

REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING

February 5, 2019
DELRAN, NJ

CALL TO ORDER

SALUTE TO THE FLAG

SUNSHINE STATEMENT: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 4, 2019 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

APPOINTMENT TO FILL WARD 2 COUNCIL VACANCY

**TOWNSHIP OF DELRAN
RESOLUTION 2019-27**

**APPOINTMENT TO TEMPORARILY FILL VACANCY ON TOWNSHIP COUNCIL DUE TO
THE RESIGNATION OF WARD 2 COUNCILMAN DANIEL O'CONNELL**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr.
Catrambone

Ayes:
Nays
Approved

PROCLAMATION PRESENTATION FOR DELRAN BEARS CHEERLEADING

NOMINATIONS FOR VICE PRESIDENT OF COUNCIL

_____ nominates _____ as **Vice President of Council** for a term to expire
December 31, 2019. The nomination is seconded by _____

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr.
Catrambone

Ayes:
Nays
Approved

MINUTES FOR APPROVAL

Approval of the minutes for the November 27, 2018 Action, Work Session and Closed Session Meeting.

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

Approval of the minutes for the December 4, 2018 Public Meeting.

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

Approval of the minutes for the December 11, 2018 Action and Work Session Meeting.

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

Approval of the minutes for the January 2, 2019 Reorganization Meeting

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

Approval of the minutes for the January 2, 2019 Public Meeting

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

ORDINANCE ON SECOND READING

**TOWNSHIP OF DELRAN
ORDINANCE 2019-01**

**CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
PUBLIC HEARING**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
ORDINANCE 2019-02**

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR VARIOUS EMPLOYEES OF THE
TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND
REGULATING THE MANNER OF PAYMENT OF SAME**

PUBLIC HEARING

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
ORDINANCE 2019-03**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A
DUMP TRUCK IN AND FOR THE TOWNSHIP OF DELRAN;
APPROPRIATING THE SUM OF \$110,000 THEREFOR;
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION
BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP
OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN
THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$104,761; MAKING CERTAIN DETERMINATIONS AND
COVENANTS; AND AUTHORIZING CERTAIN RELATED
ACTIONS IN CONNECTION WITH THE FOREGOING**

PUBLIC HEARING

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

RESOLUTIONS

**TOWNSHIP OF DELRAN
RESOLUTION 2019-28**

**APPROVED TOTALLY DISABLED VETERAN EXEMPTION
BLOCK 120.05, LOT 20**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-29**

**REFUNDING TAXES PAID IN ERROR
BLOCK 118, LOT 2**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-30**

**REFUND OF DUPLICATE PAYMENT
BLOCK 118, LOT 4 C106**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-31**

**AUTHORIZING CLOSE OUT CHANGE ORDER
AND FINAL PAYMENT TO VMG GROUP FOR THE
MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-32**

**AUTHORIZING CHANGE ORDER NO. 3 (FINAL) AND
FINAL PAYMENT TO C & H INDUSTRIAL SERVICES, INC.
FOR THE SAND FILTER REPLACEMENT PROJECT**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-33**

**AUTHORIZING CLOSE OUT CHANGE ORDER #2 AND
FINAL PAYMENT TO S. BATATA CONSTRUCTION, INC.
FOR ROUTE 130 SIDEWALK IMPROVEMENTS**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-34**

**REFUNDING POLICE OUTSIDE EMPLOYMENT
ESCROW PD16-07**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN
BURLINGTON COUNTY
RESOLUTION 2019-35**

**REFUNDING PROPERTY TAXES DUE TO ADDED APPEAL
BLOCK 117.01, LOT 42**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-36**

**APPOINTMENT OF TANYIKA JOHNS AS
MUNICIPAL TAX COLLECTOR**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-37**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW
JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM (2019) ADMINISTERED BY
THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF
LAW AND PUBLIC SAFETY
SUB-AWARD NUMBER 19-0310
SUB-AWARD PERIOD 2/1/19-1/31/20**

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-38**

AUTHORIZING 2018 BUDGET TRANSFERS

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-39**

AMENDING 2019 TEMPORARY CAPITAL BUDGET

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:
Nays:
Approved:

ORDINANCE ON FIRST READING

TOWNSHIP OF DELRAN, NEW JERSEY

ORDINANCE 2019-04

BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR REPAIR OF VARIOUS ROADS IN AND FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$1,200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,142,858; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN
ORDINANCE 2019-05**

ORDINANCE OF THE TOWNSHIP OF DELRAN ESTABLISHING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF DELRAN, ENTITLED "BACKGROUND CHECKS"

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

MOTIONS

A motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

A motion accepting the report of the Tax Collector and Township Clerk

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

A motion accepting the report of the CFO including the January YTD Revenue Report, YTD Budget Report and January Check Register.

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

A motion granting a mercantile license to:

1. L&S Diesel Auto Specialist, 203 Carriage Lane
2. Hudson Group Retail, LLC, 1810 Underwood Blvd, Unit #2

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. O'Connell,
Mr. Catrambone

Ayes:

Nays:

Approved:

REPORTS

Clerk

Administrator

Solicitor

Fire Commissioners

Members of Council

Mayor

Public Portion of the meeting – Motion to open the meeting to the public

Motion to adjourn the meeting

MOVED BY _____ SECONDED BY _____

Roll Call: Mr. Mormando, Ms. Parejo, Mr. Burrell, Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN
RESOLUTION 2019-27**

**APPOINTMENT TO TEMPORARILY FILL VACANCY ON TOWNSHIP COUNCIL DUE TO
THE RESIGNATION OF WARD 2 COUNCILMAN DANIEL O'CONNELL**

WHEREAS, Councilman Daniel O'Connell has resigned his position as Ward 2 Councilman for the Township of Delran effective January 23, 2019 due to being selected by the Burlington County Democratic Committee to fill a vacancy on the Burlington County Board of Chosen Freeholders; and

WHEREAS, as required under N.J.S.A. 40A:16-11 the Delran Democratic Committee, in a letter dated January 29, 2019, has provided the names of three nominees for the selection of a successor to fill the vacancy; and

WHEREAS, within thirty days the Governing Body shall appoint one of the nominees to fill the vacancy.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Delran hereby appoints _____ to temporarily fill the vacancy of the Ward 2 Council seat until the seat is filled as required by law.

Dated: February 5, 2019

Jamey Eggers, Municipal Clerk

Gary Catrambone, Council President

**TOWNSHIP OF DELRAN
ORDINANCE 2019-01**

**CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% 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,

WHEREAS, the Council of the Township of Delran, in the County of Burlington finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$433,409.64 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the Township of Delran, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Delran shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$433,409.64, and that the CY 2019 municipal budget for the Township of Delran be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

MEMBERS OF COUNCIL	AYE	NAY	ABSENT
Mr. Mormando			
Ms. Parejo			
Mr. Burrell			
Mr. Catrambone			

Introduced: January 2, 2019

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

KEN PARIS, MAYOR

**TOWNSHIP OF DELRAN
ORDINANCE 2019-02**

AN ORDINANCE TO ESTABLISH SALARY RANGES FOR VARIOUS EMPLOYEES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND REGULATING THE MANNER OF PAYMENT OF SAME.

BE IT ORDAINED by the Township Council of the Township of Delran in the County of Burlington and State of New Jersey that the Township does hereby establish the following salary ranges for the employees serving in the following position:

POSITIONS	2019 Salary Range	2020 Salary Range	Pay Period
Construction Code Official/Building Sub-Code	\$90,000 - \$100,000 per year	\$90,000 - \$100,000	Bi Weekly
Sewer Assistant Superintendent	\$70,000 - \$80,000 per year	\$70,000 - \$80,000	Bi Weekly
Plumbing Sub-Code	\$35.00 - \$40.00 per hour	\$35.00 - \$40.00 per hour	Monthly
Tax Collector	\$65,000 - \$85,000 per year	\$65,000 - \$85,000 per year	Bi Weekly
Summer Help	\$8.50 - \$12.00 per hour	\$8.50 - \$12.00 per hour	Bi Weekly

Section II Repeal - All ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of their inconsistency.

Section III Adoption - This Ordinance shall take effect twenty days after final adoption and publication according to law. This Ordinance is retroactive respectively to January 1, 2019 where applicable. The retroactive applies to those employees currently employed at the time of the adoption of this ordinance.

MEMBERS OF COUNCIL	AYE	NAY	ABSENT
Mr. Mormando			
Ms. Parejo			
Mr. Burrell			
Mr. Catrambone			

Introduced: January 2, 2019

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

KEN PARIS, MAYOR

TOWNSHIP OF DELRAN, NEW JERSEY

ORDINANCE 2019-03

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A DUMP TRUCK IN AND FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$110,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$104,761; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Council of the Township of Delran, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the Township of Delran, County of Burlington, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purpose stated in Section 7 hereof is \$110,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$104,761; and
- (c) a down payment in the amount of \$5,239 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$104,761, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$5,239, which amount represents the required down payment, are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$104,761 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$104,761 is

hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$20,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated cost of said purpose; the amount of down payment for said purpose; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition of a Dump Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$110,000	\$5,239	\$104,761	10 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$104,761 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: January 22, 2019

Date of Final Adoption: _____, 2019

**TOWNSHIP OF DELRAN
BURLINGTON COUNTY
RESOLUTION 2019-28**

**APPROVED TOTALLY DISABLED VETERAN EXEMPTION
BLOCK 120.05, LOT 20**

WHEREAS, the property owner of Block 120.05 Lot 20, 37 Marsha Drive in the Township of Delran has applied for a totally disabled veteran exemption and has filled out the correct forms and provided the documentation necessary for the Tax Assessor, and

WHEREAS, the Tax Assessor has determined that as per N.J.S.A. 54:4-3:30 et seq.; L1948 c259 as amended, that the resident has met the requirements to qualify for the totally disabled veteran exemption; and

WHEREAS, the Tax Assessor has also determined that the exemption was to be effective as of December 6, 2018 with the exemption being effective January 1, 2019; and

WHEREAS, that taxes should be cancelled for the February 2019 quarter in the amount of \$2,464.63 and the May 2019 quarter in the amount of \$2,464.62; and

NOW THEREFORE, BE IT RESOLVED that the cancellation of taxes is hereby approved by the Township Council of the Township of Delran.

BE IT FURTHER RESOLVED that a copy of this resolution will be given to the Tax Collector, Tax Assessor and Treasurer.

Dated: February 5, 2019

Jamey Eggers, Township Clerk

Gary Catrambone, Council President

**TOWNSHIP OF DELRAN
RESOLUTION 2019-29**

**REFUNDING TAXES PAID IN ERROR
BLOCK 118, LOT 2**

WHEREAS, the property located at 3104 Bridgeboro Road, Block 118 Lot 2, was sold by BB&T Bank on October 26, 2018 to Advocare LLC: and

WHEREAS, BB&T Bank who also holds mortgages for properties in Delran Township sent in a check for the first and second quarters of 2019 for the above referenced property for a total of \$14,496.46 on January 7, 2019: and

WHEREAS, BB&T has contacted the Township indicating that they paid the property taxes in error and they are not the mortgage company escrowing for taxes: and

WHEREAS, they are requesting that the payment for the first and second quarters of 2019 to be refunded to them in the amount of \$14,496.46.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran that a refund of \$14,496.46 is to be refunded to

BB&T Corporate Tax, Property Tax Group
150 South Stratford Road, Suite 400
PO Box 167
Winston- Salem, NC 27102

Dated: February 5, 2019

Jamey Eggers, Township Clerk

Gary Catrambone, Council President

**TOWNSHIP OF DELRAN
RESOLUTION 2019-30**

**REFUND OF DUPLICATE PAYMENT
BLOCK 118, LOT 4 C106**

WHEREAS, the property located at 106 Castleton Road, Delran, NJ, Block 118 Lot 4 C106 had duplicate payments made for taxes for November 2018 by both Corelogic Tax Service and Lereta Tax Service; and

WHEREAS, Corelogic Tax Service has indicated that their payment was made in error to Delran Township when it was intended for the same property address in Evesham Township; and

WHEREAS, Corelogic Tax Service has written a letter requesting the refund on the payment made incorrectly for November 2018 in the amount of \$1,990.67 be refunded to: Corelogic Tax Service, PO Box 9205, Coppell, TX 75019-9214.

NOW THEREFORE, BE IT RESOLVED that the duplicate payment in the amount of \$1,990.67 on Block 118 Lot 4 C106 is hereby made to Corelogic Tax Service.

Dated: February 5, 2019

Jamey Eggers, Township Clerk

Gary Catrambone, Council President

**TOWNSHIP OF DELRAN
RESOLUTION 2019-31**

**AUTHORIZING CLOSE OUT CHANGE ORDER
AND FINAL PAYMENT TO VMG GROUP FOR THE
MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT**

WHEREAS, in order to close out the contract for the Municipal Building Roof Replacement Project it was necessary to make changes in the contract final contract amount; and

WHEREAS, the Change Order was developed to itemize and authorize those changes; and

WHEREAS, approval has been received by the Township Engineer in a letter dated January 28, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran that Close Out Change (Final) is hereby authorized and approval is hereby granted to revise the final contract amount from \$1,094,000.00 to \$1,059,314.86 (Decrease of \$34,685.14)

BE IT FUTHER RESOLVED that Township Council authorizes final payment to Arawak Paving in the amount of \$157,840.48.

DATED: February 5, 2019

TOWNSHIP CLERK

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
RESOLUTION 2019-32**

**AUTHORIZING CHANGE ORDER NO. 3 (FINAL) AND
FINAL PAYMENT TO C & H INDUSTRIAL SERVICES, INC.
FOR THE SAND FILTER REPLACEMENT PROJECT**

WHEREAS, in order to close out the contract for the Sand Filter Replacement Project it was necessary to make changes in the contract final contract amount; and

WHEREAS, the Change Order was developed to itemize and authorize those changes; and

WHEREAS, approval has been received by the Township Engineer in a letter dated January 18, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran that Change Order No. 3 (Final) is hereby authorized and approval is hereby granted to revise the final contract amount from \$1,905,570.00 to \$1,904,302.71 (Decrease of \$1,267.29)

BE IT FUTHER RESOLVED that Township Council authorizes final payment to Arawak Paving in the amount of \$10,727.21.

DATED: February 5, 2019

TOWNSHIP CLERK

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
RESOLUTION 2019-33**

**AUTHORIZING CLOSE OUT CHANGE ORDER #2 AND
FINAL PAYMENT TO S. BATATA CONSTRUCTION, INC.
FOR ROUTE 130 SIDEWALK IMPROVEMENTS**

WHEREAS, in order to close out the contract for the Route 130 Sidewalk Improvements it was necessary to make changes in the contract final contract amount; and

WHEREAS, the Change Order was developed to itemize and authorize those changes; and

WHEREAS, approval has been received by the Township Engineer in a letter dated January 17, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran that the Close Out Change Order #2 is hereby authorized and approval is hereby granted to revise the contract amount from \$256,560.00 to \$217,608.50 (Decrease \$38,951.50)

BE IT FURTHER RESOLVED that Township Council authorizes final payment to Arawak Paving in the amount of \$4,352.17.

DATED: February 5, 2019

TOWNSHIP CLERK

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
RESOLUTION 2019-34**

WHEREAS, the Township requires escrow funds to be submitted for Police Outside Employment; and

WHEREAS, the Chief Financial Officer has determined that a remaining balance in certain escrows are no longer necessary as the work has been completed,

NOW, THEREFORE, BE IT RESOLVED that the escrow funds, as stated below, be refunded and a signed copy of the resolution forwarded to be Chief Financial Officer.

<u>Name and Address</u>	<u>File #</u>	<u>Amount</u>
Riggs Distler & Company, Inc. 4 Esterbrook Lane Cherry Hill, NJ 08003	PD16-07	\$720.00

DATED:

TOWNSHIP CLERK

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
BURLINGTON COUNTY
RESOLUTION 2019-35**

**REFUNDING PROPERTY TAXES DUE TO ADDED APPEAL
BLOCK 117.01, LOT 42**

Whereas, the property located at 1211 Peach Tree Court, Block 117.01 Lot 42 filed for a tax appeal on the 2017 added omitted taxes and the 2018 added taxes; and

Whereas, the County Board of Taxation granted the tax appeal causing an overpayment, and

NOW THEREFORE, BE IT RESOLVED that a refund of \$ 14,930.82 is to be refunded to

Wells Fargo Real Estate Tax Service
ATTN: Financial Support Unit - Region 4
1 Home Campus
MAC F2302-035
Des Moines, IA 50328-0001

Dated: February 5, 2019

Township Clerk

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
RESOLUTION 2019-36**

**APPOINTMENT OF TANYIKA JOHNS AS
MUNICIPAL TAX COLLECTOR**

WHEREAS, N.J.S.A.:40A:9-41 provides that the governing body of Delran is required to appoint a Municipal Tax Collector, and;

WHEREAS, the Mayor and Township Council of the Township of Delran has determined it is in the best interest of the Township of Delran and the residents of Delran to appoint Tanyika Johns as the Municipal Tax Collector for the term of (4) years , and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council of Delran Township, County of Burlington, State of New Jersey that Tanyika Johns be and is hereby appointed as Municipal Tax Collector for the Township of Delran.

BE IT FURTHER that the compensation for said Tax Collector shall annexed in the annual salary ordinance, this resolution shall take effect immediately upon adoption of the ordinance and term shall expire on December 31, 2023

Date: February 5, 2019

Jamey Eggers, Municipal Clerk

Gary Catrambone, President of Council

**TOWNSHIP OF DELRAN
RESOLUTION 2019-37**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW
JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM (2018) ADMINISTERED BY
THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF
LAW AND PUBLIC SAFETY
SUB-AWARD NUMBER 19-0310
SUB-AWARD PERIOD 2/1/19-1/31/20**

WHEREAS, the Delran Township Council does hereby accept funding of \$60,000 with a local match of \$201,119 for an approximate project total cost of \$261,119 under the State of New Jersey Safe and Secure Communities Grant Program; and

WHEREAS, the Township Council has reviewed the accompanying application, and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township Council of the Township of Delran for the purpose described in the application:

THEREFORE, BE IT RESOLVED by the Township Council that

- 1) As a matter of public policy, the Township Council of the Township of Delran wishes to participate to fullest extent possible with the Department of Law and Public Safety and does hereby accept the sub-award.
- 2) The Attorney General will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

DATED: February 5, 2019

TOWNSHIP CLERK

**Gary Catrambone
President of Council**

**TOWNSHIP OF DELRAN
RESOLUTION 2019-38**

AUTHORIZING 2018 BUDGET TRANSFERS

WHEREAS, there are certain 2018 budget appropriations of the Township of Delran which are insufficient to meet the requirements of operating the affairs of the Township; and

WHEREAS, there are other 2018 budget appropriations where there are unexpended balances which shall not be needed for such purposes; and

WHEREAS, Revised Statutes 40A:4-59 provides for transfers from such accounts that have unexpended balances of the prior year budget during the first 3 months of the current year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran, in the County of Burlington, that the sum of \$8,500.00 for Current Fund as itemized below be transferred:

Current Fund:

From	Account#	Amount	To	Account#	Amount
General Legal O/E	8-01-20-155-000-227	\$ 8,500.00	Affordable Housing O/E	8-01-21-190-000-228	\$8,500.00
Total		\$8,500.00			\$8,500.00

BE IT FURTHER RESOLVED that a signed copy of this resolution be forwarded to the Chief Financial Officer, Treasurer and the Township Auditor.

Dated: February 5, 2019

Jamey Eggers, Township Clerk

Gary Catrambone, Council President

**TOWNSHIP OF DELRAN
RESOLUTION 2019-39**

Amending 2019 Temporary Capital Budget

WHEREAS, the Township of Delran desires to amend the 2019 Temporary Capital Budget of said municipality by inserting therein:

2019 Reconstruction and/or Road Repair
of Various Roads

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Delran as follows:

Section 1. The 2019 Temporary Capital Budget of the Township of Delran is hereby constituted by the adoption of a schedule to read as follows:

<u>Project Est. Costs</u>	<u>Capital Imp. Fund</u>	<u>Grant</u>	<u>Authorized</u>
\$1,200,000.00	\$57,142.00	\$0	\$1,142,858.00

FURTHERMORE, BE IT RESOLVED, that the above amounts be included in the previous authorization for a total Amended Temporary Capital Budget of: **\$1,310,000.00**

Section 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2019 Amended Temporary Capital Budget, to be included in the 2019 Adopted Capital Budget as adopted.

Dated: February 5, 2019

Jamey Eggers, Municipal Clerk

Gary Catrambone, Council President

TOWNSHIP OF DELRAN, NEW JERSEY

ORDINANCE 2019-04

BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR REPAIR OF VARIOUS ROADS IN AND FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$1,200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,142,858; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Council of the Township of Delran, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the Township of Delran, County of Burlington, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purpose stated in Section 7 hereof is \$1,200,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$1,142,858; and
- (c) a down payment in the amount of \$57,142 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$1,142,858, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$57,142, which amount represents the required down payment, are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$1,142,858 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$1,142,858 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$200,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated cost of said purpose; the amount of down payment for said purpose; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Repair of Various Township Roads including, but not limited to, Diane Avenue, Patricia Avenue, River Drive, Norman Avenue, Lake Street and Will Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,200,000	\$57,142	\$1,142,858	10 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,142,858 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: February 5, 2019

Date of Final Adoption: _____, 2019

TOWNSHIP OF DELRAN

ORDINANCE 2019-05

**ORDINANCE OF THE TOWNSHIP OF DELRAN ESTABLISHING CHAPTER
84 OF THE CODE OF THE TOWNSHIP OF DELRAN, ENTITLED
“BACKGROUND CHECKS”**

WHEREAS, the Township Council finds that it is important to provide for the safety of minors engaged in youth activities in the Township of Delran; and

WHEREAS, the Township Council finds it is necessary to take steps to provide for the reasonable assurance that employees and volunteers for youth programs have been subject to a criminal history record background check; and

WHEREAS, the Township Council has concluded that the Code of the Township of Delran needs to be amended by creating a chapter that outlines procedures and guidelines for the implementation of criminal history record background checks; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Township and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

NOW THEREFORE BE IT ORDAINED, by the Township Council of Delran Township as follows:

SECTION 1: The Code of the Township of Delran is hereby amended, revised, and/or supplemented with the establishment of Chapter 84, entitled “Background Checks,” to read as follows:

CHAPTER 84

BACKGROUND CHECKS

§ 84-1. Purpose.

The purpose of this chapter is to provide for the safety of children engaged in youth programs by taking steps to provide for the reasonable assurance that employees and volunteers for youth programs have been subject to an arrest and criminal history record background check and obtaining certifications from potential employees and volunteers regarding relevant aspects of their employment history.

§ 84-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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

YOUTH PROGRAM — Any organized program with participants that are under the age of 18 that are sponsored by the Township of Delran; receive Township funding for their programs and/or services; or utilize municipal facilities including buildings and/or fields of play on a regular or recurring basis.

NON-SPONSORED YOUTH PROGRAMS — Any youth programs not sponsored by the Township of Delran, but that utilize municipal facilities or have affiliation with a township sponsored youth program and having contact with persons under the age of eighteen (18) years.

TOWNSHIP-SPONSORED YOUTH PROGRAMS — Any programs sponsored by the Township of Delran, including any and all leagues, boards and commissions falling within the purview of or acting for or on behalf of, the Township of Delran and having contact with persons under the age of eighteen (18) years.

§ 84-3. Submission to background checks; certification; frequency; costs; interim approvals.

A. All individuals seeking to be employed by or volunteer for youth programs, wherein they will be working directly with youth, shall be required to submit to mandatory criminal history record and fingerprint background checks, as defined above. This requirement shall apply to new employees or volunteers as well as existing employees or volunteers, and the requirement may not be waived by the youth program or any other entity. This process shall be administered by the Township Chief of Police or his/her designee, provided the designee is above the rank of patrolman. All youth programs that have individuals subject to this chapter shall direct those individuals to the Delran Township Police Department background check submission forms which shall be processed through the Police Department prior to the individual being able to participate in any youth program at a township-owned facility. Thereafter, every three (3) years a new background check shall be required pursuant to this chapter.

B. All individuals seeking to be employed by or volunteer for youth programs, wherein they will be working directly with youth, shall also be required to certify, on forms supplied by the Township, that his or her license and/or legal permission to practice, or be employed, in any professional field has never been revoked or suspended by any licensing agency and/or licensing board due to the individual's private

and/or professional misconduct arising out of sexual misconduct or related to intentional actions deemed to be harmful to the physical, psychological and/or emotional wellbeing of a person under the age of eighteen. A certification indicating such revocation or suspension and/or false certification declaring nonexistence of the same shall both be grounds to disqualify a person from volunteering with or being employed by youth-related activities. Such certification shall need to be supplied every time a new background check is conducted pursuant to this chapter.

C. All individuals employed by or volunteering for youth programs pursuant to this chapter have a continuing obligation to self-report, to their youth programs and the Delran Township Police Department, any and all arrests, crimes and violations contained in section 84-6 and non-criminal sanctions described in this section 84-3. Individuals who self-report that they have been arrested for crimes and violations contained in section 84-6 and individuals who self-report that they have been notified of administrative proceedings for potential non-criminal sanctions described in this section 84-3 shall be temporarily suspended from participating in any capacity in any function for persons under the age of eighteen (18) years held at any township-owned facilities until final adjudication and/or resolution of said arrest or administrative proceeding.

D. The cost of background checks for individuals not participating in a township-sponsored program shall be borne by the individual or program with which they are participating. The cost of background checks for individuals participating in Township-sponsored youth programs shall be borne by the Township.

E. Individuals involved in township sponsored youth programs who are required to undergo background checks shall be given an interim approval for

participation only after submission to a background check pursuant to this chapter. 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 thirty (30) days. Only one (1) interim approval may be granted per individual. All individuals seeking an interim approval shall provide a valid photo driver's license or other acceptable photo identification to the Delran Township Police Department for a temporary identification badge and sign a pre-approved form attesting that the individual shall comply with the chapter requirements and that to the individual's knowledge, he or she will be qualified to pass the criminal background check and certify that their legal permission to practice, or be employed, in any professional field has never been revoked for reasons outlined in paragraph B of this section.

§ 84-4. Youth program obligations.

A. All youth program officers or leaders are required to make all reasonable efforts to comply with the requirements of this chapter. It is the responsibility of the youth programs to coordinate with the Delran Township Chief of Police to ensure that annual background checks are being administered in compliance with this chapter. The youth programs, through a designated officer or leader, shall maintain records including the names of all employees and volunteers and the date of their last background check and shall file an annual roster, on forms supplied by the Township, of employees and volunteers that are required to participate in the background check procedures of this chapter. The youth program officers and/or leaders shall sign the roster certifying the accuracy and completeness of the roster and employees' and volunteers' names.

B. In the event that the youth program already has a background check policy and procedure in place, the Township will accept the results from the administration of that policy, provided the policy and results are disclosed to the Township and the Township is satisfied that the policy and procedures are sufficient to satisfy the standards and purpose of this chapter.

§ 84-5. Qualification; display of cards.

Employee or volunteers deemed to have passed the background check 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.

§ 84-6. Disqualification.

A. Upon receipt of a completed background check, the Delran Township Police Department shall notify the applicant and the president or leader of the program of affirmative or negative results. The determination of the State Police and/or Federal Bureau of Investigation shall be based upon Section 84-6.B of this chapter. Details in the background check that result in a negative determination shall not be disclosed to the Delran Township Administrator or any other Township official or employee and are only available to the applicant upon making a formal request to the State Bureau of Investigation, except in those instances where an individual requests an appeal pursuant to Section 84-7 of this chapter.

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 capacity in any function for persons under the age of eighteen (18) years held at any township-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. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S. 2C:13-1 et seq., N.J.S. 2C:14-1 et seq. or N.J.S. 2C:15-1 et seq.;

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

(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 dangerous substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S. 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)(a) 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 depending on the nature and type of offense committed.

D. In the event the criminal background check reveals an arrest record for crimes or offenses identified in Paragraphs B and C of this section, said person shall be

temporarily disqualified from participating in any capacity in any function for persons under the age of eighteen (18) years held at any township-owned facilities until final adjudication and/or resolution of the arrest(s).

E. In the event that an individual provides false information on a certification required in Subsection 84-3B, said person shall not be qualified to participate in any capacity in any function for persons under the age of eighteen (18) years held at any township-owned facilities.

F. In the event it comes to the Township's attention that administrative proceedings have been initiated against an individual for potential non-criminal sanctions based on violations outlined in Section 84-3B, said person shall be temporarily disqualified from participating in any capacity in any function for persons under the age of eighteen (18) years held at any township-owned facilities until final adjudication and/or resolution of the administrative proceedings.

G. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any township-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.

§ 84-7. Appeal procedure.

A. Any individual who is disqualified under this Chapter may appeal his or her disqualification as follows:

(1) An individual may challenge the accuracy of the background check and/or other information in the Township's possession affecting an individual's qualification;

(2) A person may claim to be rehabilitated to the extent that it should permit qualification.

(3) No individual may appeal a disqualification on the grounds of rehabilitation, if the individual has been disqualified because that individual has been convicted, adjudicated delinquent or acquitted by reason of insanity of the offenses enumerated in Section 84-6B. and C. of this chapter.

B. A challenge to the accuracy of the background check or other information in the Township's possession affecting an individual's qualification shall be filed with the Delran Township Chief of Police, and the individual shall bear the burden of rebutting the accuracy of the report or information with evidence deemed to be satisfactory at the sole discretion of the Chief of Police.

C. An appeal based on rehabilitation shall be made to an Appeals Board which shall consist of the Chairperson of the Recreation Advisory Committee, the Delran Township Chief of Police, and the Delran Township Administrator. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification and filed in writing with the Delran Township Chief of Police in an envelope marked confidential.

D. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Board shall consider the following factors:

(1) The nature and responsibility of the position which the individual would hold if approved.

(2) The nature and responsibility of any previous similar positions held related to youth activities and youth sports activities.

(3) The nature and seriousness of the offense or non-criminal violation.

(4) The circumstances under which the offense or non-criminal violation occurred.

(5) The date of the offense or non-criminal violation.

(6) The age of the person when the offense or non-criminal violation was committed.

(7) Whether the offense or non-criminal violation was an isolated or repeated incident.

(8) Any other evidence considered relative concerning rehabilitation including community service or the recommendation of those who have had the individual under their supervision or who have a work or community history with the individual.

E. If the Appeals Board determines that the disqualified individual has been successfully rehabilitated, it shall enter that individual's name on the list of qualified individuals maintained by the Township Administrator. If the Appeals Board denies the appeal, it shall advise the individual in writing. All appeals and information relating to an appeal shall remain confidential.

§ 84□8. Privacy.

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 and locked cabinet or room at the Delran Police

Department Records Bureau in the Criminal Investigation Division Building which shall take custody and maintain such records which shall not be available to the public. The Delran Township Police Department personnel in the Records Bureau 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 Delran Township Administrator 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. No Delran Township official or employee shall have access to the criminal background checks other than individuals in the Delran Township 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. The Delran Township Administrator shall be the contact person for Delran Township for the VRO Program of the State Police.

§ 84-9. Recreation Advisory Committee volunteers.

This Chapter shall not apply to volunteers who participate in one-day events organized and authorized by the Township Council through the assistance and advise of the Recreation Advisory Committee. A representative of the Recreation Advisory Committee shall provide the Delran Township Police Department with a separate list of volunteers for every such one-day event and said list shall include the full name and address of every volunteer who intends to participate in said event.

SECTION 2. Except as set forth in Section 1 above, the balance of Code of the Township of Delran shall not be affected by this ordinance.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The Council of the Township of Delran declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

MEMBERS OF COUNCIL	AYE	NAY	ABSENT
Mr. Burrell			
Mrs. Mormando			
Mrs. Parejo			
Mr. Catrambone			

Introduced: January ____, 2019

Adopted: February ____, 2019

JAMEY EGGERS, MUNICIPAL CLERK

KEN PARIS, MAYOR