

**ACTION MEETING
MUNICIPAL BUILDING**

**September 8, 2020
DELTRAN, NJ**

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 10, 2020 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Lyon, Ms. Parejo, Mr. Mormando, Mr. Burrell and Mr. Catrambone were present.

ALSO PRESENT: Mr. Paris, Mayor, Mr. Platt, Solicitor, Mr. Hatcher, Administrator and Ms. Eggers were present.

ORDINANCES ON SECOND READING

**TOWNSHIP OF DELTRAN
ORDINANCE 2020-08**

**ORDINANCE OF THE TOWNSHIP OF DELTRAN, COUNTY OF BURLINGTON
AND STATE OF NEW JERSEY AUTHORIZING INTERIM ZONING, PURSUANT
TO N.J.S.A. 40:55D-90(B), TO ALLOW FOR ISSUANCE OF ZONING PERMITS, EFFECTIVE
FOR A TIME PERIOD OF 120 DAYS, TO PERMIT TEMPORARY OUTDOOR RESTAURANT
SEATING AND RETAIL OUTDOOR DISPLAY SALES AREAS AT EXISTING LAWFUL
BUSINESSES, SUBJECT TO BULK ZONING
AND CONSTRUCTION CODE REQUIREMENTS AND OTHER OUTSIDE AGENCY
APPROVALS**

WHEREAS, the Township Council of the Township of Delran is authorized to adopt interim zoning, pursuant to N.J.S.A. 40:55D-90, when matters of an imminent public health and safety issue are implicated as confirmed by a qualified health professional; and

WHEREAS, Township Council seeks to establish a balance between the competing and conflicting public interests in promoting the reestablishment of public commerce in Delran Township, while maintaining safe social distancing to minimize the threat and spread of the Coronavirus pandemic; and

WHEREAS, Township Council has determined that interim zoning to permit temporary outdoor restaurant seating and outdoor retail sales displays will promote these compelling public interest goals in a complementary fashion, provided that the implementation of same will occur on a temporary basis, and does not contravene any other public health and safety concerns as set forth in the Township's bulk zoning requirements, Construction Code requirements and requirements of any other outside County or State agencies or Executive Orders of the Governor; and

WHEREAS, Township Council desires to implement such measure as expeditiously as possible to minimize red tape and bureaucratic delay, but subject to a lawful process that will protect the interests of the residents of Delran Township and its taxpayers; and

WHEREAS, Township Council acknowledges the existence of the Governor's Executive Orders in respect of the restricted operations of retail businesses and restaurants at this time for take-out business only and, thus, such time period for the implementation of any 120-day temporary Zoning Permit issued hereunder, shall commence upon the repeal, expiration, modification or non-renewal of the Governor's Executive Orders restricting sales to take-out only or otherwise; and

WHEREAS, a public health and safety emergency from the Coronavirus pandemic has been deemed to exist authorizing the adoption of interim zoning ordinance, because it will further promote social distancing;

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Delran, County of Burlington, and State of New Jersey as follows:

SECTION 1: Interim zoning is hereby adopted for a period of 120 days from June 15, 2020, the effective date of Executive Order 150 to permit the establishment of temporary outdoor seating at lawfully existing restaurants and outdoor retail sales displays at existing lawful retail businesses.

SECTION 2: Upon submission of a written application and plot or sketch plan detailing the proposed temporary use activities described in Section 1 above including, at minimum, a detailing of the location to be utilized, depicting a barrier or separation between the outdoor seating area and parking areas and drive aisles, the number of tables and seating capacity of the outdoor dining space or outdoor retail sales locations which complies with all existing health guidelines and regulations, and establishes that the plan comports with public safety and is equitable among establishments who may be seeking the same, the Zoning Officer of the Township of Delran is authorized to issue a temporary zoning permit, provided that such issuance is authorized by existing bulk zoning requirements, the Township's Construction Code official's determination that it meets applicable Code requirements, and further that it complies with the legal requirements of any county or state agency with jurisdiction over the proposed use and retail sales activity and any Executive Order issued by the Governor. Since the proposed use is temporary in nature, no application for site plan approval shall be required.

SECTION 3: This Ordinance shall be construed in a manner to fully comport with any future executive orders issued by the Governor.

SECTION 4: Any and all application or permit fees for any temporary use in this Ordinance are hereby waived to the extent permitted by law.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 6: The provisions of this Ordinance shall supersede the terms of any previous site plan approval, to the extent there is any conflict therewith.

SECTION 7: This Ordinance shall take effect as set forth above and upon final passage and publication in accordance with law.

Mr. Mormando made a motion to open the meeting to the public, seconded by Mr. Burrell. All were in favor, motion approved.

There were no comments.

Mr. Mormando made a motion to close the public portion, seconded by Mr. Burrell. All were in favor, motion approved.

Mr. Lyon made a motion, seconded by Mr. Burrell to adopt Ordinance 2020-08 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN, NEW JERSEY
ORDINANCE 2020-09**

BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION OF VARIOUS SIDEWALKS THROUGHOUT THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$95,000 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 \$90,476; 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 \$95,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$90,476; and
- (c) a down payment in the amount of \$4,524 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 \$90,476, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$4,524, 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 \$90,476 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 \$90,476 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. Reconstruction of Various Township Sidewalks to comply with American Disability Act standards, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$95,000	\$4,524	\$90,476	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 \$90,476 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.

Mr. Burrell made a motion to open the meeting to the public, seconded by Ms. Parejo. All were in favor, motion approved.

Pat Pomeranz, 21 Alden Avenue, asked where the handicap ramps will be replaced.

Mr. Hatcher stated that they will be replaced in the areas where PSE&G and NJAW and doing main replacements. Mr. Hatcher stated that streets are mostly in the Delcrest area.

Mr. Burrell made a motion to close the public portion, seconded by Ms. Parejo. All were in favor, motion approved.

Mr. Mormando made a motion, seconded by Mr. Burrell to adopt Ordinance 2020-09 on second reading.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

CONSENT AGENDA

RESOLUTION 2020-128 AMENDING TAX SALE DATE

RESOLUTION 2020-129 AUTHORIZING GRASS CUTTING FOR VARIOUS PROPERTIES

**RESOLUTION 2020-130 AUTHORIZING EXECUTIVE SESSION TO DISCUSS THE
FOLLOWING: ACQUISITION OF REAL PROPERTY,
ATTORNEY CLIENT MATTER AND LITIGATION**

Mr. Mormando made a motion, seconded by Mr. Burrell to adopt the consent agenda.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

MOTIONS

Mr. Burrell made a motion accepting the report of the CFO including the August YTD Revenue Report, YTD Budget Report and August Check Register. The motion was seconded by Ms. Parejo.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Lyon made a motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. The motion was seconded by Mr. Burrell.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

At this time, Council proceeded with the regularly scheduled work session.

Submitted,

Jamey Eggers
Municipal Clerk