

Please Note: Agenda is subject to change.

Click link below:

[Cinnaminson Township Committee Meeting November 16, 2020](#)

Zoom Meeting ID 812 2531 3956

For Dial in – 1 929 205 6099 (New York)

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CINNAMINSON TOWNSHIP COMMITTEE

REGULAR SESSION AGENDA

Monday, November 16, 2020

6:30 p.m. Regular Session

CALL TO ORDER:

FLAG SALUTE:

VERIFICATION:

This meeting is being held in accordance with the “Open Public Meetings Act,” P.L. 1975, c.231. Notice of this meeting was published in the Burlington County Times and the Courier Post on January 10, 2020.

ROLL CALL: Mr. Conda, Mrs. Kravil, Mr. McGill, Deputy Mayor Segrest, Mayor Horner

COMMITTEE LIAISON REPORTS:

Committee Member Conda: Administration and Health & Senior Services

Committee Member Kravil: Parks & Recreation and Veterans Affairs

Committee Member McGill: Public Safety

Deputy Mayor Segrest: Public Works

Mayor Horner: Finance and Economic Development

DISCUSSION ITEMS

Best Practices Survey

ORDINANCE INTRODUCTION:

Ordinance 2020 – 13 Amending Chapter 498 of the General Code of the Township of Cinnaminson Entitled “Towing and Storage” To be published in the Burlington County Times. Public hearing to be December 21, 2020.

Ordinance 2020 – 14 Amending Chapter 444 of the General Code Entitled “Stormwater Control” To be published in the Burlington County Times. Public hearing to be December 21, 2020.

Ordinance 2020 – 15 Amending Chapter 442 of the General Code Entitled “Solid Waste; Recycling” To be published in the Burlington County Times. Public hearing to be December 21, 2020.

ORDINANCE PUBLIC HEARING:

Ordinance 2020 – 11 An Ordinance of the Township of Cinnaminson, County of Burlington and State of New Jersey Authorizing Execution of a Financial Agreement Between the Township of Cinnaminson and 1 Sea Box Drive Urban Renewal, LLC for The Construction of A 225,000 Square Foot Addition to The Existing Sea Box Distribution Facility On Portions of Block 610, Lot 2.02 On The OFFICIAL Tax Map of the Township of Cinnaminson Pursuant to The Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 ET SEQ. To be published in the Burlington County Times. Public hearing to be November 16, 2020.

Ordinance 2020 – 12 An Ordinance Amending Chapter 525 Of the Code of the Township of Cinnaminson Entitled “Zoning” (IR-Inclusionary Residential District)

CONSENT AGENDA:

- | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Resolution 2020 – 126 | Resolution Regarding Any Shortfalls Associated with The Provision of Affordable Housing as Set Forth in The Township’s Adopted Housing Element and Fair Share Plan |
| Resolution 2020 – 127 | Authorize Amended Settlement Agreement with Fair Share Housing Center Pursuant to Third Round Affordable Housing Compliance |
| Resolution 2020 – 128 | Authorize Adopting November 2020 Housing Element and Fair Share Spending Plan |
| Resolution 2020 – 129 | Authorize Fifth Amendment to Purchase and Sale Agreement - Lidl US Operations LLC |
| Resolution 2020 – 130 | Refund of Overpaid Taxes, Block 2701, Lot 45, 2604 Route 130 |
| Resolution 2020 – 131 | Renewal of Agreement to Appoint Triad as Affordable Housing Administrative Agent |
| Resolution 2020 – 132 | Release of Performance Bond – Micro Tek, 1600 Taylors Lane |
| Resolution 2020 – 133 | DPW Liens |
| Resolution 2020 – 134 | Chapter 159 – Drunk Driving Enforcement Grant |

END OF CONSENT AGENDA

PUBLIC COMMENT ON CONSENT AGENDA ONLY:

APPROVAL OF MINUTES: October 19, 2020

APPROVAL OF BILLS:

STAFF AND PROFESSIONAL COMMENTS:

PUBLIC COMMENT

COMMITTEE COMMENT:

CLOSED SESSION:

- | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Resolution 2020 – 135 | Authorizing Executive Session for Attorney-Client matters regarding the following –
Potential Litigation/Legal Advice |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------|

ADJOURNMENT:

Next Meeting: Monday, December 7, 2020 at 6:30 pm

TOWNSHIP OF CINNAMINSON

RESOLUTION NO. 2020 – 126

**RESOLUTION REGARDING ANY SHORTFALLS ASSOCIATED WITH THE
PROVISION OF AFFORDABLE HOUSING AS SET FORTH IN THE
TOWNSHIP’S ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on October 24, 2019, The Honorable Jeanne T. Covert, A.J.S.C. entered an Order of Judgement of Compliance and Repose with Conditions establishing that the Township of Cinnaminson is in compliance with its' obligations to provide a realistic opportunity for the development of housing affordable to low and moderate income households as defined by the Mount Laurel Doctrine; and

WHEREAS, as part of its Third Round Compliance, the Township endorsed a Housing Element and Fair Share Plan to meet its affordable Housing obligations. This Plan was approved by the Court; and

WHEREAS, the Plan submitted to the Court allocates funds for rehabilitation, a market to affordable program, units built by Habitat for Humanity, affordability assistance and administration; and

WHEREAS, the Township of Cinnaminson anticipates that funding will come from developer fees and payments in lieu of construction and government funding; and

WHEREAS, it is the Court’s position that the Township of Cinnaminson must allocate funds for the provision of affordable housing as set forth in the Township’s adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Township of Cinnaminson's Housing Element and Fair Share Plan, the Township of Cinnaminson shall take all

appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cinnaminson, County of Burlington, State of New Jersey, on this 19th day of October, 2020 that the Committee does hereby agree to take appropriate actions, consistent with law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason; and

BE IT FURTHER RESOLVED that any shortfall may also be funded by bonding if there are no other resources, provided, however, that the Township shall first utilize all other funding sources available to it, including but not limited to, development fees.

CINNAMINSON TOWNSHIP COMMITTEE

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

Lisa Passione, Municipal Clerk

4836-3902-4078, v. 1

**TOWNSHIP OF CINNAMINSON
RESOLUTION NO. 2020 – 127**

**RESOLUTION AUTHORIZING AMENDED SETTLEMENT AGREEMENT WITH
FAIR SHARE HOUSING CENTER PURSUANT TO THIRD ROUND AFFORDABLE
HOUSING COMPLIANCE**

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, i.e. N.J.S.A. 52:27D-301, *et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, on August 6, 2018, the Township of Cinnaminson entered into a Settlement Agreement with Fair Share Housing Center which set forth its Third Round Affordable Housing obligations. Said Settlement Agreement was approved by the court at a fairness hearing; and

WHEREAS, on October 24, 2019, The Honorable Jeanne T. Covert, A.J.S.C. entered an Order of Judgement of Compliance and Repose with Conditions establishing that the Township of Cinnaminson is in compliance with its' obligations to provide a realistic opportunity for the development of housing affordable to low and moderate income households as defined by the Mount Laurel Doctrine; and

WHEREAS, said Order was subject to various conditions which are set forth in the report of Court Master Art Bernard; and

WHEREAS, in his report, the Court Master determined that the Township has an eighteen (18) unit shortfall that resulted from fourteen (14) fewer group home units being creditworthy and the need to shift four (4) Habitat for Humanity units from the Third Round to the Prior Round. As

such, as a Condition of the Order of Judgment of Compliance and Repose, the Township had to come up with a plan to meet the eighteen (18) unit deficiency; and

WHEREAS, in order to meet the outstanding condition regarding the eighteen (18) unit deficiency, the Township of Cinnaminson has decided to implement a market to affordable program and to dedicate municipally owned lot(s) to Habitat for Humanity; and

WHEREAS, the Township of Cinnaminson must enter into an Amendment to the August 6, 2018 Settlement Agreement with Fair Share Housing Center to accomplish the foregoing; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Cinnaminson, County of Burlington, State of New Jersey on this 19th day of October, 2020, that:

1. The Mayor and Clerk are hereby authorized to execute the Amendment to the August 6, 2018 Settlement Agreement in a form substantially consistent with the attached.
2. A certified true copy of this Resolution shall be filed by the Municipal Clerk and sent to Fair Share Housing Center and the Court Master.

CINNAMINSON TOWNSHIP COMMITTEE

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

Lisa Passione, Municipal Clerk

CINNAMINSON TOWNSHIP

RESOLUTION 2020 – 128

RESOLUTION OF THE TOWNSHIP OF CINNAMINSON ADOPTING

NOVEMBER 2020 SPENDING PLAN

WHEREAS, on August 13, 2019 the Township of Cinnaminson Planning Board adopted a Housing Element and Fair Share Plan in furtherance of the Township's Settlement Agreement with Fair Share Housing Center, regarding the Township's Third-Round Affordable Housing Obligation; and

WHEREAS, on November 24, 2020 the Township of Cinnaminson Planning Board has scheduled a hearing on the Amended Housing Element and Fair Share Plan in furtherance of the Township's Amended Settlement Agreement with Fair Share Housing Center, regarding the Township's Third-Round Affordable Housing Obligation; and

WHEREAS, the Cinnaminson Township Affordable Housing Planner and Triad, the Administrative Agent for Cinnaminson Township have prepared a Spending Plan, which is consistent with the Housing Element and Fair Share Plan and the Amendment to same and provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the Township of Cinnaminson.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cinnaminson, County of Burlington, State of New Jersey, as follows:

1. The Township of Cinnaminson hereby adopts and approves a Spending Plan of November 2020. Said Spending Plan is attached hereto and made a part hereof.
2. The Township requests that the Court review and approve the Spending Plan of November 2020.

3. A certified true copy of the Resolution shall be filed by the municipal clerk, Fair Share Housing Center and the Court Master.

CINNAMINSON TOWNSHIP COMMITTEE

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

Lisa Passione, Municipal Clerk

4810-9765-4480, v. 1

**TOWNSHIP OF CINNAMINSON
COUNTY OF BURLINGTON**

RESOLUTION 2020 – 129

**RESOLUTION AUTHORIZING AND APPROVING A FIFTH AMENDMENT TO THE
PURCHASE AND SALE AGREEMENT BETWEEN THE TOWNSHIP OF CINNAMINSON
(THE “SELLER”) AND LIDL US OPERATIONS, LLC (THE “PURCHASER”) AND FOR
TRANSACTION AUTHORIZATIONS**

WHEREAS, Purchaser and Seller entered into that certain Purchase and Sale Agreement, dated February 20, 2017 (the “Original Agreement”), wherein Seller agreed to sell to Purchaser and Purchaser agreed to purchase from Seller certain real property described as approximately 4.7 acres of land located at or near the intersection of NJSH Route 130 and Highland Avenue in the Township of Cinnaminson, County of Burlington, New Jersey, together with all rights, easements, improvements, and appurtenances thereto appertaining, all as more particularly described in the Original Agreement; and

WHEREAS, Purchaser and Seller entered into that certain First Amendment to Purchase and Sale Agreement, dated May 29, 2017 (the “First Amendment”), wherein Purchaser and Seller agreed to extend the Inspection Period as defined in the Original Agreement; and

WHEREAS, Purchaser and Seller entered into that certain Second Amendment to Purchase and Sale Agreement, dated February 5, 2018 (the “Second Amendment”), wherein Purchaser and Seller agreed to extend the Closing Date as defined in the Original Agreement (as so amended by the First Amendment and Second Amendment the “Agreement”); and

WHEREAS, Purchaser and Seller entered into that certain Third Amendment to Purchase and Sale Agreement, dated January 14, 2020 (the “Third Amendment”), wherein Purchaser and Seller agreed to extend the Closing Date and Inspection Period as defined in the Original Agreement (as so amended by the First Amendment, Second and Third Amendment the “Agreement”); and

WHEREAS, Purchaser and Seller entered into that certain Fourth Amendment to Purchase and Sale Agreement, dated July 20, 2020 (the “Fourth Amendment”), wherein Purchaser and Seller agreed to extend the Closing Date and Inspection Period as defined in the Original Agreement (as so amended by the First Amendment, Second, Third and Fourth Amendment the “Agreement”); and

WHEREAS, the Parties have decided to further amend the Agreement as more particularly set forth therein.

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Cinnaminson, County of Burlington and State of New Jersey that it hereby authorizes and approves a Fifth Amendment to the Purchase and Sale Agreement between the Township of Cinnaminson and Lidl US Operations, LLC, and

BE IT ALSO RESOLVED that the Mayor of the Township is authorized to execute the Fifth Amendment to the Purchase and Sale Agreement on behalf of the Township and the appropriate Township Officials are hereby authorized to take the necessary actions in furtherance of this Resolution.

BE IT FURTHER RESOLVED that the appropriate Township Officials and representatives are authorized to take any and all actions and sign any documents necessary to consummate the transactions contemplated in the Purchase and Sale Agreement between the Township and Lidl US Operations, LLC and any amendments thereto, subject to the final review and approval of the Township Solicitor.

CINNAMINSON TOWNSHIP COMMITTEE

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

Lisa A. Passione, Municipal Clerk

TOWNSHIP OF CINNAMINSON

RESOLUTION 2020 – 130

WHEREAS, the Tax Board issued an appeal judgement on September 10, 2020 resulting in a reduction of taxes on the property known as Block 2701, Lot 45 a/k/a 2604 Route 130; and

WHEREAS, the property owner is selling the property and does not wish a credit towards future taxes; and

WHEREAS, the property owner has submitted a request for refund of the overpayment; and the Tax Collector wishes to refund the overpayment to Cinnaminson Plaza-Laksminarayan, LLC in the amount of \$5,579.34;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cinnaminson, County of Burlington and State of New Jersey that tax monies be hereby refunded in the amount of Five Thousand Five Hundred Seventy-Nine dollars and Thirty-four cents (\$5,579.34) to Cinnaminson Plaza-Laksminarayan, LLC.

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

Lisa A. Passione, Municipal Clerk

**TOWNSHIP OF CINNAMINSON
COUNTY OF BURLINGTON**

RESOLUTION NO. 2020 – 131

**RESOLUTION APPOINTING TRIAD ASSOCIATES (CONSULTANT) WITHIN THE
NEW JERSEY HOUSING MORTGAGE FINANCE AGENCY AS
AFFORDABLE HOUSING ADMINISTRATIVE AGENT.**

WHEREAS, Cinnaminson Township (Principal) and Triad Associates (Consultant) have entered into a contract from January 1, 2020 and expiring December 31, 2020 (Resolution 2020-70), for the Consultant to provide Affordable Housing Administrative Agent services; and

WHEREAS, the Principal desires the Consultant to provide continuing services with respect to Affordable Housing Administrative Agent Services for an additional one (1) year period from January 1, 2021 through December 31, 2021.

NOW THEREFORE BE IT RESOLVED that the Principal and Consultant do mutually agree to amend the existing contract as follows:

- To extend the existing contract for an additional one (1) year period from January 1, 2021 through December 31, 2021.
- Consultant shall prepare an Affordability Assistance Policy/Operating Manual and a Market to Affordable For-Sale Policy/Operating Manual for a fee of \$4,000
- Consultant shall prepare an update to the Affordable Housing Trust Fund Spending Plan and will provide Technical Assistance services based on hourly rates as established in Exhibit B of the attached Agreement which is attached hereto and incorporated herein.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Cinnaminson in the County of Burlington, and the State of New Jersey that Triad is hereby reappointed by the Governing Body of the Township of Cinnaminson as the Administrative Agent for the administration of the affordable housing program.

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

*Lisa A. Passione, RMC
Municipal Clerk*

TOWNSHIP OF CINNAMINSON

RESOLUTION NO. 2020 – 132

**RESOLUTION APPROVING RELEASE OF THE PERFORMANCE GUARANTEE
FOR MICRO-TEK CORPORATION,
1600 AND 1604 TAYLORS LANE, BLOCK 701, LOTS 11, 13.01, 13.02 & 14**

WHEREAS, the Township of Cinnaminson’s consulting engineer has recommended that the performance guarantee for the Micro-Tek Corporation project, located at 1600 and 1604 Taylors Lane (hereinafter the “Project”) be released, as set forth in the copy of the engineer’s letter dated October 15, 2020, annexed hereto as Exhibit “A” and as set forth in Cinnaminson Township Zoning Officer’s review letter dated October 21, 2020, annexed hereto as Exhibit “B”; and

WHEREAS, the engineer’s recommendations are that the bonded improvements are in satisfactory condition and that the maintenance bond may be waived by the governing body as the applicant posted bond on his own accord without recommendation from the engineer;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Cinnaminson, County of Burlington, New Jersey, that:

1. The release of the performance guarantees for the Micro-Tek Corporation project located at 1600 Taylors Lane, without the requirement of a maintenance bond, is hereby approved subject to payment of all charges for Township professional services.
2. Letter of Credit No. NUSCGS029520 in the amount of \$110,000 is hereby released and no maintenance bond is required.
3. The aforementioned release is subject to the review and approval of all requisite documents by the Township solicitor.

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

*Lisa A. Passione, RMC
Municipal Clerk*

**TOWNSHIP OF CINNAMINSON
COUNTY OF BURLINGTON**

RESOLUTION 2020 – 133

WHEREAS, Cinnaminson Township Ordinances, Section 405 - 25 entitled "Lien for Abatement" authorizes the abatement of any nuisance or correction of a defect on the premises of the maintenance of the premises to conform to applicable ordinances of the Township of Cinnaminson or the laws of the State of New Jersey; and

WHEREAS, it is necessary that the governing body approve the expenditures made to such properties and assess the same against the premises collectible as provided by law; and

WHEREAS, the following amounts have been assessed against the named premises for work performed by the Public Works Department, relating to violation for grass/weeds, and no payment has been submitted:

600 Manor Road (9/22/20)	Block 1303, Lot 6	\$841.20
600 Manor Road (10/8/20)	Block 1303, Lot 6	\$444.00

Now, Therefore, Be It Resolved by the Township Committee of the Township of Cinnaminson, County of Burlington and State of New Jersey that the Tax Collector of the Township of Cinnaminson shall be responsible for the collection of these assessments and a copy of the report and resolution shall be sent by certified mail, return receipt requested to the owner.

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 16th day of November, 2020.

*Lisa A. Passione, RMC
Municipal Clerk*

**CINNAMINSON TOWNSHIP
RESOLUTION 2020-134**

**AUTHORIZING BUDGET AMENDMENT
FOR GRANT APPROPRIATION (ch. 159)
DRUNK DRIVING ENFORCEMENT GRANT - \$13,408.05**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Cinnaminson has received notice of an award of \$13,408.05 from the Division of Highway Traffic Safety, Drunk Driving Enforcement - Grant and wishes to amend its 2020 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Cinnaminson, in the County of Burlington, State of New Jersey, hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the 2020 Budget in the amount of \$13,408.05

Which is now available as revenue from: Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services: State and Federal Revenues Off-set with Appropriations:

Division of Highway Traffic Safety
Drunk Driving Enforcement Grant - \$13,408.05

BE IT FURTHER RESOLVED that the like sum of \$13,408.05 be and the same is hereby appropriated under the caption of: General Appropriations: (a) Operations Excluded from CAPS State and Federal Programs Off-Set by Revenues:

Division of Highway Traffic Safety
Drunk Driving Enforcement Grant - \$13,408.05

BE IT FURTHER RESOLVED, that the Town Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

November 16, 2020

Certified to be a true copy of a resolution adopted by the Cinnaminson Township Committee at a Regular Meeting held at 6:30 PM on November 16, 2020