
Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

ORDINANCE NO. 2021-8

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 206, BUILDINGS, UNFIT
AND ABANDONED, OF THE CODE OF THE BOROUGH OF PENNS GROVE**

WHEREAS, Chapter 206 of the Code of the Borough of Penns Grove involves Buildings, Unfit and Abandoned; and

WHEREAS, the Borough would like to amend this Chapter to give more discretion to the Borough Officials charged with enforcing this Chapter with respect to the issuance of notices and summonses; and

WHEREAS, the Mayor and Council of the Borough of Penns Grove have reviewed the attached revisions to Chapter 206 of the Code of the Borough of Penns Grove and would like to incorporate those revisions into the Code of the Borough of Penns Grove.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that:

1. Article III of Chapter 206, Buildings, Unfit and Abandoned, of the Code of the Borough of Penns Grove, shall be amended as follows:

ARTICLE III

Vacant Property Registration

§ 206-15 - Definitions.

For purposes of this article, the following terms are defined as set forth herein:

MUNICIPAL OFFICER

The Housing Officer and/or the Code Enforcement Officer or such official as may be designated by the Mayor and Council.

[Amended 7-5-2017 by Ord. No. 2017-5]

OWNER

Includes any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec.

17, as amended by P.L. 2009, c. 296), or any other entity determined by the Municipal Officer of the Borough of Penns Grove to have authority to act with respect to the property. This article exempts any municipal, county or state owner of a vacant building or structure.

VACANT PROPERTY

Any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy has substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the criteria for abandoned property in N.J.S.A. 55:19-81; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owners for sale or rental shall not be deemed a vacant property for purposes of this article.

[Amended 7-5-2017 by Ord. No. 2017-5]

§ 206-16 - Registration required.

[Amended ~~XX-XX~~-2021 by Ord. No. 2021-X]

A. Effective on April 1, 2015, the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, or within 10 days of receipt of notice by the municipality, or upon the issuance of a summons by a Borough Official file a registration statement for such vacant property with the Municipal Officer on forms provided for that purpose by the Municipal Officer along with any fee required by this article. Failure to receive a notice or summons by the municipality shall not constitute grounds for failing to register the property. Borough Officials shall have discretion as to whether to issue a summons or a 10-day notice.

B. Each property having a separate tax block and lot number shall be registered separately.

C. The registration shall include the information required under this section, the insurance certificate required by § 206-20 of this article, as well as any additional information that the Municipal Officer may reasonably require.

D. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in § 206-18 for each vacant property registered.

E. The Municipal Officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the Municipal Officer, in which case the initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

F. Any owner of vacant property who submits plans to the Municipal Officer that completely rehabilitate or restore the property to productive use and occupancy within the twelve-month period following the date of the initial property registration shall be exempt from payment of the registration fee if the Municipal Officer deems the rehabilitation or restoration project may be

complete in that twelve-month period but shall comply with all other provisions of this article. In the event that the property has not been restored to productive use and occupancy at the end of the twelve-month period, the owner shall be liable for any fee waived. The Municipal Officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the owner where the Municipal Officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve-month period.

G. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this article is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, marketing or other conditions that project may require more than one year for realization, the Municipal Officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the Municipal Officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

H. The owner shall notify the Municipal Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Officer for such purpose.

I. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

§ 206-17 - Designation of agent and service of notices.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

B. An owner who is a natural person may designate himself or herself as agent or as the individual responsible for maintaining the property.

C. By designating an authorized agent under the provision of this section, the owner consents to receive any and all notices or summonses with respect to code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice, summons, or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

D. Any owner who fails to register a vacant property under the provisions of this article shall further be deemed to consent to receive, by posting at the building, any and all notices or summonses with respect to code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 206-18 - Fees.

A. The registration and renewal fee for each building or structure shall be as follows:

- (1) Initial registration: \$500 or prorated amount per § 206-16 of this article.
- (2) First renewal: \$1000.
- (3) Second renewal: \$1500.
- (4) Any subsequent renewal: \$100 or 5% of assessed value, whichever is higher.

B. At least 50% of all fee income resulting from the application of this article shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and/or promote further productive reuse of properties.

§ 206-19 - Maintenance requirements.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

A. Enclose and secure the structure as provided in the applicable code of the Borough of Penns Grove or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;

B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well maintained and kept free from trash or debris;

C. Post a sign affixed to the structure with the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the authorized agent. The sign shall be at least eight inches by 24 inches in dimension, shall include the words "to report problems with this building, call..." and shall be placed in a location where it is clearly legible from the nearest public street sidewalk; and

D. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

§ 206-20 - Insurance.

A. The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for one- to four-unit residential

use and not less than \$1,000,000 for any other building, including but not limited to buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

B. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

§ 206-21 - Information procedure.

The Borough of Penns Grove shall establish a procedure by which citizens can provide the Municipal Officer with information on unkempt or unregistered properties that may be subject to this article.

§ 206-22 - Violations and penalties.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. Any person who violates any provision of this article or of the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later, within 10 days of receipt of notice by the municipality, or upon the issuance of a summons, failure to provide correct information on the registration statement, failure to comply with the provisions of § 206-19 or 206-20 of this article, or such other matters as may be established by the rules and regulations of the Municipal Officer shall be deemed to be violations of this article.

LADAENA THOMAS, MAYOR

ATTEST:

CLERK

DATED ADOPTED

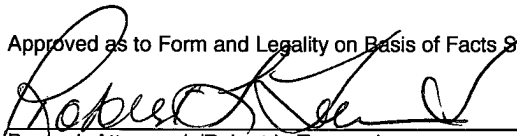
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This is a Certified True copy of the Original Ordinance on file in the Borough Clerk's Office.

DATE OF ADOPTION: _____ /s/ Sharon Williams, Borough Clerk



Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-31

RESOLUTION AUTHORIZING A CONTRACT WITH RILEY & RILEY TO PROVIDE SERVICES AS LITIGATION COUNSEL

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as litigation counsel; and

WHEREAS, the law firm of Riley & Riley has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Riley and Riley to provide services as Litigation Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$20,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

ATTEST:

CLERK

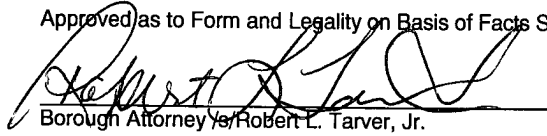
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DATE OF ADOPTION: _____
/s/ Sharon Williams, Borough Clerk

Approved as to Form and Legality on Basis of Facts Set Forth


Borough Attorney for Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-32

**RESOLUTION AUTHORIZING A CONTRACT WITH MICHAEL A. ARMSTRONG & ASSOCIATES TO
PROVIDE SERVICES AS LITIGATION AND REDEVELOPMENT COUNSEL**

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as Litigation Counsel and Redevelopment Counsel; and

WHEREAS, the law firm of Michael A. Armstrong and Associates has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Michael A. Armstrong & Associates to provide services as Litigation Counsel and Redevelopment Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$20,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

ATTEST:

CLERK

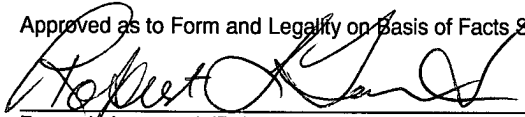
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/s/ Sharon Williams, Borough Clerk



Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-33

**RESOLUTION AUTHORIZING A CONTRACT WITH RUDERMAN & ROTH TO PROVIDE SERVICES
AS LABOR COUNSEL AND LITIGATION COUNSEL**

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as labor counsel and litigation counsel; and

WHEREAS, the law firm of Ruderman & Roth has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Ruderman & Roth to provide services as Labor Counsel and Litigation Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

ATTEST:

CLERK

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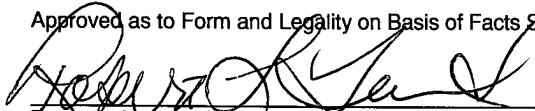
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/s/ Sharon Williams, Borough Clerk

Approved as to Form and Legality on Basis of Facts Set Forth


Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-34

RESOLUTION AUTHORIZING A CONTRACT WITH EDWARD H. HILL, ESQ. TO PROVIDE SERVICES AS LITIGATION AND REDEVELOPMENT COUNSEL

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as Litigation Counsel and Redevelopment Counsel; and

WHEREAS, Edward H. Hill of the law firm of Louis Guzzo has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Edward H. Hill to provide services as Litigation Counsel and Redevelopment Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

ATTEST:

CLERK

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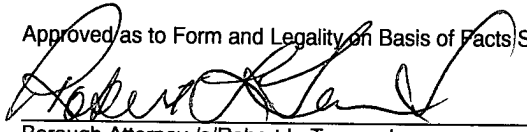
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/s/ Sharon Williams, Borough Clerk

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Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-35

**RESOLUTION AUTHORIZING A CONTRACT WITH BLANEY, DONOHUE, KARAVAN & WEINBERG,
P.C. TO PROVIDE SERVICES AS LITIGATION AND LABOR COUNSEL**

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as Litigation Counsel and Labor Counsel; and

WHEREAS, the law firm of Blaney, Donohue, Karavan & Weinberg, PC has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Blaney, Donohue, Karavan & Weinberg, PC to provide services as Litigation Counsel and Labor Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

ATTEST:

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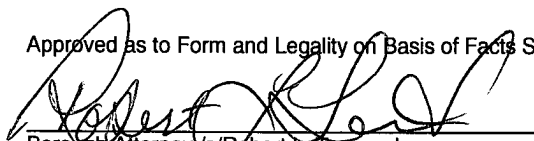
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/s/ Sharon Williams, Borough Clerk



Borough Attorney/s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-36

**RESOLUTION AUTHORIZING A CONTRACT WITH MCMANIMON, SCOTLAND & BAUMAN, LLC
TO PROVIDE SERVICES AS REDEVELOPMENT COUNSEL**

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as Redevelopment Counsel; and

WHEREAS, the law firm of McManimon, Scotland & Bauman, LLC has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with McManimon, Scotland & Bauman, LLC to provide services as Redevelopment Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

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/s/ Sharon Williams, Borough Clerk

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Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-37

RESOLUTION AUTHORIZING A CONTRACT WITH DARRYL RHONE, ESQ. TO PROVIDE SERVICES AS LITIGATION COUNSEL

WHEREAS, the Borough of Penns Grove has issued RFQ's for qualified law firms to provide services as litigation counsel; and

WHEREAS, Darryl Rhone, Esq. of the CGO Law Firm P.C. has applied for and is qualified to provide such services;

NOW, THEREFORE BE IT RESOLVED, by Council of the Borough of Penns Grove that the Mayor is authorized to enter into a contract with Darryl Rhone, Esq. to provide services as Litigation Counsel for the Borough of Penns Grove at the rate of \$130.00 per hour for a period of one year not to exceed \$5,000; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-14.5, the award of the aforesaid Agreement is contingent upon the availability of sufficient funds in the 2021 Temporary and Permanent Budgets specifying the line item appropriation and in the event said funds are not appropriated for this Agreement, this award will have no effect and will then be null and void.

LaDaena D. Thomas, Mayor

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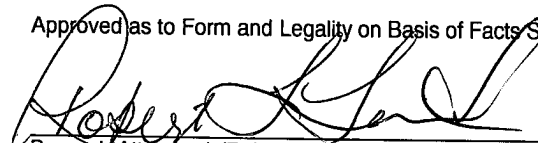
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/s/ Sharon Williams, Borough Clerk

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Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-38

**RESOLUTION AUTHORIZING THE BOROUGH SOLICITOR TO SETTLE CONTESTED MATTERS
UNDER \$5,000.00**

WHEREAS, the Borough of Penns Grove as a municipal corporation is subject to litigation which can be resolved for amounts less than five thousand dollars; and

WHEREAS, the resolution of certain matters can be made on an expedited basis, often for nominal sums or sums that amount to nuisance value; and

WHEREAS, resolving matters on an expedited basis can result in a financial savings to the municipality in that it avoids the retention of counsel by allowing the Borough Solicitor to evaluate and resolve matters without the process of Council presentation and approval,

BE IT FURTHER RESOLVED, that authority is hereby granted to the Borough Solicitor to enter into settlement agreement in contested legal matters for amounts of \$5,000.00 or less, not to exceed fifteen thousand dollars (\$15,000.00) in any given calendar year.

LaDaena D. Thomas, Mayor

ATTEST:

CLERK

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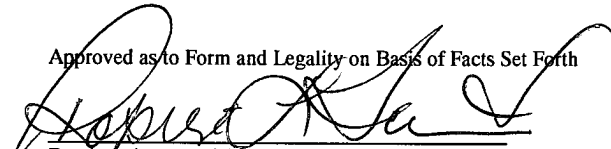
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RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
							MINCEY, PRESIDENT						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC- Second													

This is a Certified True copy of the Original Resolution on file in the Borough Clerk's office.

DATE OF ADOPTION: _____

/s/ Sharon Williams, Borough Clerk

Approved as to Form and Legality on Basis of Facts Set Forth



Borough Attorney /s/Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY**

RESOLUTION NO. 2021-3-39

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 \$136,000 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 \$204,000 to finance the cost of the Project ("Prior Note"); and

WHEREAS, the Prior Note matures on April 22, 2021; and

WHEREAS, it is the desire of the Borough to issue its special emergency notes in the principal amount of up to \$136,000, 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 2021, Series A" ("Notes"), in an aggregate principal amount of not-to-exceed \$136,000, 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, 2021 to December 31, 2021, 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 16th day of March, 2021.

ATTEST:

Sharon R. Williams, Municipal Clerk

LaDaena D. Thomas, Mayor

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Giordano						
Martin						
Mincey						
Rambo						
Scarpaci						

CERTIFICATION

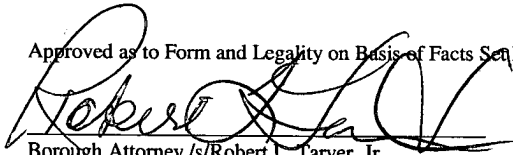
I, Sharon R. Williams, Municipal Clerk of the Borough of Penns Grove, County of Salem, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Penns Grove Borough Council on this 17th day of March 2021.

Sharon R. Williams, Municipal Clerk

Exhibit "A"

Ordinance Number	Notes Authorized	Notes Outstanding	Notes to be Issued
2018-1	\$272,000	\$204,000	\$136,000

Approved as to Form and Legality on Basis of Facts Set Forth



Borough Attorney /s/Robert L. Tarver, Jr.

BOROUGH OF PENNS GROVE
COUNTY OF SALEM
STATE OF NEW JERSEY

RESOLUTION # 2021-3-40

**RESOLUTION PROVIDING FOR THE TRANSFERS OF THE 2020 BUDGET
APPROPRIATION RESERVES**

WHEREAS, it has become necessary to expend for certain purposes specified in 2020 Appropriation Reserves, amounts of the respective sums appropriated therefore; and

WHEREAS, there is an excess in one or more appropriations in said 2020 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 2020 Appropriations Reserves.

TRANSFERS TO:	<u>TO</u>	<u>FROM</u>
SALARY & WAGES		
Planning Board	2,800.00	
TRANSFERS FROM:		
OTHER EXPENSES		
Public Health Services(Board of Health)		2,800.00
Totals	2,800.00	2,800.00

ATTEST

Sharon R. Williams, Municipal Clerk

LaDaena D. Thomas, Mayor

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Giordano						
Martin						
Mincey						
Rambo						
Scarpaci						

CERTIFICATION

I, Sharon R. Williams, Municipal Clerk of the Borough of Penns Grove, County of Salem, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Penns Grove Borough Council on this 17^h day of March 2021.

Sharon R. Williams, Municipal Clerk