

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, STATE OF NEW JERSEY
MAYOR AND COUNCIL
MEETING
AGENDA
AUGUST 20, 2019**

1. PLEDGE OF ALLEGIANCE.

2. REGULAR SESSION:

- Invocation
- Roll Call

3. CORRESPONDENCE: None

4. OATH OF ALLEGIANCE

- Robert W. Frett - Full Time Police Officer

5. MINUTES: June 25, 2019 (Special), July 2, 2019 (Special)

6. PRESENTATION:

- Dan Pettigrew – Viola brands

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. EXECUTIVE SESSION:

➤ 2019-8-116– 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/Attorney-Client Privilege:** Discussion and Update regarding the ejection notice for Broadway Tire, 11 Penn Street, 19 East Pitman Street, pursuant to N.J.S.A. 10:4-12b(7).
- II. **Matters Relating To Attorney-Client and Contractual:** Discussion in the matter of Flameworks at Penns Grove, pursuant to N.J.S.A. 10:4-12b(7).

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.

10. RESOLUTION(S):

➤ 2019-8-117– RESOLUTION APPOINTING POLICE OFFICER

WHEREAS, THE Borough of Penns Grove is in the need of one regular police officer; and

WHEREAS, Robert Frett, Jr. currently serves as a Special Law Enforcement Officer with the Borough of Penns Grove; and

WHEREAS, Robert Frett, Jr. can obtain a Police Training Commission Certificate upon the completion of a two-week class; and

WHEREAS, the Borough would like to hire Robert Frett, Jr. as a regular police officer

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

1. Robert W. Frett, Jr., is hired as a Penns Grove Police Officer.
2. This approval shall not be effective until Robert Frett, Jr. obtains a Police Training Commission Certificate as soon as possible.
3. The Penns Grove Police Department has received approval by the State of New Jersey Department of Community Affairs.

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

➤ 2019-8-118 – RESOLUTION AUTHORIZING CONTRACT TO LANDBERG FOR PENN ST. PHASE II

WHEREAS, the Borough of Penns Grove (the “Borough”) requires the services of a contractor for the Penn Street Phase II Roadway Improvements consisting of milling of existing asphalt roadway, construction of new asphalt roadway, striping, signage, storm sewer installation, compliant handicap ramps, installation of concrete curb/gutter, and topsoiling/hydro-seeding; and

WHEREAS, the base bid includes Penn Street from Penn Street/West Harmony Intersection to Denny Avenue, Alternative Bid 1 is Penn Street plus Storm Sewer Installation, Alternative Bid 2 is Penn Street (Penn Street/Denny Avenue Intersection), Alternative Bid 3 is Penn Street (from Denny Avenue- Station 7+59 to Station 10+00).

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 June 18, 2019; and

WHEREAS, the bids which were received were as follows:

Bidder	Bid Amount	Alt Bid 1	Alt Bid 2	Alt Bid 3	Total Bid Amount
Landberg Construction LLC	\$158,350.14	\$28,331.35	\$32,847.20	\$73,447.80	\$292,976.49
Paving Plus, LLC	\$159,519.90	\$37,070.00	\$26,680.40	\$103,950.75	\$336,221.05

WHEREAS, the Borough Engineer has recommended awarding a contract to Landberg Construction, LLC for the base bid only in the total amount of \$158,340.14 in accordance with their letter dated July 23, 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 awarded to Landberg Construction, LLC for a total amount of \$158,350.14.

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 FUTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

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

➤ **2019-8-119 – RESOLUTION AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE RETAIL LICENSES FOR THE 2019-2020 LICENSE TERM**

WHEREAS, the following named persons has made application for renewal of Alcoholic Beverage License for the type designated and there appearing no objections to the contrary; and

WHEREAS, the licensee has met all the requirements of the Alcoholic Beverage Control Commission and the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control; and

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 following described license be granted, subject to local ordinance, from July 1, 2019 to June 30, 2020 for the following premises:

CLUB LICENSE

1707-31-018-001

Penns Grove Lodge #1358 BPO Elks

57 West Main Street

Penns Grove, NJ 08069

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 be 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.

➤ **2019-8-120 – RESOLUTION AUTHORIZING A PROPOSAL FOR PROFESSIONAL SERVICES FOR TRIAD ASSOCIATES**

WHEREAS, TRIAD ASSOCIATES currently serves as the Grant Consultant to the Borough of Penns Grove; and

WHEREAS, the Borough of Penns Grove has a need for the Grant Consultant to prepare an application for the NJDCA Small Cities Public Facilities Application, SFY2020; and

WHEREAS, a proposal was submitted by TRIAD 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, conditioned upon approval from the Department of Community Affairs.

➤ **2019-8-121 – RESOLUTION AUTHORIZING PARTIAL PAYMENT**

WHEREAS, the Borough of Penns Grove awarded a contract to Landberg Construction, LLC for the 2017 Roadway Improvement Program; and

WHEREAS, the Contractor has requested a partial payment in the amount of \$4,795.67 for the traffic markings, thermoplastic, the traffic stripes, long life, epoxy resin and stormwater curb opening; and

WHEREAS, the Borough Engineer has reviewed this matter and by letter dated August 8, 2019 recommends the partial payment of \$4,795.67; and

WHEREAS, the Borough agrees with the Engineer's evaluation of this matter.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that a partial payment shall be made to Landberg Construction, LLC in the amount of \$4,795.67 as set forth in the engineer's August 8, 2019 letter.

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

➤ **2019-8-122 – RESOLUTION AUTHORIZING FINAL PAYMENT**

WHEREAS, the Borough of Penns Grove awarded a contract to Detwiler Roofing for the Liberty Fire Station Improvements; and

WHEREAS, the Contractor has requested a final payment in the amount of \$183,500.00; and

WHEREAS, the Borough Engineer has reviewed this matter and recommends the final payment of \$183,500.00; and

WHEREAS, the Borough agrees with the Engineer's evaluation of this matter.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that a final payment shall be made to Detwiler Roofing in the amount of \$183,500.00 as set forth in the engineer's August 8, 2019 letter.

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

➤ **2019-8-123 – RESOLUTION REVOKING REDEVELOPER STATUS FOR THE FLAMEWORKS AT PENNS GROVE REDEVELOPMENT DISTRICT**

WHEREAS, the Borough of Penns Grove ("Penns Grove") and Flameworks at Penns Grove, LLC ("Flameworks") entered into a redevelopment agreement in March, 2019 for the Penns Grove Borough Flameworks Redevelopment District Project, Lots 1 and 2, Block 43; Lots 1 and 2, Block 44; Lots 11, 12, 13, 13.01, 15 and 16, Block 47; and Lot 9 in Block 66; and

WHEREAS, Flameworks has defaulted on the terms and conditions of the redevelopment agreement; and

WHEREAS, based upon this default, Penns Grove terminated the redevelopment agreement, however, Flameworks was provided 30 days to cure the default as stipulated in the contract; and

WHEREAS, Flameworks has not cured the default with the 30 day time period; and

WHEREAS, Penns Grove would now like to revoke Flameworks's designation as redeveloper for this project.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove hereby revokes Flameworks's designation as redeveloper of the Penns Grove Borough Flameworks Redevelopment District Project, Lots 1 and 2, Block 43; Lots 1 and 2, Block 44; Lots 11, 12, 13, 13.01, 15 and 16, Block 47; and Lot 9 in Block 66, effective immediately.

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

➤ **2019-8-124 – RESOLUTION APPROVING REDEVELOPMENT AGREEMENT WITH ZAWA PENNS GROVE, LLC**

WHEREAS, by Resolution, the Borough determined that the Broad Street, Main Street, Route 130 Study Area (the “Redevelopment Area”) is an “area in need of redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) and that certain Remedial Investigation Report approved by the Borough’s Planning Board (the “Planning Board”) on January 17, 2001; and WHEREAS, by Ordinance, the Borough adopted the Broad Street/Main Street/Route 130 Study Area Redevelopment Plan (the “Redevelopment Plan”); and

WHEREAS, by Ordinance No. 2019-6, the Borough adopted an Amendment to the Redevelopment Plan (hereinafter considered part of the “Redevelopment Plan”) for that portion of the Redevelopment Area designated as the “Wawa Redevelopment District” (the “Wawa Redevelopment Area”); and

WHEREAS, by Resolution, the Borough designated Zawa Penns Grove, LLC as the statutory “redeveloper” of the Wawa Redevelopment Area set forth in this agreement, in accordance with the LRHL;

WHEREAS, the Borough and the Redeveloper (collectively, the “Parties”) wish to enter into a Redevelopment Agreement, a copy of which is attached hereto, in order to memorialize the terms and conditions of their agreement with regard to the redevelopment of the Wawa Redevelopment Area and further outline and memorialize the rights and obligations of the parties with regard to such redevelopment; and

WHEREAS, the Agreement is subject to approval by the State of New Jersey, Department of Community Affairs, Division of Local Government Services.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Borough of Penns Grove hereby approves the attached Agreement and authorizes the Mayor to sign the Agreement on behalf of the Borough.

BE IT FUTHER RESOLVED, that this resolution is subject to the approval of the State of New Jersey, Department of Community Affairs, Division of Local Government Services, pursuant to the Memorandum of Understanding between them and the Borough of Penns Grove.

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

➤ **2019-8-125 – RESOLUTION AUTHORIZING CORRECTIVE DEED**

WHEREAS, the Borough of Penns Grove (“Borough”) is the owner of certain lands and premises within the Borough and shown on the Penns Grove Borough tax map as follows:

1. Block 87, Lots 11, 13 and 17 (the “Property”)

WHEREAS, in accordance with N.J.S.A. 40A:12-13(a) the Property was publicly advertised for sale; and

WHEREAS, Huynh Tram was the successful bidder of the Property; and

WHEREAS, Block 87, Lots 13 and 17 were needed by Habitat for Humanity for the construction of new housing; and

WHEREAS, Huynh Tram graciously agreed to withdraw the bid on Block 87, Lots 13 and 17 so that it could be transferred to Habitat for Humanity; and

WHEREAS, it is now necessary to prepare a Corrective Deed to Huynh Tram deleting Block 87, Lots 13 and 17 from the transfer.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Penns Grove that a corrective deed shall be prepared and recorded removing Block 87, Lots 13 and 17 from the deed dated May 9, 2019 which transferred Block 87, Lots 13, 17 and 21 and the Mayor shall be authorized to execute that corrective deed and all other documents.

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

➤ **2019-8-126 – RESOLUTION AUTHORIZING THE REVERSION OF PROPERTIES RELATED TO THE MASTER REDEVELOPMENT AGREEMENT BROAD STREET/MAIN STREET/ ROUTE 130 STUDY AREA “Scattered Site” OVERLAY DISTRICT PROJECT**

WHEREAS, the Borough of Penns Grove (“Penns Grove”) and Penns Grove Scattered Site Rehab, LLC (“PGSSR”) entered into a redevelopment agreement dated November 21, 2017 for the Master Redevelopment Agreement Broad Street/Main Street/Route 130 Study Area “Scattered Site” Overlay District project (the “Project”); and
 WHEREAS, as part of the Project, Penns Grove gave PGSSR properties to be developed; and
 WHEREAS, PGSSR defaulted on the terms and conditions of the redevelopment agreement; and
 WHEREAS, based upon this default, Penns Grove terminated the redevelopment agreement and terminated PGSSR as redeveloper of the Project; and
 WHEREAS, the redevelopment agreement stipulated that upon default, PGSSR shall return all properties to Penns Grove; and
 WHEREAS, PGSSR has given Penns Grove a deed returning the following properties (the “Properties”)

BLOCK	LOT
1	1
13	3
13	7
15	2
15	4
17	7
21	5
21	19
23	1
27	5
39	7
43	20
45	15
48	1
48	26
50	8
50	15
51	8
51	25
65	14
67	1
67	34
67	45
68	3
68	4
68	6
68	6.01
68	10

68	13
68	21
69	3
72	9
73	13
74	6
75	13
75	15
75	16
76	4
82	2
87	1
87	11.01
87	14
87	15
87	16
87	20
88	8
91	7
99	1
99	2
101	8
108	10
111	22
112	19
118	4
118	6.01
128	24
128	25

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the Borough hereby accepts reversion of the Properties and the Properties shall be placed in the name of Penns Grove.

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

➤ **2019-8-127 – RESOLUTION AUTHORIZING SCHEDULE I**

Whereas, the Borough of Penns Grove desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for up \$400,000 for infrastructure improvements to Delaware Avenue and Mill Street Pump Stations.

Be it therefore RESOLVED,

- 1) that the Borough of Penns Grove does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Penns Grove and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to

sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith

➤ **2019-8-128 – RESOLUTION APPROVING GRANT MANAGEMENT PLAN FY2020 SMALL CITIES PROGRAMS PUBLIC FACILITIES FUND: INFRASTRUCTURE IMPROVEMENTS TO DELAWARE AVENUE AND MILL STREET PUMP STATION**

WHEREAS, the Borough of Penns Grove is applying for a Small Cities grant from the Public Facilities Fund and if awarded funding will entered into a Grant Agreement with the New Jersey Department of Community Affairs; and WHEREAS, the Borough is required to submit a Grant Management Plan as part of the Small Cities application; NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Penns Grove, County of Salem and State of New Jersey, that:

The Grant Management Plan prepared by the Borough and submitted to DCA Small Cities with the application for the Infrastructure Improvements to Delaware Avenue and Mill Street Pump Stations is hereby adopted to identify Tammy Wetzel of Triad Associates as the Project Coordinator and Sharon Williams as the Program Director and Official Contact Person.

This is to certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Penns Grove Borough Council which was held on August 20, 2019.

➤ **2019-8-129 – RESOLUTION AUTHORIZING CITIZEN PARTICIPATION PLAN FY2019**

WHEREAS, the Borough of Penns Grove is applying for FY2020 Small Cities Grants from the Public Facilities Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the Borough of Penns Grove to comply with all federal regulations with respect to citizen participation; and

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

The Citizen Participation Plan 2019 developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Borough of Penns Grove; and

The Borough of Penns Grove will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

➤ **2019-8-130 – RESOLUTION IDENTIFYING CDBG FAIR HOUSING OFFICER**

Public Facilities Fund: Infrastructure Improvements to Delaware Avenue and Mill Street Pump Stations

WHEREAS, the Borough of Penns Grove is applying for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (hereafter NJDCA) for funds for Infrastructure Improvements to Delaware Avenue and Mill Street Pump Stations.

WHEREAS, the Borough of Penns Grove must make efforts to affirmatively further fair housing; and

WHEREAS, the Borough of Penns Grove has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Borough of Penns Grove has made assurances in the grant agreement that:

(1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and

(2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto; and

(3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and

(4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that Ericka A. Walker, shall be designated as

the Fair Housing Officer for the Borough of Penns Grove; and
BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD
Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those
agencies of her appointment as Fair Housing Officer and request Fair Housing Information, and
BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and
referral advice to persons requesting such assistance from the Borough of Penns Grove; and
BE IT FURTHER RESOLVED that the Borough of Penns Grove will publish in the local newspaper of record and post at the
municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair
housing services.

➤ **2019-8-131 – RESOLUTION TO COMMIT TO THE COMPETITIVE CONTRACTING PROCUREMENT PROCESS PURSUANT TO NJSA 40A:11-4.1 THROUGH 40A:11-4.5 FOR CERTAIN PROFESSIONAL SERVICES, CONTINGENT UPON AN FY2020 SMALL CITIES GRANT AWARD FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR INFRASTRUCTURE IMPROVEMENTS AT DELAWARE AVENUE AND MILL STREET PUMP STATIONS**

WHEREAS, the Borough of Penns Grove intends to submit in September 2019 an application to the New Jersey Department of Community Affairs, Small Cities Public Facilities Fund to develop Infrastructure Improvements at Delaware Avenue and Mill Street Pump Stations; and,

WHEREAS, the Small Cities Program requires, in certain instances, that professional services associated with the implementation of a Small Cities award be procured through a Competitive Contracting process;

BE IT THEREFORE, RESOLVED, that the Borough of Penns Grove does hereby commit to authorize the issuance of Requests for Proposals (RFP), under the aforementioned State Competitive Contracting guidelines, for Professional Engineering Services, contingent upon award of said Small Cities grant; and,

BE IT FURTHER RESOLVED, that the Borough Clerk will be directed to advertise these RFPs for a period of not less than 20 days in the Borough's official newspaper of record; that the Borough will strive to obtain three or more proposals; and the Borough will proceed with the RFP evaluation process if at least two proposals are received.

11. OLD/NEW BUSINESS:

- Community Yard Sale – September 14, 2019 8:00 a.m. – 4:00 p.m.
- Coin Drop - Liberty Fire Company No. 1 of Penns Grove – September 7, 019 (Rain date: September 21, 2019)

12. CONTRACTS/REQUESTS:

- **Schedule G - Application for Contract Funds** – Certification Regarding Debarment and Suspension
- **Schedule H - Application for Grant Funds** – Certification Regarding Lobbying

13. PAYMENT OF BILLS:

14. PUBLIC SESSION:

15. ADJOURNMENT.