

BOROUGH OF PENNS GROVE  
COUNTY OF SALEM  
MAYOR AND COUNCIL  
DECEMBER 17, 2019  
MINUTES

This meeting of the Penns Grove Borough Council was called to order by Mayor John A. Washington, Sr., in the courtroom of the Borough Hall, 1 State Street, Penns Grove, New Jersey. Mayor Washington gave the Open Public Meetings Statement Act.

Pledge of Allegiance was made.

Invocation was made by Sharon R. Williams, Municipal Clerk.

ROLL CALL: Oliver-absent, Pasquale-present, Poindexter-present, Scott-present, Washington, Jr.-present.

EXECUTIVE SESSION:

2019-12-179 – Resolution Authorizing Executive Session. Motion to receive and file by Washington, Jr.; second Poindexter. All in favor.

Motion to open regular session by Washington, Jr.; second Poindexter. All in favor.

Invocation was made by Dr. Gustav Davis.

ROLL CALL: Oliver-absent, Pasquale-present, Poindexter-present, Scott-present, Washington, Jr.-present.

CORRESPONDENCE:

Mayor Washington read letter of resignation as received from Officer Psensky. Motion to accept with regret, by Poindexter; second Washington, Jr. All in favor.

MINUTES: Motion to adopt December 6, 2016 open session by Poindexter; second Scott. All in favor. Motion to adopt November 14, 2019 open session by Poindexter; second Scott. All in favor. Motion to adopt December 3, 2019 open and closed session by Poindexter; second Scott. All in favor.

COMMITTEE REPORTS:

Parks & Recreation/Board of Health: Washington, Jr. addressed/stated the following: Lunch with Santa to be held on December 23<sup>rd</sup> from , at the Silver Run Apartment Community Center. Mayor-Elect Thomas will host a toy give away on December 23<sup>rd</sup> from 9:00 a.m. to 12:00 p.m., at the Penns Grove Ambulance Hall.

Public Safety: Poindexter addressed/stated the following: Commended Police, Fire and Ambulance departments.

General Government: Pasquale addressed/stated the following: Tax Collector Report for the month of November 2019. Motion to accept and file by Poindexter; second Pasquale. All in favor. Contacted DEP to request a list of properties that have underground tanks. Mayor Washington stated that properties with underground tanks are considered brownfields properties and a list can be obtained from the DEP.

Construction/Housing/Zoning & Shade Tree: Scott addressed/stated the following: Nothing to report.

Solicitors Report: Telsey stated/addressed the following: Nothing to report.

Finance Officers Report: Walker stated/addressed the following: Nothing to report.

Chief of Police Report: Stranahan stated/addressed the following: No cost to the Borough as it relates to Off-duty Policing; further stating that Off-duty Policing is funded by the utility company.

Fire Chief Report: Hartsough stated/addressed the following: Expressed appreciation to Mayor and Council; Santa will be riding the fire truck on December 23<sup>rd</sup> from 4:00 p.m. to 8:00 p.m. Mayor Washington commended Police, Fire and Ambulance Departments.

RESOLUTIONS:

2019-12-180 – RESOLUTION AUTHORIZING REFUND OF RECORDING FEES PAID

BE IT RESOLVED by the Borough of Penns Grove, County of Salem that the recording fee of \$50.00 paid per lien redemption on the following properties is refunded to the redeemer as the tax sale certificate was not recorded.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Certificate #</u>	<u>Redeemer</u>
2019	67	13	13 John Street	#19-00569	Corelogic

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Penns Grove, County of Salem, a refund should be issued in the amount of \$50.00 from the Tax Collectors' Redemption 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.

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2019-12-181 – TRANSFER OVERPAID TAX FROM 2019 TO 2020

BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that the amount of taxes overpaid be transferred from 2019 to 2020 as described below:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
65	18	Ronald J & Marjorie G Giordano	\$71.71
68	12	Jackie Robinson Hall	\$2.38
84	4	Walker, Willie L C/O B Walker	\$24.21
123	14	Donald, David, & Ryan Redfield	\$40.66
123	1	Armondo P & Elizabeth Verdecchio	\$649.95

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

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2019-12-182 – RESOLUTION AUTHORIZING THE REFUND OF TAX PAYMENT AS BOROUGH OWNED PARCEL

WHEREAS, the following parcel is class 15C exempt as Borough owned due to In Rem Foreclosure finalized on September 12, 2019. Therefore, an online payment made through the WIPP Portal on November 26, 2019 shall be refunded as followed:

<u>Block/Lot</u>	<u>Address</u>	<u>Amount</u>	<u>Reason</u>
47/13	8 & 10 N Broad St	\$1,254.38	Exempt as Borough Owned

WHEREAS, the amount of the refund is \$1,254.38 and should be issued to:  
JC Moch Capital LLC 7 Glenwood Ave East Orange, NJ 07017  
NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Penns Grove, County of Salem, a refund should be issued in the amount of \$1,254.38 from the Tax Collection 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.

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2019-12-183 – RESOLUTION APPROVING CONTRACT FOR PURCHASE OF AMBULANCE

WHEREAS, the Borough of Penns Grove ("Borough") is in need of a new ambulance for its ambulance 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 Emergency Vehicle Specialists in the amount of \$ 236,956.00 for a 2019 E-450 Type 111, Class 1 Ambulance; and  
WHEREAS, the Borough would like to enter into a contract with Emergency Vehicle Specialists for the purchase of the ambulance; and  
WHEREAS, the Mayor and Council are in support of the contract attached hereto as Exhibit A.  
WHEREAS, The Borough of Penns Grove received Federal Funding from the U.S. Department of Homeland Security though the FY2018 Assistant to Firefighters Grant Program, Award Number EMW-2018FV-00134.



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.

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2019-12-184 – RESOLUTION CERTIFYING REVIEW OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2017 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Penns Grove, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion to adopt by Poindexter; second Washington, Jr. All in favor.

2019-12-185 – RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION FOR CARNEYS POINT & PENNS GROVE MUNICIPAL ALLIANCE GRANT FOR GRANT PERIOD JULY 1, 2020 TO JUNE 30, 2021

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 Mayor and 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 Penns Grove Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements as outlined in the Contract, attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Penns Grove, County of Salem, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a joint application for the Carneys Point and Penns Grove Municipal Alliance grant for the fiscal year 2020-21 in the amount of :
  - DEDR \$10,487.00
  - This application requires a 25% Cash Match \$2,621.75 and a 75% In-Kind \$7,865.25.
  - TOTAL ALLIANCE BUDGET: \$20,974.00
2. Carneys Point Township and Penns Grove Borough will continue to collaborate efforts and appoint joint membership with Carneys Point Township as the lead agency.



3. The Township acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.  
Motion to adopt by Poindexter; second Washington, Jr. All in favor.

**ORDINANCE:**

**2019-14 – AN ORDINANCE AMENDING AN ORDINANCE REGULATING SECURITY FOR APARTMENT COMPLEXES (The Tayshon Hayward Ordinance)**

WHEREAS, on August 20, 2019 the Borough of Penns Grove approved an ordinance regulating security apartment complexes, also known as the Tayshon Hayward Ordinance; and

WHEREAS, §359-20(b) of the Ordinance requires apartment complexes to retain video footage for 180 days; and

WHEREAS, after further review of this matter it has been determined that the 180 days retainage requirement is unreasonable because the amount of data to be stored is costly and not realistic; and

WHEREAS, the Borough would therefore like to amend §359-20(b) so that the retention time is 60 days instead of 180 days in order to alleviate the financial and practical burden on the Apartment Complexes.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Penns Grove that §359-20(b) of the Code of the Borough of Penns Grove be amended read as follows:

§359-20 Security Cameras

- b. The security camera systems used in connection with this ordinance shall be capable of storing and maintaining all footage for a period of 60 days. After the passage of 60 days from the date the footage was obtained, the apartment complex may delete the footage, unless otherwise instructed by law enforcement, in which case, the apartment complex must maintain the footage to the extent instructed by law enforcement.

THIS ORDINANCE shall take effect according to law. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Motion to open meeting to the public by Washington, Jr.; second Poindexter.

Motion to close meeting to the public by Poindexter; second Washington, Jr.

Motion to adopt by Poindexter; second Washington, Jr. Roll call. All ayes.

**OLD/NEW BUSINESS:**

Poindexter gave speech, thanking fellow council, and employees.

Mayor Washington addressed the importance of placing liens against properties that are maintained by the Borough.

**RESOLUTION 2019-12-186 – A RESOLUTION AUTHORIZING LIENS AGAINST PROPERTIES MAINTAINED BY THE BOROUGH OF PENNS GROVE**

Motion to adopt by "Walk-On" Resolution by Washington, Jr.; second Poindexter. All in favor.

**PAYMENT OF BILLS:** Motion to pay all bills signed and audited by Poindexter; second Scott. All in favor.

**PUBLIC SESSION:** Motion to open meeting to the public by Washington, Jr.; second Poindexter. All in favor.

Ron Giordano, Sack Avenue, expressed concern regarding process taken to fill the vacant seat of Rafael Leon.

John Scarpaci, Railroad Avenue, expressed concern regarding the process taken to fill the vacant seat of Rafael Leon, with Carl Washington.

Irene Scarpaci, Railroad Avenue, addressed the "sore loser rule", and expressed concern regarding the process take to fill the vacant seat of Rafael Leon.

Poindexter stated that the process taken was legal in all aspects.

Walter Hudson questioned the amendment to the Tayshon Howard Ordinance.

Mr. Hudson was advised that the Ordinance had been amended to shorten the duration of retention, and that the Ordinance had been adopted.

Peter Washington, Carneys Point, New Jersey, questioned the vacancy and questioned if it had been filled according to law.

Mayor Washington stated yes, further explained the process as permitted by law.

Rafael Leon, Penn Street, addressed his resignation, and expressed support to Mayor and Council. Mr. Leon addressed unregistered vehicles, and zoning regarding fences.

Christine Scholer, South Broad Street, expressed concern regarding the process taken regarding the vacant Council seat of Rafael Leon being filled with Carl J. Washington.

Councilman Washington, Jr. stated that he does not intend on resigning from this seat.

Wilson Jiminez, East Line Street, expressed appreciation to Mayor and Council for a great job.

Motion to close meeting to the public by Poindexter; second Washington, Jr. All in favor.

ADJOURNMENT: Motion to adjourn by Washington, Jr.; second Poindexter. All in favor.

Respectfully Submitted,

Sharon R. Williams, RMC  
Municipal Clerk