

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

APRIL 2, 2019

1. PLEDGE OF ALLEGIANCE.

2. REGULAR SESSION:

- Invocation
- Roll Call

3. EXECUTIVE SESSION:

RESOLUTION NO. 2019-4-62 – 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:

- 1. Matters Relating To Contract Negotiations and Attorney Client pursuant to N.J.S.A. 10:4-12b(8)** – Discussion regarding the Redevelopment Agreement between the Borough of Penns Grove, Flameworks at Penns Grove, LLC and Penns Grove Scattered Site Rehab, LLC.

4. CORRESPONDENCE:

- Salem County Board of Elections

5. MINUTES: Not available

6. BUDGET:

2019-4-69 – RESOLUTION TO AVERAGE TAX COLLECTION RATE FOR USE IN THE 2019 MUNICIPAL BUDGET

WHEREAS, the Borough of Penns Grove experienced a decline in the tax collection rate for the year 2018; and

WHEREAS, the use of the lower collection rate in arriving at the budget appropriation Reserve for Uncollected Taxes in the 2019 Municipal Budget would result in an unfair tax burden to the taxpayers of the Borough of Penns Grove; and

WHEREAS, the Division of Local Government Services, Department of Community Affairs will allow the Borough of Penns Grove to use the average of the prior three years' collection rates in calculating the budget appropriation Reserve for Uncollected Taxes in the 2019 Municipal Budget; and

WHEREAS, the prior three years' collection rates are 86.57% for 2015, 87.38% for 2016 and 85.74% for 2017; and

WHEREAS, the averaging of the prior three years' collection rates result in a collection rate of 86.56%;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Penns Grove will use the collection rate of 86.31% in calculating the budget appropriation Reserve for Uncollected Taxes in the 2019 Municipal Budget.

ORDINANCE: 2019-4 – CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) *TITLE ONLY*

WHEREAS, the Local Government Cap Law, N.J.S. 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 2019 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 \$43,710.28 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 2019 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 \$152,986.09, and that the CY 2019 municipal budget for the Borough of Penns Grove 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; and

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.

2019-4-66 – RESOLUTION TO INTRODUCE THE 2019 MUNICIPAL BUDGET

BE IT RESOLVED, by the Borough Council of the Borough of Penns Grove, the governing body thereof, that the 2018 Budget for the Borough of Penns Grove be introduced, approved and given first reading by title only;

2019-4-68 – RESOLUTION AUTHORIZING THE BOROUGH OF PENNS GROVE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

WHEREAS, the Borough of Penns Grove has scheduled budget adoption pending notification of transitional aid application award and the County of Salem Board of Taxation is unable to certify the Borough of Penns Grove tax rate at this time and the Borough of Penns Grove Tax Collector will be unable to mail the Borough's 2019 tax bills on a timely basis; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Penns Grove Council does not need approval from the Director of the Division of Local Government Services since the estimated tax levy will not exceeding 105% maximum allowed. Approval will enable the Borough of Penns Grove to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments, and save the unnecessary cost of interest borrowing; NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Penns Grove, County of Salem and State of New Jersey on the April 2, 2019 as follows:

1. The Borough of Penns Grove Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2019 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by L. 1994, c. 72 (N.J.S.A. 54:4-66.2 AND 54:4-66.3).
2. The entire estimated tax levy for 2019 is hereby set at \$ 6,954,707.98
3. In accordance with law, the third installment of 2019 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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

9. RESOLUTION(S):

2019-4-63 – RESOLUTION AUTHORIZING A PROPOSAL FOR PROFESSIONAL SERVICES FOR SICKELS AND ASSOCIATES

WHEREAS, Sickels and Associates currently serves as the Engineer to the Borough of Penns Grove; and WHEREAS, the Borough of Penns Grove has a need for the Engineer to conduct a feasibility study regarding the Airy Avenue Sea Wall; and

WHEREAS, a proposal was submitted by Sickels and Associates which is attached hereto as Exhibit A; and

WHEREAS, the Mayor and Council are in support of the proposal.

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.

2019-4-64 – RESOLUTION AUTHORIZING A PROPOSAL FOR PROFESSIONAL SERVICES FOR SICKELS AND ASSOCIATES

WHEREAS, Sickels and Associates currently serves as the Engineer to the Borough of Penns Grove; and
WHEREAS, the Borough of Penns Grove has a need for the Engineer to conduct a feasibility study regarding site improvements at the Fire Station located at 24 East Harmony Street; and
WHEREAS, a proposal was submitted by Sickels and Associates which is attached hereto as Exhibit A; and
WHEREAS, the Mayor and Council are in support of the proposal.

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.

2019-4-65 - 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 \$1,867,157.00 for the Current Fund;

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

GENERAL GOVERNMENT

Mayor & Council

Salaries & Wages	7400.00
Other Expenses	300.00

Municipal Clerk

Salaries & Wages	24000.00
Other Expenses	8000.00

Financial Administration

Salaries & Wages	30000.00
Other Expenses	12000.00

Audit Services

10000.00

Tax Assessment Administration

Salaries & Wages	4100.00
Other Expenses	30.00

Revenue Administration

Other Expenses	1000.00
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Liquidation TTL/Foreclosure

Other Expenses	10000.00
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Legal Services & Costs

Other Expenses	22000.00
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Legal Settlement

Economic Development Agencies

Other Expenses	4000.00
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Engineering Services & Cost

Other Expenses	5000.00
Municipal Land Use Law(N.J.S.40:55D-1)	
Planning Board	
Salaries & Wages	1440.00
Other Expenses	1000.00
Insurance	
Other Insurance Plans	140000.00
Group Insurance Plans	220000.00
Health Insurance Waiver	8000.00
Unemployment Compensation Insurance	1000.00
Accumulated Leave Compensation	0.00
Fire Hydrant Services	
Other Expenses	9000.00
Fire Department	
Other Expenses	8000.00
Police Department	
Salaries & Wages	300000.00
Other Expenses	10000.00
Aid to Ambulance	
Other Expenses	6000.00
Aid to YMCA	0.00
Emergency Management Services	
Salary & Wages	2000.00
Other Expenses	0.00
Municipal Prosecutor	
Salaries & Wages	3300.00
MUNICIPAL COURT	
Salaries & Wages	29000.00
Other Expenses	1000.00
PUBLIC DEFENDER	
Other Expenses	2400.00
PUBLIC WORKS FUNCTIONS	
Public Buildings & Grounds	
Salaries & Wages	6000.00
Other Expenses	10000.00
Shade Tree	
Other Expenses	50.00
Demolition	
Other Expenses	0.00
Vehicle Maintenance	12000.00
HEALTH & HUMAN SERVICES	
Board of Health	
Other Expenses	300.00
Safety Coordinator	

Salaries & Wages	800.00
Other Expenses	100.00
Animal Control	
Other Expenses	8000.00
Senior Citizen Transportation	
Other Expenses	0.00
RECREATION AND EDUCATION	
Board of Recreation Commissioners	
Other Expenses	6000.00
UTILITY EXPENSES AND BULK PURCHASES	
Electricity and Natural Gas	38000.00
Telecommunications	14000.00
Water	500.00
Petroleum Products	12000.00
Sewage Processing & Disposal	500.00
LANDFILL/SOLID WASTE DISPOSAL COSTS	
Other Expenses-Penns Grove Garden Apartments	7500.00
UNIFORM CONSTRUCTION CODE (N.J.S.A. 52:25d-120 et. Seq.)	
OTHER CODE ENFORCEMENT FUNCTIONS	
Salaries & Wages	12000.00
Other Expenses	300.00
STATUTORY EXPENDITURES	
Social Security System	20000.00
Public Employees Retirement System	0.00
Police and Fire Retirement System of N.J.	0.00
Defined Contribution Retirement System	1000.00
Tax Appeal Judgement	0.00
Business Personal Property Tax (Bd. Of Ed.)	0.00
Losap	0.00
INTERLOCAL MUNICIPAL SERVICE AGREE. Revenue Administration(Tax Collection)	
Other Expenses	18000.00
Public Work Functions: Other Costs	
Other Expenses	155000.00
County of Salem Dispatching Services	
Other Expenses	38750.00
GRANTS	
NJS Senior Citizen and Disabled Transportation Assistant Act.	0.00
Clean Communities	0.00
Body Armor Replacement Program	0.00
Salem Health and Wellness Foundation	0.00
Green Trust Loan Program	0.00

Loan Repay. For Princ. & Int.	15580.00
CAPITAL	
Capital Improvement Fund	22420.00
DEBT SERVICE	
Principal	110000.00
Interest	51100.00
SPECIAL EMERGENCY AUTHORIZATIONS	
Revaluation	<u>68000.00</u>
TOTAL	\$ 1,507,870.00

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

1. That said Emergency Temporary Appropriation will be provided for in full in the 2019 budget under the titles as listed above.
2. That three certified copies of this resolution be filed with the Director of Local Government Services.

2019-67 – 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) before 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 *Borough 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.

2019-4-70 – RESOLUTION AUTHORIZING THE GOVERNING BODY TO RESCIND RESOLUTION NO. 2019-2-40

WHEREAS, the Mayor and Council of the Borough of Penns Grove, County of Salem and State of New Jersey passed Resolution No.2019-2-40 approving the application for a person-to-person of Plenary Retail Consumption License, License Number 1707-32-006-006 heretofore issued to receiver, Charles Walden to IN N’ OUT LIQUOR, INC.,

WHEREAS, due to the fact that aforesaid Plenary Retail Consumption License was not able to secure a Tax Clearance Certificate to Transfer which was verified by the State of New Jersey, Division of Taxation, it has become necessary to rescind said Resolution No. 2019-2-40

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that Resolution No . 2019-2-40, passed at a Regular Meeting of the Mayor and Council, be and is hereby rescinded.

10. ORDINANCES:

**2019-5 – AN ORDINANCE RE-ADOPTING ARTICLE II OF CHAPTER 410 OF THE CODE OF THE BOROUGH OF PENNS GROVE
*TITLE ONLY***

WHEREAS, Article II of Chapter 410 of the Code of the Borough of Penns Grove regulates tax abatements pursuant to N.J.S.A. 40A:21-1 et seq. for five-year tax abatements; and
WHEREAS, N.J.S.A. 40A:21-4 requires the re-adoption of such ordinances every ten years; and
WHEREAS, the time in which to readopt the aforementioned ordinance has expired and must therefore be re-adopted;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove that Article II of Chapter 410 of the Code of the Borough of Penns Grove is hereby re-adopted in its entirety and without any changes.

11. OLD/NEW BUSINESS:

12. CONTRACTS/REQUESTS:

- St. Gabriel Church – On Premise Merchandise Raffle

13. PAYMENT OF BILLS:

14. PUBLIC SESSION:

15. ADJOURNMENT.