

**MINUTES
TOWNSHIP OF PENNSAUKEN
PUBLIC COMMITTEE MEETING
May 4, 2023**

Pennsauken Township Public Committee Meeting was held at the Municipal Building located at 5605 N. Crescent Blvd Pennsauken, NJ 08110 on Thursday, May 4, 2023.

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

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

NOTE: Committeewoman McKenna was absent from meeting.

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

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

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

NOTE: Township Clerk announced that this meeting was published in the Courier Post on January 13, 2023

CONSIDERATION OF/AND POSSIBLE ACTIONS ON ANY REQUEST FOR ELECTRONIC PARTICIPATION IN MEETING – None Received

NOTE: Meeting was streamed live on YouTube.

APPROVAL OF MINUTES

Meeting of April 20, 2023

Deputy Mayor Olivo moved motion to accept minutes.

Committeeman DiBattista second the motion.

An affirmative 4/0 voice vote was recorded.

ORDINANCE SECOND READING – Public Hearing (public may comment)

2023:08 An Ordinance Amending Certain Sections of Chapter 39 of the Township of Pennsauken Code to Remove the Fire Department Title of Battalion Chief

WHEREAS, Chapter 39 of the Code of the Township of Pennsauken (Township code") establishes the Civil Service title of Battalion Chief for the Pennsauken Township Fire Department; and

WHEREAS, the Township of Pennsauken ("Township") no longer uses the title of Battalion Chief, which has left the position vacant for an extended period of time; and

WHEREAS, the Township Committee of the Township of Pennsauken ("Township Committee") seeks to eliminate the title, with the intent of implementing other, more accurate and effective titles in the future; and

WHEREAS, the Township Committee must repeal and amend certain portions of Chapter 39 of the Township Code to eliminate the title of Battalion Chief; and

WHEREAS, the Township has informed the New Jersey Civil Service Commission of the Township's intent to eliminate the aforesaid title.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey that several sections of Chapter 39 of the Township Code are hereby amended to read as follows (strikethroughs represent deletions, underlines represent additions):

§ 39-3. Chief of Department and Deputy Chief of Department.

- A. The Township Committee shall appoint individuals to serve as the Fire Chief and Deputy Fire Chief of the part-paid and volunteer Fire Department of the Township of Pennsauken who shall have direct authority and control over all ~~Battalion Fire Chiefs and other~~ officers of the Fire Department as well as paid and volunteer firefighters within the Department.

[The remaining language in § 39-3 shall remain unchanged.]

§ 39-3.1. Battalion Chief; Station Commander.

~~A. There shall be three volunteer Battalion Fire Chiefs appointed by the Director of Public Safety with input from the Fire Chief in accordance with N.J.S.A. 40A:14-7.~~

~~B. The three appointed Battalion Fire Chiefs shall meet the following qualifications:
(1) Five years of service to the Pennsauken Fire Department;
(2) State of New Jersey Fire Officer II certification;
(3) State of New Jersey Incident Management System Level II certification;
(4) National Incident Management System I700 certification.~~

~~C. The tenure of the volunteer Battalion Fire Chiefs shall be determined by the Director of Public Safety with input from the Fire Chief.~~

A. ~~D.~~ There shall be five volunteer Station Commanders appointed by the Director of Public Safety with input from the Fire Chief in accordance with N.J.S.A. 40A:14-68.

B. ~~E.~~ The five appointed Station Commanders shall meet the following qualifications:
(1) Three years of service to the Pennsauken Fire Department;
(2) State of New Jersey Fire Officer I certification;
(3) State of New Jersey Incident Management System Level I certification;
(4) National Incident Management System I700 certification.

C. ~~F.~~ The tenure of the volunteer Station Commanders shall be determined by the Director of Public Safety with input from the Fire Chief.

§ 39-6. Attendance records; annual report.

Records shall be kept of each member's attendance, training, and duty by the ~~Battalion Fire Chief and~~ Station Commander of each station, and an annual report thereof shall be filed with the Secretary of the Pennsauken Township Fireman's Relief Association on or before February 1 of the following year. Such records shall, from time to time, be subject to the inspection of the Director of Public Safety, Fire Chief and Deputy Fire Chief.

§ 39-17. Protection and maintenance of facilities and apparatus.

- A. It shall be the responsibility of the ~~Battalion Fire Chief and~~ Station Commander of each station to see that the fire station and apparatus are protected from danger, neglect or otherwise.
- B. It shall be the duty of each volunteer fire company to maintain building heat during the winter season.

§ 39-21. Required records, use of standard form.

The ~~Battalion Fire Chiefs and~~ Station Commanders are required to fill out and keep records of all alarms of fire and emergency, methods of extinguishment, drills, hose, apparatus, minor equipment, and general activities. Such records shall be kept on the standard record form supplied by the Fire Department and shall be filed monthly with such person or officer as shall be designated by the Fire Chief, subject to the approval of the Director of Public Safety who shall have the right to inspect the records as deemed necessary.

BE IT FURTHER ORDAINED that the title of Battalion Chief is retroactively eliminated, effective as of January 1, 2023.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately after final passage and publication as provided by law.

Committeeman DiBattista moved motion to open floor for public hearing
Deputy Mayor Olivo second motion.
An affirmative 4/0 voice vote was recorded.

Deputy Mayor Olivo moved motion to close floor for public hearing
Committeeman DiBattista second motion.
An affirmative 4/0 voice vote was recorded.

Motion To Adopt on SECOND reading:

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

No Public Wished To Comment

2023:09 An Ordinance Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53(b) to Fund the Costs Associated with the Execution of a Program of Revaluation of Real Property for the Township of Pennsauken, County of Camden, New Jersey

WHEREAS, the Township of Pennsauken, County of Camden, New Jersey ("Township"), has determined that it is necessary to prepare and execute a program of revaluation of real property for use by the Township Tax Assessor and the Camden County Board of Taxation ("Project"); and

WHEREAS, the amount to be appropriated by the Township for the purposes described above is \$1,300,000, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, *N.J.S.A. 40A:4-1 et seq.*; and

WHEREAS, it is the desire of the Township Committee of the Township to adopt an ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP

OF PENNSAUKEN, COUNTY OF CAMDEN, NEW JERSEY, PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. There is hereby appropriated, pursuant to *N.J.S.A. 40A:4-53(b)*, the sum of \$1,300,000 for the Project, as further described in the preamble of this ordinance.

Section 2. The appropriation of said \$1,300,000 for the Project as further described in the preamble of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in *N.J.S.A. 40A:4-53(b)*.

Section 3. Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to *N.J.S.A. 40A:4-55*; provided, however at least one-fifth (1/5th) of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.

Section 4. A certified copy of this ordinance as finally adopted shall be filed by the Municipal Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Committeeman DiBattista moved motion to open floor for public hearing
Deputy Mayor Olivo second motion.
An affirmative 4/0 voice vote was recorded.

Committeeman DiBattista moved motion to close floor for public hearing
Deputy Mayor Olivo second motion.
An affirmative 4/0 voice vote was recorded.

Motion To Adopt on SECOND reading:

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

No Public Wished To Comment

2023:10 An Ordinance Amending Chapter 141 Development Regulations and Amending Section 141-90 Administration and Amending Article X Fees, Section 141-105 Fees Established

WHEREAS, the first step for any development or re-development to a parcel of land or an existing structure is to determine whether the proposed work or action is permitted by the Zoning Ordinance; and

WHEREAS, the Pennsauken Planning Board (the “Planning Board”) and the Pennsauken Zoning Board (the “Zoning Board”) have received an increase in zoning review letters from residents requesting a determination of the zoning; and

WHEREAS, a zoning verification is a review conducted by the zoning office to clarify what the zoning of a specific lot allows; and

WHEREAS, the Township has expressed a need to implement a zoning verification request process to streamline the requests received by the Planning Board and Zoning Board; and

WHEREAS, the Township Committee of the Township of Pennsauken (“Township Committee”) has determined it is in the Township of Pennsauken’s (“Township”) best interest to amend Chapter 141 to include a Zoning Verification Process; and

NOW, THEREFOR, BE IT ORDAINED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey, that the following Ordinance is hereby adopted so as to amend Chapter 141, Subchapter 141-90 and Article X Fees, 141-105 Fees established, of the Code of the Township of Pennsauken to read as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

141-90 Administration

H. Zoning Verification Process

1. A person or business wishing to receive a Zoning Verification Letter from the Township to verify the current zoning of a particular piece of property and the types of uses that are permitted in that zoning district shall submit a Zoning Verification Request Form pursuant to this chapter.
2. The Zoning Verification Form must be completed up to and including a phone number/e-mail address to contact and notify the applicant. All applications must be complete, including an address of the property in question, block, lot and zone completed on the Zoning Verification Request Form, as well as the specifics of the request being made.
3. The Township will provide a Zoning Verification Letter that contains the following information: the zoning district that applies to the property; the current use of the property if available; the permitted uses for the zoning district that applies to the property; the intent of the zoning district that applies to the property; and the geographical location of the property.
4. The Township should be given at least ten business days to review and process the Zoning Verification request and the applicant should not inquire on the status of the application until after ten full business days. Department staff will notify the applicant, as listed on the Zoning Verification Request form, when the Zoning Verification Letter is ready.
5. A person or business submitting a Zoning Verification Request Form must include the fee, consistent with 141-105(B).

141-105 Fees Established

(B) Pennsauken Township Zoning Board of Adjustment fee schedule.

6. All Zoning Verification Requests: \$250 per parcel.

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. This Ordinance shall become effective immediately upon adoption and publication in the manner prescribed by law.

Committeeman DiBattista moved motion to open floor for public hearing
 Deputy Mayor Olivo second motion.
 An affirmative 4/0 voice vote was recorded.

Committeeman DiBattista moved motion to close floor for public hearing
 Deputy Mayor Olivo second motion.
 An affirmative 4/0 voice vote was recorded.

Motion To Adopt on SECOND reading:

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

No Public Wished To Comment

ORDINANCE FIRST READING – No Public Comments Public Hearing will take place on June 1, 2023

2023:13 An Ordinance Of The Township of Pennsauken Amending Article VI Entitled Development Fees, Chapter 155-14 Through 155-23 To Provide For The Collection Of Development Fees In Support Of Affordable Housing As Permitted By The New Jersey Fair Housing Act.

WHEREAS, In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential development;

WHEREAS, the Township wishes to increase residential development fees to 1.5% of equalized assessed value for all new residential development which is the maximum amount permitted; and

BE IT ORDAINED by the Township Committee of the Township of Pennsauken , Camden County, New Jersey, that the Code of the Township of Pennsauken is hereby amended to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Township’s affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Article VI entitled “Development Fees” of Chapter 155-14 through 23 is repealed in its entirety and a new Article VI also entitled “Development Fees” is added as follows:

1. **Purpose**

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations developed in response to P.L.

2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. **Basic Requirements**

A. This Ordinance shall not be effective until approved by the Court.

B. The Township of Pennsauken shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

3. **Definitions**

The following terms, as used in this Ordinance, shall have the following meanings:

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

“Development fee” means money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and regulated by applicable COAH Rules.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

“Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. **Residential Development Fees**

A. Imposition of Fees

1) Within the Township of Pennsauken, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance, shall be exempt from the payment of development fees.

2) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.

3) Improvements or additions to existing one and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

4) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

5. **Non-Residential Development Fees**

A. Imposition of Fees

1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development

1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.

2) The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations, and repairs.

3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Pennsauken as a lien against the real property of the owner.

6. **Collection Procedures**

A. Upon the granting of a preliminary, final, or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit and to notify the Tax Assessor of the grant of such approval.

B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Township Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

D. Within 90 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the Township of Pennsauken fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

H. Except as provided in Section 5.A.3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.

I. **Appeal of Development Fees**

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Pennsauken. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Pennsauken. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. **Affordable Housing Trust Fund**

A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Township of Pennsauken for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Township of Pennsauken;

2) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

3) Rental income from municipally operated units;

4) Repayments from affordable housing program loans;

5) Recapture funds;

6) Proceeds from the sale of affordable units; and

7) Any other funds collected in connection with Pennsauken's affordable housing program.

C. In the event of a failure by the Township of Pennsauken to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds

within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Pennsauken, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

8. Use of Funds

A. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Pennsauken's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; conversion of existing non-residential buildings to create new affordable units; building improvements that reduce utility costs (including but not limited to green building improvements designed to be cost saving); purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the Township of Pennsauken for past housing activities.

C. At least 30 percent of all development fees collected, and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance.

to those households earning 30 percent or less of the median income for Housing Region 5, in which Pennsauken is located.

1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

2) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described within the Spending Plan.

3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Township of Pennsauken, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Township of Pennsauken may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

E. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.

2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

9. **Monitoring**

The Township of Pennsauken shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Township), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Township owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Pennsauken's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

10. **Ongoing Collection of Fees**

A. The ability for the Township of Pennsauken to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Pennsauken has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

B. If the Township of Pennsauken fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to for-

feiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

C. The Township of Pennsauken shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township of Pennsauken retroactively impose a development fee on such a development. The Township of Pennsauken also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Motion To Adopt:

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

No Public Wished To Comment

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

2023:187 Resolution To Award Software Services (Edmunds GovTech)

WHEREAS, the Finance Department of the Township of Pennsauken determined a need for software; and

WHEREAS, pursuant to N.J.S.A 40(A):11-5(dd), the Township, may be resolution and without advertising for bids, purchase goods and services for the support or maintenance of proprietary computer hardware and software; and

WHEREAS, the annual maintenance of this proprietary software for 2023 totals \$19,293.86; and

WHEREAS, the Chief Financial Officer of the Township of Pennsauken, as required by N.J.A.C 5:30-1 has certified that the sufficient funds available for the purpose of awarding a contract to said entity, certification of funds is attached; and

NOW, THEREFORE, BE IT RESOLVED, that Township Committee of the Township of Pennsauken, County of Camden, and the State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby declares that the services are proprietary services and quality as an exception to local public contract law per N.J.S.A 40A:11-5(dd).
2. The Chief Financial Officer of the Township of Pennsauken, as required by N.J.A.C 5:30-5.1, has certified that there are sufficient funds available for aforementioned purchase.
3. That the Township Committee, for the above reasons, hereby declares that Edmunds GovTech possess the necessary qualifications to render the aforementioned proprietary goods and services and hereby authorized payment in an amount of \$19,293.86.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey at their meeting held on May 4, 2023

Motion To Adopt:

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

No Public Wished To Comment

2023:188 Resolution Award of Contract For The 2023 Agricultural Supplies For Pennsauken Country Club (Multiple Vendors)

WHEREAS, the Township of Pennsauken has determined to provide for the 2023 Golf Course Agricultural Supplies, said services being more particularly described in specifications which are on file in the Office of the Township Clerk and available for public inspection during regular business hours; and

WHEREAS, the Township Administrator has informed the Township Committee that the cost of the aforementioned items will be paid with municipal funds and will exceed \$44,000 in the current fiscal year; and

WHEREAS, N.J.S.A 40A:11-4 states that a contract, the cost of which will exceed \$44,000 in the fiscal year, shall be awarded only after public advertising for bids and bidding therefore; and

WHEREAS, the Golf Course Superintendent has informed the Township Committee that he has publicly advertised for bids and received and opened bids in the Municipal Building Meeting Room on April 19, 2023 at 10:30 am in accordance with the Local Public Contracts Law for the purpose of awarding a contract for the aforementioned purpose. The Golf Superintendent has informed the Township Committee that certain entities are the lowest qualified responsible bidders for said contract has recommended that the Township award such contracts to said entities; and

WHEREAS, these are open-end contracts and the Township is not obligated to order, accept, or pay for the goods and services hereunder until an order is placed, and required certification of available funds shall be made goods or services are ordered.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey, as follows

1. That the aforesaid contracts are opened-end contracts permitting the purpose of items at a state price on an “as needed” basis, at which time certification of available funds shall be provided for each purchase by means of an encumbered purchase order, in accordance with Local Public Contract Regulations 5:30-14.5 (C) 2ii.
2. That the Township Committee, for the aforementioned reasons, hereby declares that the following vendors are the lowest qualified responsible bidders for the 2023 Golf Course Agricultural Supplies for the Pennsauken Country Club
3. That the Township Committee hereby awards contracts to the vendors listed above for the aforesaid purpose for the period March 1st, 2023 to February 28th, 2024

Fisher & Son, 100 Summit Dr, Exton, PA 19341: Product Items Nos:5 ,38, 44, 29, 31. Not to Exceed \$15,000

Grass Roots turf Products, INC, 4 Middlebury BLVD Ste 7, Randolph, NJ 07869: Product Items Nos. 35,36,37,39,40,41,42,45. Not to Exceed \$40,000

Genesis Turfgrass, INC, 137 Commerce Dr, Glen Rock, PA 17327: Product Items Nos: 1,2,4,6,7,8,14,16,17,18,22,23,24,25,26,27 AND 34 Not to Exceed \$15,000

Noble Turf, 25 Roland Ave, Mount Laurel, NJ 08054: Product Items Nos: 1, .50 and 51 . Not to Exceed \$25,000

Pocono Turf Supply, 160 Commerce Dr, Montgomeryville, PA 18936: Product Items Nos: 10 and 12 . Not to Exceed \$10,000

Target Specialty Products, 710 Corporate Dr, Bldg #7, Reading, PA 19605: Product Items Nos:,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68 ,. Not to Exceed \$35,000

Turf Trade, 517 Franklinville Rd, Mullica Hill, NJ 08062: Product Items Nos: 19,20, 31, 46,47 4 and 50. Not to Exceed \$30,000

Synatek Solutions, 737 Haget Center Dr, Unit A, Souderton PA 18694: Product Item Nos: 21. Not to Exceed \$15,000

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Township Committee of the Township of Pennsauken, County Camden, State of New Jersey, at their meeting held in the Meeting Room of the Municipal Building, 5605 N. Crescent Blvd, Pennsauken, NJ 08053

Motion To Adopt:

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

No Public Wished To Comment

RESOLUTION(s) The Following Resolution(s) will be considered by consent agenda.

2023:189 Resolution Authorizing Planning Board Escrow Refund \$693.00 to Diabes Gas 16 LLC

BE IT RESOLVED by the Township Committee of the Township of Pennsauken, in the County of Camden and State of New Jersey that the Municipal Finance Officer is hereby authorized to refund \$693.00 to:

DIABES GAS 16 LLC
c/o Asset Management Consultants
12841 Fitzwater Dr.
Nokesville VA 20181

2023:190 Resolution Approving a Refund of \$1,599.00 for A Golf Membership

WHEREAS, the Township of Pennsauken received payment in the amount of \$1,599.00 for order #308466663; and

WHEREAS, the membership is no longer viable;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey that the sum of \$1599.00 is returned to

Susan P. Schaming
8351 Rudderow Avenue
Pennsauken, NJ 08109

A CERTIFIED COPY of this resolution will be forwarded by the Township Clerk to the Applicant, Finance Department and Pennsauken Country Club.

2023:191 Resolution Authorizing Planning Board Escrow Refund of \$537.50 (111 Kohlmyer Drive)

BE IT RESOLVED by the Township Committee of the Township of Pennsauken, in the County of Camden and State of New Jersey that the Municipal Finance Officer is hereby authorized to refund \$ **\$537.50** to:

Nicole Donaldson
111 Kohlmyer Drive
Pennsauken, NJ 08110

2023.192 Authorizing Referral to The Pennsauken Planning Board of Ordinance Amending Article VI Entitled Development Fees, Chapter 155-14 Through 155-23 to Provide for Collection of Development Fees in Support of Affordable Housing as permitted by The New Jersey Fair Housing Act.

WHEREAS, pursuant to N.J.S.A. 40:55D-26 prior to the adoption of a development regulation, revision, or amendment thereto, the municipal governing body is to refer the matter to the municipal planning board for study and recommendation; and

WHEREAS, the Pennsauken Township Committee desires to repeal and amend the Pennsauken Township Development Regulation, Subsections 155-14 through 155-23 which provides for the collection of fees in support of affordable housing; and

WHEREAS, the Pennsauken Township Committee desires that the Pennsauken Township Planning Board review the amendment to Pennsauken Development Regulations Subsection 155-14 through 155-23 to ensure it is consistent with the master plan and make such recommendations as they feel are appropriate.

NOW THEREFORE BE IT RESOLVED, that the Pennsauken Township Planning Board review the Pennsauken Development Regulation and make such recommendation for such amendment to the Development Regulations as they feel appropriate.

BE IT FURTHER RESOLVED, that the Municipal Clerk is authorized to forward a certified copy of this resolution to the Pennsauken Planning and Zoning Offices, and to the Pennsauken Planning Board Solicitor.

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Pennsauken Township Committee.

2023.193 Resolution of the Township of Pennsauken Authorizing the Issuance of Raffle License (Friends of the Pennsauken Free Public Library)

BE IT RESOLVED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey that the Township Clerk is authorized to issue a Raffle License to the:

Name: Friends of the Pennsauken Free Public Library
Address: 5605 N/ Crescent Blvd. Pennsauken, NJ 08110
Where Event Is Being Held: 2426 Cove Road Pennsauken, NJ 08109
Date of Event: June 11, 2023
Type: 50 / 50 Raffle
Township License #: RL-2315
State Registration ID # 384-5-3334

BE IT FURTHER RESOLVED that an affidavit on the Member in Charge and those listed as members have been completed and received by the Township Clerk who is hereby authorized to issue said license upon the approval of the Legalized Games of Chance Control Commission (LGCCC).

2023:194 Resolution Approving the Person-to-Person and Place-to-Place Alcoholic Beverage Transfer of Plenary Retail Consumption License # 0427- 33-013-010 from Pennsauken Liquor License, LLC to BDP Brewing, LLC (T/A Double Nickel Brewing Company)

WHEREAS, BDP Brewing, LLC trading as Double Nickel Brewing Company, (the “Applicant”) has applied for a Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License 0427-33-013-010 now held by Pennsauken Liquor License, LLC; and

WHEREAS, consent to transfer has been received from the current owner together with the proper application fees and an Affidavit of Qualification for Ownership has been completed by the principals and a background check have been completed by the Pennsauken Police Department for the principals; and

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 Plenary Retail Consumption License # 0427-33 –013-010 be transferred to, BDP Brewing, LLC trading as Double Nickel Brewing Company, 1585 Route #73 Pennsauken, NJ Pennsauken, NJ 08109; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution will be forwarded by the Township Clerk to Pennsauken Liquor License, LLC, BDP Brewing, LLC, Phil Olivo, Chief-Pennsauken Police Department, and the Division of ABC.

Motion To Adopt:

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

No Public Wished To Comment

PAYMENT OF BILLS

April 2023 \$7,646,649.46
 Section 8 \$ 49,844.96

ECONOMIC DEVELOPMENT: Shakir Ali

- Summerwood Corporation: Proposes to redevelop the property located at 7377 N. Crescent Boulevard with a new 2,722 square foot, 52 seat Taco Bell restaurant with dual drive thru, a new 1,610 square foot Tim Horton’s coffee shop with 29 seats and drive thru, and a 1,950 square foot retail store, along with associated improvements to the site.
- Summerwood Corporation Team:
 1. Joe Depascale – Development Manager for Summerwood Corporation.
 2. Kristopher Berr – Attorney with Del Duca Lewis & Berr, Summerwood’s land use attorney.
 3. Brian Cleary – Civil Engineer from the Pettit Group, Summerwood’s engineering consultant.

PUBLIC COMMENT: NONE

Deputy Mayor Olivo moved motion to close public hearing.
 Committeeman DiBattista seconded the motion.
 An affirmative 4/0 voice vote was recorded.

COMMITTEE COMMENTS

Mayor Martinez

- New business coming into town. We are excited and always supportive of supporting business owner.
- On May 19th we will have PPD vs PFD at 7pm come out and support.
- Pennsauken Newsletter is out, subscribe to keep up with what goes on in Pennsauken.
- MPLL is having their Opening Day come out and support our little leaguers.

Deputy Mayor Olivo

- Thank you to everyone who joined in today and who came in.
- Thank you to SodaStream for donating trees for Arbor Day.
- Pennsauken Pool will be opened Memorial Day weekend please call and make an appointment to join.
- Happy Asian Pacific American Heritage Month. The Library will have a special event to celebrate, we will have music, art, and entertainment.

Committeeman DiBattista

- Thank you everyone who joins us today.
- I want to keep Fire Chief Hutton's wife in our prayers who went under surgery and is home recuperating. We are all with you.
- Thank you to all the intown sports and volunteers who keep it running. We appreciate you all. All our coaches are trained in CPR to be able to assist in an emergency.

Committeewoman Rafeh

- On May 28th we will hold our annual Memorial Service.
- June 10th we will hold Summer Kick off at our Sports Complex off Westfield Ave. We will have a live band, games, food and of course fireworks. This event is completely free, and we cannot wait to see you all there.
- Pennsauken Library will be hosting Art and wine tasting at Ingelsby and Sons Funeral Home. 30 dollars for ticket in advance and 35 dollars at the door.
- Happy Birthday to my Dad who is celebrating his 70th birthday today!

REMINDER(s)**Tim Killion**

- Well wishes for Committeewoman Mckenna as she is home recuperating from surgery.
- Next meetings will be May 18 and June 1 at 6pm.

ADJOURNMENT

Deputy Mayor Olivo moved motion to close public hearing.
Committeeman DiBattista seconded the motion.
An affirmative 4/0 voice vote was recorded.

Time: 6:44

Respectfully,

Deputy Clerk, Ana Matos