

BOROUGH OF LAUREL SPRINGS
REGULAR MEETING OF MAYOR AND COUNCIL
MONDAY, March 14, 2022
MAYOR THOMAS A. BARBERA PRESIDING

SALUTE TO THE FLAG AND MOMENT OF SILENCE was led by Mayor Barbera

OPEN PUBLIC MEETINGS LAW—Mayor Barbera stated adequate notice of this meeting was given by emailing the Retrospect and the Courier-Post on January 11, 2022 and posting on the Borough Website and bulletin board.

ROLL CALL recorded as present: Riondino, DiGregorio, DiMarco, and Redstreak; and as absent: Cruz and DelPidio.

**ENGINEER'S REPORT –
CAPITAL ITEMS**

1. 2020 Road Improvement Program

NJDOT approved the combination of both the FY2019 and FY2020 projects together into one (1) bid package / contract. The contract for the Base Bid plus Alternate Bid #1 (West Atlantic Ave. Streetscape) in the amount of \$478,044.00 was awarded to American Asphalt Company, Inc. at the September 20, 2021 Council meeting. A preconstruction meeting was held between project stakeholders on January 19, 2022. It is anticipated that construction will begin in April 2022, with completion of the project anticipated in early summer of 2022.

2. 2021 Road Improvement Program

In November, the Borough received correspondence from NJDOT awarding a FY2021 Municipal Aid Grant in the amount of \$174,930.00 for the reconstruction of Trenton Avenue and Virginia Avenue. The surveying work has been completed and base plans have been drafted. We are currently working on the design phase of the project. Once the Construction Plans and Specifications are completed we will advertise the project for bid. It is anticipated that bids will be advertised within approximately one month, allowing for a construction start in summer 2022.

3. NJDOT FY2022 Local Aid Grant Application

The Borough recently received confirmation of the award of a NJDOT FY2022 Local Aid Grant for the reconstruction of Poplar Avenue (Lindsay Avenue to West Elma Avenue) and Washington Avenue (Central Avenue to Chestnut Avenue) in the amount of \$167,769.00. In the near future, ERI will provide a proposal for the requisite engineering design and CMCI services for the Governing Body's consideration.

4. FY2022 NJDOT Safe Routes to Schools Application

Our office submitted an application for the FY2022 NJDOT Safe Routes to School Grant program to support the installation of flashing speed limit beacons along Stone Road and Broadway, near the Borough Elementary School. We will apprise the Governing Body of any updates we receive with regard to the status of the application.

OTHER PROJECTS

5. Laurel Lake – 2022 Lake Lowering Permit

Our office has submitted an application to NJ Division of Fish and Wildlife to permit the Borough to lower Laurel Lake by 2 feet between the dates of March 15, 2022 and March 29, 2022 in order to facilitate the annual lake cleanup activities. We will continue to apprise the Governing Body as to any information we receive regarding the status of the permit approval.

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APPROVAL OF MINUTES

- Work Session Meeting of February 28, 2022 - The motion to approve by Councilman Redstreak was seconded by Councilman Riondino, with Riondino, DiGregorio, DiMarco, and Redstreak in favor.

ORDINANCES – FIRST READINGS BY TITLE

- 865-2022-AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 - First Reading by Title – Mayor Barbera read the ordinance by title
 - Motion to Introduce by Councilman Redstreak was seconded by Councilman Riondino with Riondino, DiGregorio, DiMarco and Redstreak in favor, none opposed and no abstentions.
 - Second Reading, Public Hearing and Adoption will be held on Monday, March 28, 2022, 7 pm in the Recreation Center, 820 Grand Avenue, Laurel Springs, NJ 08021

RESOLUTIONS

- **#037-2022 – CANCELLING OUTSTANDING CHECKS**

WHEREAS, upon review of the financial records of various bank accounts maintained by the Borough of Laurel Springs, it was determined that there are stale-dated outstanding checks; and
WHEREAS, it is in the best interest of the Borough to cancel these outstanding checks;
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Laurel Springs, that the following outstanding checks be cancelled
- The motion to approve by Councilman Redstreak was seconded by Councilman Riondino, with Riondino, DiGregorio, DiMarco, and Redstreak in favor, none opposed and no abstentions.
- **#038-2022 - APPROVING THE REQUEST OF LAUREL WHITMAN HOLDINGS LLC TO ASSUME THE TERMS AND CONDITIONS OF THE FINANCIAL AGREEMENT BETWEEN LAUREL WHITMAN URBAN RENEWAL, LLC AND THE BOROUGH OF LAUREL SPRINGS**

WHEREAS, the Borough of Laurel Springs is a municipal entity organized under the laws of the State of New Jersey and located in Camden County, New Jersey (“Laurel Springs” or “Borough”); and
WHEREAS, Laurel Whitman Urban Renewal, LLC, is a limited liability corporation (“Laurel Whitman” or “Entity” or “transferor”) is the owner of a certain property in the Borough of Laurel Springs located at Block 12, Lot 1, more commonly known as 135 Broadway (“Property” or “Project”); and
WHEREAS, on August 18, 2018, Laurel Springs and Laurel Whitman entered into a Financial Agreement (“Agreement”) pursuant to the Long-Term Exemption Law, N.J.S.A. 40A:20-1, et seq., relative to the real property taxes payable on the property; and
WHEREAS, Paragraph 19 of the Financial Agreement provides, in part:

19. The Borough specifically enters into this Agreement for the benefit of the Project with Laurel Whitman Urban Renewal, LLC, and its managing member, Richard DePetro. The sale of the Project by the Entity, or the sale of the interests of the managing member of the Entity, the sale of the Entity, or the sale of the majority interest in the Entity, shall render this Agreement null and void, unless the assumption of the terms, conditions and obligations of this Agreement by the transferee urban renewal entity, person and/or corporation, is approved by Resolution of the Borough Council of the Borough of Laurel Springs, upon whose approval this Agreement and its then remaining obligations and the tax exemption of the improvements shall continue, and inure to the benefit of the transferee urban renewal entity.

It is understood and agreed that the Borough may, on written application by the Entity, consent to the sale of the Project and the transfer of the Agreement to an urban renewal person, partnership and/or

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corporation eligible to function under the law, provided the Entity is not in default as respects any performance required of it hereunder and full compliance with the terms and conditions of N.J.S.A. 40A:20-1, et seq. has occurred and the Entity's obligation under this Agreement with the Borough is assumed by the transferee.

If the Entity has, with the consent of the Borough in which the Project is located, transferred its Project to another urban renewal entity which has assumed the then remaining contractual obligations of the transferor entity with the Borough, the transferor entity shall be discharged from any further obligation under this Agreement, and shall be qualified to undertake another Project with the same or a different municipality.

Pursuant to N.J.S.A. 40A:20-10(d), the Borough shall be entitled to an administrative fee of two (2%) percent of the then-existing Annual Service charge, for the processing of any such request for the transferred [*sic*] its Project to another urban renewal entity. [** The Project is in Year 2 of the Minimum PILOT Payment Schedule: \$6,952.00*]

WHEREAS, Paragraph 5 of the Financial Agreement provides:

Pursuant to N.J.S.A. 40A:20-9(c), and in consideration of the aforesaid exemption from taxation on improvements, the Entity, its successors and assigns shall make payments to the Borough for municipal services supplied to the Project an annual service charge (hereinafter, the "Annual Service Charge") of a sum equal to Seven percent (7%) of the annual gross revenue determined pursuant to N.J.S.A. 40A:20-1, et seq. calculated from the first day of the month following the substantial completion of the Project. This sum shall be in an amount not less than the sum indicated in Exhibit C of this Agreement as the "Minimum PILOT Payment" for that particular calendar year.

WHEREAS, the Mayor and Council requested and received detailed information regarding the ability of Laurel Whitman Holdings LLC ("applicant" or "transferee") and its managing member, Moshe (Mark) Bauman relative to the request of Laurel Whitman to transfer the terms and conditions of the Financial Agreement to Laurel Whitman Holdings LLC; and

WHEREAS, transferee represents that it is a qualified urban renewal entity pursuant to N.J.S.A. 40A:20-1, et seq. and agrees to assume the contractual obligations of the transferor; and

WHEREAS, transferor represents that it is not in default in respect to any performance or payment required pursuant to the Financial Agreement, and will fully comply with the terms and conditions of N.J.S.A. 40A:20-1, et seq., has obtained the consent of the Commissioner of Community Affairs to such transfer, and will perform all obligations and make all payments pursuant to the Financial Agreement up to the date of the proposed transfer; and

WHEREAS, transferor agrees to pay to the Borough an administrative fee of two percent (2%) of the current Annual Service Charge for the processing of the request for the transfer of the Property and Financial Agreement; and

WHEREAS, transferor agrees to provide to the Borough a duly executed copy of the transfer agreement between the parties whereby transferee fully assumes the remaining contractual obligations of the transferor under the Financial Agreement with the Borough, upon receipt of which, and completion of all obligations of the transfer up to the date of transfer, the Borough shall discharge transferor from any further obligation under the Financial Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Laurel Springs that the transfer of the terms and obligations of the Financial Agreement from Laurel Whitman Urban Renewal, LLC, to Laurel Whitman Holdings LLC, would be in the best interests of the citizens of the Borough of Laurel Springs; and

IT IS FURTHER RESOLVED that the application of Laurel Whitman Holdings LLC to acquire the ownership shares in Laurel Whitman Urban Renewal, LLC, and to assume and continue to abide by the terms and conditions of the Financial Agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A.

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40A:20-1, et seq., which includes a Payment in Lieu of Taxes, on the Property, entered into by the Borough of Laurel Springs and Laurel Whitman Urban Renewal, LLC, on August 18, 2018, be and hereby is approved.

- The motion to approve by Councilman Redstreak was seconded by Councilwoman DiMarco, with DiMarco, Riondino, DiGregorio, and Redstreak in favor, none opposed and no abstentions.
- Resolved to pay \$349,231.49 from Current Fund and \$25,107.53 from the Trust/Capital Accounts by Councilman Redstreak was seconded by Councilman Riondino, with Riondino, DiGregorio, DiMarco, and Redstreak in favor, none opposed and no abstentions.

COMMITTEE REPORTS –

- DIRECTOR OF PUBLIC WORKS, BOARDS, SERVICES/PRESIDENT OF COUNCIL – Councilman Redstreak said all was going well with Public Works. They have been completing some painting projects such as the Rec Center sign, police signposts and have begun painting the front of the Cord Mansion. They have repaired the bridge a crystal springs where spindles are being broken out. They have restored a bench from the public works yard and are going to install it in front of the Recreation Center. There was a meeting prior to this meeting with Rec commissioners in charge of baseball to discuss ballfield maintenance and the proper protocols for requesting Ballfield repairs and improvements. Regarding the Sewer Utility, everything is fine, with no issues. For Board and Services, Ordinance Review did not meet because of scheduling conflicts. Currently the White Horse Pike Redevelopment is being worked on. He forwarded to Energetek the requested paperwork so they can conduct a cost comparison. Simultaneously, the South Jersey Coop is collecting the usual municipal accounts for a new bid, so it will be interesting to see who has the best rate. Crystal Springs Lake Clean Up is Saturday, April 23rd. There is interest from the Recreation Commission to do WaltFEST and Laurel Springs separately but on the same date, which is Saturday, May 21st. There will likely be road construction on West Atlantic Avenue on that date, but Councilman DelPidio will handle Laurel Springs Day and any relocation required. There was additional conversation that it is easier on Borough Services if it is all handled on one date, and further discussion about choosing May 21st at the date.
- DIRECTOR OF PUBLIC BUILDINGS & GROUNDS – Councilman Cruz was absent.
- DIRECTOR OF MUNICIPAL COURT – Councilwoman DiGregorio had received no report.
- DIRECTOR OF RECREATION – Councilman DelPidio was absent.
- DIRECTOR OF ADMINISTRATION AND FINANCE – Councilman Riondino reviewed the CFO Report for the month ending February 28, 2022.
- DIRECTOR OF COMMUNITY ENGAGEMENT- Councilwoman DiMarco reported that there was a lot of information that was posted on Baseball Registration and HSC's upcoming Founders Day Tea. There was a new poison control and scam alert advisories issued. There is upcoming WaltFEST and Laurel Springs Day. There was reminder given for the online Sewer Payment
- DIRECTOR OF PUBLIC SAFETY- POLICE AND FIRE- Chief Mazziotta reviewed the report for February 2022. There were questions regarding the composition of the calls for service number, to which he responded that it is everything alarms, EMS, 911, assists, walk ins, guidance, reports, fire calls. Chief Cheeseman gave the Fire Report for the Month of February, 2022. He was congratulated for being given Fireman of the Year at the Fire Department Dinner. Roy Kane celebrated 50 years with the Fire Department.
- MAYOR'S REPORT – Mayor Barbera gave a report of his activities from the time of the regular meeting in February, with additional discussion of redistricting and the new legislators for our municipality.

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OLD BUSINESS - none

NEW BUSINESS/CORRESPONDENCE- none

COMMENTS FROM THE PUBLIC - none

ANNOUNCEMENTS

- Tuesday, March 15, 2022 – JIF Safety Meeting @12:30pm @Fire Training Room
- Thursday, March 17th - Combined Land Use Board @7pm @Rec Center – No matters received
- Sunday, March 20th – Spring begins
- Wednesday, March 23rd - School Board Meeting @7pm @Laurel Springs School
- Monday, March 28th Laurel Green Meeting @6 pm @Rec Center
- Monday, March 28th – Work Session Meeting @7pm @Rec Center

ADJOURNMENT –There being no further business a motion was made by Councilman Redstreak to adjourn at 7:30 pm with all in favor.

Respectfully submitted

Dawn T. Amadio, RMC, Municipal Clerk