

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

MAY 7, 2019

1. PLEDGE OF ALLEGIANCE.

2. REGULAR SESSION:

- Invocation
- Roll Call

3. EXECUTIVE SESSION:

RESOLUTION NO. 2019-5-71 – 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 Contractual Matters 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.
- 2. Matters Relating To Contractual Matters and Attorney Client pursuant to N.J.S.A. 10:4-12b(8)** – Discussion regarding the foreclosure of Block 84, Lot 1.

4. CORRESPONDENCE:

5. MINUTES: October 16, 2019 (regular session), November 20, 2018 (regular session)

6. 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) *PUBLIC HEARING*

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.

7. BUDGET: Public Hearing

8. COMMITTEE REPORTS:

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

9. DEPARTMENTAL REPORTS:

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

10. RESOLUTION(S):

2019-5-72 – CANCEL PRELIMINARY 2019 TAXES AS BOROUGH OWNED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the preliminarily billed 2019 taxes are cancelled due to ownership being the Borough's by In Rem Foreclosure in 2018 but still being class 2 in the 2019 Tax Duplicate

WHEREAS, the property is as followed:

128/16	186 S Broad St	\$2,519.24	Final Judgment dated 10/01/2018
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AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their records and guidance.

2019-4-73 – CANCEL TAXES BILLED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the following parcels’ preliminary billed 2019 taxes be cancelled due to an In Rem Foreclosure final judgment dated January 25, 2019.

WHEREAS, the properties are as followed:

<u>Block & Lot</u>	<u>Address</u>	<u>Billed Amount</u>
11/2	74 W Line Street	\$1,274.75
12/8	81 Poplar Street	\$1,752.78
13/26	Poplar Street	\$163.38
17/8	111 Lanning Avenue	\$2,430.49
17/10	115 Lanning Avenue	\$1,540.99
17/14	133 Lanning Avenue	\$1,357.44
18/5	101 Lanning Avenue	\$956.06
21/3	78 N Broad Street	\$1,428.04
22/5	9 Pearl Street	\$1,155.74
26/4.01	105 N Broad Street	\$427.61
27/18	19 E Pitman Street	\$1,801.18
31/12	58 E Pitman Street	\$185.57
36/12.01	201 E Main Street	\$1,200.12
39/6	21 N Smith Avenue	\$990.40
46/1	W Griffith Street	<u>\$165.40</u>
		\$16,829.95

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their records and guidance.

2019-5-74 – CANCEL TAXES BILLED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the following parcels’ 4th quarter 2018 taxes be cancelled due to an In Rem Foreclosure final judgment dated October 1, 2018;

WHEREAS, the properties are as followed:

<u>Block & Lot</u>	<u>Address</u>	<u>Billed Amount</u>
95/10	S Virginia Avenue	\$603.72
95/14	76 S Virginia Avenue	\$965.42
99/4	Park Avenue	\$513.98
100/5	74 Willis Avenue	\$24.47
100/6	76 Willis Avenue	\$447.81
100/6.01	78 Willis Avenue	\$24.47
100/17	145 S Smith Avenue	\$70.70
101/10	153 Cumberland Avenue	\$246.57
111/13	2 Beach Avenue	\$1,002.58
115/3	110 Sack Avenue	\$490.46
128/16	186 S Broad Street	<u>\$1,132.22</u>
		\$5,522.40

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their records and guidance.

2019-5-75 – RESOLUTION AUTHORIZING CONTRACT TO PROVIDE SECURITY

WHEREAS, the Borough of Penns Grove (“Borough”) has a desire to enter into an agreement with the Penns Grove Housing Authority (“PGHA”) for the provision of security personnel to the Penn Village and Silver Fun apartment complexes during the summer months of 2019; and

WHEREAS, PGHA desires to enter into such an agreement for security personnel; and

WHEREAS, the Borough and PGHA have agreed upon the terms and conditions of a contract for security personnel during the summer months; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem that the Mayor is hereby authorized to execute the Contract between the Borough and PGHA for the provision of security personnel. This Resolution shall be subject to the approval of the New Jersey Department of Community Affairs prior to the execution of the contract.

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

2019-5-76 – RESOLUTION APPOINTING SPECIAL POLICE OFFICER

WHEREAS, N.J.S.A. 40A:14-146.8 et seq. allows municipalities to hire special police officers to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities; and

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

WHEREAS, Robert W. Frett has fulfilled all of the requirements set forth in N.J.S.A. 40A:14-146.10(b); and

WHEREAS, the Chief of Police supports his candidacy; and

WHEREAS, Robert W. Frett, upon being appointed, will have his fingerprints taken and filed with the Division of State Police and Federal Bureau of Investigations in accordance with N.J.S.A. 40A:14-146.10(c); and

WHEREAS, all of the additional requirements established by N.J.S.A. 40A:14-146.10 have been fully satisfied; and

WHEREAS, Robert W. Frett has successfully completed the necessary training to carry a firearm, as well as all training necessary to serve as Class Two Special Police Officers pursuant to N.J.S.A. 40A:14-146.11; and

WHEREAS, Robert W. Frett has obtained the proper certifications from the Police Training Commission to serve as Class Two Special Police Officers.

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

1. Robert W. Frett is appointed as a Class Two Special Police Officer.
2. Robert W. Frett shall be provided a uniform in accordance with N.J.S.A. 40A:14-146.12.
3. Robert W. Frett shall comply with all requirements of N.J.S.A. 40A:14-146.8, et. seq., including, but not limited to, N.J.S.A. 40A:14-146.14.
4. Robert W. Frett shall work no more than 30 hours per week, unless otherwise authorized by the Mayor and Council.
5. This appointment is subject to the approval of the State of New Jersey 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.

2019-5-77 – RESOLUTION APPROVING CONTRACT FOR PURCHASE OF FIRE APPARATUS

WHEREAS, the Borough of Penns Grove (“Borough”) is in need of a new ladder truck for its fire department; and
WHEREAS, the Borough utilized competitive pricing by and through an interlocal contract for cooperative purchasing with the Houston-Galveston Area Council (“H-GAC”); and
WHEREAS, the Borough received a low bid from First Choice Fire Apparatus, LLC in the amount of \$924,326.00 (which includes a prepayment discount) for a 2019 E-One Cyclone 2 Chassis, HM Aerial Ladder Apparatus; and
WHEREAS, the Borough would like to enter into a contract with First Choice Fire Apparatus, LLC for the purchase of the fire apparatus; and
WHEREAS, the Mayor and Council are in support of the contract attached hereto as Exhibit A.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the contract attached hereto as Exhibit A is approved and that the Mayor is authorized to execute the contract on behalf of the Borough of Penns Grove with H-GAC. This resolution shall be retroactive to the date in which the contract was signed by the Mayor.

2019-5-78 – A RESOLUTION AUTHORIZING THE FORECLOSURE OF TAX TITLE LIENS IN REM

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29, et. seq., the Tax Collector has certified to the Mayor and Council that the Borough of Penns Grove is the holder of various municipal Tax Sale Certificates, covering the lands for the amounts, including subsequent municipal liens, as shown on the Tax Foreclosure List hereto annexed and made a part hereof, being Schedule Numbers 1 through 17; and
WHEREAS, the Mayor and Council for the Borough of Penns Grove desire to proceed with the foreclosure action on seventeen (17) Municipal Tax Lien Certificates;
NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the Borough of Penns Grove’s Tax Collector and Adam I. Telsey, Esquire, are hereby authorized to foreclosure said certificates by summary proceedings, In Rem, as provided by N.J.S.A. 54:5-104.29 TO 54:5-104.75;
AND BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

2019-5-79 – A RESOLUTION AUTHORIZING THE FORECLOSURE OF TAX TITLE LIENS IN REM

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29, et. seq., the Tax Collector has certified to the Mayor and Council that the Borough of Penns Grove is the holder of various municipal Tax Sale Certificates, covering the lands for the amounts, including subsequent municipal liens, as shown on the Tax Foreclosure List hereto annexed and made a part hereof, being Schedule Numbers 1 through 17; and
WHEREAS, the Mayor and Council for the Borough of Penns Grove desire to proceed with the foreclosure action on seventeen (17) Municipal Tax Lien Certificates;
NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the Borough of Penns Grove’s Tax Collector and Adam I. Telsey, Esquire, are hereby authorized to foreclosure said certificates by summary proceedings, In Rem, as provided by N.J.S.A. 54:5-104.29 TO 54:5-104.75;
AND BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

2019-5-80 – A RESOLUTION AUTHORIZING THE FORECLOSURE OF TAX TITLE LIENS IN REM

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29, et. seq., the Tax Collector has certified to the Mayor and Council that the Borough of Penns Grove is the holder of various municipal Tax Sale Certificates, covering the lands for the amounts, including subsequent municipal liens, as shown on the Tax Foreclosure List hereto annexed and made a part hereof, being Schedule Numbers 1 through 17; and
WHEREAS, the Mayor and Council for the Borough of Penns Grove desire to proceed with the foreclosure action on seventeen (17) Municipal Tax Lien Certificates;
NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the Borough of Penns Grove’s Tax Collector and Adam I. Telsey, Esquire, are hereby authorized to foreclosure said certificates by summary proceedings, In Rem, as provided by N.J.S.A. 54:5-104.29 TO 54:5-104.75;
AND BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

2019-5-81 – RESOLUTION AUTHORIZING AN APPLICATION FOR CHARITABLE SOLICITATION

WHEREAS, the Penns Grove Twins Football Organization 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 June 15, 2019 (rain date June 22, 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.

2019-5-82 – RESOLUTION APPROVING LEASE OF FIRE APPRARATUS

WHEREAS, the Borough of Penns Grove (“Borough”) is in need of leasing a ladder truck for its fire department as the result of damage suffered by the current ladder truck; and

WHEREAS, ladder truck, which was damaged, is completely out of service thereby exposing the citizens of the Borough to danger if confronted with an emergency situation which requires the use of a ladder truck; and

WHEREAS, the loss of the ladder truck constitutes an emergency affecting the public health, safety and welfare and which requires the immediate lease of a ladder truck; and

WHEREAS, the Borough Certified Financial Officer has been made aware of this emergency and is satisfied that an emergency exists; and

WHEREAS, the Borough would like to enter into a lease agreement for a ladder truck with ABC Emergency Rental for a term of 168 days with a total rental amount of \$65,140.00; and

WHEREAS, the first payment of \$25,140 shall be due no later than May 22, 2019 and the second payment of \$40,000 due no later than 14 days after the date in which the Borough received approval for that amount by its insurance carrier; and

WHEREAS, the Borough CFO can only certify funds for this lease in the amount of \$25,140; and

WHEREAS, once the Borough insurance carrier approves he additional payment of \$40,000, then the Borough CFO shall be able to certify the additional finds requires for this lease; and

WHEREAS, in the event the Borough insurance carrier does not approve the additional funds of \$40,000 for this lease, then the Borough has the option of cancelling the lease after the initial 60 days of the lease and there shall be no additional fee owed to ABC Rentals; and

WHEREAS, the Lease Agreement has been attached hereto as Exhibit A; and

WHEREAS, the Mayor and Council are in support of the lease attached hereto as Exhibit A; and

WHEREAS, the lease agreement does not require public bidding because an emergency exists as set forth in N.J.S.A. 40A:11-6.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the lease attached hereto as Exhibit A is approved and that the Mayor is authorized to execute the lease on behalf of the Borough of Penns Grove. This resolution shall be subject to the approval of the New Jersey Department of Community Affairs prior to the execution of the lease agreement.

11. ORDINANCES:

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

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.

12. OLD/NEW BUSINESS:

- Summer Session Meetings
- Appreciation to members of Calvary Baptist Church
- Recognition of Elliot Hernandez, Chief of County Detectives
- Potholes
- Newsletter

13. APPOINTMENTS:

- Shannon Kappler – Penns Grove Ambulance

14. CONTRACTS/REQUESTS:

- Coin Toss Application – Penns Grove Twins Football Org.
- Agreement to Provide Security Personnel between Community Outreach Unlimited and the Borough of Penns Grove
- Barber Avenue Park Rental

15. PAYMENT OF BILLS:

16. PUBLIC SESSION:

17. ADJOURNMENT.