

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, STATE OF NEW JERSEY
MAYOR AND COUNCIL REGULAR MEETING
JUNE 2, 2020
MINUTES**

This Borough Council meeting was held remotely via the ZOOM platform on the above date and called to order by Mayor LaDaena D. Thomas. Mayor Thomas gave the Open Public Meeting statement.

Mayor Thomas led the Pledge Of Allegiance.

Invocation by Sharon R. Williams, Clerk.

Attendance: Bercute – present, Mincey-present, Oliver-present, Pasquale-present, Scott-absent, Washington, Jr.-present.

MINUTES: May 11, 2020 – special meeting. Motion to adopt by Oliver; second Mincey. Roll call. All ayes.

2020-2 – CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.50% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.50% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Council of the Borough of Penns Grove in the County of Salem finds it advisable and necessary to increase its CY 2020 budget by up to 3.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council of the Borough of Penns Grove hereby determines that a 1.00% increase in the budget for said year, amounting to \$43,529.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Council of the Borough of Penns Grove hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Penns Grove, in the County of Salem, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Penns Grove shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$152,353.29, and that the CY 2020 municipal budget for the Borough of Pennsgrove be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction;

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion to open meeting to the public by Oliver; second Mincey. All in favor.

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

Motion to adopt by Pasquale; second Mincey. Roll call. All ayes.

BUDGET HEARING.

Stephen Labb, Finance Officer, stated the need to hold public hearing on the 2020 Municipal Budget, with an anticipation of 85 percent of the 2019 Transitional Aid award will result in a local increase of \$.29 cents. Labb stated that the average assessed home is \$87,000.00, equaling an increase of \$25.09 per year.

Public Comment: Motion to open meeting to the public by Mincey; second Mincey. All in favor. Motion to close meeting to the public by Mincey; second Pasquale. All in favor.

Motion to Table by Oliver; second Pasquale. Roll call. All ayes.

COMMITTEE REPORTS:

Buildings & Grounds: Pasquale reported the following: grass cutting equipment repaired and in use on Borough owned properties. Walking lawnmower needed. Two properties boarded up. Conveyed to Police to remove and report and vagrants found. Borough Hall carpets cleaned, sprayed and disinfected. Unsuccessful with roof repair due to COVID19, however, quotes have been received. Clean up of old former Public Works building.

Mayor questioned detail of "board up".

Pasquale stated 2' x 4' boards were used at 41 and 159 ½ East Main Street, to secure entrances.

Mayor questioned the number of properties to be secured; and the role Carneys Point plays.

Pasquale stated that the Borough currently owns 89 properties and that Carneys Point does not assist with the board; contractors have been hired to secure Borough owned properties.

Oliver questioned if all are Borough owned.

Pasquale stated that the 89 properties are currently Borough owned. Pasquale further stated that liens can be placed against the property that aren't Borough owned, where grass cutting or securement take place.

Motion to receive and file by Mincey; second Oliver. All in favor.

General Government: Washington, Jr. stated the following: Congratulated Clerk Williams on renewal of license and commended her on maintaining office.

Mayor Thomas requested to meet to discuss the reopen of Borough Hall.

Parks & Recreation/Board of Health: Bercute stated the following: Inaudible.

Public Works/Streets & Roads:

Public Safety

DEPARTMENTAL REPORTS:

Municipal Clerk Report: Williams stated/addressed the following: Reminded all to complete Financial Disclosure Statement by July 30, 2020; Primary Election moved to July 7, 2020, with the polling place being held at the Borough Hall for provisional and ADA voting only.

Finance Officer Report: Labb stated/addressed the following: Budget Status Expenditure Ratio, based on the Temporary Budget is 82.64 percent. Public Hearing on COLA Ordinance, which allows the increase of budget appropriations from 2.50 percent to 3.50 percent, and authorizes the banking of balances not utilized in the 2020 Municipal Budget for the next two years. Temporary Capital Budget Resolution, which provides for the acquisition of various computer equipment. Capital Ordinance, by title, for the acquisition of computer equipment. State Contract Resolution for the purchase of the Live Scan System.

Chief of Police Report: Chief Riley stated/addressed the following: Police Report for the month of April 1, 2020 through May 31, 2020. Changes in scheduling in order to protect the officer and citizens from exposure to COVID 19, while maintaining public safety. Employee Assistance Program. Internal Affairs policy and internet access. Process for Penns Grove High School's 2020 Graduation.

Fire Chief Report: Chief Hartsough stated/addressed the following: New ladder truck expected to be complete by August. Commended Ambulance Captain, Deborah Ashcraft, for a job well done.

Ambulance/EMS Captain Report: On behalf of Ashcraft, Chief Hartsough, stated new ambulance has been received. Expressed appreciation to the governing body, past and present, for support of the new ambulance.

Solicitor Report

Mayor's Report/Comment

RESOLUTIONS:

2020-5-87 – RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PENNS GROVE APPROVING THE FILING OF AN APPLICATION FOR COMMUNITY FACILITY GRANT PROGRAM FUNDING TO THE US

DEPARTMENT OF AGRICULTURE-RURAL DEVELOPMENT (USDA-RD) WHEREAS, the Borough of Penns Grove desires to apply to USDA-RD for Community Facility Grant Program funding in an amount not to exceed \$50,000, for the purchase of police equipment, and;
WHEREAS, the Borough of Penns Grove has determined that this purchase will have a positive and significant impact on public safety throughout the Borough; and
WHEREAS, the Borough of Penns Grove, without financial assistance from the aforementioned USDA program, would be unable to purchase these critical communication pieces on its own;
NOW, THEREFORE, BE IT RESOLVED, that funding for the purchase of police equipment is hereby in all respects approved and be it further resolved that the Mayor or her designee and the Borough Clerk are hereby authorized to execute all documents associated with the Application for USDA Rural Development funding through the Community Facility Grant Program.

Motion to adopt by Pasquale; second Washington, Jr. Roll call: Bercute-(inaudible), Mincey-yes, Oliver-yes, Pasquale-yes, Washington, Jr.-yes.

2020-5-88 – RESOLUTION APPROVING STATE CONTRACT

WHEREAS, the Borough of Penns Grove wishes to purchase (1) Live Scan System Desktop with Live scan station Software Licenses, Tenprint 550PPI Scanner, Computer, Monitor, Keyboard, Signature Capture Pad, NJ Specific Transmission Software, integrated Mug Photo Capture and 2 additional years on site maintenance from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by the local contracting unit is authorized by the Local Public Contract Laws, N.J.S.A. 40 A: 11-12; and

WHEREAS, Idemia Identity & Security USA LLC has been awarded New Jersey State Contract No. T 3038.

WHEREAS, The Finance Officer recommends the utilization of this contact on the grounds that it represents the best price available for this contract; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that (1) Live Scan System Desktop with Live scan station Software Licenses, Tenprint 550PPI Scanner, Computer, Monitor, Keyboard, signature Capture Pad, NJ Specific transmission software, integrated Mug Photo Capture and 2 additional years on site maintenance from an authorized vendor under the State of New Jersey be awarded a contract for this purchase for the Police Department for \$ 25,162.00

Motion to adopt by Oliver; second Pasquale. Roll call: Bercute-(inaudible), Mincey-yes, Oliver-yes, Pasquale-yes, Washington, Jr.-yes.

2020-5-89 – TEMPORARY CAPITAL BUDGET

WHEREAS, the need has arisen to introduce a capital ordinance to provide funds for Various Improvements within the Borough of Penns Grove prior to adoption of the 2020 Capital Budget, and;

WHEREAS, the regulations of the Local Finance Board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services, Department of Community Affairs requires that a municipality adopt a temporary capital budget if a capital ordinance is to be passed prior to adoption of the Annual Capital Budget;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Penns Grove, County of Salem that:

Section 1. 2020 Temporary Capital Budget is hereby created for the following:

Acquisition of Various Computer Equipment, including computers, software and other related items. \$24,000.00

Section 2. The project will be included in the adopted 2020 Capital Budget, and

Section 3. One certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

Motion to adopt by Oliver; second Washington, Jr. Roll call. Bercute-(inaudible), Mincey-yes, Oliver-yes, Pasquale-yes, Washington, Jr.-yes.

2020-5-90 – RESOLUTION AUTHORIZING THE APPOINTMENT OF CONFLICT COUNSEL

WHEREAS, the Borough of Penns Grove is in need of Conflict Counsel to handle certain legal matters which are determined by the current Solicitor to be a conflict for him to handle; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(1) authorizes a governing body to enter into a contract for professional services without advertising for bids and bidding; and

WHEREAS, the value of the contract for Conflict Counsel shall not exceed the total sum of \$17,500.00 and therefore the Fair and Open process is not required in order to issue this contract.

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

Joseph D. Lento, Lento Law Group, P.C., an attorney at law, 3000 Atrium Way, Suite 200, Mt. Laurel, NJ 08054, licensed to practice in the State of New Jersey, be and is hereby appointed Conflict Counsel for the Borough of Penns Grove.

This contract is conditioned upon the receipt of approval from the New Jersey Division of Community Affairs.

This contract shall be effective for a period of time beginning on the date in which the contract is approved by the New Jersey Department of Community Affairs and ending December 31, 2020.

In consideration for services to be rendered, this position shall be compensated by an hourly rate of \$ 145.00.

This appointment shall be conditioned upon the execution of a written contract, signed by the Conflict Counsel, setting forth the terms of the employment which shall be consistent with the content of this resolution and satisfactory to the Borough.

This appointment is awarded without competitive bidding as a professional service contract under the provisions of the Local Public Contracts Law.

Pasquale questioned the items attorney would be used for.

Mayor stated inter-local agreements with Carneys Point and other matters as necessary.

Motion to adopt by Mincey; second Bercute. Roll Call: All ayes.

2020-5-91 – DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Winston E. Cochran, Jr. has previously purchased Tax Sale Certificate No. 18-00550 comprising a lien on the property known as Block 66, Lot 15, also known as 36 E Main St & 2 John St., Penns Grove, NJ 08069 County of Salem; and

WHEREAS, Winston E. Cochran, Jr. has filed a duty executed Affidavit of Lost Tax Sale Certificate, swearing he is the lawful owner of said certificate but has lost the same;

NOW THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to issue a duplicate certificate to be marked "Duplicate Certificate" to Winston E. Cochran, Jr.; 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; second Oliver. Roll call. All ayes.

2020-5-92 – GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) upon submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Penns Grove, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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 Pasquale. Roll call. All ayes.

2020-5-94 – RESOLUTION APPOINTING POLICE OFFICER

WHEREAS, the Borough of Penns Grove is in need of a Police Officer; and

WHEREAS, Jonathon McElroy, who is currently employed by the Borough of Penns Grove as a Special Law Enforcement Officer II, has fulfilled all of the requirements set forth by statute to be a police officer; and

WHEREAS, the Chief of Police supports his candidacy; and

WHEREAS, Jonathon McElroy has successfully completed or will complete the necessary training to serve as a police officer; and

WHEREAS, Jonathon McElroy has obtained or will obtain the proper certifications from the Police Training Commission to serve as Police Officer

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

1. Jonathon McElroy is appointed as a Penns Grove Police Officer, effective June 29, 2020.

2. This appointment has been approved by the State of New Jersey Department of Community Affairs and shall not be effective until such approval is received by the Borough of Penns Grove.
AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.
Chief Riley provided background information.
Motion to adopt by Washington; second Pasquale. Roll call. All ayes.

ORDINANCE(S):

2020-3 – AN ORDINANCE CHANGING APPROPRIATE AUTHORITY

WHEREAS, N.J.S.A. 40A:14-118 provides for the establishment of an Appropriate Authority, whom the Chief of Police shall be directly responsible to; and
WHEREAS, Section 116-2(B)(1) of the Code of the Borough of Penns Grove states that the Chief of Police shall be directly responsible to the Appropriate Authority for the day-to-day operation of the Police Department pursuant to policies established by said Appropriate Authority; and
WHEREAS, Section 116-2(B)(1) further states that the Mayor shall be the Appropriate Authority; and
WHEREAS, the governing body has determined that the Appropriate Authority shall be changed from the Mayor to the Police Committee, which is authorized pursuant to N.J.S.A. 40A:14-118.
NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove that Section 116-2(B)(1) of the Code of the Borough of Penns Grove shall be changed to read that the Appropriate Authority shall be the Police Committee.
Motion to adopt by Title Only by Oliver. Motion dies for lack of a second.

2020-4 – AN ORDINANCE APPROPRIATING THE SUM OF \$24,000.00 TO BE USED FOR ACQUISITION OF VARIOUS COMPUTER EQUIPMENT INCLUDING COMPUTERS, SOFTWARE AND OTHER RELATED ITEMS WITHIN THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, STATE OF NEW JERSEY

WHEREAS, the Governing Body desires to authorize acquisition of various Computer equipment including computers, software and other related items within the Borough of Penns Grove; and
WHEREAS, sufficient funds are available for said purpose from the Borough’s Capital Improvement Fund;
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Penns Grove, County of Salem and State of New Jersey, that:
SECTION 1: There is hereby appropriated from the following sources the sum of \$24,000.00 to be used for the following capital project within the Borough of Penns Grove:

<u>Purpose/Improvement</u>		Estimated	Capital Improvement	
		<u>Total Cost</u>	<u>Fund</u>	<u>Grants</u>
A.	acquisition of various computer equipment including computers, software and other related items	\$24,000.00	\$24,000.00	\$-0-

SECTION 2: In connection with the amounts authorized in Section 1, the Borough makes the following determinations:
a) The purpose described in Section 1 is not a Current Expense and is an improvement, which the Borough may lawfully make as a general improvement.
b) The period of usefulness of the purpose described in Section 1 hereof is within the limitations of the Local Bond Law and according to the reasonable life thereof is five (5) years or more.
c) No debt is authorized by this ordinance.
d) The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and available for inspection.
SECTION 3: All ordinances or parts of ordinances that are inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.

Motion to adopt by Title only by Pasquale; second Oliver. Roll Call. Bercute-inaudible, Mincey-yes, Oliver-yes, Pasquale-yes, Washington, Jr.-abstain.

APPOINTMENTS:

Mayor Thomas announced the appointment of Richard Rivera as to the Penns Grove Planning Board.

Mayor Thomas announced the appointment of Edward Ramsay as Housing Official.

OLD/NEW BUSINESS:

DOT Road Grant – Oliver stated that a list of those streets in need of repair will be submitted to the engineer for the 2021 Roadway Grant.

Master Plan Advisory Committee – Mayor Thomas expressed the need to create a Master Plan Advisory Committee.

Motion to create by Oliver; second Washington, Jr. Roll call. All ayes.
Mayor Thomas requested Council to submit three names by June 12, 2020.
Washington, Jr. submitted Aujanette Scott.

Outdoor Dining – Telsey addressed the governor’s order on outdoor dining, further stating the need to create an Ordinance.

Oliver expressed concern regarding the outdoor business, Zoagie, who operates from the Borough’s property, located on Virginia Avenue.
Washington, Jr. suggested Hold Harmless Agreement.
Oliver questioned insurance.

Williams requested temporary payment to Police Clerk for website administration, during the absence of Deputy Clerk.
Sasdelli reminded all to focus on Agenda items only, and the need for DCA approval.
Motion to approve, subject to DCA approval, by Oliver; second Washington.

PAYMENT OF BILLS & APPROVAL OF BILL LISTS - Motion to approve by Pasquale; second Washington.
Roll call. All ayes.

PUBLIC SESSION.

Motion to open meeting to the public by Washington; second Pasquale. All in favor.

James Payne, Walnut Street, expressed concerned regarding adjacent property, which is in disrepair, rodents and open fires.

Greg Martin, Spruce Street, questioned Pasquale regarding who boards up and cuts grass of Borough owned properties.
Pasquale advised, part-time employees perform the necessary work.
Mr. Martin stated his favor of Zoagies presence on Virginia Avenue.

Sue Oliver, Church Street, expressed concern regarding Zoagies customer parking along Virginia Avenue and Willis Street.

Motion to close meeting to the public by Washington; second Mincey. All in favor.

ADJOURNMENT: Motion to adjourn by Washington, second Oliver. All in favor.

Respectfully Submitted,

Sharon R. Williams, RMC
Municipal Clerk