

**PINE VALLEY BOROUGH
MEETING MINUTES
Monday, March 17, 2020**

CALL TO ORDER-FLAG SALUTE

OPEN PUBLIC MEETINGS ACT – Adequate notice of this meeting was given by emailing The Retrospect and Courier Post on January 6, 2020 and posting on the bulletin board at Borough Hall.

ROLL CALL – recorded as present was Mayor Kennedy, Commissioner Clark and Commissioner Kennedy;

MATTERS REQUIRING OFFICIAL ACTION:

- **Minutes** – Regular Meeting of Tuesday, February 18, 2020 - the motion to approve with noted correction by Commissioner Clark, was seconded by Commissioner Kennedy with all in favor, none opposed and no abstentions.

- **Ordinances**
 - Second Reading by Title, Public Hearing, and Motion to Adopt
 - 2017-01-AN ORDINANCE AMENDING ORDINANCE 2019-03 ADOPTING ANNUAL FEE SCHEDULE FOR THE BOROUGH OF PINE VALLEY
 - Mayor Kennedy opened the meeting to the public for questions and comments. Hearing none, Mayor Kennedy closed the meeting to the public.
 - The Motion to adopt by Commissioner Kennedy was seconded by Commissioner Clark, with all in favor, none opposed and no abstentions.

- **Resolutions**
 - **#028-2020-CERTIFYING COMPLIANCE WITH N.J.S.A. 40A:4-5 AS AMENDED BY PL2017,C.183**

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 Governing Body of the Borough of Pine Valley 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.
 - The Motion to adopt by Commissioner Clark, was seconded by Commissioner Kennedy, with all in favor, none opposed and no abstentions

 - **#029-2020 - AUTHORIZING LEVY CAP AND BUDGET CAP REFERENDUM ON TUESDAY, APRIL 21, 2020**

WHEREAS, N.J.S.A. 40A:4-45.45 provides that in preparation of its budget, a municipality shall, subject to certain statutory exceptions, limit any increase in its allowable municipal tax levy to two percent (2%) over the previous year's tax levy; and

WHEREAS, N.J.S.A. 40A:4-45.46 permits a municipality to increase its allowable tax levy by a percentage rate greater than otherwise authorized where said increase is approved by referendum; and

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WHEREAS, N.J.S.A. 40A:4-45.2 provides that in preparation of its budget a municipality shall limit any increase in said budget to two and one half percent (2.5%) over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.3(i), permits a municipality to increase final appropriations by a percentage rate greater than two and one half percent (2.5%) where said increase is approved by referendum; and,

WHEREAS, the Governing Body of the Borough of Pine Valley, in the County of Camden has called for a special referendum election pursuant to N.J.S.A. 40A:4-45.46 and N.J.S.A. 40A:4-45.3a, because it finds it advisable and necessary to increase its 2020 allowable tax levy and allowable final appropriations by more than otherwise authorized; and

WHEREAS, the Governing Body of the Borough of Pine Valley hereby determines that a 37.29 % increase in the allowable tax levy, which is \$153,480 in excess of the increase in allowable tax levy, and that an increase of 5.64 % or \$27,065 over its otherwise allowable final appropriations shall be added, will only become effective upon authorization by the voters by referendum; and

WHEREAS, set forth below are those that have given rise to the need to seek an increase in the allowable tax levy and final appropriations from what would otherwise be provided under the limitations of state law:

Loss of Revenue Line Items	Amount of Loss
PVGC Security Contract	\$100,000.00
Increase in Appropriation Line Items	Amount of Increase
Legal Services – OE	\$72,000.00
Deferred Charges – OE	\$40,000.00

NOW, THEREFORE BE IT RESOLVED, that the question to be placed on the ballot shall be as follows:

Public Question

“Shall the Governing Body of the Borough of Pine Valley be authorized to increase its adjusted tax levy by \$153,480 more than the allowable adjusted tax levy, which is 37.29 % more than the allowable adjusted tax levy as provided by N.J.S.A. 40A:4-45.44 *et seq.* and shall it be authorized to increase to adopt the 2020 Municipal Purposes Budget in excess of the increase limitation by 5.64 % or \$27,065 as provided by N.J.S.A. 40A:4-45.3(i).”

Explanatory Statement

The following identifies the changes in appropriations or revenues that warranted the governing body’s decision to ask the public question.

Loss of Revenue Line Items	Amount of Loss
PVGC Security Contract	\$100,000.00
Increase in Appropriation Line Items	Amount of Increase
Legal Services – OE	\$72,000.00
Deferred Charges – OE	\$40,000.00

A “yes” vote will authorize the governing body of the municipality to adopt the budget that was introduced and published that provided for an increase in the tax levy over the allowable property tax levy cap, and an increase in the allowable municipal purposes appropriations over the amount authorized by State law at the rate of increase described in the ballot question.

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A “no” vote means that the governing body must amend the budget through appropriation reductions or allowable non-property tax revenue increases in order to adopt the budget within the tax levy and appropriation increase limits set forth by law.

BE IT FURTHER RESOLVED, that said referendum be, and the same is scheduled April 21, 2020, between the hours of 6:00 a.m. and 8:00 p.m., prevailing time, in the manner provided by statute.

BE IT FURTHER RESOLVED, that the local municipal budget of the Board of Commissioners of the Borough of Pine Valley for 2020 is hereby authorized to be published in The Retrospect March 27, 2020 issue.

BE IT FURTHER RESOLVED, that a public hearing on the budget will be held on Tuesday, May 19, 2020, 4:00 pm at the Pine Valley Borough Hall, #1 Club Road, Pine Valley, NJ 08021, at which time and place objections to said budget may be presented by taxpayers or other interested parties.

BE IT FURTHER RESOLVED, that two (2) certified copies of this Resolution, shall be transmitted to the Director of the Division of Local Government Services, within 3 days after adoption with the recorded vote included thereon as required by N.J.S.A. 40A:4-5.

- There was explanation from Mayor Kennedy of the process involved and of the advice from DLGS; and of the ballot process, which also has been vetted by DLGS.
- The Motion to adopt by Commissioner Kennedy, was seconded by Commissioner Clark, with all in favor, none opposed and no abstentions

• **#030-2020-APPROVING PAYMENT OF BILLS**

• **BE IT RESOLVED**, by the Governing Body of the Borough of Pine Valley, that payment for the annexed bill sit dated march 10, 2020 in the amount indicated below is hereby approved:

Current Account	\$42,354.02
Payroll Account	<u>\$ 5,912.45</u>
TOTAL	<u>\$48,266.47</u>

- The Motion to adopt by Clark was seconded by Commissioner Kennedy, with all in favor, none opposed and no abstentions.

• **#031-2020 - TONNAGE GRANT APPLICATION RESOLUTION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P. L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2019 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Commissioners of the Borough of Pine Valley to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Commissioners, that the Borough of Pine Valley hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of

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Environmental Protection and designates Earl Odd, Recycling Coordinator and Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be dedicated funds used solely for the purposes of recycling.

- The Motion to adopt by Commissioner Kennedy, was seconded by Commissioner Clark, with all in favor, none opposed and no abstentions

- **INTRODUCTION OF THE 2020 MUNICIPAL BUDGET IN THE AMOUNT OF \$603,000.00**
- The motion to introduce by Commissioner Clark was seconded by Commissioner Kennedy with all in favor, none opposed and no abstentions.
- The Public Hearing and Adoption of the Budget is scheduled for Tuesday, May 19, 2020, 4:00 pm in the Borough Hall.

OFFICIAL REPORTS

- Finance – There is the new procedure with the State with the “FAST” submittal of the budget. There was discussion of the new procedure.
- Police – Captain Rauer reported that they are working 12 hour shifts and all is well. He highlighted all of the COVID 19 updates he has received.

MATTERS FOR DISCUSSION

- Website Design and Development Proposal – Mayor Kennedy asked if the discussion could be tabled at this time.

- Records Storage – Municipal Clerk Amadio reported that a substantial destruction of authorized records was accomplished, and we are moving forward on records storage.

- Animal Shelter – Nothing new has been gleaned on this matter and it is likely that shelters will not be operating a full staff at this point.

FLOOR OPEN TO THE PUBLIC – The floor is open to the Public for comments or questions on any item appearing on the Agenda, or any other issues they may have. - None

ANNOUNCEMENTS – the next meeting for the Borough of Pine Valley will be held Tuesday, April 21, 2020 4 pm in the Borough Hall.

MOTION TO ADJOURN – motion by Commissioner Clark at 4:29 pm, was seconded by Commissioner Kennedy with all in favor, none opposed and no abstentions.

Sincerely,

Dawn T. Amadio, RMC, Municipal Clerk