

**BOROUGH OF PENNS GROVE**

**MAYOR AND COUNCIL MEETING  
JANUARY 21, 2020**

**AGENDA**

1. PLEDGE OF ALLEGIANCE

2. INVOCATION

3. ROLL CALL

4. PLEDGE OF ALLEGIANCE.

5. EXECUTIVE SESSION:

**2020-1-14 – RESOLUTION AUTHORIZING CLOSED SESSION**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Penns Grove will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

- I. Matters relating to the purchase, lease acquisition of real property or investment of public funds and Matters relating to litigation, negotiations and attorney-client privilege pursuant to N.J.S.A. 10:4-12b(5)(7): Discussion of the acquisition of land located at Straughn's Lane.

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.

6. REGULAR SESSION

- ROLL CALL.

7. CORRESPONDENCE: TRI-CO JIF – Elected Officials Liability Seminar

8. MINUTES: August 20, 2019 (open/closed), December 17, 2019 (open), January 7, 2020 (open).

9. COMMITTEE REPORTS:

- Buildings & Grounds
- General Government
- Housing/Zoning & Planning/Shade Tree
- Parks & Recreation/Board of Health
- Public Works/Streets & Roads
- Public Safety

10. SOLICITORS REPORT

11. FINANCE OFFICERS REPORT

12. CHIEF OF POLICE REPORTS

### 13. FIRE CHIEF REPORTS

### 14. CLERK'S REPORT

### 15. RESOLUTION(S):

#### **2020-1-15 – A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS**

Whereas, the Borough of Penns Grove is a member of the TRICO JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

Whereas, through its membership in the TRICO JIF, the Borough of Penns Grove enjoys cyber liability insurance coverage to protect the Borough of Penns Grove from the potential devastating costs associated with a cyber related claim; and

Whereas, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

Whereas, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1 & Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Penns Grove; and

Whereas, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Penns Grove to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Borough of Penns Grove's cyber insurance policy, administered through the TRICO JIF and the Municipal Excess Liability Joint Insurance Fund;

Now Therefore Be It Resolved, that the Borough of Penns Grove does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan;

- System and data back-up
- Security and system patching
- Defensive software
- Security Awareness Training
- Incident Response Plan

And, Be It Further Resolved, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

#### **2020-1-16 – A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER TWO REQUIREMENTS**

Whereas, the Borough of Penns Grove is a member of the TRICO JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and  
Whereas, through its membership in the TRICO JIF, the Borough of Penns Grove enjoys cyber liability insurance coverage to protect the Borough of Penns Grove from the potential devastating costs associated with a cyber related claim; and

Whereas, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

Whereas, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1 & Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Penns Grove; and

Whereas, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Borough of Penns Grove to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Borough of Penns Grove's

cyber insurance policy, administered through TRICO JIF and the Municipal Excess Liability Joint Insurance Fund;

Now Therefore Be It Resolved, that the Borough of Penns Grove does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 2 of the NJ MEL Cyber Risk Management Plan;

- Server Security
- Limiting Access Privileges
- Acceptable Use of Internet and Email
- Protection of Data
- Passwords Policy
- Appropriate level of Technology Support
- Leadership has Expertise to Support Technology Decision Making

And, Be It Further Resolved, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval

### **2020-1-17 – RESOLUTION REVISING MEETING DATE SCHEDULE**

WHEREAS, on January 7, 2020, the Mayor and Council of the Borough of Penns Grove passed Resolution 2020-1-3 setting forth the meeting dates and times for Borough Council Meetings for the 2020 year pursuant to the provisions of N.J.S.A. 40:88-1 and the Municipal Codes and Ordinances of the Borough of Penns Grove; and

WHEREAS, the Mayor and Council would like to revise Resolution 2020-1-3 so that meetings shall be held on the first Tuesday of each month only and there shall be no meetings on the third Tuesday of the month; and

WHEREAS, the meeting time shall commence at 6:00 p.m. for Executive Session, if necessary and 6:30 for the Regular Session; and

WHEREAS, to the extent any regularly scheduled meeting shall fall on a Primary or General Election day, “National Night Out” and/or a legal holiday, the regularly scheduled meeting will be held on the following day at the aforementioned time;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, that the aforementioned changes to the Council meeting schedule are hereby approved;

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

### **2020-1-18 – RESOLUTION AUTHORIZING VARIOUS EMPLOYEE AND VOLUNTEER APPOINTMENTS FOR CALENDAR YEAR 2020**

WHEREAS, the Borough of Penns Grove has a need to fill various positions within the municipality;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the following employees and volunteers be appointed to the respective offices:

<b><u>DEPARTMENT(S)</u></b>	<b><u>EMPLOYEE/VOLUNTEER</u></b>	<b><u>TERM</u></b>
<u>Board of Health:</u>		
Dog Registrar	Kayla M. Veltman	1 year
<u>General Government:</u>		
Benefits Administrator	Sharon R. Williams	1 year
Supervising Certifying Agent	Stephen F. Labb	1 year
Certifying Agent	Ericka A. Walker	1 year
Claims Coordinator	Sharon R. Williams	1 year
EPL Hotline Contact	Stephen F. Labb	1 year
Additional EPL Hotline Contact	Sharon R. Williams	1 year

Fund Commissioner	Councilman Mike Bercute	1 year
Alternate Fund Commissioner	Council President Carol Mincey	1 year
Municipal Search Officer	Sharon R. Williams	1 year
Public Agency Compliance Officer	Sharon R. Williams	1 year
Solid Waste Advisor	Mark Oliver	1 year
Tax Collector	Jennifer Koeturius	1 year
<u>Planning/Housing/Zoning</u>		
Fair Housing Officer	Edward Ramsey	1 year
Zoning Officer	Edward Ramsey	1 year
Planning Board:		
Class I Member	Mayor LaDaena D. Thomas	4 year
Class III Member (Council)	Louis Pasquale	4 year
Class IV Member	Gregory Wright (unexpired term of Mincey)	4 year
Class IV Member	Irene Scarpaci	4 year
Class IV Member (Alternate)	Kenneth James	2 year
Class II Member (Employee)	Enid Reyes	1 year
<u>Public Safety:</u>		
Court Administrator	Sharon O. Bye	1 year
Deputy Court Administrator	Charmaine Bennefield	1 year
Deputy Emergency Management	John Ashcraft	1 year
NIMS Coordinator	John Boucher	1 year
Right-To-Know Coordinator	Kayla M. Veltman	1 year
Safety Coordinator	Mayor LaDaena D. Thomas	1 year
<u>Public Works:</u>		
Clean Communities Coordinator	Councilman Mike Bercute	1 year
Stormwater Management Coordinator	Joseph Santogrossi, DPW Superintendent	1 year
Recycling Coordinator	Joseph Santogrossi, DPW Superintendent	1 year
<u>Sewerage Authority</u>		
Commissioner	John Scarpaci	5 year

BE IT FURTHER RESOLVED, that these appointments become effective immediately.

**2020-1-19 – A RESOLUTION REINITIATING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL SERVICE CONTRACTS WITH THE BOROUGH OF PENNS GROVE**

WHEREAS, The Borough of Penns Grove requires the services of certain professionals; and  
WHEREAS, retaining the services of qualified professionals for such positions has long been exempt from “public bidding” by N.J.S.A. 40A:11-5(a) due to the important policy consideration of allowing a body of elected officials to appoint candidates they deem to be most qualified and advantageous to the needs and goals of the municipality; and  
WHEREAS, N.J.S.A. 19:44A-20.7 permits municipalities to establish a “fair and open process” that allows for public solicitation of qualifications of persons interested in providing such services when the total contract amount exceeds \$17,500.00; and  
WHEREAS, the Borough has determined that establishing such a process protects its right to appoint the most qualified candidates while making the process more open and competitive; and  
WHEREAS, the Borough has solicited qualifications of person interested in the position of engineer, auditor, municipal solicitor, bond counsel, grant consultant, in rem tax foreclosure attorney, planning board attorney and tax appeal attorney, all of which were due on December 13, 2019; and

WHEREAS, the Borough has received responses from various professionals in connection with the solicitation for qualifications from those professionals; and

WHEREAS, the Mayor and Council have reviewed the responses and are not satisfied with the number of responses which were received; and

WHEREAS, the Mayor and Council would therefore like to try to solicit additional proposals from qualified professionals so that it may make a more informed decision concerning the appointment of the aforementioned professionals; and

WHEREAS, the Mayor and Council have decided that there is no need for professionals, who previously submitted proposals, to submit new proposals, as all prior submissions will be considered when a decision is made concerning the appointment of the aforementioned professionals.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove in the County of Salem and State of New Jersey as follows:

1. The qualifications evaluation criteria for certain professionals attached hereto as Exhibit "A" are adopted in accordance with N.J.S.A. 19:44A-20-7 and have not been altered from the previous solicitation for qualifications from professionals.

2. The Borough Clerk shall advertise a notice of solicitation of qualifications for such positions in a form substantially similar to Exhibit "B" attached hereto. The Borough Clerk shall publish said notice at least 10 calendar days in advance of the date set forth therein as the deadline to submit proposals.

3. The Borough Clerk shall make the necessary arrangements to publicly open and announce all proposals received. The Borough Clerk shall forthwith thereafter review all proposals received and transmit them to the Borough Council with a report and recommendation.

4. Award of any contracts based on the submissions received shall be made by Resolution of the Borough of Penns Grove, after receipt of the materials from the Borough Clerk, at an open public meeting. In addition, the award of any contracts shall be conditioned upon the approval by the State of New Jersey Department of Consumer Affairs, Director of Local Government Services.

5. All professionals who submitted qualifications in response to the prior fair and open process shall not be required to re-submit and their prior submissions will be considered in making the final decision concerning the appointment of certain professionals for certain positions.

#### **2020-1-20 – A RESOLUTION TO HOLD OVER ALL PROFESSIONALS APPOINTED IN 2019**

**WHEREAS**, the Borough of Penns Grove requires the services of certain professionals, such as engineer, solicitor, auditor, bond counsel, grant consultant, in rem foreclosure attorney and tax appeal attorney (the "Professionals") and

**WHEREAS**, the Borough is currently reviewing and evaluating its Professional appointments for the year 2020; and

**WHEREAS**, the Borough does not expect to be ready to make the appointments of Professionals until the regular meeting set forth March 3, 2020; and

**WHEREAS**, until such time as Professionals are appointed for the year of 2020, the Borough would like to hold over all Professionals who were appointed for the year 2019 and served the Borough during the year 2019.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove in the County of Salem and State of New Jersey as follows:

1. All Professionals appointed for the 2019 and who served the Borough of Penns Grove during 2019 shall be in a holdover status until such time as the Borough appoints professionals for the 2020 year.

2. All holdover Professionals shall continue to work under the same terms and conditions set forth in the 2019 contracts.

## **16. ORDINANCE(S):**

### **2020-1 – AN ORDINANCE CREATING THE POSITION OF BOROUGH ADMINISTRATOR**

#### **(TITLE ONLY)**

WHEREAS, the Borough of Penns Grove has determined that the day-to-day demand of administrative and governmental affairs has grown to the extent that it has become increasingly difficult for the Mayor and Council to devote adequate time to the discharge of such duties; and

WHEREAS, the public interest in the economical and efficient administration of Borough business requires the creation of the position of Borough Administrator; and

WHEREAS, the Borough Administrator will provide the Mayor and Council necessary assistance in the prompt day-to-day management of the administrative affairs of the Borough of Penns Grove, coordinate the activities of the various departments within the municipality and assist in planning and supervising the execution of governmental efforts in those areas where a continuous and sustained effort is required.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove that Chapter 5 of the Code of the Borough of Penns Grove shall be created as follows:

1. Chapter 5 shall be titled, "Administrator, Borough of Penns Grove."
2. Chapter 5 shall contain the following

#### § 5-1. Position established.

The office of Business Administrator in and for the Borough of Penns Grove is hereby established pursuant to N.J.S.A. 40A:9-136 et seq.

#### § 5-2. Appointment; removal from office.

A. The Business Administrator shall be appointed by the Mayor with the advice and consent of the Council.

B. The Business Administrator shall serve at the pleasure of the governing body and may be removed by a two-thirds vote of the governing body. The resolution of removal shall become effective three months after its adoption by the governing body. The governing body may provide that the resolution shall have immediate effect, provided that the governing body shall cause to be paid to the Administrator forthwith any unpaid balance of his/her salary and his/her salary for the next three calendar months following adoption of the resolution.

#### § 5-3. Compensation.

A. The salary of the Administrator shall be fixed and adopted by the Mayor and Council in the annual salary ordinance.

B. Unless otherwise provided, no person named as Acting Administrator shall receive compensation in addition to his regular salary while serving in such capacity. If the Mayor and Council, by resolution, provides compensation for the Acting Administrator during his service as Acting Administrator, such compensation shall not exceed the maximum salary provided in the salary ordinance for the position of Administrator.

#### § 5-4. Qualifications; residency requirement.

A. The Administrator shall possess such qualifications as the Mayor and Council deem necessary for the management and administration of the Borough of Penns Grove.

B. The Business Administrator need not be a resident of the Borough of Penns Grove or the State of New Jersey.

#### § 5-5. General responsibilities.

A. The Business Administrator shall be the chief administrative officer of the Borough of Penns Grove and shall direct and supervise the administration of all departments and officers of the Borough government, following consultation with, and subject to the approval of, the governing body. The authority of the Mayor and Council to supervise the administration of all departments shall be transmitted through the Business Administrator where not prohibited by state statute, and all subordinate employees of the Borough shall be responsible to said authority.

B. The Business Administrator shall be required in all instances to consult and confer with, and obtain the consent of, the Mayor or the members of the Council who serve as director of a particular department prior to instituting or undertaking any action with respect to said department, and the Business Administrator shall implement all decisions and orders as directed by the Mayor and Council.

§ 5-6. Specific powers and duties.

A. The Business Administrator shall be the chief administrative officer of the Borough of Penns Grove and shall be responsible to the Mayor and Council for the administration of all Borough affairs, with the following powers and duties:

- (1) To direct and supervise the administration of all departments, offices and agencies of the Borough, except as otherwise provided by law.
- (2) To attend all meetings of the governing body with the right to take part in discussion but not to vote.
- (3) To ensure all laws and all acts of the governing body subject to enforcement by him/her or by officers and employees subject to his/her direction and supervision are faithfully executed.
- (4) To submit to the governing body and make available to the public a complete report of finances and administrative activities of the Borough as required by the Mayor and Council.
- (5) To keep the Mayor and Council fully advised as to the current financial condition and future needs of the Borough and to make such recommendations to the Mayor and Council concerning the affairs of the Borough as he/she deems appropriate.
- (6) To authorize any transfer of supplies, materials and equipment between departments and offices and, with the authorization of the governing body, to sell surplus, obsolete, unused or waste supplies, materials and equipment.
- (7) To study, recommend, implement and enforce the procedure and policy of the governing body for requisition, purchase, inspection, receipt, storage, distribution, internal transfer and disposal of, and standards, specifications and payment for, supplies, materials and equipment, after consultation with department heads.
- (8) To negotiate contracts for the Borough, other than personnel or labor contracts, as authorized and directed by and subject to the approval of the governing body and to ensure that all terms and conditions are favorable to the Borough and any statute or contract are faithfully kept and performed and, upon knowledge of any violation, shall immediately make said violation known to the governing body.
- (9) To prepare and present to the governing body an annual report of the Borough affairs, which shall include a report from each department head.
- (10) To act as a liaison between the Borough and the various state, county and federal agencies with respect to all applications for funds or services needed or required by the Borough.
- (11) To review and supervise the Borough's insurance program and policies.
- (12) To receive and review any complaints concerning the functions and obligations of the Borough made by any of its residents or taxpayers and to maintain a permanent record of all complaints and the disposition of said complaints.
- (13) To advise the Mayor and Council on policy decisions.
- (14) To establish and maintain effective personnel practices and maintain appropriate records of all employees.
- (15) To receive and reply to all inquiries and complaints concerning Borough business and provide information and assistance in respect thereto.
- (16) To perform such other duties as may be required by the Mayor and Council.

**17. OLD/NEW BUSINESS:**

- Psensky – Rescind of Resignation Letter
- Mayor and Council Workshops

**18. PAYMENT OF BILLS.**

**19. PUBLIC SESSION**

**20. ADJOURNMENT.**