

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, STATE OF NEW JERSEY
MAYOR AND COUNCIL
REGULAR MEETING
AGENDA
March 3, 2020**

1. PLEDGE OF ALLEGIANCE
2. INVOCATION
3. ROLL CALL
4. PLEDGE OF ALLEGIANCE.
5. CORRESPONDENCE:
 - Carol A. Walker – Congratulating Madam Mayor Thomas, and commending public Safety.
6. MINUTES: Not Available.
7. COMMITTEE REPORTS:
 - Buildings & Grounds
 - General Government
 - Housing/Zoning & Planning/Shade Tree
 - Parks & Recreation/Board of Health
 - Public Works/Streets & Roads
 - Public Safety
8. SOLICITORS REPORT
9. FINANCE OFFICERS REPORT
10. CHIEF OF POLICE REPORTS
11. FIRE CHIEF REPORTS
12. CLERK'S REPORT
13. **RESOLUTION(S):**
2020-3-29 – A RESOLUTION AUTHORIZING PROMOTION
WHEREAS, the Penns Grove Police Department currently has a vacancy for the position of Lieutenant;
and
WHEREAS, the Penns Grove Police Department is in need of filling the position of Lieutenant; and
WHEREAS, Sgt. Jason Spera, who is currently employed by the Penns Grove Police Department,
possesses the qualifications, experience and expertise necessary for the position of Lieutenant; and
WHEREAS, the Chief of Police has recommended that Sgt. Jason Spera receive a promotion to the rank
of Lieutenant; and

WHEREAS, the Mayor and Council of the Borough of Penns Grove concur with the recommendation of the Chief of Police and desire to promote Sgt. Jason Spera to the rank of Lieutenant; and WHEREAS, this promotion and salary have been approved by the New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove as follows:

1. Sgt. Jason Spera is hereby promoted to the rank of Lieutenant, effective immediately.
2. Upon his promotion, Jason Spera's salary shall be \$108,000.00 per year and shall not be subject change unless agreed upon by the Mayor and Council.
3. Until such time that Jason Spera enters into an employment contract with the Borough of Penns Grove for the position of Lieutenant, the terms and conditions of his employment shall be the same as those set forth in the lieutenant employment contract between Patrick Riley, Sr. and the Borough of Penns Grove with an effective date of September 4, 2018 through December 31, 2021, exclusive of Article 9.

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

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

2020-3-30 – A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT TO CORELOGIC

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem that the credit balance on the following property is refunded to:

Corelogic Commercial RE Tax Services PO Box 9222 Coppell TX 75019-9240

This credit was generated as the result of duplicate payment of 2020 1st quarter tax.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
2020	3	3	98 Penn Street	\$689.11

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, a refund of \$482.88 is issued from the Tax Collectors' Collector of Taxes Account.

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

2020-3-31 – A RESOLUTION AUTHORIZING REFUND OVERPAYMENT DUE TO TAX APPEAL

WHEREAS, there now exists an overpayment of 2020 1st quarter tax billing on the aforementioned property as the result of stipulated state tax assessment appeal, and

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem that the credit balance is refunded to:

Corelogic PO Box 9202 Coppell TX 75019-9760

<u>Block</u>	<u>Lot</u>	<u>Owners Name</u>	<u>Property Address</u>	<u>Amount</u>
26	20	Walter and Carmen Watson	21 Elvin Avenue	\$1,593.26

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem a refund of \$1,593.26 is issued for the Tax Collector's Collector of Taxes Account.

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

2020-3-32 – A RESOLUTION AUTHORIZING REFUND OVERPAYMENT DUE TO TAX APPEAL

WHEREAS, there now exists an overpayment of 2020 1st quarter tax billing on the aforementioned property as the result of stipulated state tax assessment appeal, and BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem that the credit balance is refunded to:

Corelogic PO Box 9202 Coppell TX 75019-9760

<u>Block</u>	<u>Lot</u>	<u>Owners Name</u>	<u>Property Address</u>	<u>Amount</u>
26	20	Walter and Carmen Watson	21 Elvin Avenue	\$1,593.26

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem a refund of \$1,593.26 is issued for the Tax Collector’s Collector of Taxes Account.

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

2020-3-33 – A RESOLUTION AUTHORIZING CANCEL TAX BILLED AS BOROUGH OWNED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, that the following properties’ 2nd quarter 2020 tax be cancelled as the result of “In Rem” Foreclosure F-009716-19 being finalized 02/12/2020.

WHEREAS, the properties are as followed:

Block 8	Lot 1	101 Penn Street	\$548.27
Block 9	Lot 4	38 Turner Ave	\$988.39
Block 10	Lot 2	110 Turner Ave	\$560.84
Block 14	Lot 12	115 Guest Street	\$951.93
Block 28	Lot 31	9 E Griffith Street	\$540.72
Block 48	Lot 23	58 W Pitman St	\$759.53
Block 52	Lot 10	133 Denny Ave	<u>\$1,012.29</u>
			\$5,361.97

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

2020-3-34 – A RESOLUTION AUTHORIZING ACCEPTANCE OF CORRECTIVE ACTION PLAN REGARDING THE 2018 AUDIT

WHEREAS, the Department of Community Affairs requires that a corrective action plan addressing the recommendation of the municipal audit be filed with the Division of Local Government Service;

WHEREAS, that the Governing Body of the Borough of Penns Grove approve the attached corrective action plan on March 3, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer submit the approved corrective action plan for the 2018 audit to Local Government Services.

2020-3-35 – A RESOLUTION AUTHORIZING EMERGENCY TEMPORARY RESOLUTION N.J.S.A. 40A:4-20

WHEREAS, an emergency condition has arisen with respect to the need to provide budgetary funds for 2020 and

WHEREAS, the cause of the emergency is due to the fact that the Borough is unable to adopt the 2020 Annual Budget without proper revenue figures and state approval, and

WHEREAS, it is considered necessary for the health and welfare of the community to continue to provide necessary services,

WHEREAS, the total emergency temporary resolution adopted in the year 2020 pursuant to the provisions of Chapter 96 P.L.1951 (N.J.S. 40A:4-20) including this resolution totals \$2,212,885.00 for the Current Fund.

1. Emergency temporary appropriations are made and the same are hereby made for:

GENERAL GOVERNMENT

Mayor & Council

Salaries & Wages 7400.00

Other Expenses 300.00

Municipal Clerk

Salaries & Wages 24000.00

Other Expenses 800.00

Financial Administration

Salaries & Wages 30000.00

Other Expenses 12000.00

Audit Services 10000.00

Tax Assessment Administration

Salaries & Wages 4100.00

Other Expenses 30.00

Revenue Administration

Other Expenses 1000.00

Liquidation TTL/Foreclosure

Other Expenses 10000.00

Legal Services & Costs

Other Expenses 30000.00

Legal Settlement 0.00

Economic Development Agencies

Other Expenses 4000.00

Engineering Services & Cost

Other Expenses 5000.00

Municipal Land Use Law(N.J.S.40:55D-1)

Planning Board

Salaries & Wages 1440.00

Other Expenses 1000.00

Insurance

Other Insurance Plans	126000.00
Group Insurance Plans	300000.00
Health Insurance Waiver	6000.00
Unemployment Compensation Insurance	1000.00
Accumulated Leave Compensation	
Fire Hydrant Services	
Other Expenses	9000.00
Fire Department	
Other Expenses	8000.00
Police Department	
Salaries & Wages	300000.00
Other Expenses	20000.00
Aid to Ambulance	
Other Expenses	6000.00
Aid to YMCA	0.00
Emergency Management Services	
Salary & Wages	2000.00
Other Expenses	100.00
Municipal Prosecutor	
Salaries & Wages	3300.00
MUNICIPAL COURT	
Salaries & Wages	29000.00
Other Expenses	1000.00
PUBLIC DEFENDER	
Other Expenses	2400.00
PUBLIC WORKS FUNCTIONS	
Public Buildings & Grounds	
Salaries & Wages	6000.00
Other Expenses	10000.00
Shade Tree	
Other Expenses	1000.00
Demolition	
Other Expenses	0.00
Vehicle Maintenance	12000.00
HEALTH & HUMAN SERVICES	
Board of Health	
Other Expenses	600.00
Safety Coordinator	
Salaries & Wages	1000.00
Other Expenses	300.00
Animal Control	
Other Expenses	10000.00
Senior Citizen Transportation	

Other Expenses	0.00
RECREATION AND EDUCATION	
Board of Recreation Commissioners	
Other Expenses	6000.00
UTILITY EXPENSES AND BULK PURCHASES	
Electricity and Natural Gas	39000.00
Telecommunications	14000.00
Water	1000.00
Petroleum Products	4000.00
Sewage Processing & Disposal	300.00
LANDFILL/SOLID WASTE DISPOSAL COSTS	
Other Expenses-Penns Grove Garden Apartments	7500.00
UNIFORM CONSTRUCTION CODE (N.J.S.A. 52:25d-120 et. Seq.)	
OTHER CODE ENFORCEMENT FUNCTIONS	
Salaries & Wages	12000.00
Other Expenses	2000.00
STATUTORY EXPENDITURES	
Social Security System	20000.00
Public Employees Retirement System	45764.00
Police and Fire Retirement System of N.J.	318641.00
Defined Contribution Retirement System	2000.00
Tax Appeal Judgement	0.00
Business Personal Property Tax (Bd. Of Ed.)	
Losap	0.00
INTERLOCAL MUNICIPAL SERVICE AGREE.	
Revenue Administration(Tax Collection)	
Other Expenses	20000.00
Public Work Functions: Other Costs	
Other Expenses	165000.00
County of Salem Dispatching Services	
Other Expenses	18750.00
GRANTS	
Transportation Assistant Act. Lanning Ave	189020.00
Clean Communities	0.00
Body Armor Replacement Program	0.00
FY 2018 Fire Fighters Grant	
Recycling Tonnage Grant	0.00
Alcohol Education and Rehabilitation	0.00

Borough Matching Share	0.00
Green Trust Loan Program	
Loan Repay. For Princ. & Int.	15580.00
CAPITAL	
Capital Improvement Fund	10000.00
DEBT SERVICE	
Principal	207460.00
Interest	51100.00
SPECIAL EMERGENCY AUTHORIZATIONS	
Revaluation	<u>68000.00</u>
TOTAL	2,212,885.00

NOW THEREFORE BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20,

2. That said Emergency Temporary Appropriation will be provided for in full in the 2020 budget under the titles as listed above.
3. That three certified copies of this resolution be filed with the Director of Local Government Services.

2020-3-36 – A RESOLUTION APPROVING REFUND FOR OVERPAYMENT TO CORELOGIC

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem that the credit balance on the following property is refunded to:

Corelogic PO Box 9202 Coppell TX 75019-9760

This credit was generated as the result of duplicate payment of 2020 1st quarter tax.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
2020	69	16	119 ½ Tyrone Avenue	\$160.00

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, a refund of \$160.00 is issued from the Tax Collectors' Collector of Taxes Account.

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

2020-3-37 – A RESOLUTION PROVIDING FOR THE TRANSFERS OF THE 2019 BUDGET APPROPRIATION RESERVES

WHEREAS, it has become necessary to expend for certain purposes specified in 2019 Appropriation Reserves, amounts of the respective sums appropriated therefore; and WHEREAS, there is an excess in one or more appropriations in said 2019 Appropriations Reserves necessary to provide for the purposes of such appropriations; and; WHEREAS, N.J.S.A. 40A:4-59: provides for the transfer of such excess amounts into the Appropriation Reserves which are insufficient;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New that transfers are hereby authorized to be made by and between the 2019 Appropriations Reserves.

TRANSFERS TO:	<u>TO</u>	<u>FROM</u>
OTHER EXPENSES:		
Engineering Services & Costs	10,000.00	
Maintenance of Ambulance Vehicles Repairs & Maintenance	800.00 2,850.00	
Telecommunications	500.00	
TRANSFERS FROM:		
SALARY & WAGES		
Municipal Clerk		600.00
Financial Administration		600.00
Tax Assessor		200.00
Public Building and Grounds		200.00
OTHER EXPENSES:		
Municipal Clerk		500.00
Liquidation TTL/Foreclosure		1,200.00
Legal Services & Costs		1,600.00
Tax Assessment Administration		150.00
Economic Development Agencies		400.00
Planning Board		200.00
Group Insurance Plan for Employees		600.00
Safety Coordinator		300.00
Fire Department		600.00
Shade Tree		2,500.00
Board of Health		300.00
BD or Recreation		200.00
Petroleum Products		4,000.00
Totals	14,150.00	14,150.00

2020-3-38 – A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNS GROVE, IN THE COUNTY OF SALEM, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF TAX ANTICIPATION NOTES OF THE BOROUGH OF PENNS GROVE IN THE PRINCIPAL AMOUNT OF UP TO \$1,400,000; MAKING CERTAIN COVENANTS TO EFFECT AND MAINTAIN THE EXEMPTION OF INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Borough of Penns Grove, in the County of Salem, New Jersey ("Borough") is authorized, pursuant to Section 64 of the Local Budget Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Budget Law"), N.J.S.A. 40A:4-64, to borrow money in any fiscal year through the issuance of its negotiable notes in anticipation of the receipt by the Borough of taxes and other revenues for such fiscal year; and

WHEREAS, the cash flow forecast prepared with respect to the budget requirements of the Borough, a copy of which is attached hereto as Exhibit "A" and made a part hereof, indicates that the Borough will experience a cash flow deficit pending the receipt of taxes and other revenues; and

WHEREAS, the Borough desires to authorize the issuance and sale of tax anticipation notes of the Borough to provide funds necessary to meet the projected cash flow deficit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNS GROVE, IN THE COUNTY OF SALEM, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. The estimate of taxes and other revenues of the Borough to be received and the expenditures to be made, as presented to this meeting, is hereby accepted.

Section 2. In accordance with Section 66 of the Local Budget Law, *N.J.S.A.40A:4-66*, the Chief Financial Officer has certified that the net borrowing power of the Borough is \$2,941,146.66. The Chief Financial Officer's certification, a copy of which is attached hereto as Exhibit "B" and made a part hereof as if set forth at length herein, has been filed in the office of the Borough Clerk as required by Section 66 of the Local Budget Law, *N.J.S.A. 40A:4-66*.

Section 3. Pursuant to the Local Budget Law, the issuance of up to \$1,400,000, principal amount, of tax anticipation notes of the Borough, is hereby authorized and approved ("Notes").

Section 4. Each Note to be issued hereunder shall be designated "Tax Anticipation Note of 2020, Series A", shall refer by date of adoption to the resolution pursuant to which it is issued, shall recite that it is issued in anticipation of the collection of taxes, shall be dated the date of delivery thereof, shall mature within 120 days of the end of the current fiscal year, shall not be subject to redemption prior to maturity, shall be in the denomination of \$100,000 or more, and shall be in the form permitted by the Local Budget Law and as Bond Counsel shall approve.

Section 5. The Chief Financial Officer, with the assistance of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at public or private sale, in such amount as may be determined, at a price not less than par, plus accrued interest, and to deliver the same to the purchaser thereof, upon receipt of the purchase price for the Notes.

Section 6. The Notes shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and the corporate seal of the Borough shall be affixed, imprinted or reproduced thereon, and attested by the manual signature of the Borough Clerk or Deputy Borough Clerk.

Section 7. The proceeds from the sale of the Notes shall be applied only to the purposes provided for in the Borough's current budget or for which taxes are levied or to be levied for the current fiscal year and shall not be applied to any other purpose.

Section 8. The power and obligation of the Borough to pay the principal of and interest on the Notes shall be unlimited, and the Borough, to the extent payment is not otherwise paid is obligated to levy *ad valorem* taxes upon all taxable real property within the Borough for the payment of the principal of and interest on the Notes without limitation as to rate or amount.

Section 9. The Chief Financial Officer is hereby authorized and directed to report, in writing, to the Borough Council at the meeting next succeeding the date of the sale of the Notes, the amount, description, interest rate, maturity date of the Notes sold, the price obtained and the name of the purchaser of the Notes.

Section 10. The Borough hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 11. The Borough hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 12. The Borough hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Borough hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Borough during the period from January 1, 2020 to December 31, 2020, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 12, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Borough: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 13. To the extent not otherwise exempt, the Borough hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.148-11A, 1.149(b)-1, 1.149(d)-1, 1.149(d)-1A, 1.149(g)-1, 1.150-1, 1.150-1A and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 14. All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Borough Clerk, Deputy Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 15. The Mayor, Chief Financial Officer, Clerk and Deputy Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer, Borough Clerk or Deputy Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 16. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 17. This Resolution shall take effect immediately upon adoption this 3rd day of March, 2020.

EXHIBIT "A"

Cash Flow Forecast

EXHIBIT "B"

Certificate as to Borrowing Capacity

2020-3-39 – A RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$204,000 OF SPECIAL EMERGENCY NOTES OF THE BOROUGH OF PENNS GROVE; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, *inter alia*, municipalities to adopt ordinances authorizing special emergency appropriations for a complete program of revaluation of real property ("Project"); and

WHEREAS, the Mayor and Borough Council of the Borough of Penns Grove, County of Salem, New Jersey ("Borough"), has duly and finally adopted ordinance 2018-1 ("Ordinance"), appropriating the sum of \$340,000 to pay the costs associated with the Project; and

WHEREAS, Section 55 of the Local Budget Law, *N.J.S.A. 40A:2-55*, authorizes the Borough to issue special emergency notes to finance the costs of the Project; and

WHEREAS, the Borough has heretofore issued its special emergency notes in the principal amount of \$272,000 to finance the cost of the Project ("Prior Note"); and

WHEREAS, the Prior Note matures on April 24, 2020; and

WHEREAS, it is the desire of the Borough to issue its special emergency notes in the principal amount of up to \$204,000, as further described in Exhibit "A", the proceeds of which, together with other available funds in the amount of \$68,000, will be used to repay the Prior Note at maturity; and

WHEREAS, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Mayor and Borough Council to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, to ratify and confirm certain actions heretofore taken by or on behalf of the Borough, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law, the issuance of special emergency notes of the Borough, to be designated, substantially, "Borough of Penns Grove, County of Salem, New Jersey, Special Emergency Notes of 2020, Series A" ("Notes"), in an aggregate principal amount of not-to-exceed \$204,000, is hereby authorized, approved, ratified and confirmed.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the Mayor and Borough Council after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Mayor and Borough Council, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

Section 5. The Notes shall be issued in bearer form in denominations of \$100,000 or greater, or in the necessary odd denomination. The Notes shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Borough affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Borough Clerk.

Section 6. The Notes are ultimately payable from *ad valorem* taxes that shall be levied upon all taxable real property in the Borough without limitation as to rate or amount.

Section 7. The Borough hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Borough hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Borough hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. The Borough hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Borough hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Borough during the period from January 1, 2020 to December 31, 2020, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Borough: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Borough Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer and Borough Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Borough Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 3rd day of March, 2020.

Exhibit "A"

Ordinance Number	Notes Authorized	Notes Outstanding	Notes to be Issued
2018-1	\$272,000	\$68,000	\$204,000

2020-3-40 – A RESOLUTION AUTHORIZING DONATION OF POLICE EQUIPMENT

WHEREAS, the Borough of Penns Grove is in possession of certain police equipment which is no longer needed by the police department; and

WHEREAS, the Borough would like to donate the aforementioned police equipment to the nation of the Dominican Republic who has expressed a desire and need for the police equipment in connection with their military and police; and

WHEREAS, a list of the police equipment to be donated is attached hereto; and

WHEREAS, N.J.S.A. 40A:11-36(2) states that a public bid is not necessary when the property shall be sold to any foreign nation which has diplomatic relations with the United States; and

WHEREAS, the Dominican Republic does have diplomatic relations with the United States.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Chief of Police is hereby authorized to donate the attached list of police equipment to the Dominican Republic.

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

2020-3-41 – A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the Penn Street Phase II Roadway Improvements; 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 \$3,790.87; 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 that Change Order No. 1 is hereby approved.

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

2020-3-42 – A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the 2017 Roadway Improvement Program; and

WHEREAS, Change Order No. 2 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. 2 will increase the cost of the Contract by \$6,249.54; 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 that Change Order No. 2 is hereby approved.

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

2020-3-43 – A RESOLUTION AUTHORIZING FINAL PAYMENT

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction LLC for the Penn Street Phase II Roadway Improvements; and

WHEREAS, the Contractor has requested a final payment in the amount of \$17,375.59; and

WHEREAS, the Borough Engineer has reviewed this matter and recommends the final payment of \$17,375.59 subject to approval of Change Order No 1; 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 final payment shall be made to Landberg Construction LLC in the amount of \$17,375.59 as set forth in the engineer's February 24, 2020 letter, subject to approval of Change Order No 1.

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

2020-3-44 – A RESOLUTION MAINTENANCE/CORRECTION PERIOD

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the Penn Street Phase II Roadway Improvements; and

WHEREAS, the Contractor has completed, corrected and/or repaired the work under the Contract; and

WHEREAS, the Maintenance/Correction Period shall begin on March 3, 2020 and expire on March 3, 2021.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Maintenance/Correction Period is hereby established from March 3, 2020 and expire on March 3, 2021.

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

2020-3-45 – A RESOLUTION AUTHORIZING FINAL PAYMENT

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction LLC for the 2017 Roadway Improvement Program; and

WHEREAS, the Contractor has requested a final payment in the amount of \$19,687.09; and

WHEREAS, the Borough Engineer has reviewed this matter and recommends the final payment of \$19,687.09 subject to approval of Change Order No 2; 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 final payment shall be made to Landberg Construction LLC in the amount of \$19,687.08 as set forth in the engineer's February 25, 2020 letter, subject to approval of Change Order No 2.

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

2020-3-46 – A RESOLUTION MAINTENANCE/CORRECTION PERIOD

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the 2017 Roadway Improvement Program; and

WHEREAS, the Contractor has completed, corrected and/or repaired the work under the Contract; and

WHEREAS, the Maintenance/Correction Period shall begin on March 3, 2020 and expire on March 3, 2021.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Maintenance/Correction Period is hereby established from March 3, 2020 and expire on March 3, 2021.

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

14. 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.

15. OLD/NEW BUSINESS:

- Memorialize Proclamation for Nyemah Gillespie
- Memorialize Proclamation for Jorge Restrepo
- Bond for repairs at Sewer Authority Plant.
- Path Stone Temp.

16. REQUEST/CONTRACT:

- Grant contract for a new WatchGuard system
- Coin Toss Application American Cancer Society (projective date 5/2/2020, with a rain date 5/9/2020
- Coin Toss Application Penns Grove Elks projective date 5/16/2020, with a rain date 5/23/2020

17. APPOINTMENTS

- Kathleen McCarthy – Ambulance Membership
- Isabella Hernandez - Ambulance Membership

18. PAYMENT OF BILLS.

19. PUBLIC SESSION

20. ADJOURNMENT.