

Borough of Pine Hill
Council Meeting
March 6, 2017
Pine Hill Borough Hall
7:30 P.M.

Mayor Green called the meeting to order.

Deputy Clerk, Patricia Hendricks delivered the Sunshine Law and the awareness for the town.

Roll Call: Patricia Hendricks, Deputy Clerk

Councilman Warrington-present, Councilwoman McCullen-present, Councilman Knott-present, Councilman Jaxel-present, Councilman Robb-present, Councilman Burke-present, Mayor Green-present, Mr. Greer-present, Mrs. Hendricks-present, Mr. Patterson-present, Mr. Angelastro-present, Mr. Cardis-absent

Approval of Minutes: January 9, 2017

Motion to Approve: Councilman Warrington, 2nd Councilman Jaxel
All in Favor: 6 yes votes

Approval of Minutes: February 6, 2017 – Closed Session

Motion to Approve: Councilwoman McCullen, 2nd Councilman Knott
All in Favor: 5 yes votes Councilman Warrington – Abstained

Pine Hill Municipal Utility Authority for NJ EIT Financing presented by Debra Corson the Executive Director of the MUA.

Mayor Green asked Council if there were any matters to be discussed. Council had no matters to be discussed.

ORDINANCE NUMBER 2017-952

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to 3.5% 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 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

ORDINANCE NUMBER 2017-953

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**ORDINANCE OF THE BOROUGH OF PINE HILL AMENDING,
REVISING AND/OR SUPPLEMENTING CHAPTER 10 OF THE
CODE OF THE BOROUGH OF PINE HILL, CAPTIONED
“BUILDINGS AND HOUSING”**

WHEREAS, the Borough of Pine Hill adopted Ordinance 2015-935 on December 7, 2015 captioned “An Ordinance of the Borough of Pine Hill Governing the Maintenance of Vacant and Abandoned Properties, Establishing Registrations Requirements and Levying a Registration Fee on Owners of Vacant Property”; and

WHEREAS, said Ordinance has now been codified as part of Chapter 10 of the Borough Code captioned “Buildings and Housing”; and

WHEREAS, it has now been determined necessary to amend Chapter 10 to revise the Fee Schedule, the Registration Time Period and to include a new Section 10-21 to be captioned “Defaulted Mortgage Property”.

WHEREAS, the Mayor and Borough Council of the Borough of Pine Hill recognizes there are a large number of properties located throughout the State of New Jersey and within the Borough that are encumbered by defaulted mortgages and/or which are subject to foreclosure actions or have been foreclosed upon (hereinafter the “Defaulted Mortgage Properties”); and

WHEREAS, the Governing Body further recognizes that Defaulted Mortgage Properties have a tendency to become neglected and can contain unsecured, accessible structures which can have a negative impact on community value, create conditions that invite criminal activity, foster an unsafe and unhealthy environment for residents, create nuisances and lead to a great decrease in neighborhood and community aesthetics; and

WHEREAS, often times, the foreclosing party and/or owners of Defaulted Mortgage Properties are located out of state or no longer reside at the property and have left no local contact information, thereby making it difficult to provide notice the proper party of any

violations of the Borough Code relating to maintaining the requisite level of maintenance and security on such structures and/or properties; and

WHEREAS, it is the purpose and intent of the Mayor and Borough Council to establish a process to address the deterioration, crime and decline in value of Borough neighborhoods caused by the conditions associated with Defaulted Mortgage Properties and to identify, regulate, limit and reduce the number of these properties located within the Borough; and

WHEREAS, it is the further intent of the Mayor and Borough Council to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, lack of adequate maintenance and security and to provide a method to expeditiously identify multiple parties and their contact person(s) for each property responsible for this protection; and

WHEREAS, the Mayor and Borough Council of the Borough of Pine Hill have determined it to be in the best interest of residents of the Borough to provide for the registration of Defaulted Mortgage Properties located within the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden and State of New Jersey, that it hereby amends Chapter 10 of the Code of the Borough of Pine Hill captioned "Buildings and Housing" as follows:

SECTION 1.

A. Section 10-20.1 shall be amended as to the definition of "Vacant Property" as follows:

Vacant Property – Vacant property shall mean any building used or to be used as a residence or a commercial use not legally occupied or which substantially all lawful construction operations or residential or commercial occupancy has ceased, and which is in such condition that it cannot legally be occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and

grounds are maintained in good order, or where the building is in a habitable condition and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this Chapter.

B. Section 10-20.2, Paragraph (d) shall be amended to read as follows:

“The registration shall remain valid for a six month time period from the date of registration. The owner shall be required to renew the registration semi-annually every six months as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 10-20.5 of this Chapter for each vacant property registered”.

SECTION 10-20.5 shall be amended to read as follows:

“The semi-annual renewal shall be completed every six months”.

The “Fee Schedule” shall be amended to read as follows:

The registration fee for each building shall be \$600.00 for the initial registration and for each subsequent renewal.

SECTION 2.

Chapter 10 of the Code of the Borough of Pine Hill entitled “Buildings and Housing” is hereby amended, revised and supplemented to add a new Section 10-21 entitled “Defaulted Mortgage Properties” which shall read as follows:

Defaulted Mortgage Properties

Public nuisance declared.

All registrable property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough of Pine Hill.

Applicability.

The requirements of this Section shall be considered cumulative to and not superseding or subordinate to any other law or provision regarding the registration of vacant, deteriorated and/or abandoned property, it being the express intent of the Borough that the requirements of this

Section shall be a further remedy available to the Borough in addition to any other applicable laws relating to same.

Definitions.

As used in this Section, the following terms shall have the meanings indicated notwithstanding any meaning to the contrary elsewhere in this Chapter:

ACCESSIBLE PROPERTY and/or ACCESSIBLE STRUCTURE

A property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

ARM'S LENGTH TRANSACTION

The sale of real property to an independent third-party purchaser, who is unrelated to the transferor, for fair market value as determined by an independent appraiser not hired or retained by the transferor.

APPLICABLE LAWS

The Code of the Borough of Pine Hill, as it may be amended from time to time, and any and all ordinances and/or resolutions adopted by the Borough which govern property maintenance and are not codified therein, together with all other laws, rules and regulations of the County of Camden and/or State of New Jersey applicable to construction, maintenance and/or use of real property, including but not limited to State and/or County Construction, Building and Fire Codes.

DETERIORATED PROPERTY

Property located within the Borough of Pine Hill upon which is found any one or more of the following conditions:

- a) Properties that have broken or severely damaged windows, doors, walls or roofs which create hazardous conditions and/or encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties; or

- c) Properties cited under the property maintenance provisions of the Pine Hill Borough Code and/or as a public nuisance pursuant to applicable laws; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are so dilapidated, deteriorated and/or so violative of basic property maintenance requirements that they violate minimum health and safety standards.

ENFORCING OFFICER

Any Police Officer, Construction Code Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector or Building Inspector or other person authorized by the Borough and/or the State of New Jersey to enforce the applicable laws.

DEFAULT

The event, action and/or inaction, and the continuing situation arising therefrom, where a mortgagor, owner and/or borrower has not complied with any one or more terms of the mortgage encumbering the mortgagor's property as said property is identified in the mortgage, has not paid current all real property taxes and/or applicable municipal charges, or has otherwise failed to comply with the provisions of a loan or other agreement wherein the borrower has used the borrower's real property as collateral therefor. For the purpose of this definition, the term "mortgage" shall also mean and/or refer to the promissory note executed with the mortgage and/or such other valid written evidence of the debt as recognized by law.

EVIDENCE OF VACANCY

As used in this Section, "Evidence of Vacancy" shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that a property is vacant, including but not limited to overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts or automotive materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence

of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents as to suspected vacancy; or the presence of boards over doors, windows or other openings in violation of applicable laws.

FORECLOSURE

The legal process by which a mortgagee or other creditor terminates a property owner's ownership of and/or equitable right of redemption in real property in order to obtain legal and equitable title to the real property which was pledged as security for a debt.

This definition shall include, but is not limited to, public notice of default, recording of a lis pendens, filing of a foreclosure complaint in the Superior Court of New Jersey, delivery and recording of a deed-in-lieu of foreclosure, sale of the real property to the foreclosing mortgagee or creditor, entry of a judgment of foreclosure and/or all other processes, activities and actions, by whatever name, associated with the foreclosure process. For purposes of this Section, the foreclosure process shall not be deemed concluded until the property that is obtained by the mortgagee, creditor and/or their designee by deed or judgment of foreclosure or any other means is sold to a non-related bona fide third-party purchaser in an arm's-length transaction.

LOCAL PROPERTY MANAGEMENT COMPANY

A property management company located within 20 driving miles of any municipal border of the Borough or a non-local property manager approved by the Borough Administrator upon the Administrator's review and consideration of reasonably reliable credentials.

MORTGAGEE

The creditor identified in the mortgage documents as the lender and/or financing institution which lent money to a property owner thereunder and encumbered the property owner's real property as collateral therefor, including but not limited to any trustees, mortgage service companies, and/or any agent, servant, or employee thereof,

and/or any successor in interest or assignee of the said mortgagee's rights, interests or obligations under the mortgage agreement, which assignment and/or transfer was made, in part, for the purpose of substituting one mortgagee for another.

OWNER

Any person, firm, corporation or their legal entity who, individually or jointly with one or more others, holds the legal or beneficial title to any real property located within the Borough.

PROPERTY MANAGEMENT COMPANY

A property manager, property maintenance company or similar entity responsible for the maintenance and security of registrable property and who has the authority to make decisions concerning maintenance of said property and/or the abatement of nuisance conditions at the property, including without limitation the authority to make expenditures in connection therewith.

REAL PROPERTY

Any improved residential or commercial land located within the Borough limits, together with the buildings, fixtures, equipment and leasehold improvements thereon and/or affixed thereto, or any part or portion thereof, which is identified by a property parcel and/or tax identification numbering system. For purposes of this Chapter, all developed lots are considered improved land.

REGISTRABLE PROPERTY

Any and all real property located within the Borough, whether vacant or occupied, that satisfies any one or more of the following criteria: (i) is encumbered by a mortgage in default, (ii) is subject to an ongoing foreclosure action by a mortgagee or other creditor, (iii) is subject to an application for a judgment of foreclosure by a mortgagee or other creditor, (iv) is pending and/or scheduled for tax sale for unpaid property taxes and/or other municipal charges, (v) has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgagee or other creditor involved in the foreclosure

and/or (vi) was transferred under a deed in lieu of foreclosure to the mortgagee or other foreclosing creditor. The designation of a “defaulted mortgage/foreclosure property” as “registrable” shall remain in place until such time as the property is sold to an unrelated bona fide third-party purchaser in an arm’s-length transaction or the foreclosure action has been dismissed and any default on the mortgage and/or delinquencies in unpaid property taxes or other municipal charges has been cured.

RENTAL PROPERTY

A property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants, including but not limited to mobile homes, mobile home spaces, townhomes, condominium unit(s) and/or apartments. A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent, regardless of the nature of the relationship between lessor and lessee.

SEMI-ANNUAL REGISTRATION

The 6 month period of registration commencing from the date of the first action that required registration, as determined by the Borough and/or its designee, and including every subsequent 6 month registration period thereafter. The date of the initial registration may be different than the date of the first action that required registration.

TRANSFeree

The person, mortgagee, trustee and/or entity to which legal title of real property is transferred as a result of a judgment of foreclosure, sheriff’s sale after foreclosure, deed in lieu of foreclosure, non-arm’s length sale or transfer and/or any other type of non-arm’s-length transaction.

UNAUTHORIZED PERSON

Any person who does not have the permission of the property owner and/or property management company, as the case may be, to use, reside in, live in or otherwise occupy, on a temporary or permanent basis, any real property.

VACANT

As used in this Section, the term “vacant” shall mean any parcel of land situated within the Borough that contains any building or structure that is not lawfully occupied or inhabited by human beings, as evidenced by the conditions set forth in the definition of “Evidence of Vacancy” above, and/or which is occupied without a valid, unexpired certificate of occupancy or other written authorization for occupancy as may be required by applicable laws.

Establishment of a Registry

- a) Any Mortgagee who holds a mortgage on real property located within the Borough shall perform an inspection of the property to determine vacancy or occupancy immediately upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Registrar on designated forms or in such other manner as directed, and shall indicate thereon whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, including the direct dial telephone number and direct e-mail address thereof, and a valid telephone number and e-mail address for the Mortgagee and the Mortgagee’s servicer, if any, as well as the name and twenty-four (24) hour contact telephone/cellular phone number of the local property management company responsible for the property.
- c) Mortgagees who have existing registrable property on the effective date of this Ordinance have 30 calendar days from the effective date hereof to register the property as required herein and to indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- d) If the mortgage on the Registrable Property is sold or transferred, other than via an arm’s-length transaction, the new Mortgagee and/or transferee shall be subject to all of the

requirements of this Section and, within 5 business days of such sale or transfer, the new Mortgagee shall register the property as required herein.

- e) If a Mortgagee who obtains title to a Registrable Property as a result of a foreclosure process subsequently sells or transfers the property, other than via an arm's-length transaction, the said transferee shall be subject to all the requirements of this Section and, within 5 business days of the transfer, the transferee shall register the property as required herein.
- f) As long as the property constitutes a Registrable Property as defined herein it shall be the responsibility of the registered mortgagee, independently or by and through a local property management company to inspect the property monthly. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property with the Registrar.
- g) Every property registration required by this Section shall be accompanied by a non-refundable semi-annual registration fee in the amount of \$600.00. Notwithstanding anything else herein to the contrary, every semi-annual registration shall terminate upon the sale or other transfer of a Registrable Property such that the purchaser and/or transferee thereof, other than an unrelated third-party purchaser in an arm's-length transaction, shall pay a new semi-annual registration fee at the time of the new purchaser/transferee's registration of the Registrable Property as otherwise required in this Section. Any previous unpaid semi-annual registration fees are the responsibility of the new Mortgagee or transferee and are due and payable with the initial registration filed by same.
- h) All registration fees must be paid directly by and/or from the mortgagee, transferee or other non-arm's-length purchaser of a Registrable Property and cannot be paid by a third-party on behalf thereof without the express written consent of the Borough.

- i) Properties subject to this Section shall remain subject hereto, including without limitation the semi-annual registration requirement, inspection, security and maintenance standards of this Section, for as long as the property meets the definition of a Registrable Property.
- j) Until the mortgage or lien on a property registered under this Section is satisfied or legally discharged, the Mortgagee's intent to no longer pursue foreclosure as evidenced by any action in further thereof, including without limitation the filing of a dismissal of lis pendens, entry of a Court Order vacating a Final Judgment of foreclosure and/or the dismissal or withdrawal of pending foreclosure proceedings, whether voluntary or otherwise, shall not exempt any Mortgagee from the obligation to comply with all of the requirements of this Section for any period of time during which a property meets the definition of a Registrable Property.
- k) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the date such change occurs.
- l) Failure of the Mortgagee to properly register a Registrable Property, or to fail to modify the registration as required herein to reflect a change of circumstances, shall be deemed a violation of this Section and the Mortgagee shall be subject to enforcement hereunder, including any monetary penalties set forth in of this Chapter.
- m) Pursuant to any administrative or judicial finding and/or determination that any property is in violation of this Section, the Borough may take any and all necessary action to ensure compliance with the applicable laws and may place a lien on the property for the cost of any work performed to bring the property into compliance with all applicable laws.

Maintenance requirements

Each and every property registered pursuant to the requirements of this Section shall be maintained by the Mortgagee to the following standards and/or conditions:

- a) The property shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices (except those required by federal, state or local laws and/or court orders), discarded personal items, including but not limited to furniture, clothing and large or small appliances, printed material or any other items that give the appearance that the property is vacant.
- b) The property shall be maintained free of graffiti or similar markings which shall be removed or painted over with an exterior grade paint that matches the color of the exterior of the structure.
- c) The front, side, and rear yards of the property, including landscaping, shall be maintained in accordance with all applicable laws.
- d) The Mortgagee shall perform yard maintenance, including but not limited to property and appropriate maintenance of grass, ground coverings, bushes, shrubs, hedges or similar plantings so as to prevent overgrowth thereof, including removal of all such trimmings, together with maintenance of decorative rock or bark, artificial turf/sod and/or such other items of hardscape designed specifically for residential installation. Any overgrowth of weeds, grass, ground coverings, bushes, shrubs, hedges and/or similar plantings and/or any accumulation of gravel, broken concrete, asphalt or similar material shall not be considered proper yard maintenance as required hereunder.
- e) The Mortgagee shall perform standard and/or routine year-round maintenance including, but not limited to, maintaining, repairing and winterizing existing irrigation systems, pools and spas. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and complies with all applicable Department of Health regulations and any other applicable laws.
- f) The Mortgagee shall further comply with any property maintenance requirements set forth in all other applicable laws.

Security Requirements

All registrable properties shall be maintained in a secure manner so as not to be accessible to unauthorized persons, in accordance with the following minimum standards:

- a) A “secure manner” shall include, but not be limited to the closure and locking of windows, doors, gates and other openings of such size that may allow any unauthorized person to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow any unauthorized person to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- b) If a property is registrable, and the property has become vacant or deteriorated, a local property manager shall be designated by the Mortgagee or Owner to perform the work necessary to bring the property into compliance with all applicable laws, and the property manager must perform regular inspections to verify continued compliance with the requirements of this Section and any other applicable codes.

Inspections for Violations

Compliance with the registration, maintenance and security requirements of this Section does not relieve any person, legal entity or agent thereof from any other obligations set forth in any applicable laws which may apply to the property and/or govern the use thereof.

Additional Authority

- a) Regardless of whether a Registrable Property has been properly registered as required in this Section, if the Enforcing Officer has reason to believe that a Registrable Property is posing a serious threat to the public health, safety and welfare, the Enforcing Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and/or may issue such Notices of Violation and/or Summonses as may be necessary to ensure the conditions of the property are addressed as soon as possible.
- b) In addition to any other powers, the Enforcing Officer may implement additional maintenance and/or security measures, including but not limited to securing any and all doors, windows or other openings, employment of an on-site security guard and/or other

similar measures as may be reasonable required to help prevent further decline of the property.

- c) If the Enforcing Officer finds that the condition of a Registrable Property is posing a serious threat to the public health, safety and welfare, then the Borough, upon notice to the Mortgagee and/or Owner, may abate the violations and charge the costs of such abatement to the Mortgagee and/or Owner.
- d) If the Mortgagee or Owner does not reimburse the Borough for the cost of temporarily securing the property and/or the costs associated with any abatement undertaken by the Borough as permitted herein, within thirty (30) days of the date the Borough sent the Mortgagee or Owner the invoice therefor, then the Borough may assess a lien against the property in the manner provided by applicable laws for such costs, along with the Borough's administrative costs associated with same. In addition to filing a lien, the Borough can pursue reimbursement from the Mortgagee or Owner and/or seek and enforce such other penalties as may be contemplated herein.

Opposing, Obstructing Enforcement Officer; Penalty

Whoever opposes, obstructs or resists any Enforcing Officer in the discharge of his/her duties as provided in this Section shall be punishable as provided by the applicable laws which action shall be cognizable in the Municipal Court of the Borough or such other Court of competent jurisdiction as may be applicable.

Immunity of Enforcement Officer

Every Enforcing Officer and such other persons authorized by the Borough to implement and/or enforce the provisions of this Section shall be immune from prosecution, whether civil or criminal, for his/her reasonable, good faith entry upon real property while in the discharge of the duties imposed by this Section.

Enforcement and Penalties

- A. Violations.

It shall be a violation of this Section and shall be unlawful for any Mortgagee and/or Owner to:

- 1) fail to register a Registrable Property;
- 2) fail to properly maintain and/or secure any Registrable Property in accordance with the requirements of this Section; or
- 3) maintain any Registrable Property in a manner which results in a violation of any other applicable laws.

B. Enforcement.

The requirements of this Ordinance may be enforced as follows:

- 1) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction;
- 2) By revocation or temporary suspension of necessary permits and/or certificates of occupancy and/or licenses related to occupancy and/or use of real property;
- 3) by the nuisance abatement process and/or property maintenance enforcement process established in the Code of the Borough of Pine Hill;
- 4) By issuance of a citation or Notice of Violation in accordance with any applicable laws; and
- 5) By any other process as may be permitted by law or in equity.

C. All such remedies cognizable in and/or subject to the jurisdiction of the Pine Hill Borough Municipal Court shall be subject to a fine of up to \$1,000.00 for each offense.

D. Separate offenses. Each violation of this Section shall constitute a separate offense for each day that such violation continues or reoccurs. Each condition which exists in violation of this Section is a separate violation.

E. Use of one enforcement process or theory shall not preclude the Borough from seeking the same, different, or additional relief through other enforcement methods provided for herein at any time in the present or future.

F. Persons responsible for violations. The Owner, Mortgagee, Trustee or Servicer as those terms are defined in this Section, and their duly authorized officers, employees or agents employed in connection therewith who have assisted in the commission of a violation or failed to perform such actions as are required herein, shall be liable for and/or subject to being found guilty of such violation.

SECTION 3. Except to the extent set forth in Section 1 above, the balance of Chapter 220 of the Code of the Borough of Pine Hill shall not be affected by this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency only.

SECTION 5. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6. This Ordinance shall take effect after final adoption and publication as required by law.

Introduced: March 6, 2017

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

Public Hearing: March 20, 2017

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES						
ABSTAIN						
NO						
ABSENT						

BOROUGH OF PINE HILL:

BY: _____
CHRISTOPHER GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

Motion to move Ordinance #2017-953: Councilwoman McCullen, 2nd Councilman Knott
Roll Call: 6 yes votes

ORDINANCE NUMBER 2017-954

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**ORDINANCE OF THE BOROUGH OF PINE HILL REPEALING
ORDINANCE #2016-947 AND REPLACING IT WITH A NEW
ORDINANCE CAPTIONED "CRIMINAL BACKGROUND CHECKS"**

WHEREAS, the Mayor and Borough council previously adopted Ordinance # 2016-947 captioned "Background Checks For Volunteer Sports Organizations"; and

WHEREAS, upon further review, it has been determined to replace Ordinance # 2016-947 with a new Ordinance and Chapter captioned "Criminal Background Checks"; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, and State of New Jersey as follows:

Section 1. As used in this Chapter, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD BACKGROUND CHECK - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

NON-SPONSORED YOUTH PROGRAMS - Any youth programs not sponsored by the Borough of Pine Hill, but that utilize municipal facilities or have affiliation with a Borough-sponsored youth program and having contact with persons under the age of 18 years.

BOROUGH-SPONSORED YOUTH PROGRAMS - Any programs sponsored by the Borough of Pine Hill, including any and all leagues, boards and commissions falling within the purview of, or acting for or on behalf of, the Borough of Pine Hill and having contact with persons under the age of 18 years.

YOUTH PROGRAMS - Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Borough other than a parent or caregiver.

§ **Non-sponsored youth programs; use of Borough of Pine Hill Borough facilities.**

A. Prior to any club or organization, not defined as a Borough-sponsored youth program, being authorized to use Borough-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Pine Hill Borough Police chief with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police.

B. The submission of background check findings must be based upon a check performed within three years of the start of use of the Borough-owned facility. In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of Borough-owned facilities. In all cases, the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the Borough for individuals involved in administering Borough-sponsored youth programs. The cost of background checks for individuals

not administering a Borough-sponsored program shall be borne by the individual or program with which they are participating.

§ **Borough-sponsored youth programs.**

A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Pine Hill Borough-sponsored function participated in by children, shall submit sufficient information on forms supplied by the Borough Police Department from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Pine Hill Borough Police Chief.

B. Based upon the Memorandum of Understanding executed between the Borough of Pine Hill and the New Jersey State Police, the individual applying for the background check shall authorize the Borough Police chief to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. Individuals involved in a Borough-sponsored youth function, and who are required to undergo background checks based upon this Chapter, shall not be responsible for the costs involved with obtaining the criminal background check.

C. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this Chapter for that league or program. The President or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this Chapter. The roster shall be on forms supplied by the Borough of Pine Hill and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this Chapter and laws regarding false swearing.

§ **Issuance and display of identification card.**

Individuals engaged in providing recreation activities, whether for Borough-Sponsored Youth Programs or Non-Sponsored Youth Programs, shall be issued identification cards with appropriate

expirations based upon the date of their individual background check. Individuals issued identification cards are required to display their card while in performance of their duty involving youth programs.

§ **Disqualification.**

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Borough Police Chief shall notify the applicant directly if the search result is negative (Search identifies a basis to disqualify the applicant.). The determination of the Police Chief is based upon §the procedure set forth in this Chapter. Details in the background check that result in a negative determination by the State Police are not afforded to any other Party and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Borough-owned facilities. Such offenses shall include, but not be limited to:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A. 2C:12-1 et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;

(c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) Involving any controlled dangerous substance or controlled substance analogue as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a, of N.J.S.A. 2C:35-10.

(2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection B(1) of this section.

C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Borough-sponsored activities requiring background checks. In addition, refusal to comply with this Chapter by any individual falling within the scope of requirements for non-sponsored youth programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-Borough-sponsored youth program to subscribe to the requirements of this Chapter shall forfeit that program's ability to use municipal facilities.

§ **Frequency of background checks.**

A. All non-sponsored youth programs that have individuals subject to this Chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Borough-owned facility to the extent covered by this chapter. Thereafter, every three years, a new background check shall be submitted to the Borough Police Chief.

B. Borough-sponsored youth programs.

(1) All Borough-sponsored youth programs that have individuals subject to this Chapter shall direct those individuals to the Police Chief for background checks prior to the individual being able to participate at any function sponsored by the Borough of Pine Hill. Thereafter, every three years a new background check shall be submitted to the Police Chief.

(2) Individuals involved in Borough-sponsored youth programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

§ **Appeals of disqualification.** Any person whose criminal background check disqualifies that person from employment or from volunteering may appeal his disqualification.

A. **Appeal re: accuracy of record.** A person may challenge the accuracy of the criminal history record. A challenge to the accuracy of the report shall be filed with the New Jersey State Police, Volunteer Review Operations. Forms to initiate a challenge shall be available from the Borough Police Chief.

B. **Appeal alleging rehabilitation. A person may claim to be rehabilitated.**

(1) No person may appeal a disqualification on the grounds of rehabilitation, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; aggravated criminal sexual conduct kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to N.J.S.A. 2C:13-6; criminal sexual conduct pursuant to N.J.S.A. 2C:14-3b; if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C::34-1; or an attempt to commit any of these enumerated offenses.

(2) Appeals Committee. An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Borough Chief of Police, the Borough Administrator and Borough Council Recreation Director. Any such appeal must be made within 30 days of receipt of the notice of disqualification. The appealing party must provide all information necessary for the Appeals Committee to complete its review. All proceedings before the Appeals Committee shall be closed to the general public.

(3) Rehabilitation criteria. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:

(a) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;

(b) The nature and seriousness of the offense;

(c) The circumstances under which the offense occurred;

(d) The date of the offense;

(e) The age of the person when the offense was committed;

(f) Whether the offense was an isolated or repeated incident;

(g) Any social conditions which may have contributed to the offense; and

(h) Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received; acquisition of additional academic or vocational schooling; successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

(4) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter the person's name on the list of qualified employees and volunteers maintained by the Borough Police Chief or his designee.

§ **Privacy.**

A. Any and all criminal background checks obtained from the State Bureau of Identification in the New Jersey State Police or the Federal Bureau of Investigation shall be filed and maintained in a secured cabinet in the office of the Chief of Police for the Borough of Pine Hill who shall take custody and maintain such records which shall not be available to the public. The Pine Hill Borough Chief of Police shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law, the Open Public Records Act and the New Jersey Right to Know Law. In addition, the Pine Hill Borough Chief of Police shall not reveal the affirmative or negative response from the State police based upon the findings of the background check except as provided in this Chapter. Other than members of the Appeal Committee, no Pine Hill Borough official or employee shall have access to the criminal background checks other than individuals in the Pine Hill Borough Police Department Records Bureau, whose only access shall be to take custody and maintain the files as provided for in this section. The records shall only be

retained for such period of time as is necessary to serve their intended and authorized purpose and thereafter destroyed. The Pine Hill Borough Chief of Police shall be the contact person for Pine Hill Borough for the VRO Program of the State Police.

B. Access to criminal history record information for non-criminal-justice purposes, including licensing and employment, is restricted to the members of the Appeals Committee, as authorized by federal or state law regarding obtaining and disseminating of criminal history record information obtained under this section.

C. The Appeals Committee shall limit its use of the criminal history record information solely to the individual for which it was obtained and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records.

§ **Penalties.**

A. Failure to comply with this Chapter may result in the Borough withholding funding for the youth service organization, prohibiting the use of facilities or withholding funding for facility maintenance.

B. Any person violating or failing to comply with the provisions of this Chapter, upon conviction, shall be subject to a fine of not less than \$250 and not more than \$2,500. Each continuing violation shall constitute a separate offense.

Section 2. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance Amendment are repealed to the extent of such inconsistencies.

Section 3. If any Section, Subsection, Paragraph, Subparagraph, or Clause of this Ordinance shall be adjudicated invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any Section, Subsection, Paragraph, Subparagraph, or Clause of this Ordinance.

Section 4. This Ordinance shall take effect immediately after final adoption and publication as required by law.

Introduced: March 6, 2017

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES						
ABSTAIN						

NO						
ABSENT						

Public Hearing: March 20, 2017

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

BOROUGH OF PINE HILL:

BY: _____
CHRISTOPHER GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

Motion to move Ordinance #2017-954: Councilwoman McCullen, 2nd Councilman Burke
Roll Call: 6 yes votes

ORDINANCE NUMBER 2017-955

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**ORDINANCE OF THE BOROUGH OF PINE HILL AUTHORIZING
THE PRIVATE SALE OF CERTAIN BOROUGH OWNED PROPERTY
PURSUANT TO N.J.S.A. 40A:12-13(b)**

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the private sale of real property no longer needed for public use to contiguous land owners where said property is unable to be developed separately pursuant to Municipal Zoning Ordinances; and

WHEREAS, the Governing Body of the Borough of Pine Hill has determined that certain parcels of municipally owned land are not necessary for public use, said lands being identified on Schedule "A" attached hereto; and

WHEREAS, the Governing Body of the Borough of Pine Hill has determined that said property would be a better value as a privately owned tax ratable.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, and State of New Jersey, as follows:

SECTION 1. The properties listed on Schedule "A" attached hereto shall be advertised for private sale to contiguous land owners only pursuant to the requirements of N.J.S.A. 40A:12-13(b).

SECTION 2. Notice of said private sale to contiguous property owners shall be published in the newspaper circulating in the Municipality by one insertion within five (5) of the days of the adoption of this Ordinance. That a Notice of Sale shall be posted on the Borough Bulletin Board with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance.

SECTION 3. A. The Borough shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of the newspaper advertisement on March 23, 2017. All bids must be received in a sealed envelope addressed to the Borough of Pine Hill, 45 W. 7th Avenue, Pine Hill, NJ 08021, Attention: Borough Clerk, by 10 A.M. on April 12, 2017. The Borough Council reserves the right to reject any and all bids received, or to withdraw this offer to sell at any time prior to Notice of sale, without cause, and upon advertisement of same.

B. Said properties are being offered for sale to the contiguous property owners as undersized properties unable to be separately developed with the condition that the Borough is issuing no representations or warranties as to the permissibility or advisability of the property's use or of any limiting or environmental conditions.

C. The successful bidder shall consolidate the property purchased with other contiguous lot or lots owned by the bidder so as to be part of a reconfigured lot in conformance with zoning requirements. No variances shall be requested and/or permitted for this property as a separate parcel prior to consolidation. There shall be no further subdivision of the consolidated property unless the subdivision satisfies the Borough zoning requirements as a separate buildable lot.

D. The Borough reserves the right at any time prior to confirmation of the sale by the Governing Body to reject any and all bids.

E. The successful bidder shall be required to pay all conveyance expenses including transfer taxes, legal fees, and pro-rated advertising costs and to provide at its own expense, a title search and legal description to the Borough for the preparation of the Deed of Conveyance.

F. The minimum purchase price for each lot and all other conditions of sale are described in Schedule "A" attached hereto.

G. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Borough. If, however, the Borough is

unable to convey marketable title, any deposit monies received pursuant to this bidding procedure will be returned.

H. The confirmation of the sale by the Governing Body will be a complete acceptance of the bid and thereafter, within thirty (30) days from said confirmation, the settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the down payment shall be forfeited to the Borough.

I. A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashier's check or certified check within 72 hours of notification from the Borough that said party is the successful bidder and. If payment is not made within that time period, the Borough has the right to accept the bid from the next highest bidder. If there is more than one bid in the same amount, the bidders will be notified that the award will be made by a coin flip by the Clerk.

J. The lots being offered for sale are subject to existing liens, encumbrances, judgments, zoning regulations, easements, Department of Environmental Protection Regulations and any other regulations which said facts would be revealed by a title report and an accurate survey which the Borough has not undertaken. The Borough makes no representations as to any previous use of the property and does not guarantee clear title to the property.

SECTION 4. All Ordinances or parts of Ordinances, are inconsistent with this amending Ordinance, are hereby repealed to the extent of such inconsistency only.

SECTION 5. Should any section, subsection, part, clause or phrase of this Amended Ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. This Ordinance shall take effect after final adoption and publication as required by law.

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

Public Hearing: March 20, 2017

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES						
ABSTAIN						
NO						
ABSENT						

BOROUGH OF PINE HILL:

BY: _____
CHRISTOPHER GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

Motion to move Ordinance #2017-955: Councilman Knott, 2nd Councilman Jaxel
Roll Call: 6 yes votes

RESOLUTION 2017-60

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOLIC
BEVERAGE CONTROL LICENSE**

WHEREAS, the holder of a Plenary Retail Consumption Pocket License in the Borough of Pine Hill has applied for renewal of said license; and

WHEREAS, this pocket license has a mailing address 15 Crisfield Road, Sicklerville, NJ 08081.

WHEREAS, notice of said application has been duly advertised by the Alcoholic Beverage Control pursuant to the rules

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pine Hill, County of Camden, State of New Jersey, that the following Plenary Retail Consumption

Pocket License is hereby renewed for the period of July 1, 2016 to June 30, 2017:

Dickinson Thomas E
0428-33-004-007

BE IT FINALLY RESOLVED, that a copy of this resolution, duly certified, be forwarded to the Alcoholic Beverage Control of the State of New Jersey.

This Resolution was adopted at a meeting of the Borough Council on March 6, 2017 and shall take effect immediately.

BOROUGH OF PINE HILL

BY: _____
CHRISTOPHER J. GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

Motion to move Resolution #2017-60: Councilman Knott, 2nd Councilman Robb
Roll Call: 6 yes votes

RESOLUTION NUMBER 2017-61

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**RESOLUTION OF THE BOROUGH OF PINE HILL
AUTHORIZING A TAX REFUND**

WHEREAS, Block 115.19 Lots 14 & 15 located at Cross Keys Road, Pine Hill, are assessed to W A Outdoor Advertising, LLC; and

WHEREAS, WHP Kids, LLC, the prior owner, made an overpayment to the Borough of Pine Hill on the 2017 First Quarter Taxes in the amount of \$457.44 & \$150.73; and

WHEREAS, the Borough Tax Collector, Kathryn A. Merkh, has indicated that a refund of these tax overpayments should be made to WHP Kids, LLC, 185 W. White Horse Pike, Berlin, NJ 08009.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, that for the reasons set forth hereinabove, it hereby authorizes a tax refund to WHP Kids, LLC in the amount of \$608.17 and to authorize the Tax Collector to adjust the tax records accordingly.

This Resolution shall take effect immediately upon adoption.

BOROUGH OF PINE HILL

BY: _____
CHRISTOPHER J. GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

CERTIFICATION

I, Thomas Cardis, Borough Clerk of the Borough of Pine Hill, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by Borough of Pine Hill at a meeting of said Council held on the 6th day of March, 2017, at the Borough Municipal Building.

THOMAS CARDIS, Borough Clerk

Motion to move Resolution #2017-61: Councilman Warrington, 2nd Councilman Burke
Roll Call: 6 yes votes

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**RESOLUTION OF THE BOROUGH OF PINE HILL
AUTHORIZING A REFUND AND TAX SALE CERTIFICATE CANCELLATION**

WHEREAS, certain adjustments are necessary to the records of the Tax Collector; and

WHEREAS, the Pine Hill Municipal Utilities Authority provided balances for block 3 lot 6, 6 Cross Road to include in the 2014 and 2016 Tax Sale;

WHEREAS, the Borough Tax Collector, Kathryn A. Merkh, has indicated that the Pine Hill Municipal Utilities Authority didn't realize there was a 2012 municipal lien and were compounding the balance and kept putting them in the tax sale so the tax sale certificates, struck off to the Borough, #14-0050 and #16-0040, need to be cancelled.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, that the above cancellation be approved and authorize the Tax Collector to adjust the tax records accordingly.

This Resolution shall take effect immediately upon adoption.

BOROUGH OF PINE HILL

BY: _____
CHRISTOPHER J. GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

CERTIFICATION

I, Thomas Cardis, Borough Clerk of the Borough of Pine Hill, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by Borough of Pine Hill at a meeting of said Council held on the 6th day of March, 2017, at the Borough Municipal Building.

Motion to move Resolution #2017-62: Councilman Warrington, 2nd Councilman Burke
Roll Call: 6 yes votes

RESOLUTION NUMBER 2017-63

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**RESOLUTION OF THE BOROUGH OF PINE HILL AUTHORIZING
THE PUBLIC SALE OF CERTAIN PROPERTIES OWNED
BY THE BOROUGH OF PINE HILL**

WHEREAS, N.J.S.A. 40A:12-13(a) authorizes the public sale of real property no longer needed for public use; and

WHEREAS, the Governing Body of the Borough of Pine Hill has determined that various parcels of municipally owned land is no longer necessary for public use, said lands being identified on Schedule “:A” attached hereto; and

WHEREAS, it is in the best interest of the Borough of Pine Hill to advertise these lands for public sale to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, and State of New Jersey, as follows:

1. The properties identified on Schedule “A” attached hereto shall be advertised for public sale pursuant to the requirements of N.J.S.A. 40A:12-13(a). Minimum Bids for each property have been identified on Schedule “A”.

2. Bids shall be received by the Borough Clerk on March 27, 2017, at 10 A.M., at the Pine Hill Borough Municipal Buildings, 45 W. 7th Avenue, Pine Hill, New Jersey 08021, in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

3. All bids shall be referred to the Borough Council for review and final approval. The Borough reserves the right to accept the highest bid or to reject any and all bids if the highest bid is not accepted.

4. Said properties are being offered for sale with a condition that the Borough is issuing no representations or warranties as to the permissibility or advisability of building or constructing improvements on said properties. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals to construct any improvement on the properties.

5. The Borough makes no representations as to any existing environmental conditions or any ISRA requirements that may be applicable to the property.

6. Upon the close of bidding, the highest qualified bidder, as designated by the Municipal Clerk, shall submit cash or a certified check in the amount of ten (10%) percent of the bid and shall immediately execute an offer to purchase at the bid price, which offer shall include the terms and conditions specified herein.

7. The successful bidder shall provide at its own expense a title search and legal description to the Borough for the preparation of the deed of conveyance.

8. At the closing, the successful bidder will be required to pay all expenses, including legal fees and advertising costs incurred by the Borough. At least 15 days prior to settlement, the successful bidder will provide the Borough Attorney with a Preliminary Title Report and legal description.

9. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Borough. If, however, it is determined that the Borough is unable to convey marketable title, any deposit moneys received pursuant to the bidding procedure will be returned to the bidder.

10. The confirmation of the sale by the Governing Body shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, the closing must be completed. Failure to comply with any of the above requirements or to close on or before the date set forth herein shall entitle the Borough to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all moneys heretofore deposited.

11. The successful bidder shall be responsible for terminating any and all existing occupancy or tenancies.

12. The properties being sold are subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as a title search would reveal and such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The sale in no manner binds the Borough to provide access or to improve any existing access and the Borough makes no representation that any access exists to the properties being sold.

13. Any buildings on any of the properties shall within one hundred twenty (120) days of the Borough providing title be properly demolished or meet appropriate building and health codes unless otherwise extended or waived by the Borough.

14. Schedule "A" also contains additional information on the property.

BE IT FURTHER RESOLVED that this Resolution will take effect immediately upon adoption.

BOROUGH OF PINE HILL

BY: _____
CHRISTOPHER J. GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES						
ABSTAIN						
NO						
ABSENT						

CERTIFICATION

I, Thomas Cardis, Borough Clerk of the Borough of Pine Hill, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by Borough of Pine Hill at a meeting of said Council held on the 6th day of March, 2017, at the Borough Municipal Building.

Thomas Cardis, Borough Clerk

Motion to move Resolution #2017-63: Councilman Warrington, 2nd Councilman Burke
Roll Call: 6 yes votes

RESOLUTION NUMBER 2017-64

**BOROUGH OF PINE HILL
COUNTY OF CAMDEN**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF PINE HILL, IN THE COUNTY OF CAMDEN,
NEW JERSEY GRANTING CONSENT TO THE PINE HILL
BOROUGH MUNICIPAL UTILITIES AUTHORITY FOR
THE CONSTRUCTION OF IMPROVEMENTS TO THE
AUTHORITY'S SYSTEM AND THE ISSUANCE OF DEBT
TO FINANCE THE COSTS OF SAID PROJECT**

BACKGROUND

WHEREAS, The Pine Hill Borough Municipal Utilities Authority ("Authority") has heretofore determined to undertake certain improvements to the Authority's System, as defined in the Service Contract between the Authority and Borough of Pine Hill, in the County of Camden, New Jersey ("Borough"), dated as of November 1, 1986 ("Service Contract"), consisting of: (i) the rehabilitation of an existing aging pump station on Greenwood Avenue, including the excavation and installation of a new wet well, all pumps, controls and electrical panels and force main improvements; and (ii) the installation of a new force main connection from the Madison Avenue pump station to the recently installed Camden County Municipal Utilities Authority interceptor on Berlin-Cross Keys Road, including such other work necessary therefore or related thereto (collectively, the "Project"); and

WHEREAS, the Authority intends to finance the costs of the Project through the issuance and sale of its project notes and/or its revenue bonds in one (1) or more series in a total principal amount not to exceed \$1,750,000 ("Project Obligations") to the New Jersey Environmental Infrastructure Trust and/or the State of New Jersey, acting by and through the Department of Environmental Protection; and

WHEREAS, pursuant to Section 202(3) of the Service Contract, it is necessary for the Authority to obtain the consent of the Borough to complete the Project and to issue the Project Obligations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF PINE HILL, IN THE COUNTY OF CAMDEN, NEW JERSEY, AS
FOLLOWS:**

Section 1. The Borough hereby consents to the completion of the Project by the Authority and the issuance by the Authority of the Project Obligations to permanently finance the costs of said Project.

Section 2. The Borough Clerk is hereby authorized and directed to immediately forward to the Authority a certified copy of this resolution and such other certifications, documents, or opinions as may be reasonably requested by the Authority.

Section 3. All resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 4. This resolution shall take effect immediately upon adoption this 6th day of March, 2017.

BOROUGH OF PINE HILL

BY: _____
CHRISTOPHER J. GREEN, MAYOR

ATTEST:

THOMAS CARDIS, BOROUGH CLERK

	WARRINGTON	MCCULLEN	KNOTT	JAXEL	ROBB	BURKE
YES	✓	✓		✓	✓	
ABSTAIN			✓			✓
NO						
ABSENT						

CERTIFICATION

I, Thomas Cardis, Borough Clerk of the Borough of Pine Hill, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by Borough of Pine Hill at a meeting of said Council held on the 6th day of March, 2017, at the Borough Municipal Building.

THOMAS CARDIS, BOROUGH CLERK

[SEAL]

Motion to move Resolution #2017-64: Councilman Warrington, 2nd Councilman Burke
 Roll Call: 4 yes votes

Mayor Green opened the floor to the public.

Walt Davis – 1 Franklin Avenue

Mr. Davis asked about cap bank ordinance.

Mayor Green explained.

Mr. Davis asked about the MUA funding.

Mayor Green explained.

Mr. Davis asked about housing and if the Borough had somebody.

Mayor Green explained.

Mr. Davis asked about Cross Keys and Turnerville Road in regards to Tree Masters.

Mayor Green explained.

Martin Mendetta – 210 Grasmur Turn

Mr. Mendetta asked if the list of properties that are going to be for sale can be placed on the website.

Mayor Green reported that they would be on the Borough website.

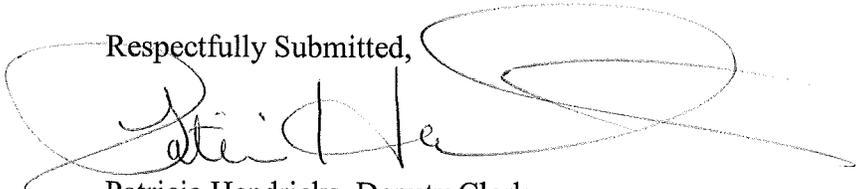
Motion to close the floor to the public: Councilman Warrington, 2nd Councilman Robb
All in Favor: 6 yes votes

Mayor Green asked Council if they had anything to report. Council had nothing to report.

Motion to adjourn: Councilman Warrington, 2nd Councilman Burke
All in Favor: 6 yes votes

The meeting adjourned at 7:57 pm.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Patricia Hendricks', is written over the typed name below.

Patricia Hendricks, Deputy Clerk