

**BOROUGH OF PENNS GROVE
MINUTES OF MAYOR AND COUNCIL MEETING**

October 16, 2018

This meeting of the Borough Council was called to order by Mayor John A. Washington, Sr. in the courtroom of Borough Hall, 1 State Street, Penns Grove, New Jersey. Mayor Washington gave the Open Public Meeting Act.

ATTENDANCE:

Council: Johnson-present, Oliver-absent, Pasquale-present, Poindexter-present, Scott-present, Washington, Jr.-present.

EXECUTIVE SESSION:

2018-10-142 – RESOLUTION AUTHORIZING EXECUTIVE SESSION

- I. Matters Relating To Attorney-Client Privilege Pursuant to N.J.S.A. 10:4-12b(8) – Discussion and update regarding the Courts’ Ruling on violations, complaints fifteen years and older.

BE IT FURTHER RESOLVED that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

Chaplain Timmons gave Invocation.

CORRESPONDENCE:

- Salem County Association Of Local Government – Dinner Meeting
- Creekside Inn at Town and Country Golf Club, 197 East Avenue, Woodstown NJ
- TRI-CO JIF – Elected Officials Liability Seminar – ‘Save The Date’
- Penns Grove Housing Authority – Thanksgiving Dinner Request
- Patrolman Curt Catalano – Letter of Resignation: Motion to accept with regret, by Washington, Jr.; second Poindexter. All in favor.
- Patrolman Matthew Eller – Letter of Resignation: Motion to accept with regret, by Poindexter; second Pasquale. All in favor.

MINUTES:

Motion to adopt July 17, 2018 regular session by Pasquale; second Poindexter. All in favor.

COMMITTEE REPORTS:

Parks & Recreation/Board of Health: Washington, Jr., addressed/stated the following: Cancer Walk went very well, and participation was excellent. ‘Trunk of Treat’ will be held at the Barber Avenue Park, which provides a safe environment for the trick or treaters. Donations of candy for ‘Trunk or Treat’ can be delivered to the Offices of the Municipal and Deputy Clerks.

Buildings & Grounds: Johnson addressed/stated the following: Nothing to report. Mayor Washington expressed concern that the grass at the Barber Avenue Park had not been cut in time for the Cancer Walk.

Public Works/Streets & Roads: Poindexter addressed/stated the following: Expressed appreciation to Police, Fire and Ambulance departments. Encouraged awareness regarding illegal drugs, expressing concern regarding drug overdoses.

General Government: Pasquale addressed/stated the following: Resolution for dilapidated seawall that is affecting several properties on Airy Avenue. The lack of a seawall, car barrier and check valve at the end South Broad Street is also causing flooding. Mayor suggested correspondence be sent to property owners or property manager, Lindsay Brown. Mayor also stated that the Sewerage Authority cleaned storm drains.

Motion to research and solicit quotes by Johnson; second Pasquale. All in favor.

Housing/Zoning & Construction/Shade Tree: Scott addressed/stated the following: Nothing to report.

DEPARTMENTAL REPORTS:

SOLICITOR’S REPORT: Telsey addressed/stated the following: Nothing to report.

MUNICIPAL CLERK’S REPORT:

FINANCE OFFICER’S REPORT: Labb addressed/stated the following: Budget Status Report, Best Practices Worksheet Inventory.

CHIEF OF POLICE REPORT: Stranahan addressed/stated the following: Police Report for the month of October 2018. Patrolman Paul working on several projects with the Penns Grove Middle School to include the Officers and students. Recommendation to hire two Officers, Russell Harris and John Nero, due to the resignation of Patrolman

Eller and Patrolman Catalano. Attended the Conner Strong Police Chief's roundtable and will be working with them on various training projects to assist other Police Departments in obtaining more on-line training. Awaiting quotes to add additional lighting and security cameras at the Barber Avenue Park.

FIRE CHIEF REPORT: Hartsough addressed/stated the following: Fire Prevention week and the importance of testing smoke, fire, and carbon monoxide alarms. Spreading awareness by going door-to-door to distribute important fire prevention literature.

CHAPLAIN REPORT: Timmons addressed/stated the following: In need of volunteers to work with Outreach of America and the ISP court system. Warrant recall effective February 2019.

RESOLUTION(S):

2018-10-143 – EXTENDING THE GRACE PERIOD FOR THE NOVEMBER 2018 TAX QUARTER

WHEREAS, the State of New Jersey was delayed in providing information needed to strike the 2018 Tax Rate for the Borough of Penns Grove, in the County of Salem, the tax rate information was not certified to the Tax Collector in a timely fashion; and

WHEREAS, pursuant to N.J.S.A. 54:4-66; mailing of tax bills twenty five days prior to due date; the grace period for the 2018 final tax bill and the 2019 preliminary tax bill needs to be extended for the November 2018 tax quarter; and

WHEREAS, the mailing date of the 2018 final, 2019 preliminary bill for the Borough of Penns Grove is yet to be determined, the grace period for the November 2018 quarter will need to be extended to meet the statutory mailing regulations; with the understanding any payments received after that established grace period will be deemed delinquent with interest accruing from November 1, 2018;

NOW THEREFORE, BE IT RESOLVED, by Committee of the Borough of Penns Grove, County of Salem; the grace period for the November 2018 tax quarter will be extended to comply with the N.J.S.A. 54:4-66 mailing statute;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their record and guidance.

Motion to adopt by Washington, Jr.; second Pasquale. All in favor.

2018-10-144 – RESOLUTION AUTHORIZING CHARITABLE SOLICITATION PERMIT FOR THE PENNS GROVE MIDDLE SCHOOL TOGETHER WE ACHIEVE SPORTS PROGRAM

WHEREAS, the Penns Grove Middle School Together We Achieve Sports Program, have requested permission to conduct a Charitable Solicitation at the intersection of Main Street and Route 130; and

WHEREAS, U.S. Rout 130 and Main Street are State and County roads, respectively, located within the Borough of Penns Grove ("Borough") County of Salem, State of New Jersey; and

WHEREAS, the applicant request to solicit at the intersection of U.S. 130 and Main Street on November 10, 2018 from 8:00 a.m. until 12:00 p.m., with a Rain Date of November 17, 2018 from 8:00 a.m. until 12:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Penn's Grove, County of Salem, State of New Jersey, hereby grant approval to the Penns Grove Middle School Together We Achieve Sports Program, with the following conditions:

1. Approval from the Salem County Board of Chosen Freeholders.
2. Approval from the State of New Jersey, Department of Transportation.

AND, BE IT FURTHER RESOLVED, that the Clerk shall forward a copy of this Resolution to the Salem County Engineer's Office, who will forward to the Salem County Board of Chosen Freeholders for consideration.

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Poindexter; second Scott. All in favor.

2018-10-145 – RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PENN STREET-PHASE III ROADWAY IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Penns Grove formally approves the grant application for the above stated project;

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Penn Street-Phase III Roadway Improvements-00266 to the New Jersey Department of Transportation on behalf of the Borough of Penns Grove;

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Penns Grove and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement;

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Washington, Jr.; second Scott. All in favor.

2018-10-146 – RESOLUTION AUTHORIZING CHANGE ORDER NO. 1

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the Reconstruction of Penn Street; and

WHEREAS, Change Order No. 1 has been submitted which reflects the as built quantities for material/services that were deducted and/or added during the construction of the project; and

WHEREAS, Change Order No. 1 will decrease the cost of the Contract by \$13,641.71; and

WHEREAS, the Borough agrees with the proposed Change Order;

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove Change Order No. 1 is hereby approved;

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Washington; second Scott. All in favor.

2018-10-147 – RESOLUTION AUTHORIZING PARTIAL PAYMENT

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the Reconstruction of Penn Street; and

WHEREAS, the Contractor has requested a partial payment in the amount of \$123,335.63 for the sawing and sealing of joints in the hot mix asphalt, the hot mix asphalt pavement repairs, the 4" thick concrete sidewalk, the 6" thick concrete sidewalk, the 6" thick reinforced concrete driveway aprons, the concrete curb and gutter, the detectable warning surface, the preparation of existing soil, the topsoiling, the temporary inlet protection, the hot mix asphalt driveways, the reconstruction of an existing A inlet with new casting and the removal of an existing wood fence, subject to approval of Change Order No. 1; and

WHEREAS, the Borough Engineer has reviewed this matter recommends the partial payment of \$123,335.63; and

WHEREAS, the Borough agrees with the Engineer's evaluation of this matter;

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that a partial payment shall be made to Landberg Construction, LLC in the amount of \$123,335.63 as set forth in the engineer's October 10, 2018 letter.

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2018-10-148 – A RESOLUTION AUTHORIZING THE SALE OF PENNS GROVE BLOCK 87 LOTS 11 and 11.01 (36 IONA AVENUE)

WHEREAS, the Borough of Penns Grove ("Borough") is the owner of certain lands and premises within the Borough and shown on the Penns Grove Borough tax map as follows:

Block 87, Lot 11 (the "Property")

WHEREAS, Penns Grove Scattered Site Rehab, LLC is the owner of Block 87, Lot 11.01; and

WHEREAS, Penns Grove Scattered Site Rehab, LLC has agreed to give Block 87, Lot 11.01 to the Borough; and

WHEREAS, the Borough would like to transfer Block 87, Lots 11 and 11.01 to Habitat for Humanity of Salem County, NJ LLC, which is a duly incorporated nonprofit organization which is organized for the purposes of building or rehabilitating residential property for resale; and

WHEREAS, Block 87, Lots 11 and 11.01 are not needed for public use; and

WHEREAS, in accordance with N.J.S.A. 40A:12-21(j) the Borough may transfer Borough owned property to a duly incorporated nonprofit organization which is organized for the purpose of building or rehabilitating residential property for resale at private sale; and

WHEREAS, the Borough would like to transfer Block 87, Lots 11 and 11.01 to Habitat for Humanity of Salem County, NJ LLC for \$1.00, subject to the terms and conditions of a Contract of Sale, which shall be satisfactory to the Borough Solicitor.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that Block 87, Lots 11 and 11.01 shall be transferred to Habitat for Humanity of Salem County, NJ LLC for \$1.00 and that the Mayor is authorized to execute the contract of sale, deed and any other document necessary for the transfer of the Property.

AND, BE IT FURTHER RESOLVED, that this transfer is contingent upon the Borough obtaining Block 87, Lot 11.01 from Penns Grove Scattered Site Rehab, LLC;

Motion to adopt by Poindexter; second Pasquale. All in favor.

2018-10-149 – RESOLUTION AUTHORIZING AN APPLICATION FOR CHARITABLE SOLICITATION FOR THE PENNS GROVE TWINS FOOTBALL

WHEREAS, the Penns Grove Twins Football, has requested permission to conduct a Charitable Solicitation; WHEREAS, U.S. Route 130 and Main Street is located within the Borough of Penns Grove ("Borough") County of Salem, State of New Jersey; and

WHEREAS, the applicant has requested to solicited at the intersection of U.S. 130 and Main Street on November 3, 2018 (rain date – November 10, 2018) from 8:00 a.m. until 2:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Penn's Grove, hereby grant approval to the Penns Grove Twins Football to conduct a Charitable Solicitation, with the following conditions:

1. Approval from the Salem County Board of Chosen Freeholders.
2. Approval from the State of New Jersey, Department of Transportation.

AND, BE IT FURTHER RESOLVED, that the Clerk shall forward a copy of this Resolution to the Salem County Engineer's Office, who will forward to the Salem County Board of Chosen Freeholders for consideration.

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Poindexter; second Johnson. All in favor.

ORDINANCE(S):

2018-13 – AN ORDINANCE AMENDING CHAPTER 359 OF THE CODE OF THE BOROUGH OF PENNS GROVE

WHEREAS, Chapter 359 of the Code of the Borough of Penns Grove regulates registration and licensing of Rental Properties; and

WHEREAS, based upon recent case law, it was determined that the Chapter 359, as currently written, may violate certain aspects of the law; and

WHEREAS, in order to comply with recent decisions of the courts with respect to landlord registration and licensing, the Borough of Penns Grove has decided to amend Chapter 359 of its code.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove that Chapter 359 of the Code of the Borough of Penns Grove shall be replaced with the following:

Article I Inspections; Property and Occupancy Standards

§ 359-1. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meaning:

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this chapter. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or for the operation of any industry or business or for any other type of independent use.

CERTIFICATE

The rental certificate of inspection issued by the Borough attesting that the rental unit has been properly inspected in accordance with this chapter.

CERTIFICATE HOLDER

The person to whom the certificate is issued pursuant to this chapter. The term "certificate holder" includes within its definition the term "agent," where applicable.

DWELLING UNIT

Any room or rooms or suite or apartment, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof.

HOTEL/MOTEL ROOM

A. The term "hotel" shall mean any building, including, but not limited to, any related structure accessory building and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient guests. This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided that this definition shall not be construed to include any building or structure defined as a multiple dwelling, registered as a multiple dwelling with the

Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such, nor shall this definition be construed to include a rooming house or a boarding house as defined in the Rooming and Boarding House Act of 1979, P.L. 1979, c. 496 (N.J.S.A. 55:13B-1, et seq.) or, except as otherwise set forth in P.L. 1987, c. 270 (N.J.S.A. 55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility as defined in this chapter.

B. In accordance with the definition provided in the Latest Illustrated Book of Development Definitions: A transient visitor's stay for hotels/motels is 1.5 days; the extended-stay facility is for five or more days, averaging seven to 10 days; no transient visitor can occupy a hotel, motel or multiple dwelling establishment for more than 30 days, nor can said transient visitor extend this time period by moving into another unit within the same establishment. Any transient room or rooms located within a hotel or motel complex, wherein a person or persons may temporarily occupy such room(s) for a period no longer than 30 days. Any room within a hotel or motel complex wherein occupancy is 30 days or longer is considered a rental unit as otherwise defined in this chapter and it shall be required to obtain a certificate of occupancy and rental registration for the same prior to occupancy. After the adoption of this chapter, no hotel or motel room may be altered or used in any way wherein the transient room becomes used as a rental unit.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of one or more dwelling units, which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

RENTAL UNIT

A dwelling unit, which is available for lease or rental purposes. "Rental unit" shall not include that portion of a rental facility occupied by the owner.

§ 359-2. Inspection.

All rental units within a rental facility hereinabove defined shall be inspected by the Borough of Penns Grove for 12 consecutive months, or with each change in occupancy, whichever shall occur first.

§ 359-3. Application for inspection; contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, every owner shall apply to the Borough Clerk of the Borough of Penns Grove, or such other person as designated by the Mayor and Borough Council, for an inspection of each rental unit contained within a building or structure. The application for inspection shall include the following information:

A. The name and domicile address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and domicile addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours. The designation of a P.O. Box or similar alternative address does not satisfy the requirements of this section.

B. If the domicile address of any record owner is not located in Penns Grove or in Salem County, the name and domicile address of a person who resides in Salem County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

C. The name and domicile address of the agent of the premises, if any.

D. The name and domicile address, including the dwelling unit number of the superintendent, janitor, custodian or other individual, employed by the owner or agent to provide regular maintenance service, if any.

E. The name, domicile address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Salem County, who may be reached or contacted at any time in the event of an emergency affecting the rental facility or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the rental facility and any repair thereto or expenditure in connection therewith.

F. The name of any pet residing in the rental unit, the breed of said pet, and the license number assigned to this pet pursuant to its licensure by the State of New Jersey and/or the Borough of Penns Grove.

G. The name and address of every holder of a recorded mortgage on the premises.

H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the application for inspection when

filed by the Borough Clerk or designee. This information shall be made available to the emergency services providers within the Borough of Penns Grove.

J. Such other information as may be prescribed by the Borough of Penns Grove.

K. The information provided to the Borough pursuant to the application for inspection shall be retained in the normal course of business by the Borough.

§ 359-4. Application for inspection; indexing and filing; public inspection; fee.

The Borough Clerk or designee shall index and file the application for inspection. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the application for inspection will simultaneously satisfy the requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being inspected, and will also satisfy the inspection requirements of this chapter. The owners shall post the rental certificate of inspection issued by the Borough in a conspicuous place within its property.

§ 359-5. Application for inspection; amendments; filing.

Every person required to file an application for inspection pursuant to this chapter shall file an amended application for inspection within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

§ 359-6. Periodic inspections.

A. Each rental unit within the rental facility shall be inspected at least once every twelve-month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Penns Grove, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Penns Grove shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit within the rental facility are deemed unsatisfactory, a rental certificate of inspection shall not issue for such property, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected and a rental certificate of inspection is issued. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this chapter, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 359-15 of this chapter. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this chapter, for good cause shown.

§ 359-7. Access for inspections; repairs.

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities and rental units, in order that they may promote the purposes of this chapter to safeguard the health, safety and welfare of the occupants of rental facilities and rental units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities and rental units at all reasonable times. The owner or occupant of every rental facility and/or rental unit shall give the inspecting officer free access to the rental facility and/or rental unit at all reasonable times, to promote the purposes of this chapter.

B. Every occupant shall give the owner of the rental facility or rental unit access to any part of such rental facility or rental unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

§ 359-8. Prohibitions on occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Penns Grove, which has not been issued a rental certificate of inspection in accordance with this chapter.

§ 359-9. Rental certificate of inspection.

A. Upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a rental certificate of inspection commencing on the date of issuance, valid for a period of 12 consecutive months. As hereinbefore stated, should a change of occupancy occur within the inspection period, the rental certificate of inspection shall be void and, upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a new rental certificate of inspection commencing on the date of issuance, valid for a period of 12 consecutive months.

B. An application for inspection shall be required for each rental unit, and a rental certificate of inspection shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

§ 359-10. Fees.

At the time of the filing of the application for inspection, and, prior to the issuance of a rental certificate of inspection, the owner or agent of the owner must pay a fee in accordance with the following:

A. An application fee shall be charged pursuant to property inspections required under this chapter as follows:

(1) Seventy Five Dollars (\$75.00) per rental unit per inspection period; and

B. Fees for the reinspection of rental units shall be charged pursuant to property inspections performed under this chapter as follows:

(1) For the first reinspection, there shall be of \$20.00.

(2) For the second reinspection, there shall be a fee of \$35.00.

(3) For the third and each subsequent reinspection, there shall be a fee of \$45.00.

C. Fees under this section are due and payable on the first day of January of each and every year. If any fee is not paid within 30 days of this due date, a late fee surcharge of \$20 shall be assessed in addition any fees outstanding.

§ 359-11. Provision of application for inspection.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the application for inspection required by this chapter. This provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as per N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the application for inspection in a conspicuous place within the rental unit(s).

§ 359-12. Maximum number of occupants; posting.

A. The maximum number of occupants, as determined by the Hotel and Multiple Dwelling Occupancy Code of the State of New Jersey, N.J.A.C. 5:13A-1 et seq., shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent and/or tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of § 359-15 of this chapter.

B. Only those occupants whose names are on file with the Borough of Penns Grove, as required in this chapter, may reside in the subject premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent and/or tenant allowing any other party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § 359-15 of this chapter.

§ 359-13. Taxes and other municipal charges; payment precondition.

No rental certificate of inspection shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

§ 359-13. Occupant standards.

A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this chapter, may reside in the premises subject to the rental certificate of inspection. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owner or of the public in general, such that it shall constitute a nuisance, as defined in the ordinance of the Borough of Penns Grove.

C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Penns Grove, and with all applicable state and federal laws.

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 359-15 of this chapter.

§ 359-14. Revocation of rental certificate of inspection; procedure.

A. Grounds. In addition to any other penalty prescribed herein, a certificate holder may be subject to the revocation or suspension of the rental certificate of inspection issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this chapter at a hearing held pursuant to Subsection B, herein.

(3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Borough.

(4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to the person or property.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a rental certificate of inspection may be filed by any one or more of the following: Director of the Office of Code Enforcement, Chief of Police, Construction Code Official, Code Enforcement Officer, Fire Inspector or any other persons or officers authorized to file such complaint. Such complaint shall be in writing and filed with the Borough Clerk or

designee. The complaint shall be specific and shall be sufficient to apprise the certificate holder of the charges, so as to permit the certificate holder to present a defense. The individual(s) may file a complaint on the basis of information and belief, and need not rely on personal information.

(2) Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Mayor and Borough Council, and a date for a hearing shall be scheduled, which shall not be sooner than 15 nor more than 30 days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the certificate holder and/or the agent, if any, at the address indicated on the application for inspection. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Mayor and Borough Council, unless, in its discretion, the Mayor and Borough Council determine that the matter should be heard by a Hearing Officer, who shall be appointed by the Mayor and Borough Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Mayor and Borough Council within 30 days of the conclusion of the hearing. The Mayor and Borough Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such hearing officer. In the event that the matter is not referred to a Hearing Officer and is heard by Mayor and Borough Council, then the Mayor and Borough Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the rental certificate of inspection, or determining that the rental certificate of inspection shall not be renewed or reissued for one or more subsequent years.

(4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action brought pursuant to this chapter by demonstrating that the certificate holder has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

§ 359-15. Violations and penalties.

Unless another penalty is expressly provided by New Jersey statute, every person, firm, association or corporation violating any provision of this chapter shall, upon conviction thereof, be subject to the fines and/or penalties as are set forth in § 1-2 of the Code of the Borough of Penns Grove.

Motion to open meeting to the public by Scott; second Poindexter. All in favor.

Motion to close meeting to the public by Scott; second Pasquale. All in favor.

Motion to adopt by Scott; second Poindexter. Roll call. All ayes.

2018-14 – STATUTORY EMPLOYEE – SALARY ORDINANCE FOR 2017

BE IT ORDAINED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that the Salary Ordinance provision of Borough Salary Ordinance as heretofore pursuant to Chapter 55 of the code of the Borough of Penns Grove are hereby amended as follows and that the salaries of the following employees will be payable semi-monthly:

SECTION 1:

<u>OFFICER OR EMPLOYEE</u>	<u>COMPENSATION</u>
ADMINISTRATION	
Certified Municipal Clerk	51,608.34 per year
FINANCIAL	
Certified Chief Financial Officer/Treasurer	74,155.55 per year

SECTION 2:

If any section, sentence, phrase or portion of this ordinance is for any reason invalid, such portion shall be considered separate and shall not affect the validity of the remaining ordinance.

THIS ORDINANCE SHALL BE EFFECTIVE and Retroactive from January 1, 2017 and shall take effect immediately upon final passage, posting and publication according to law.

Motion to open meeting to the public by Washington, Jr.; second Scott. All in favor.

Motion to close meeting to the public by Scott; second Poindexter. All I favor.

Motion to adopt by Scott; second Johnson. Roll call. All ayes.

2018-15 – POLICE LIEUTENANT SALARY ORDINANCE FOR 2018 - 2021

Motion to adopt by title only by Johnson; second Poindexter. Roll call. All ayes.

OLD/NEW BUSINESS: Motion to contract with C & C by Washington, Jr.; second Poindexter. All in favor. Mayor Washington addressed the complaint/request to replace Clean Communities Coordinator due to allegations.

Pasquale requested discussion to be held in closed session.

Mayor Washington stated the matter is not closed session discussion.

Pasquale stated information is based from the 2017 audit.

Johnson stated that she launched the investigation.

BILLS: Motion to pay all bills signed and audited by Scott; second Johnson. All in favor.

APPOINTMENTS: Motion to hire Russell Harris as Police Officer by Washington, Jr.; second Scott. All in favor. Motion to hire John Nero as Police Officer by Washington; second Scott. All in favor.

PUBLIC SESSION:

Motion to open meeting to the public by Scott; second Poindexter. All in favor.

Veronica Thomas, Broad Street, stated flooding on South Broad Street has improved and further expressed appreciation to Pasquale and council.

Tom Price, Penn Street, expressed concern regarding squatters and a hazardous container that is emitting toxic fumes from 11 Penn Street; Signage indicating 'one-way' needs replacement.

Greg Martin, Spruce Street, question the lack of response to correspondence written and submitted to council during the last council meeting.

Motion to adjourn by Poindexter; second Johnson. All in favor.

Respectfully Submitted,

Sharon R. Williams, R.M.C., C.M.R.
Municipal Clerk

MINUTES ARE NOT VERBATIM. AUDIO RECORDING ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK.