

**Pennington Borough Council
Regular Meeting – December 4, 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, Lawver, Marciante and Mills in attendance. Mayor Persichilli and Council Members Gnatt and Griffiths were absent.

Also present were Borough Administrator Eileen Heinzl, Public Safety Director Bill Meytrott, Public Works Superintendent Rick Smith 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 the members of Boy Scout Troop 44 to come forward and lead 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.**

Ms. Terry Evanko of 140 Woolsey Court came forward and state that she is the former president of the Pennington Point Condominium Association and she would like to thank the Mayor and Borough Council and particularly the staff of the Borough during her tenure as President of the Condominium Association. Ms. Evanko also thanked Mayor and Council for the monitoring that is taking place at the American Properties construction site. Ms. Evanko stated that on behalf of Pennington Point she would like to thank everyone from the Police and Public Works departments and from Van Note Harvey Associates for monitoring the activity at the site.

Mayor's Business

Mr. Lawver announced that Mayor Persichilli could not be here tonight but he did request the following appointment to the Shade Tree Committee. Mr. Lawver stated that we welcome any and all volunteers for any and all of our Boards and Commissions.

Mayor's Appointments (with Council Approval)

Mr. Lawver announced the appointment of Christopher Brookes to the Shade Tree Commission for an unexpired term ending December 31, 2020. 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 November 13, 2017 Regular Council Meeting, second by Council Member Mills with all members present voting in favor.

Presentations

Mr. Lawver invited Joann Held to come forward to make a presentation on behalf of the Environmental Commission. Mrs. Held stated that she is a resident of Laning Avenue and she is here as the Acting Chair of the Environmental Commission along with some other members of the Commission. Mrs. Held introduced Nick Angarone, Harry Compton and Art Firestone also in attendance. Mrs. Held stated that there are areas in town where cars sit and idle and the Environmental Commission thinks that this is a public health issue and should be addressed. Mrs. Held stated that the Environmental Commission has been talking about this and tossing around some ideas. Mrs. Held stated that they have come up with a draft proposal that is outlined in a packet that was included in the Council packets. Mrs. Held stated that the Commission wanted to discuss these ideas with Council before they go any further and they requested to come to this meeting because they would like to purchase anti-idling signs with funds in available in the 2017 budget. Mrs. Held stated that is the short term idea, but the commission feels that this is a longer term project. Mrs. Held stated that putting up signs is not the end of the project. Mrs. Held asked Mr. Angarone to go over the proposal and to outline some of their ideas.

Mr. Angarone stated that he is a resident of Park Avenue. Mr. Angarone stated that both the DEP and the EPA have identified emissions from idling vehicles as a health risk and that is particularly for children. Mr. Angarone stated that some of the materials in front of Council identify some statistics and aside from being a health risk idling is a waste of money and vehicle emissions are the largest source of greenhouse gas emissions in the State. Mr. Angarone stated that the Environmental Commission's focus is on an outreach and education campaign particularly on the health impacts to children and the public at large.

Mr. Angarone stated that the proposal outlines a multi-phase approach to how the outreach campaign would be implemented. Mr. Angarone stated that included in the packet are some sample materials that might be appropriate for distribution. Mr. Angarone stated that the Environmental Commission is planning to work with the Board of Health and the schools to get information out about anti-idling. Mr. Angarone stated that the third step would be to post some anti-idling signs in areas where idling has been identified as an issue. Mr. Angarone stated that three locations have been identified, Kunkel Park, Sked Street Park and the streets around the Tollgate School. Mr. Angarone stated that additional phases of the proposal depend on the success of the first phase of the proposal and the response gathered through the outreach program. Mr. Angarone stated that the proposal includes some examples of anti-idling signs that the Borough might want to consider. Mr. Angarone stated that there is a link on the form that Council Members can visit and view a number of different signs. Mr. Angarone stated that he has identified a few examples in the proposal. Mr. Angarone stated that it is in a nutshell with the focus being on outreach and education to bring this issue to the public's attention first.

Mr. Marciante asked how many incidents of idling have been seen that have led to this being a problem. Mr. Angarone stated that personally he has children in Tollgate and he lives near Kunkel Park and he has observed multiple instances, particularly at Tollgate during pickup times. Mr. Angarone stated that in the summer at Kunkel Park and Sked Street cars have been observed idling with either heat or air conditioning on. Mr. Marciante stated that he does security at the schools and today he took note of things and not one bus was left idling because they have been advised not to leave the buses running. Mr. Marciante stated that once the temperature drops he is sure that the buses will be kept running for ten to fifteen minutes to make it warm for when the children board. Mr. Marciante asked if that would still be allowed or if the buses would be told to shut down. Mr. Angarone stated that this is primarily an outreach and education campaign. Mr. Marciante stated that is fine, but idling is against the law. Mr. Marciante stated that he agrees with the idea, but he does not want this to become crazy with more signs in town. Mr. Marciante stated that there are a lot of signs in town and one of the signs in the proposal would be suitable for the parks, but he does not think that it will be easy to stop school traffic from idling. Mr. Marciante stated that he agrees with educating the students with posters and handouts that will get back to the parents, but we cannot have the police department out with stop watches enforcing the idling regulations. Mrs. Held stated that they agree and they do not see this proposal as an enforcement project, it is more of a public education project. Mrs. Held stated that on the topic of buses, she believes that the bus companies has a policy and we would not be asking that their policies be changed although it might be good for the commission to review the policy to make sure that is seems sensible and also for the Borough to be aware of the policy. Mr. Lawver stated that he agrees with Mr. Marciante about there being a lot of signs in town but he has also observed idling on Delaware and Main with people parking and running in for a slice of pizza while their car is left running. Mrs. Chandler stated that a sign serves as a reminder and makes people think before doing something. Mr. Lawver suggested co-locating the signs where on poles that are already installed. Mrs. Mills asked if any gentle reminders have been sent out to parents at Tollgate. Mrs. Mills stated that she understands about posting signs in other locations in town, but she thinks that there would be more control of reminding parents particularly at the schools and at sporting events that idling is against the law. Mrs. Held stated that one of the first steps that they were planning to take was to collaborate with the schools to reach out to parents by sharing information about the issues caused by idling. Mr. Lawver suggested that temporary pop-up signs that can be moved from one location to another might also be more effective than permanent signs that tend to disappear in to the background.

Mrs. Chandler stated that Health Officer Stephanie Carey is in the audience and the Board of Health is partnering with the Environmental Commission on this project. Mrs. Carey came forward and stated that she supports the Environmental Commissions ideas of using signs to reduce idling. Mrs. Carey stated that signs tend to be a good trigger for getting people to change what they are doing. Mrs. Carey stated that municipalities tend to stay away from ticket writing but posted signs serve as a reminder and it also allows for people who are bothered by a vehicle that is idling to point direct people to look at the sign.

Mr. Marciante stated that Mrs. Carey stated that she is the Health Officer for Montgomery Township, Hopewell Borough, Pennington Borough and Rocky Hill. Mr. Marciante asked how many other municipalities have posted signs. Mrs. Carey stated that there is targeted signing at specific locations in Rocky Hill and Montgomery Township. Mrs. Carey stated that signs are also posted at the schools and they have been very supportive of the signs because of the risks to children.

Mrs. Held thanked Borough Council and stated that they will keep Council posted on this project.

Committee Reports

Planning & Zoning / Open Space – No report.

Public Safety / Personnel – Mr. Marciante stated that the Public Safety Committee met to discuss part time officers. Mr. Marciante stated that they will advertise for part time officers so that a list can be created. Mr. Marciante stated that once the list is created if a need arises due to a full time officer being out for an extended time, the department can fill the need with a part time officer in an effort to reduce the overtime. Mr. Marciante stated that the committee also discussed crossing guards because of the problem of having the officer on duty fill in for crossing guards during the most critical time of the day. Mr. Marciante stated that the committee discussed raising the hourly rate to be more competitive with the Township and surrounding communities and to get people to apply for the positions.

Public Works/ Library / Shade Tree / Senior Advisory – Mr. Lawver stated that the Public Works Committee did not meet.

Mr. Lawver stated that the Shade Tree Commission welcomes Christopher Brookes as a new member to the group.

Mr. Lawver stated that the Senior Advisory Board did not meet.

Mr. Lawver stated that there are a couple of Public Works issues that he would like to make Council aware of. Mr. Lawver stated that the water main work on Curlis and Weidel is scheduled to begin in the next couple of weeks.

Finance – No report.

Parks and Recreation – Mrs. Mills reported that Parks and Recreation did not meet and the Library met on a Tuesday, but she was unable to attend.

Historic Preservation / Board of Health / Environmental / Economic Development – Mrs. Chandler reported that the Environmental Commission has been working on the anti-idling campaign and they have discussed the arboretum project. Mrs. Chandler stated that she will be arranging a meeting regarding the arboretum.

Mrs. Chandler stated that Historic Preservation met and primarily discussed 63 North Main Street. Mrs. Chandler stated that Mr. Childs attended the meeting and it is understood that the house was purchased through an auction and they are anticipating a closing date in December. Mrs. Chandler stated that they discussed with Mr. Childs a neighbors concern regarding personal property clean up as there are State Regulations regarding personal property. Mrs. Chandler stated that this will have to be sorted out with the new owner. Mrs. Chandler stated that the Historic Preservation Commission is looking for a Business Owner or Commercial Property Owner to serve on the commission.

Mrs. Chandler stated that the Economic Development Committee met and they continue to discuss the grease trap ordinance. Mrs. Chandler stated that they have also discussed the possibility of selling a retail liquor license. Mrs. Chandler stated that the committee is preparing for the award ceremony that they host in conjunction with the Historic Preservation Commission.

Mrs. Chandler stated that the Board of Health did not meet. Mrs. Chandler stated that Health Officer Stephanie Carey has already spoken about the Anti-Idling Campaign and she is also here to answer any questions regarding the e-cigarette ordinance.

Council Discussion

There were no items for Council Discussion.

Ordinances for Public Hearing and Adoption

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 open the Public Hearing on Ordinance 2017-17, second by Council Member Marciante. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing, second by Council Member Marciante with all members present voting in favor. Council Member Marciante made a motion to adopt Ordinance 2017-17, second by Council Member Mills with all members present voting in favor.

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 reasonably 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 Chandler made a motion to open the Public Hearing on Ordinance 2017-19, second by Council Member Marciante. There were no comments from the public. Council Member Chandler made a motion to close the Public Hearing on Ordinance 2017-19, second by Council Member Mills with all members present voting in favor. Council Member Chandler made a motion to adopt Ordinance 2017-19, second by Council Member Marciante. Mrs. Chandler asked for clarification on the discussion that was held at the last meeting regarding the reference to three months and six months. Mr. Lawver stated that the discussion ended with leaving the ordinance as written. Mr. Marciante asked when the ordinance will become effective. Mr. Bliss stated upon final publication of the ordinance. Upon a roll call vote all members present voted in favor the adoption.

New Business

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 12.2**

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 \$ 1,033,116.60 from the following accounts:

Current	\$ 1,001,832.20
W/S Operating	\$ 26,740.36
Grant Fund	\$ 242.50
Developer’s Escrow	\$ 241.40
Water/Sewer Capital	\$ 3,555.48
COAH Trust Fund	\$ 7.50
Unemployment Trust Fund	\$ 497.16
TOTAL	\$ 1,033,116.60

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				absent	Marciante	M			
Griffiths				absent	Mills	S			

Council Member Marciante made a motion to approve Resolution 2017-12.2, second by Council Member Mills with all members present voting in favor.

**BOROUGH OF PENNINGTON
RESOLUTION 2017-12.3**

**RESOLUTION AUTHORIZING THE PROMOTION OF CHRISTOPHER WEBB TO THE
POSITION OF LABORER 2 EFFECTIVE OCTOBER 30, 2017**

WHEREAS, an agreement exists between the Borough of Pennington and the International Brotherhood of Teamsters Local No. 35; and

WHEREAS, pursuant to Article 28 of the agreement, promotion or hiring to the Laborer 2 position requires a CDL license and satisfaction of the Borough’s criteria for promotion or position;

WHEREAS, a Laborer 2 must demonstrate a mastery of all assigned Laborer I level responsibilities with little or no supervision, direction or instruction;

WHEREAS, If a Laborer I has not been promoted to Laborer 2 after four (4) years of satisfactory performance as a Laborer I, there must be a mandatory review at the beginning of the fifth (5th) year of employment; and

WHEREAS, the Superintendent of Public Works has submitted his recommendation for promotion of Christopher Webb from Laborer 1 to Laborer 2; and

WHEREAS, the Personnel Committee has met and is in agreement with the recommendation of the Superintendent of Public Works;

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

1. The promotion of Christopher Webb from Laborer I to Laborer 2 is hereby approved effective October 30, 2017.
2. Mr. Webb’s hourly rate will be adjusted as set forth in the Agreement between the Borough of Pennington and the International Brotherhood of Teamsters – Local No. 35.
3. Mr. Webb’s pay increase will be retroactive to October 30, 2017.

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				absent	Marciante	M			
Griffiths				absent	Mills	S			

Council Member Marciante made a motion to approve Resolution 2017-12.3, second by Council Member Mills. Mr. Lawver stated that Mr. Webb has become a valuable member of the Public Works team and it is good that we can recognize him and advance him along. Upon a roll call vote all members present voted in favor.

**BOROUGH OF PENNINGTON
RESOLUTION #2017 – 12.4**

**RESOLUTION AUTHORIZING SUBMISSION OF
MUNICIPAL ALLIANCE STRAGETIC PLAN**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore along with Hopewell Township and Hopewell Borough has an established Municipal Alliance Committee; and,

WHEREAS, Pennington Borough further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse as a consortium with Hopewell Township and Hopewell Borough through the County of Mercer; and,

WHEREAS, the requested funding will be applied among the three municipalities in Hopewell Valley based on population;

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

1. The Pennington Borough Council does hereby authorize the submission of a strategic plan for the Hopewell Valley Municipal Alliance for the fiscal grant year July 1, 2018 to June 20, 2019 in the amount of:

DEDR	\$18,536.00
Cash Match	\$10,150.00*
In-Kind	\$14,000.00

*Hopewell Township: \$7,480.00, Hopewell Borough \$1,170.00, Pennington Borough \$1,500.00

2. The Pennington Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	S				Lawver	X			
Gnatt				absent	Marciante	M			
Griffiths				absent	Mills	X			

Council Member Marciante made a motion to approve Resolution 2017-12.4, second by Council Member Chandler with all members present voting in favor.

Professional Reports

Mr. Meytrott reported that no issues were reported for the Holiday Walk this year. Mr. Meytrott stated that attendance at the event was about 350 people.

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.

Mr. Lawver explained for the Scouts in attendance the reasons for the having two public comment periods, one at the beginning of the meeting and one at the end of the meeting.

There were no comments from the public.

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

Respectfully submitted,

Elizabeth Sterling
Borough Clerk