

**MINUTES
TOWNSHIP OF PENNSAUKEN
PUBLIC COMMITTEE MEETING
November 15, 2021**

Pennsauken Township Public Committee Meeting was held at the Municipal Building located at 5605 N. Crescent Blvd Pennsauken, NJ 08110 on Thursday November 15, 2021.

The Meeting was called to order by Mayor DiBattista at 6:00 pm, who also called for the Salute to the Flag, to be followed by a Moment of Silence.

Mayor DiBattista announced the meeting complies with the "Senator Byron M. Baer Open Public Meetings Act."

The meeting commenced with a roll call by the Township Acting Clerk.

PRESENT: Committeeman Olivo, Committeeman Martinez, Committeewoman Roberts, Deputy Mayor Rafeh and Mayor DiBattista

Also, present were Township Administrator Tim Killion, Acting Municipal Clerk Pamela Scott-Forman, Deputy Clerk Ana Matos and Solicitor Linda Galella, Esq.

ABSENT: Deputy Mayor Rafeh

There was no special request for electronic participation in the meeting.

NOTE: Meeting was streamed live on YouTube.

APPROVAL OF MINUTES

Regular meeting minutes November 4, 2021

Committeeman Olivo the motion to approve meeting minutes.

Committeeman Martinez seconded the motion.

An affirmative 4/0 voice vote was recorded.

ORDINANCES: SECOND READING (PUBLIC MAY COMMENT)

2021:27

AN ORDINANCE OF THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF PENNSAUKEN AND NEW JERSEY TRANSIT CORP. FOR RAILS TO TRAILS PROJECT

WHEREAS, NEW JERSEY TRANSIT CORPORATION owns property described as two parcels of land collectively containing approximately 188,615 square feet (4.33 acres), located on NJ TRANSIT's Pemberton Branch Line between Mile Posts 03.28 through 03.85 and 04.50 through 05.00, in the Township of Pennsauken, County of Camden, State of New Jersey (hereinafter "License Areas"); and

WHEREAS, the Township of Pennsauken (hereinafter "Licensee") desires to obtain a license from NJ TRANSIT for the purpose of constructing, repairing, and maintaining a bicycle and pedestrian pathway (the "Project") in the License Areas; and

WHEREAS, the parties have agreed that NJ TRANSIT will grant unto Licensee permission to use the License Areas solely for the Project, pursuant to the terms and conditions as set forth in the License Agreement (Exhibit “A” hereto); and

WHEREAS, the Township of Pennsauken desires to construct a pedestrian and bicycle pathway for the benefit of the public and residents of the Township of Pennsauken; and

WHEREAS, this License Agreement will promote and facilitate this public purpose; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, requires that the license of real property by a public entity be authorized by Ordinance, and it is the desire of the Township Committee to enact this Ordinance authorizing same to comply with the terms and conditions of the Local Lands and Buildings Law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey, as follows:

ARTICLE I. AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT WITH NEW JERSEY TRANSIT CORPORATION

The Township Committee hereby authorizes the license of property owned by New Jersey Transit Corporation located at NJ TRANSIT’s Pemberton Branch Line between Mile Posts 03.28 through 03.85 and 04.50 through 05.00. The Committee further authorizes the execution of such documents as may prove necessary for the License Agreement. Said license of land by the Township shall be subject to a License Agreement between the Township and New Jersey Transit Corporation. The License Agreement shall be for a period of one (1) year and will automatically extend from year to year upon the same terms and conditions, unless terminated by either party.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Committeewoman Roberts moved the motion to close floor for comment.

Committeeman Martinez seconded the motion.

An affirmative 4/0 voice vote was recorded.

Motion To Adopt:

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Olivo</i>		√	√			
<i>Martinez</i>			√			
<i>Roberts</i>	√		√			
<i>Rafeh</i>						√
<i>DiBattista</i>			√			

No Public Wished To Comment

2021:28

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF PENNSAUKEN CHAPTER 299 ENTITLED "VEHICLES AND TRAFFIC"

BE IT ORDAINED by the Mayor and Township Committee of the Township of Pennsauken, in the County of Camden, State of New Jersey, as follows:

Chapter 299-57 "Restricted Parking Zones in Front of Residences": is hereby amended to ADD the following:

1. Handicapped Parking Signs located at 831 Engard Avenue beginning 70 feet north from the northwest corner of Engard Avenue and Day Avenue and continuing 22 feet north.
2. Handicapped Parking Signs located at 1727 Horner Avenue beginning 215 south from the southwest corner of Pleasant Avenue and Horner Avenue and continuing 22 feet south.

All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall take effect upon due publication and final enactment as provided by law.

Committeewoman Roberts moved the motion to close floor for comment.

Committeeman Martinez seconded the motion.

An affirmative 4/0 voice vote was recorded.

Motion To Adopt:

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Olivo</i>	√		√			
<i>Martinez</i>			√			
<i>Roberts</i>		√	√			
<i>Rafeh</i>						√
<i>DiBattista</i>			√			

No Public Wished To Comment

2021:29

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSAUKEN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF PENNSAUKEN AND LIBERTY TERMINAL AT PENNSAUKEN URBAN RENEWAL, L.L.C. FOR PROPERTY KNOWN AS BLOCK 201, LOT 4, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 et seq.)

WHEREAS, Township of Pennsauken (the "Township") is a municipal corporation of the State of New Jersey, located in Camden County; and

WHEREAS, Liberty Terminal at Pennsauken Urban Renewal, L.L.C. (the "Entity") is the owner of Block 201, Lot 4, on the official Tax Map of the Township (the "Property"), located in the Waterfront Redevelopment Area of the Township ("Redevelopment Area"); and

WHEREAS, the Entity will design, finance, and construct a new storage facility for petroleum storage and distribution, including related site improvements to the property, such as upgrades to storage tanks, the storm water management system, above ground piping and pumps, the guard booth, and a new operations control building (the “Project”); and

WHEREAS, the Long-Term Tax Exemption Law of New Jersey, N.J.S.A. 40A:20-1, et. seq. (“Long Term Tax Exemption Law” or “LTTE Law”) permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes; and

WHEREAS, the Township is authorized to provide for a tax exemption within the Redevelopment Area and for payments in lieu of taxes (“PILOTS”) in accordance to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“Redevelopment Law”) and the LTTE Law; and

WHEREAS, the Township has received the Entity’s written application (“Application”) pursuant to the LTTE Law, for approval of a tax exemption for the proposed improvements as part of the Project (the “Improvements”); and

WHEREAS, the Township has received a form of Financial Agreement (“Financial Agreement”) with the Entity’s Application, providing for payments in lieu of taxes, a copy of which is attached to this Ordinance as **Exhibit A**; and

WHEREAS, the Pennsauken Township Committee (“Township Committee”) has determined that the exemption from taxation and annual service charges in lieu of taxes pursuant to the terms in the Financial Agreement allows and encourages the Improvements to the Property, and is, therefore, in the best interest of the Township and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the Project has been undertaken; and

WHEREAS, the Pennsauken Township Committee (“Township Committee”) deems it in the Township’s best interest to authorize an Ordinance for the Township to enter into the Financial Agreement with the Entity under the terms provided in the Financial Agreement, attached as **Exhibit A**, as well as to grant a tax exemption:

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey, that the Township will enter into a Financial Agreement with the Entity on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein:

1. The Township Committee makes such determinations and findings pursuant to and in conformity with the Long-Term Tax Exemption Law.
2. The Project is hereby approved for the grant of a tax exemption pursuant to and in conformity with the Long-Term Tax Exemption Law.
3. The Financial Agreement, including all attached exhibits and schedules, are hereby authorized, and approved.
4. The Improvements shall be exempt from real property taxation, and the Entity shall pay the Township an annual service charge in lieu of real property taxes, for the duration of the term and under the provisions outlined in the Financial Agreement.
5. A certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services, only after adoption of this Ordinance and the execution of the Final Agreement.

Committeeman Olivo moved the motion to close floor for comment.

Committeewoman Roberts seconded the motion.

An affirmative 4/0 voice vote was recorded.

Motion To Adopt:

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Olivo</i>		√	√			
<i>Martinez</i>	√		√			
<i>Roberts</i>			√			
<i>Rafeh</i>						√
<i>DiBattista</i>			√			

No Public Wished To Comment

RESOLUTION(s) (PUBLIC MAY COMMENT) The Following Resolution(s) will be considered individually.

2021:303

RESOLUTION AUTHORIZING EXECUTION OF ESCROW AGREEMENT WITH LIBERTY TERMINAL AT PENNSAUKEN URBAN RENEWAL, LLC

WHEREAS, pursuant to a Redevelopment Agreement, dated March 18, 2021 ("Redevelopment Agreement"), between the Township and Liberty Terminal at Pennsauken Urban Renewal, LLC ("Redeveloper"), the Redeveloper has undertaken a redevelopment project consisting of the design, financing and construction of new storage facility for petroleum storage and distribution, including related site improvements to property designated as Block 201, Lot 4 on the official tax maps of the Township, which redevelopment project also includes upgrades to storage tanks, the rehabilitation of land based structures, the reconstruction of an existing dock, the reconstruction of the above ground piping and pumps, the installation of a guard booth, and the construction of a new operations control building, together with other related improvements (collectively, the "Redevelopment Project"), all as authorized by and in accordance with the "Redevelopment Plan for the Township of Pennsauken Waterfront Study Area, Phase I", as such redevelopment plan has been amended and supplemented to date; and

WHEREAS, in connection with the planning, structuring, undertaking, and financing of the Redevelopment Project, the Township and the Redeveloper have agreed that the Redeveloper shall contribute funds in the amount Five Hundred Eighty Thousand and 00/100 Dollars (\$580,000.00) ("Redeveloper Contribution") towards the purchase by the Township of a new fire apparatus consisting of a Class "A" Triple Combination Pumper Truck and related equipment ("Fire Apparatus"); and

WHEREAS, in connection therewith, the Township and the Redeveloper have collectively determined to establish an escrow account wherein the Redeveloper will be required to deposit the Redeveloper Contribution into such account at such time and in accordance with the terms and conditions set forth in the Escrow Agreement attached hereto as Exhibit "A;" and

WHEREAS, after the deposit of the Redeveloper Contribution in the escrow account such funds shall be held, maintained, and utilized for the costs and expenses incurred by the Township in connection with the acquisition of the Fire Apparatus as more fully set forth in the Escrow Agreement attached as Exhibit "A;" and

WHEREAS, the Township Committee is desirous of executing the attached "Escrow Agreement;" and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute the attached “Escrow Agreement” with Liberty Terminal at Pennsauken Urban Renewal, LLC.

Motion To Adopt:

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Olivo</i>	√		√			
<i>Martinez</i>			√			
<i>Roberts</i>		√	√			
<i>Rafeh</i>						√
<i>DiBattista</i>			√			

No Public Wished To Comment

RESOLUTION(s) (PUBLIC MAY COMMENT) The Following Resolution(s) will be considered by consent agenda

2021:304

RESOLUTION AUTHORIZING A REFUND FOR OVERPAYMENT ON AN TAX VETERAN EXEMPT PROPERTY (Hadley)

WHEREAS, the below listed overpayment for the year designated is held in reserve by The Township of Pennsauken; and

WHEREAS, the veteran exemption was approved on July 09, 2021, on the property located at 2626 Hadley Dr. also known as Block 2806 Lot 16: and

WHEREAS, the property was overpaid in the amount of \$2,713.55 for the tax year of 2021 4th Quarter and paid by Navy Federal Credit Union: and

WHEREAS, Navy Federal Credit Union has requested the overpayment to be refunded back the issuer, Navy Federal Credit Union.

NOW, THEREFOR, BE IT RESOLVED by the Township Committee of the Township of Pennsauken, in the County of Camden, State of New Jersey, that the following overpayment be refunded to NAVY FEDERAL CREDIT UNION.

NAVY FEDERAL CREDIT UNION
 C/O THERESA CHASSER TAX DISBURSMENT
 5505 HERITAGE OAKS DR
 BLDG 4, FLOOR 3
 PENSACOLA, FL 32526

REFUND TO:	BLOCK LOT	AMOUNT	YEAR
NAVY FEDERAL CREDIT UNION	2806	16 \$2,713.55	2021 4 TH QUARTER

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Township of Pennsauken Tax Collector and Chief Financial Officer by the Township Clerk.

2021:305

RESOLUTION AUTHORIZING THE REFUND OF SITE INSPECTION ESCROW IN THE AMOUNT OF NINE THOUSAND, SIX HUNDRED NINETY-ONE DOLLARS AND FIFTY-EIGHT CENTS (\$ 9,691.58) TO BAYADA LOCATED AT 4300 & 4350 HADDONFIELD RD, BLOCK 4301, LOTS 1 & 6. (Bayada)

WHEREAS, Bayada applied to the Zoning Board in the Township of Pennsauken for site improvement approvals on the premises located at 4300 & 4350 Haddonfield Rd, Block 4301, Lots 1 & 6; and

WHEREAS, one of the conditions of said approval was to post escrow fees for the Zoning Board Engineer's review and inspections of the site.

WHEREAS, Bayada satisfied the Zoning Board Engineer Site Improvements and Construction Office Permits (see attached) and request the refund of the remaining escrow monies in the amount of Nine Thousand, Six Hundred Ninety-One Dollars and Fifty-Eight Cents (\$ 9,691.58).

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Pennsauken, in the County of Camden and State of New Jersey that the Pennsauken Finance Department is hereby directed to refund Bayada the remaining escrow monies in the amount of Nine Thousand, Six Hundred Ninety-One Dollars and Fifty-Eight Cents (\$ 9,691.58).

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Finance Department, the Planning & Zoning Office and to **Bayada, 4300 & 4350 Haddonfield Rd. Pennsauken, NJ 08109**

2021:306

RESOLUTION ACCEPTING THE RESIGNATION OF CROSSING GUARD (Rosemarie Trimback)

BE IT RESOLVED by the Township Committee of the Township of Pennsauken in the County of Camden and the State of New Jersey that Carl Blanck has resigned from his position of Crossing Guard. No refund is due.

ROSEMARIE TRIMBACK
8427 EDEN AVENUE
PENNSAUKEN, NJ 08110

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by the Township Clerk to the Chief Financial Officer, Chief of Police and Human Resources

2021:307

RESOLUTION FOR UNPAID MUNICIPAL CHARGES FOR EXAMPLE BUT NOT LIMITED TO GRASSCUTTING, CLEAN-UP AND BOARD-UP; ESTABLISH A FINAL BILLING; IMPOSE MUNICIPAL ASSESSMENTS; ENFORCE THROUGH TAX SALE; AND IMPOSE MUNICIPAL LIENS.

WHEREAS, The Township of Pennsauken has incurred an expense in the year(s) 2021 against various properties within the Township for failure of the property owner to comply with Municipal Ordinances concerning the condition of their property, and;

WHEREAS, The Township is empowered under N.J.S.A. 40:48-2.13; N.J.S.A. 40:48-2.14; AND, N.J.S.A. 40:48-2.5(F)(2), to impose a Lien for the recovery of those monies expended by the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of

Pennsauken, in the County of Camden, State of New Jersey, that the attached list of properties designated by Block and Lot number, the owner of record and mailing address of record. The amount listed constitutes a demand by the Township for payment by the property owner for the cost incurred by the Municipality.

BE IT FURTHER RESOLVED, if payment for the Municipal assessment is not received in full to the Township of Pennsauken, C/O Danielle Lippincott, Tax Collector, 5605 North Crescent Boulevard, Pennsauken, New Jersey 08110 that the Municipal Assessment will be enforced by Tax Sale, becoming a Municipal Lien in accordance with New Jersey State Statute.

BE IT FURTHER RESOLVED, certified copies of this resolution will be forwarded to the Tax Collector and the Chief Financial Officer by the Township Clerk

Motion To Adopt:

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Olivo</i>			√			
<i>Martinez</i>		√	√			
<i>Roberts</i>	√		√			
<i>Rafeh</i>						√
<i>DiBattista</i>			√			

No Public Wished To Comment

CONFERENCE ITEMS / ITEM OF DISCUSSION

Larry Cardwell - Economic Development

1) Agenda Items

5900 Westfield Ave - MA Business –The property is located across Westfield Avenue from Montegrillos restaurant. The applicant would like to lease 1,000 square feet of space for an office focusing on Income tax and other financial services. The property is zoned P1 and is in the Westfield Avenue Redevelopment Zone.

- Committee agreed to move forward.

5921 Westfield Ave - Lash Diggs – The property is just across Hilcrest Avenue from the 7-Eleven convenience store. This applicant would like to lease 2,700 square feet of space for retail eyelash bar and operations for an ecommerce website. Customers can buy eyelashes and eyelash related products. Currently about 70% of sales is represented by our online store. This space will also be housing inventory and the operations of packaging/shipping orders. Lash Diggs offers training for clients to learn to apply lashes. The property is zoned P1 and is in the Westfield Avenue Redevelopment Zone.

- Committee agreed to move forward.

7100 Westfield Ave - Lyons & Sons – The property is on the east side of Westfield Avenue 2 spaces north of the car wash on Westfield Ave. This application is for the storage of 1300 pallets of cocoa beans. Lyons & Sons which has resided in Pennsauken for quite a while is constantly on the lookout for storing their product. The 95,000 square foot property is zoned LI and is in the Westfield Avenue Redevelopment Zone.

- Committee agreed to move forward.

2) Items for Discussion

Liquor license that was in pocket set at 7941 South Crescent Blvd unit B

By way of explanation of the client's intent for operations at the location please see the following: The subject license is a "33" or "consumption" license good for operating a bar/restaurant normally. However, "33" licenses are also allowed to sell and display for sale carryout for consumption off the premises similar to a liquor store. Such display for off-premises consumption may be on all perimeter walls and behind the bar. The rules require that in such circumstance a very small bar is required. The client intends to install a very small bar as required with limited offerings (the intent is to minimize bar sales and focus on sales for off premise consumption).

- Committee agreed to move forward.

PUBLIC COMMENTS – NONE

COMMITTEE COMMENTS

Mayor DiBattista

- Thank you to everyone for always supporting us and I am grateful for each and everyone of you. This community is stronger every day, and I am grateful I am a part of it.
- Have a safe and Happy Thanksgiving.

Committeewoman Roberts

- Pennsauken Library hours have changed and are now Mon-Thu 10a-8p, Fri-Sat 10a- 5p and Sundays the Pennsauken Library is closed.
- Pennsauken Library has a 24-hour book return drop off in case Library is closed.
- Happy Holidays and thank you for everything that everyone does in town.

Committeeman Martinez

- Excited for the “Bark and Brew” project.
- Thank you to Public Works for all the Christmas decorations around town everything looks great.
- Happy Thanksgiving to everyone and stay safe.

Committeeman Olivo

- November 20 Pennsauken Society has their last event “Frost on the Pumpkin” from 12p-5p.
- December 4 Santa will be around town beginning at 9am.
- December 8 the “Tree Lighting” here at the Municipal Building will be from 6:30p-9:30p.
- December 11 “Breakfast with Santa” will be at the Country Club from 8:30a-11a please contact Duke Martz for tickets.
- December 14-15 the “Christmas Decorating” contest will be judged please sign up to participate. More information on our website.
- Leaf collection is still going, and they will be around every section in town.
- Welcome to the team to Jason Carr & Jason Trainer from Public Works Department and Rochelle Irvin in Finance Department.
- Stay safe everyone and Happy Thanksgiving.

ADJOURNMENT

Committeeman Olivo moved the motion to Adjourn.
Committeewoman Martinez seconded the motion.
An affirmative 4/0 voice vote was recorded.

TIME: 6:25 pm.

Respectfully Submitted,

Deputy Clerk, Ana Matos