

ORDINANCE NO. 2023:12

TOWNSHIP OF PENNSAUKEN, NEW JERSEY

**ORDINANCE OF THE TOWNSHIP OF PENNSAUKEN,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AUTHORIZING AND APPROVING AN AMENDMENT TO
A CERTAIN TAX EXEMPTION AGREEMENT, DATED
SEPTEMBER 22, 1999, BETWEEN THE TOWNSHIP OF
PENNSAUKEN AND THE CAMDEN COUNTY
IMPROVEMENT AUTHORITY FOR PROPERTY
LOCATED AT 6725 RIVER ROAD, PURSUANT TO THE
LONG TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 *et
seq.*)**

WHEREAS, the Camden County Improvement Authority ("Authority") was created pursuant to the County Improvement Authorities Act, constituting Chapter 183 of the Public Laws of 1960, as amended ("Act"), for the purposes, among other things, of providing within the county structures, franchises, equipment and facilities for public use; and

WHEREAS, the Authority is authorized, pursuant to the Act, to issue bonds for the purposes of financing the cost of any public facility or facilities; and

WHEREAS, the Authority owns an indoor ice skating and recreational facility commonly known as Twin Rinks ("Facility"), located at 6725 River Road, in the Township of Pennsauken, New Jersey ("Township"); and

WHEREAS, the Authority has previously leased the Facility to Comcast-Spectacor, by and through its affiliate, Flyers Skate Zone, L.P. ("Comcast"), pursuant to a Lease Agreement, dated as of September 15, 1999 ("Lease Agreement"), pursuant to which Comcast agreed and was obligated to make lease payments to the Authority and other amounts payable in connection therewith, including payments in lieu of taxes; and

WHEREAS, N.J.S.A. 40:37A-85 provides that all properties of the Authority, including the Facility, are declared to be public property of a political subdivision of the state and those properties, and all public facilities, devoted to an essential public and governmental function and purpose shall be exempt from all taxes and special assessments of the state of any subdivision thereof; and

WHEREAS, pursuant to N.J.S.A. 40:37A-83, the Authority is authorized and empowered with municipalities to enter into agreements with respect to the payment and collection of such annual sums of money in lieu of taxes on such properties in such amounts as may be agreed upon; and

WHEREAS, pursuant to that certain Agreement for Payment in Lieu of Taxes, dated September 22, 1999, between the Authority and the Township (the "Tax Exemption Agreement"), the Authority agreed to collect from Comcast certain amounts in lieu of taxes in order to compensate the Township for the loss of tax revenues resulting from the otherwise applicable tax-exemption for the Facility and to enable the Township to provide for services to its citizens; and

WHEREAS, subsequent to the execution of the Tax Exemption Agreement, and in accordance with the Lease Agreement, Comcast assigned all of its rights, duties and obligations in and to the Lease Agreement to Pennsauken Skate Zone, LLC, an affiliate of Black Bear Sports Group, Inc.; and

WHEREAS, the Authority and the Township have carefully examined the terms and provisions of the Tax Exemption Agreement and have collectively determined that the amounts payable thereunder are significantly below similarly operative agreements for the provision of payments in lieu of taxes in and for the Township; and

WHEREAS, as a result of such determination, the Authority and the Township are now desirous of amending the Tax Exemption Agreement as specifically set forth in a First Amendment to Agreement for Payment in Lieu of Taxes ("First Amendment"), a copy of which is attached as Exhibit "A"; and

WHEREAS, pursuant to Section VII of the Tax Exemption Agreement any subsequent amendments to the Tax Exemption Agreement shall be made in writing duly executed by the authorized representative of the Authority and the Township; and

WHEREAS, in accordance with the provisions of the New Jersey Long Term Tax (N.J.S.A. 40A:2-1 et seq.) (Tax Exemption Law") is now desirous of adopting an Ordinance authorizing the execution and delivery of the First Amendment and making certain other determinations in connection therewith:

NOW, THEREFORE, BE IT ORDAINED by the of the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey ("Township Committee"), that the Township will enter into the First Amendment with the Authority on the terms and conditions stated in the First Amendment substantially in the form attached to this Ordinance, with such changes as shall be deemed necessary or required by the Township and its professional advisors, and as further set forth herein:

1. The Township Committee makes such determinations and findings by virtue of and pursuant to and in conformity with the Tax Exemption Law.
2. The First Amendment and all exhibits and schedules thereto are hereby authorized and approved.
3. Upon adoption of this Ordinance and execution of the First Amendment, a certified copy of this Ordinance and the First Amendment shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services.

BE IT FURTHER ORDAINED that the Mayor, Township Administrator and Chief Financial Officer and any other officer or official of the Township authorized to execute and deliver agreements on behalf of the Township are each hereby authorized and directed to execute and deliver the First Amendment on behalf of the Township and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the First Amendment.

BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect upon proper passage in accordance with the law.

TOWNSHIP OF PENNSAUKEN

Pamela Scott-Forman, RMC
Township Clerk

First Reading:
Public Hearing
Approved:

EXHIBIT "A"

FIRST AMENDMENT TO AGREEMENT FOR PAYMENT IN LIEU OF TAXES

4868-0483-4396, v. 1