

MARCH 2, 2020
COMMISSION MEETING MINUTES
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held at the Collingswood Community Center 30 Collings Ave. Collingswood, NJ, on the second floor, at 7:00 P.M. Mayor M. James Maley, Jr. called the meeting to order, with Commissioner Joan Leonard present and Commissioner Robert Lewandowski present.

Mayor Maley read the Sunshine Notice stating that the Borough has complied with provisions of the Sunshine Law by adopting before January 10 of this year, a resolution prescribing the dates, times and locations of all regular meetings of the Commission. Mayor Maley led the Pledge of Allegiance.

The Tax Collector, Municipal Court, Zoning Official and 2019 Annual Zoning Report reports were approved and seconded.

The Commissioners called for the Second Reading and Public Comment of 1681

**AN ORDINANCE AMENDING ORDINANCE NO. 1324
IMPLEMENTING A REDEVELOPMENT PLAN
FOR THE EAST HADDON AVENUE REDEVELOPMENT PLAN**

WHEREAS, the Board of Commissioners for the Borough of Collingswood, pursuant to N.J.S.A. 40A:12A-7, adopted Ordinance No. 1324 on October 6, 2003 and implemented a Redevelopment Plan (“Redevelopment Plan”) for the East Haddon Avenue Redevelopment Zone (“Redevelopment Zone”); and

WHEREAS, the Borough Commissioners wish to amend the Redevelopment Plan to expand the type of permitted land uses within the Redevelopment Zone to include the following: photography and art studios, art exhibition galleries, and lecture facilities; and

WHEREAS, each permitted land use identified within the Redevelopment Plan shall provide a trash enclosure on the property;

NOW, THEREFORE, BE IT ORDAINED that the Redevelopment Plan shall be amended to include within those types of permitted land uses within the Redevelopment Zone to include (photography and art studios, art exhibition galleries, and lecture facilities) and shall provide a trash enclosure on the property

This Ordinance shall take effect immediately upon final adoption and publication according to law.

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Commissioners called for the Second Reading and Public Hearing of Ordinance 1682

ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM FOR THE BOROUGH OF COLLINGSWOOD, COUNTY OF CAMDEN, NEW JERSEY.

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. (“Act”) governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6.1 et seq.) (“BPU Rules”) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Act and the BPU Rules, the Borough of Collingswood (“Borough”) seeks to establish an “Option 2” Government Energy Aggregation Program (“GEA Program”), as defined in N.J.A.C. 14:4-6.4 and 6.6, for the purpose of obtaining power supply for residents of the Borough with an enhanced renewable energy content and at a lower cost than power supply provided by the local electric utility; and

WHEREAS, the Borough intends to serve as the Lead Agency of the GEA Program and, in that capacity and consistent with BPU Rules, shall manage the GEA Program, which shall include, but not be limited to: (1) execution of an Electric Distribution Company Aggregation Agreement (“EDC Agreement”) with the local electric distribution company, which is Public Service Electric and Gas Company (“PSE&G”); and (2) recruitment of, and coordination with, other communities which may wish to join the GEA program; and (3) solicitation of proposals from third party suppliers for the purpose of executing one or more successive contracts for the provision of electric generation services on behalf of residential customers within the boundaries of the Borough, to the extent that such suppliers are qualified, said contract(s) will provide enhanced renewable energy content, and said contracts will provide prices to residents that are lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, the Borough shall include provisions in the solicitation for proposals for the inclusion of renewable energy content that is greater than the prevailing mandated minimum renewable energy content required by virtue of the New Jersey Renewable Portfolio Standards; and

WHEREAS, the Borough will only award a contract for said electric generation service and energy aggregation services to a BPU-licensed electric power supplier that is deemed qualified and that submits a price proposal that is lower than the prevailing tariff price for utility-provided basic generation service; and

WHEREAS, the Act and BPU Rules require the Program to be established by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Collingswood, County of Camden, New Jersey, as follows:

Section 1. In accordance with the foregoing “Whereas” clauses which are incorporated herein as if fully restated, the Borough hereby establishes an “Option 2” Government Energy Aggregation Program, in accordance with the provisions of the Act and BPU Rules, and shall serve as Lead Agency of the GEA Program.

Section 2. The Mayor is authorized to execute and the Municipal Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Borough and consistent with the BPU Rules, with PSE&G.

Section 3. As Lead Agency of the GEA Program, and consistent with the BPU Rules, the Borough is authorized to solicit proposals from BPU-licensed electric power suppliers for electric generation service and energy aggregation services on behalf of the Borough’s residents, and to execute one or more successive contracts for such services, provided that the power supply provides an enhanced renewable energy content and the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

Section 4. The contract(s) with third party supplier(s) shall be in the form of a master performance agreement that obligates the participants in the GEA Program to purchase electricity at terms and conditions stated therein with the selected third party supplier, provided that: (a) such contract has been determined by the Board

of Commissioners to provide enhanced renewable energy content as compared to the prevailing mandated minimum renewable energy content required by virtue of the New Jersey Renewable Portfolio Standards, (b) the contract price is reasonably forecast and estimated to provide savings to participants relative to the price charged for basic generation service by PSE&G, and (c) such contract has been procured through an authorized proposal solicitation process conducted by the Borough in accordance with the BPU Rules.

Section 5. The authorization provided by virtue of this ordinance shall be valid until June 1, 2023 (the “Effective Period”), at which time the GEA Program will be subject to renewal at the discretion of the Board of Commissioners.

Section 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a 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 hereof.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Mayor Maley opened the Ordinance to the Public

Wayne Rossi 114 E Palmer Avenue, expressed his support for stronger renewable energy proposition to build a better market and create a movement for 100% renewable energy.

Eleanor Dill 27 E. Browning Rd. expressed her support for renewable energy for environmental reasons and not for cost savings. Ms Dill added the importance of letting residents know there is an opt out option.

Public Comment on Resolution Agenda Items:

Kate Delany 126 E. Palmer Ave. asked that the resolution Amending the Agreement between the Borough of Collingswood and USA Architects for Construction Administration, Close Out and Grant Services Related to the Construction of the New Public Safety Building be explained. Mayor Maley referred to the question to Administrator Hastings. Administrator Hastings said the purpose of the amendment has to do with LEED certification. They will be assisting with obtaining grants in conjunction with the certification. Commissioner Lewandowski added at beginning of this process LEED was not part of the plan but as we have moved forward with energy efficiency planning we have realized importance of the certification and obtaining funding. Ms Delany commented the resolution sound similar to the resolution amending the Jingloi agreement. Mayor Maley said no, Jingoli is construction management, this resolution amends the agreement with the architect. Ms. Delany asked the Library resolutions be explained. Mayor Maley explained there is state bond money available to public libraries, it would be a 50-50 split but there are funds available. These resolutions are authorizing a plan be in place with the help of CCIA so we can submit an application. Mayor Maley and Commissioner Lewandowski talked about the role of CCIA has, which includes project management, grant application filing, design, identifying needs such as ADA accessibility issues.

No further comments

The Following Resolutions were Approved without a Dissenting Vote

74. Authorizing an Amended Agreement between the Borough of Collingswood and USA Architects for Construction Administration, Close Out and Grant Services Related to the Construction of the New Public Safety Building

75. Authorizing the Collingswood Public Library to Apply for the New Jersey Library Construction Bond Act Grant

76. Authorizing an Agreement with the Camden County Improvement Authority to Provide Project Management Services and Architectural Design Services for the Proposed Renovations and Improvements to the Collingswood Public Library

77. Authorizing an Agreement to enter into a Cooperative Pricing System

78. Canceling Erroneous Tax Account Credit Balances from Prior Years

Authorizing Raffle Licenses

79. 2020-3 Tatem PTA

80. 2020-4 Camden County Bar Assoc.

81. Approving the Payment of Bills as Presented by the Treasurer

Commissioner Lewandowski, thanked the Collingswood Police and Fire Departments in response to their lifesaving efforts and response to the events that occurred on Crestmont Terrace. Commissioner Lewandowski also talked about the Makers Day 2020 family event at the library and invited residents to visit the library. Commissioner Lewandowski also spoke about the restructuring of Borough debt through a bond sale. Commissioner Lewandowski thanked CFO Betty Jo Pigliacelli and the Borough's Bond Council. Commissioner Lewandowski commented that our AA Moody's rating helped us secure a great rate.

Commissioner Leonard thanked the Police Fire and EMTs for their amazing work over a very difficult the week. As usual they did an amazing job. Commissioner Leonard said on the lighter side she reminded residents to join the community garden, order their composters and rain barrels and attend the Green Festival next month. Commissioner Leonard talked about always leaning towards LEED certification on the Public Safety Building project but actually achieving and surpassing the requirements is above and beyond what she could hope for and she added she is very proud of our commitment to sustainability. Commissioner and that commitment will not stop.

Mayor Maley said Public Safety is number one for us, it is the foundation of all that we do. We have had challenges due to our geography. Camden city has had rough times with crime over many years. Things are getting better in Camden but crime is still a factor. We take pride in our distinguishing ourselves as a safe community. Mayor Maley talked about the police and fire response to the events on Crestmont Terrace. Mayor Maley explained investigations began before the Crestmont Ter. incident happened due to events that occurred on Saturday. Mayor Maley said the support and tips from the community really helped with the investigation. Mayor Maley asked residents to please always call when they see something that just doesn't look right. The police will always look at a concern from the public. Please do not think you are wasting their time or bothering them. Mayor Maley thanked the Camden County Prosecutors office, and neighboring towns for their assistance. Mayor Maley talked about the progress on the new public safety building. Mayor Maley talked about the Borough's recent Bond sale. Mayor Maley said under the recommendation of the CFO Bette Jo Pigliacelli we were able to get a great rate; the lowest rate he or any of our professionals have seen. This is a great savings for the Borough. Mayor Maley announced the return of restaurant week and Second Saturday.

Mayor Maley opened the meeting to the public.

Russ Jackson 113 Fern Ave. asked if the time on the town clock could be fixed. Mayor Maley explained it is being worked on. The problem is due to a computer glitch.

Jen Rossi 114 E. Palmer Ave announced the Collingswood Education Advocacy Group will be hosting a CPR/ First Aid class being held at the Collingswood Library. Ms. Rossi said she is interested in starting a community response team and would be looking into resources that she will share with the Commissioners.

Alfredo Fischioni, 55 W. Brook Drive Moorestown NJ, owner of That's Amore restaurant, explained his property sustained damage from a sewer pipe leak in 2017. Mr. Fischioni presented the Commissioners with an expense summary. Mr. Fischioni explained the difficulties he is having with the insurance company for the repairs. Mr. Fischioni stated he obtained a construction loan in August and was ready to continue with repairs in October. But he halted his plans because of the borough's plan to move to condemn the building and acquire the property by eminent domain. Mr. Fischioni stated he is ready to move forward with the repair plan, and requested the eminent domain resolution be rescinded by the town. Mrs Fischioni commented on the expense summary and financial burden her family is taken because of the project. Mrs. Fischioni said she is concerned that if they move forward with their plans with the threat of condemnation and eminent domain they may lose the building anyway. Mrs. Fischioni asked the Commissioners to rescind the eminent domain resolution. Mayor Maley said the building does not have a floor. It is dangerous. Mayor Maley explained that the Borough has requested a work schedule from their attorney, a timeline; we have been told no, not until we rescind the resolution and make a statement that we will not pursue eminent domain in the

future. Mayor Maley said we do not move to acquire properties unless things become dire. This has been going on for two years. Mayor Maley said he is sorry this has happened to them but other business owners in town are coming to us and asking why are we letting this take place, it effects heir property values. The did not just come about, code violation were issued. Mayor Maley asked the Fischioni's to please start doing the work, no more excuses, give us a schedule. The discussion ensued, Mayor Maley said a fire code violation is getting ready to be issued because there is no floor. If something bad happens in there the emergency responders won't be able to do anything because there is no floor. Mayor Maley asked the Fischioni's to put in a floor. The discussion ensued. Mr. Fischioni's stated all violations have been addressed, the floor had to be removed due to contamination. The discussion ensued about contractors, contracts, lack of work schedules and time lines and the request to lift the eminent domain resolution. Commissioner Lewandowski said he hears form property owners who are concerned that nothing is happening with the property. Commissioner Lewandowski said he read that the Fischioni's were going to open a restaurant in Merchantville while we had the on here sitting is stagnate. Commissioner Lewandowski said we are not actively pursuing eminent domain but this has been going on for two years. Commissioner Leonard stated that the attorneys have spoken, we have asked for a work schedule that was not provided. The discussion continued about a request for work schedules, down payments, contracts and the need for work to begin, and the request to rescind the eminent domain resolution.

Heather Romola, 19 Phoenix Ave. Marlton, asked if a contract was signed and work started could the Borough still acquire the property through eminent domain? Mayor Maley said legally yes. Commissioner Leonard responded the Borough would need to compensate the owners the property value.

The discussion continued about rescinding the resolution with the Fischioni's Ms. Romola asked if the Borough has ever taken a property through eminent domain. Mayor Maley replied yes, but there has not been a situation like this and if there is work being done the Borough will not move forward to acquire the property.

Mr Jackson 113 Fern Ave. asked about what is being done in reference to the concerns over the Corona virus. Mayor Maley said he will be on a call with the Governor's office tomorrow, Mayor Maley asked Fire Chief Davis for a comment. Chief Davis replied at this time we are in contact and under advisement of the with NJDOH and right now we are status quo. Commissioner Leonard added we will also be in contact with Camden County officials for guidance.

With no further comments, Mayor Maley moved the meeting be adjourned at 7:45PM, which was seconded.

Approved May 4, 2020

Commissioners	Present	Absent	Aye	Nay	Abstain
Mayor M. James Maley	x		x		
Commissioner Joan Leonard	x		x		
Commissioner Lewandowski	x		x		