stated that the Tax Assessor has submitted these recommendations to the County Tax Board for their approval and she has not heard back yet. Mr. Bliss explained that State Statute requires that every October 1, the Tax Assessor shall assess all real property in the municipality based on its fair value. Mr. Dunworth explained that this appears new to Council for two reasons, one the Borough did a revaluation in 2006 which buys the municipality a couple of years and then in 2008, changes in the real estate market have been disastrous. Since Council Members seemed to have questions for Toni Sost, Mayor Persichilli asked Mr. Dunworth to ask her to attend the December meeting.

Public Comment Period

Mayor Persichilli asked anyone wishing to speak to come forward and state their name and address for the record and to limit comments to a maximum of five minutes.

There were no comments from the public.

Closed Session

Mayor Persichilli read the following resolution to convene in Closed Session.

AT, 9:03 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:

Litigation – Presbyterian Homes

AT, 9:27 PM, Mayor and Council returned to open session.

At, 9:27 PM, Council Member Griffiths made a motion to adjourn the meeting, second by Council Member Heinzl.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk