

**BOROUGH OF PENNS GROVE  
MAYOR AND COUNCIL MEETING  
AGENDA**

**MARCH 19, 2019**

**1. PLEDGE OF ALLEGIANCE.**

**2. REGULAR SESSION:**

- Invocation
- Roll Call

**3. CORRESPONDENCE:**

- Salem County Local Government Association

**4. MINUTES:**

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**5. COMMITTEE REPORTS:**

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

**6. DEPARTMENTAL REPORTS:**

- SOLICITOR'S REPORT:
- MUNICIPAL CLERK'S REPORT:
- FINANCE OFFICER'S REPORT:
- CHIEF OF POLICE REPORT
- FIRE CHIEF REPORT
- MAYORIAL REPORT

**7. RESOLUTION(S):**

**2019-3-54 – RESOLUTION AUTHORIZING THE GRANT APPLICATION FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2019 – JUNE 2020**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough of Penns Grove Council of the Borough of Penns Grove, County of Salem, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough of Penns Grove Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and, WHEREAS, the Borough of Penns Grove Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Salem; NOW, THEREFORE, BE IT RESOLVED by the Borough of Penns Grove of County of Salem, State of New Jersey hereby recognizes the following:

1. The Borough of Penns Grove Council does hereby authorize submission of a strategic plan for the Borough of Penns Grove Municipal Alliance grant for fiscal year 2020 in the amount of:
 

DEDR	\$ <u>13,746.00</u>
Cash Match	\$ <u>3,437.00</u>
In-Kind	\$ <u>10,310.00</u>
2. The Borough of Penns Grove Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**2019-3-55 – A RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT TO WELLS FARGO**

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

Wells Fargo Real Estate Tax Service  
 Attn: Financial Support Unit-Region 4, 1 Home Campus  
 Des Moines, IA 50328

This credit was generated as the result of duplicate payment of the 2019 1<sup>st</sup> quarter tax.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
2019	23	7	7 W Union St	\$579.89

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Penns Grove, County of Salem a refund should be issued in the amount of \$579.89 from the Tax Collectors' Collector of Taxes Account. BE IT FURTHER 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.

**2019-3-56 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE**

WHEREAS, FIG Capital Investment NJ13, LLC has previously purchased Tax Sale Certificate No. 17-00552 comprising a lien on the property known as Block 53 Lot 25 also known as 60 Penn St, Penns Grove, NJ 08069 County of Salem; and WHEREAS, FIG Capital Investment NJ13, LLC 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 FIG Capital Investment NJ13, LLC; 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.

**2019-3-57 – RESOLUTION AUTHORIZING REFUND OVERPAYMENT TO CORELOGIC**

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

Corelogic PO Box 9202 Coppell TX 75019-9760

This credit was generated as the result of duplicate payment of 2019 1<sup>st</sup> quarter tax.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
2019	46	3	18, 20 W Griffith St	\$256.10

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, a refund of \$564.39 be issued from the Tax Collectors' Collector of Taxes Account.

BE IT FURTHER 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.

**20193-58 – 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 \$272,000 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 \$340,000 to finance the cost of the Project ("Prior Note"); and

WHEREAS, the Prior Note matures on April 29, 2019; and

WHEREAS, it is the desire of the Borough to issue its special emergency notes in the principal amount of up to \$272,000, 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 2019, Series A" ("Notes"), in an aggregate principal amount of not-to-exceed \$272,000, 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, 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 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 19th day of March, 2019.

**2019-3-59 – RESOLUTION AUTHORIZING AN 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 2019; and

WHEREAS, the cause of the emergency is due to the fact that the Borough is unable to adopt the 2019 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; and

WHEREAS, the total emergency temporary resolution adopted in the year 2019 pursuant to the provisions of Chapter 96 P.L.1951 (N.J.S. 40A:4-20) including this resolution totals \$359,287.00 for the Current Fund.

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

Public Employees Retirement System	\$ 36,815.00
Police and Fire Retirement System of N.J.	\$321,972.00

INSURANCE

Health Insurance Waiver	\$ 500.00
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TOTAL	\$359,287.00
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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 2019 budget under the titles as listed above.
3. That three certified copies of this resolution be filed with the Director of Local Government Services.

**2019-3-60 – RESOLUTION PROVIDING FOR THE TRANSFERS OF THE 2018 BUDGET APPROPRIATION RESERVES**

WHEREAS, it has become necessary to expend for certain purposes specified in 2018 Appropriation Reserves, amounts of the respective sums appropriated therefore; and

WHEREAS, there is an excess in one or more appropriations in said 2018 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 2018 Appropriations Reserves.

	TO	FROM
TRANSFERS TO:		
PUBLIC SAFETY		
SALARY & WAGES		
Police Department	\$ 8,000.00	
TRANSFERS FROM:		
SALARY & WAGES		
Municipal Court		\$ 5,000.00
OTHER EXPENSES		
Group Health Insurance		\$ 3,000.00

**8. ORDINANCE(S):**

- **2019-2 – BOND ORDINANCE AUTHORIZING THE ACQUISITION OF AN AERIAL LADDER TRUCK IN THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY; APPROPRIATING THE SUM OF \$984,600 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$534,600; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**(PUBLIC HEARING)**

BE IT ORDAINED by the Borough Council of the Borough of Penns Grove, County of Salem, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Penns Grove, County of Salem, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$984,600; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$534,600.

Section 3. The sum of \$534,600, to be raised by the issuance of bonds or bond anticipation notes, together with two (2) grants from the New Jersey Small Cities/Community Development Block Grant Program and the United States Department of Agriculture in the aggregate amount of \$450,000, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$534,600 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$534,600 is hereby authorized.

Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$190,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Grant</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Provide Funding for the Acquisition of an Aerial Ladder Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$984,600	\$450,000	\$0	\$534,600	10 years

Section 8. Grants or other monies received from any governmental entity, in addition those specifically referenced above, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 11 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$534,600 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 Clerk and available for inspection.

Section 12. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

➤ **2019-3 – AN ORDINANCE ESTABLISHING FEE FOR OFF DUTY POLICE FORCE (PUBLIC HEARING)**

WHEREAS, there is a need to provide Borough of Penns Grove (“Borough”) Police Officers for off duty services to private entities for assignments such as road closure security, etc.; and  
WHEREAS, the Borough would like to establish a fee for these off duty services.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove that the following fee shall be established for all off duty assignment of Borough Police Officers:

1. The fee shall be 1.5 times the normal hourly rate of the officer assigned plus an additional 20% administrative fee.
2. The entity requesting the off duty police officer service shall not have the right to choose which officer will be used for a particular assignment. Such decision will be left to the discretion of the Chief of Police.

**9. APPOINTMENTS:**

**10. OLD/NEW BUSINESS:**

**11. CONTRACTS/REQUESTS:**

**12. PAYMENT OF BILLS:**

**13. PUBLIC SESSION:**

**14. EXECUTIVE SESSION:**

**2019-3-61 – A RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b;

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 Litigation pursuant to N.J.S.A. 10:4-12b(8) – Discussion regarding Borough of Penns Grove vs. Penns Grove Elks Lodge No. 1342.

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.

**15. ADJOURNMENT.**