

**BOROUGH OF PENNS GROVE  
COUNTY OF SALEM, NEW JERSEY  
MAYOR AND COUNCIL MEETING**

**AGENDA  
FEBRUARY 19, 2019**

**1. PLEDGE OF ALLEGIANCE.**

**2. ROLL CALL:**

**3. EXECUTIVE SESSION:**

➤ **2019-2-37 - RESOLUTION AUTHORIZING EXECUTIVE SESSION**

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

- I. **Matters Relating To Attorney-Client Privilege Pursuant to N.J.S.A. 10:4-12b(8)** – Discussion and update of riverfront project.
- II. **Matters Relating to Contractual Pursuant to N.J.S.A. 10:4-12(7)** - Dis  
**BE IT FURTHER RESOLVED** that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

**4. REGULAR SESSION:**

- Invocation
- Roll Call

**5. CORRESPONDENCE:**

- Salem County Association of Local Government – Dinner Meeting

**6. MINUTES:**

**7. COMMITTEE REPORTS:**

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

**8. DEPARTMENTAL REPORTS:**

- SOLICITOR'S REPORT – Business Registration, Public Contractors
- MUNICIPAL CLERK'S REPORT:
- FINANCE OFFICER'S REPORT:
- CHIEF OF POLICE REPORT
- FIRE CHIEF REPORT

**9. RESOLUTIONS:**

**2019-2-38 – RESOLUTION AUTHORIZING AN APPLICATION FOR CHARITABLE SOLICITATION**

WHEREAS, the Penns Grove Elk Lodge 1358 has requested permission to conduct a Charitable Solicitation;

WHEREAS, U.S. Route 130 and Main Street is located within the Borough of Penns Grove (“Borough”) County of Salem, State of New Jersey; and

WHEREAS, the applicant has requested to solicited at the intersection of U.S. 130 and Main Street on May 11, 2019 (rain date May 25, 2019) from 8:00 a.m. until 1:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Penn’s Grove, County of Salem, State of New Jersey, hereby grant approval, with the following conditions:

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

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

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

**2019-2-39 – RESOLUTION AUTHORIZING AN APPLICATION FOR CHARITABLE SOLICITATION**

WHEREAS, the Penns Grove Middle School TWA Sports Program has requested permission to conduct a Charitable Solicitation;

WHEREAS, U.S. Route 130 and Main Street is located within the Borough of Penns Grove (“Borough”) County of Salem, State of New Jersey; and

WHEREAS, the applicant has requested to solicited at the intersection of U.S. 130 and Main Street on April 20, 2019 (rain date May 18, 2019) from 8:00 a.m. until 1:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Penn’s Grove, County of Salem, State of New Jersey, hereby grant approval, with the following conditions:

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

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

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

**2019-2-40 – RESOLUTION APPROVING PERSON TO PERSON TRANSFER OF LIQUOR LICENSE**

WHEREAS, an application has been filed for the person to person transfer of a Plenary Retail Consumption Liquor License with Broad C, license number 1708-32-006-006 (the “License”), from Charles Waldron as Receiver for Chetak Liquors to Ramabhai Patel; and

WHEREAS, the application has been reviewed by the Municipal Clerk; and

WHEREAS, the application has also been reviewed and approved, and the background check of the applicants has been completed by the Penns Grove Police Department; and

WHEREAS, the liquor license is currently under suspension by the New Jersey Division of Alcohol and Beverage Control (“ABC”); and

WHEREAS, Charles Waldron as Receiver for Chetak Liquors has filed a petition with the ABC to lift the suspension; and

WHEREAS, Charles Waldron as Receiver for Chetak Liquors must then complete closing on the sale of the License to Ramabhai Patel.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, approve the person to person transfer of the License, as outlined above, subject to the vacation of the suspension of the License and subject to the successful closing on the sale of the License between Charles Waldron as Receiver for Chetak Liquors and Ramabhai Patel.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to endorse and seal the aforesaid license; and that a copy of this resolution shall be signed by the Municipal Clerk, and be forwarded to the Director of the Division of Alcoholic Beverage Control and the Treasurer of the State of New Jersey.

**2019-2-41 – RESOLUTION AUTHORIZING CONTRACT WITH TRIAD ADVISORY SERVICES, INC.**

WHEREAS, Triad Advisory Services, Inc. (“Triad”) provides consultation services to the Borough of Penns Grove (“Borough”); and

WHEREAS, the Borough is in need of consultation services in relation to the NJDCA Small Cities Public Facilities Program Implementation Services- FY 2019\_ Fire Truck Acquisition; and

WHEREAS, a proposal/contract was submitted by Triad which is attached hereto as Exhibit A; and

WHEREAS, the Mayor and Council are in support of the proposal/contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the proposal attached hereto as Exhibit A is approved and that the Mayor is authorized to execute an agreement to accept the proposal on behalf of the Borough of Penns Grove.

**2019-2-42 – RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR LIBERTY STATION FIRE IMPROVEMENTS**

WHEREAS, the Borough of Penns Grove (the “Borough”) requires the services of a contractor for the Liberty Station Fire Improvements which consists of removing the fire station’s existing roof, installing a new EPDM membrane roof and making repairs to the roof as defined in the contract documents. In addition, the project involves raising the height of the interior ceiling of the ladder truck bay in the fire station and repointing the block wall of the building; and

WHEREAS, the Borough has sought competitive bids for such work; and

WHEREAS, the Borough solicited bids pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, a Notice and Bid Specifications were prepared and properly advertised in the South Jersey Times; and

WHEREAS, all bids were opened and read aloud, in public, at 11:00 a.m. on January 31, 2019; and

WHEREAS, the bids which were received were as follows:

<b>Bidder</b>	<b>Bid Amount</b>
Detweiler Roofing	\$183,500.00
W.J. Gross, Inc.	\$198,300.00
D.A. Nolt, Inc.	\$217,402.00
Dell-Tech, Inc.	\$226,000.00

WHEREAS, W.J. Gross, Inc. submitted a letter to the Borough questioning the bid proposal submitted by Detweiler Roofing and claiming that the Detweiler Roofing bid was insufficient because Detweiler Roofing failed to supply supporting documents concerning its proposed subcontractors (i.e. Public Works Registrations and Business Registration Certificates); and

WHEREAS, in response to this letter, the Borough investigated the bid of Detweiler Roofing and found that Detweiler Roofing clearly stated in the Bidders Qualification Form that they did not intend to use any subcontractors on the project; and

WHEREAS, Detweiler Roofing further advised that they named Benjamin Franklin Plumbing and Stan Harris Electrical Contracting, LLC in the Subcontractors Declaration simply because they once had a problem when they failed to list subcontractors in a prior bid and they wished to avoid any future problems. Detweiler Roofing further confirmed that they did not intend to utilize subcontractors for this project; and

WHEREAS, the Borough determined that the fact that Detweiler Roofing reconfirmed the fact that they don’t intend to utilize subcontractors for this Project and that the submission of the names of the aforementioned subcontractor did not, in any way, give Detweiler Roofing a competitive advantage or effect the competitive nature of the bidding process in such a way, was not a valid reason to reject the Detweiler Roofing bid; and

WHEREAS, the Borough Engineer has recommended awarding a contract to Detweiler Roofing for a total amount of \$183,500.00 in accordance with their letter dated February 14, 2019; and  
 WHEREAS, funding shall be encumbered by the Borough Finance Officer in accordance with N.J.A.C. 5:30-5.4.  
 NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that a contract shall be Detweiler Roofing for a total amount of \$183,500.00.  
 AND, BE IF FURTHER RESOLVED, that the Mayor is hereby authorized to execute a Contract and any other necessary documentation in connection with this service.  
 AND, BE IF FURTHER RESOLVED, that this contract is contingent upon a Certification of Funds by the Borough Treasurer.  
 AND, BE IF FURTHER RESOLVED, that the award of this contract is contingent upon review and approval of the bid documents by the Borough solicitor.  
 AND, BE IF FURTHER RESOLVED, that the award of this contract is contingent upon the approval of the Department of Community Affairs.  
 AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

**2019-2-43 – RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT PURSUANT TO A FAIR AND OPEN PROCESS TO PROVIDE BOND COUNSEL SERVICES FOR THE BOROUGH OF PENNS GROVE**

WHEREAS, the Borough of Penns Grove has determined that it shall use a fair and open process to acquire certain services in accordance with the provisions of N.J.S.A.19:44a-30.5; and  
 WHEREAS, N.J.S.A. 19:44A-20.5 provides that contracts awarded through a fair and open process may be awarded based on price and other factors; and  
 WHEREAS, the Borough of Penns Grove has a need to acquire the services of Bond Counsel as a fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and  
 WHEREAS, the Borough of Penns Grove’s Chief Financial Officer has determined and certified in writing that the value of these services will likely exceed \$17,500.00; and  
 WHEREAS, the following Proposals were received;

Parker McCay	Mount Laurel, New Jersey, 08054
Winne Banta Basralian & Kahn, PC	Hackensack, New Jersey 07601

WHEREAS, Requests for Proposals were submitted, and the opening was held on the 7<sup>th</sup> day of December, 2018; and  
 WHEREAS, funding for this contract shall be encumbered by the Borough of Penns Grove’s Chief Financial Officer in accordance with N.J.A.C. 5:30-5.4;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Penns Grove desires the following:

1. Parker McCay, 9000 Midlantic Drive, Suite 300, Mount Laurel, New Jersey, is hereby awarded a contract, pursuant to a fair and open process, to provide Municipal Attorney services for the Borough of Penns Grove, effective January 1, 2019 and terminating December 31, 2019, which services shall be performed in accordance with the terms and conditions contained in the attached supplemental documents which are filed in the Office of the Municipal Clerk.
2. This appointment is subject to the review and approval of the Department of Community Affairs, Division of Local Government Services.
3. The Mayor and Borough Clerk are hereby authorized to execute the written contract setting forth the terms of employment, which shall be consistent with this resolution and satisfactory to the Borough and the Bond Counsel.
4. A notice awarding this contract shall be published in the South Jersey Times, as required by law, within ten (10) days after passage.

**2019-2-44 – 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 \$2,859,143.54. 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 2019, 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, 2019 to December 31, 2019, 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 19th day of February, 2019.

**2019-2-45 – RESOLUTION ACCEPTING PREMIUM BID FUNDS**

WHEREAS, the Tax Collector of the Borough of Penns Grove, County of Salem is directed to turn over the premium bid money to the Borough of Penns Grove;

<u>Block</u>	<u>Lot</u>	<u>Certificate Number</u>	<u>Amount</u>	<u>Reason</u>
91	1	#14-00594	\$ 5,900.00	Foreclosed by Lien Holder

WHEREAS, the amount of \$5,900.00 should be issued from the Premium Bid Account to: Borough of Penns Grove, 1 State Street, Penns Grove, NJ 08069;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Penns Grove, County of Salem a check should be issued in the amount of \$5900.00 from the Premium Bid Account;

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.

**10. ORDINANCE(S):**

➤ **\*PUBLIC HEARING: 2019-1 – SALARY ORDINANCE 2019 FOR COURT ADMINISTRATOR AND DEPUTY COURT ADMINISTRATOR**

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

SECTION 1:

<u>Position:</u>	<u>Salary</u>
Court Administrator: Salary for 2019	\$ 43,226.00 per year
Salary for 2018	\$ 42,378.00 per year
Deputy Court Administrator for 2018	\$ 14.50 per hour

SECTION 2:

Borough Employees may be reimbursed at the current Federal Rate when it is necessary for the employee to use his/her vehicle in the performance of Borough business and or seminars.

SECTION 3:

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

THIS ORDINANCE SHALL BE EFFECTIVE and Retro to the appropriate dates stated in said ordinance and shall take effect immediately upon final passage, posting and publication according to law.

**11. OLD/NEW BUSINESS:** Airy Avenue Flooding

**12. CONTRACTS/REQUESTS:**

**13. PAYMENT OF BILLS:**

**14. PUBLIC SESSION:**

**15. ADJOURNMENT**