



Bellmawr Redevelopment Agency

Regular Meeting of the
Board of Commissioners |
Monday, June 21, 2021 @ 5pm

Open Meeting



- Call to Order
- Reading of OPMA Statement:
 - On February 5, 2021, notice of this meeting was posted to the official Bellmawr Redevelopment Agency website, and e-mailed to both the *Courier- Post & Gloucester City News* newspapers for publication. The official 'Notice to Borough Clerk' was emailed on February 5, 2021, which included requests for publication of the Notice to the official Borough of Bellmawr website & Bulletin Board.
 - *All requirements of the Open Public Meetings Act <OPMA> have been met in compliance with the Sunshine Law.*



Flag Salute



Roll Call



- Board of Commissioners

- Chairman Frank Filipek
- Vice Chair Steve Hagerty (Councilman- Bellmawr)
- Commissioner Ray Bider (Councilman- Bellmawr)
- Commissioner Nick Kappatos (Mayor- Runnemede)
- Commissioner Tom Whitman
- Commissioner Anil Patel
- Commissioner Jeff Simpson

- Management / Professionals

- Joshua T. Tregear- Executive Director
- Michael J. McKenna, Esquire- Agency Solicitor
- Dennis McNulty- Agency Engineer

Meeting Agenda



- Reading of Minutes: Regular Meeting- May 17, 2021
- Communications
- Commissioner's Reports
- Executive Director's Report
- Solicitor's Report
- New Business
- Public Portion
- Adjournment

Reading of Minutes



- Reading of Minutes | Regular Meeting- May 17, 2021



Communications



Commissioner's Reports



- Chairman Frank Filipek
- Vice Chair Steve Hagerty (Councilman- Bellmawr)
- Commissioner Ray Bider (Councilman- Bellmawr)
- Commissioner Nick Kappatos (Mayor- Runnemedede)
- Commissioner Tom Whitman
- Commissioner Anil Patel
- Commissioner Jeff Simpson

Executive Director's Report | Key Items



- Edmunds Governmental Finance/Management software
 - Kick- off Meeting held 5/5
 - Data discovery meeting held 5/26
 - Business Process/Flow meeting held 6/14
 - Transition scheduled week of 7/26 | Go LIVE 8/1
- Financial/Admin
 - Audit- 2019 ~July Meeting
 - Intro Budget- 2021 ~August Meeting
 - Adopt Budget- 2021 ~September Meeting
 - Audit- 2020 ~November Meeting
- West Deptford Twp parcel
 - Working w/ Solicitor & Special Counsels- Contracts & Environmental

Solicitor's Report



- Review Redeveloper Status Report- June 2021
- West Deptford Twp parcel
- General Comments

BIG TIMBER JUNCTION, LLC, Redeveloper
Bellmawr Waterfront Development Project
Status Report

Donald Nogowski, Esq., Redeveloper Counsel
Michael J. McKenna, Redevelopment Authority Solicitor

June, 2021

I. Introduction; Tidelands Update

- a. The Redeveloper made significant progress on the Tidelands Grant Application. A revised Appraisal has been completed and submitted to Tidelands. Chairman Filipek was told that Tidelands would have a decision by this past Friday 6/11. Chairman Filipek and Sen. Cruz-Perez will follow up with Tidelands this past week. Thanks again to Chairman Filipek and Solicitor McKenna, for their assistance.
- b. NJDOT – Don Nogowski and Solicitor Howard Long spoke again last week. Engineer Steve Bach is reviewing the latest DOT submission regarding the connector road. Traffic Engineer Mark Roth has confirmed that the NJDOT has agreed to make the requested changes, which now reverts back to the original two lanes from Creek Road to Rt. 42, with an improved merge pattern. Don and Howard will follow up together to ensure the Borough provides its response to NJDOT.
- c. Don Nogowski is meeting with Howard Long on Tuesday, 6/22/21, so that Howard can update Council on work in progress, and actions required on the part of the Borough Council.
- d. Engineering design proceeds in background. Engineer Sam Renauro is revising Waterfront Development Permit application to reflect new NJDEP Stormwater Rules and BMP's.
- e. Site Marketing – WE are working with our Broker JLL to prepare for Q3 2021 marketing.

II. Green Acres

BWD has secured from Green Acres their consent to resolve the Borough's longstanding Green Acres violation at the Borough's water treatment plant and water tower. BWD will donate additional parkland acreage at both the BWD site,

and also in West Deptford, and Green Acres has indicated they will accept this acreage. This will resolve a longstanding Borough dispute with Green Acres, which is not related to the BWD project.

Sam Renauro is updating BWD's Green Acres plans to reflect this change, as well as new access point in Phase III.

III. Engineering Summary

- a. Site Design and Potential Development Yield have been developed by Sam Renauro, PE.
- b. Stormwater Management – Overall Plan being updated by Sam Renauro.
- c. DOT - Traffic / Roadway Design; NJDOT Plan includes all prior Borough requests, including two thru lanes eastbound. Interim Access plans at Phase III (including left turn into site), will have to be developed and approved.
- d. Waterfront Development Permit Status – Application generally complete; being revised to reflect new BMP's; will need to submit after Tidelands Grant is approved.
- e. CCMUA, PSEG have been contacted and have issued (or are prepared to issue) Will Serve Letters; CCMUA will require a forced main (+/- 1 mile) and some pump station upgrades; this will proceed concurrent with site work. Each warehouse will have grinder pump and low-pressure system. Bellmawr must complete infiltration work at existing pump station, and throughout their system. This work will need to be included in CCMUA capital improvement plan. Gas, Electric Cable and Fiber are available.
- f. Water/ Fire Suppression. Grade (or below grade) storage and pump system will be developed. Cost - +/- \$500k per building. Water allocation is in place.

IV. Public Approval Processes

- a. NJDEP – Tidelands – New Appraisal Pending. Tidelands Resource Council meets monthly (but not in August).
- b. NJDEP – Green Acres. Waiting on Tidelands Grant to be completed. **GOOD NEWS – Green Acres has agreed to accept the additional acreage offered by BWD, to resolve the Green Acres claim against the Borough's Treatment Plant.**
- c. NDEP – Site Remediation/ Brownfields; Chris Ward has replaced our friend Gary Brown as PE and LSRP. We recently had a very favorable meeting at the site with

Case Manager Ron Wienkoski. Ron remains very supportive of the project, and is prepared to work with permit updates upon title transfer to the BRA.

Plan has been developed to address permitting from both Solid Waste and Site Remediation. Passive Gas vent system for Phases II and III are being developed. Phase I gas system is complete.

- d. Park Planning; concept plan largely complete and reviewed; Borough will need to submit to Green Acres after Tidelands Grant is completed.
- e. NJDOT – See above, regarding connector road. We should review any interim traffic issue and/ or mitigation requirement.
- f. Bellmawr Borough – SITE PLAN SUBMISSIONS ON HOLD UNTIL TIDELANDS IS COMPLETE. Plans are being developed by Sam.
- g. Deptford Township – AWAITING DRAFT REDEVELOPMENT PLAN FROM BRIAN SLOUGH. We cannot push hard on this until after Tidelands Grant. Don Nogowski has been coordinating with Deptford Solicitor Al Marmero and Deptford Planner Brian Slough. Al Marmero is requesting dates to plan a Deptford-Bellmawr coordination meeting.
- h. Camden and Gloucester Counties – NJDOT Plan Park Plan and Waterfront Development Plan will need to be reviewed by Counties, once Bellmawr completes its review.
- i. Sweeney- Singleton Bill. Sen Sweeney has sponsored legislation which would require plans to be reviewed and approved by neighboring municipalities. This is primarily designed to address suburban / rural sprawl, not industrial infill / brownfield development. Deptford is already involved in our project. It is possible Runnemede and Westville may need to be consulted. We have met with Runnemede and they are supportive. We may need to reach out to Westville at the appropriate time.

V. Site Use / Market Conditions

- a. Marketing must wait until after Tidelands and Green Acres. Anticipate Summer 2021 marketing.

VI. Potential Project Timelines

- a. Final Tidelands Grant Approval - 30 - 60 Days
- b. Green Acres – West Deptford Transfer – 30 to 60 Days. David Weinstein reviewing legal documents. RDA Environmental Counsel to review environmental documents.
- c. Site Work Design Process – ongoing

- d. Bellmawr / Deptford Planning Board submissions. Tentatively, September-October 2021.
- e. Site Work Construction Start- estimated Spring 2022

VII. Critical Path Items to Consider

- a. Waterfront Development timeline- typically 6 to 9 months from submission. We can work on this, but 6 months is likely minimum possible.
- b. NJDOT Missing Moves construction. We need to coordinate, to ensure no conflict with DOT construction on adjacent property (Petrongolo). Don to contact Petrongolo counsel to discuss.
- c. Certain Order/ Process must be followed:
 - i. Waterfront Development
 - ii. E & S approvals
 - iii. Municipal and County Site Plan approvals;
 - iv. THEN- we can apply for Solid Waste approvals, before work is started (Ron W.);
 - v. Sam will send updated Waterfront Development plans to Ron W.
 - vi. For Site Remediation, you submit AFTER work is completed;
 - vii. Phase I is already approved; will need to submit Cap Modification Application – for buildings and paving; New RAR;
 - viii. For Phases II and III – plan to cut and fill to level site for anticipated development

McKENNA LAW

A PROFESSIONAL CORPORATION
MICHAEL J. McKENNA* • MICHAEL C. McKENNA*
*NJ AND PA LICENSED ATTORNEY

June 21, 2021

VIA: EMAIL dweinstein@archerlaw.com

David A. Weinstein, Esquire
Archer & Greiner P.C.
One Centennial Square
33 East Euclid Avenue
Haddonfield, NJ 08033

RE: Bellmawr Redevelopment Agency

Dear Dave:

Enclosed please find the chain of correspondence that I have also forwarded to Debra Rosen along with my cover correspondence. In addition thereto, I enclose for your additional review the email thread between Don Nogowski and the NJDEP Professionals regarding the Tidelands evaluation process which appears to be significantly stalled as opposed to “about to receive approval”. Let's discuss.

Very truly yours,

Michael J. McKenna

cc: Chairman Frank Filipek (via: email ffilipek@bellmawrredevagency.org)
Josh Tregear, Executive Director (via: email jtregear@bellmawrredevagency.org)

McKENNA LAW

A PROFESSIONAL CORPORATION
MICHAEL J. McKENNA* • MICHAEL C. McKENNA*
*NJ AND PA LICENSED ATTORNEY

June 21, 2021

VIA: EMAIL drosen@archerlaw.com

Debra S. Rosen, Esquire
Archer & Greiner P.C.
One Centennial Square
33 East Euclid Avenue
Haddonfield, NJ 08033

RE: Bellmawr Redevelopment Agency; West Deptford Parcel Environmental Issues

Dear Ms. Rosen:

I hope this letter finds you well. I am enclosing the following correspondence with the hopes that we can all talk and gain your insight as to any environmental concerns or cautions that may be appropriate in considering closing on the West Deptford parcel separate and in advance of the closing on the main parcel:

1. March 5, 2021 correspondence of RT Environmental
2. April 21, 2021 correspondence of RT.
3. The June 18 correspondence of redeveloper counsel Don Nogowski.

As you can see, the March correspondence contends that there were no maintenance requirements at the present time and that there would be no need for financial assurances to maintain the RAP.

Then in April in response to my questions, RT Environmental submits a cost estimate to study the implementation of a corrective plan for the relatively minor sum of \$1,640.00. It is noted that the apparent intent of this corrective plan was to provide an estimate of equipment and material to "bring the mitigation site back to success criteria goals." The redeveloper has greenlighted the corrective plan estimate designed to obtain the total costs but not yet received the results. Additionally, several weeks ago, we sent you the Environmental Insurance quotes

for review. Upon your receipt and review of the latest materials, please let me know a time when you, David Weinstein and I can go over matters and whether and to what extent there are any additional questions that you have for the redeveloper. Thank you.

Very truly yours,

Michael J. McKenna

cc: Frank Filipek, Chairman, Redevelopment Agency
(via: email ffilipek@bellmawrredevagency.org)
Josh Tregear, Executive Director (via: email jtregear@bellmawrredevagency.org)
Contract Counsel David Weinstein, Esquire (via: email dweinstein@archerlaw.com)



RT Environmental Services, Inc.

April 21, 2021

Mr. Charles Gallub
Bellmawr Waterfront Development
204 Harding Avenue
Bellmawr, NJ 08031
Ph: 856-933-2204
Cell: 856-739-4309
Email: cgallub495@aol.com

**RE: BWD WEST DEPTFORD MITIGATION SITE
CORRECTIVE ACTION PLAN COST ESTIMATE
LEONARD LANE, WEST DEPTFORD, NJ
BLOCK 328 LOT 5
RT PROPOSAL # 21-0227**

Dear Mr. Gallub:

RT is pleased to submit this proposal to prepare a cost estimate for implementing a corrective action plan for the above-referenced site. It is understood that a corrective action plan for controlling invasive species was requested by NJDEP in 2018. Under separate cover, RT has proposed tasks necessary to finalize a site-specific corrective action plan using updated survey data and analysis.

Until such time that current site-specific conditions can be fully evaluated, RT proposes to utilize the 2017 mitigation monitoring report to estimate a percent coverage of invasive species and work with a Professional Wetlands Scientist (Dubois Environmental) to determine the probable extent of corrective actions needed to meet conditions of the permit.

Dubois Environmental will obtain quote estimates from herbicide applicator professionals whom they routinely work with, and estimate the time, labor, equipment, and material needs for revegetation that would be required to bring the mitigation site back to success criteria goals.

For the work described above we proposal the following fees:

Dubois Senior Biologist (6.5 hours x \$137.50/hr.)	\$ 894
RT Project Manager (5.0 hours x \$151/hr.)	<u>\$ 755</u>
Total	\$ 1,649

Work is proposed to be performed under RT's terms and conditions a copy of which is attached. We appreciate the opportunity to be of continued service; please call if any questions.



Suite 202, Pureland Complex • 510 Heron Drive, P.O. Box 521 • Bridgeport, NJ 08014
Tel: (856)467-2276 • Fax: (856)467-3476 • Email: rtenv@rtenv.com • Web Address: www.rtenv.com

Respectfully Submitted,
RT Environmental Services, Inc.



Jennifer Berg
Project Manager

CC: C. Ward, J. Lauterbach – RT

Attachments: Terms and Conditions

P.S. Please select desired option and sign below to act as your authorization to proceed.

BWD Wetlands Corrective Action Plan Cost Estimate: \$1,649

Authorized By

Date

Donna Thwaites

From: Don Nogowski <dnogowski@earpcohn.com>
Sent: Friday, June 18, 2021 3:00 PM
To: Michael J McKenna; Josh Tregear; Donna Thwaites; Frank Filipek
Cc: Maria Malone
Subject: FW: Email from Kelly DMillio (from Tidelands)

Scanned

Hello Michael and Josh:

Here is the email chain below with NJDEP's Kelly DeMillio, as requested.

I will send Kelly our response, shortly - just proofreading it now.

Very truly yours,

Don



Donald A. Nogowski / Attorney at Law
dnogowski@earpcohn.com

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Jersey 08034
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From: DeMilio, Kelly (DEP) <Kelly.DeMilio@dep.nj.gov>
Sent: Thursday, June 17, 2021 1:00 PM
To: Don Nogowski <dnogowski@earpcohn.com>
Subject: RE: Bellmawr

Hello. Super brief. Paragraph or two.

I don not know the answer to the Appraisal questions. I know Randy has reached out to the appraisal staff and I am sure he will get in touch with you shortly.

From: Don Nogowski <dnogowski@earpcohn.com>
Sent: Thursday, June 17, 2021 12:50 PM
To: DeMilio, Kelly (DEP) <Kelly.DeMilio@dep.nj.gov>
Subject: [EXTERNAL] Re: Bellmawr

Hi Kelly:

Regarding the landfill history- how long a document would you want? Do you want any plans? We have been working on this landfill closure and capping for over ten years, but I am thinking you would probably want more of a summary report (maybe 2-3 pages)?

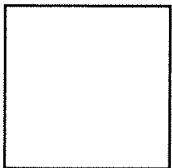
Also - do you know if your appraiser still needs to talk to our appraiser (Bob Gagliano)? I know we were told that at some point, and I don't know if they ever spoke.

Finally- do you know when you would be able to share with Bellmawr the identity of your appraiser, and the results of your own appraisal?

Thanks again for your help with this project!

Very truly yours,

Don



Donald A. Nogowski / Attorney at Law
dnogowski@earpcohn.com

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Very truly yours,

Donald A. Nogowski
Earp Cohn PC

On Jun 15, 2021, at 11:15 AM, DeMilio, Kelly (DEP) <Kelly.DeMilio@dep.nj.gov> wrote:

Hello. I am wondering if you could provide me with a brief description of the history of these two sites in regards to it being used as a landfill. I just want to include it in information to the Council.
Thanks so much.

Kelly DeMilio
Environmental Specialist 3
Bureau of Tidelands Management
<image001.jpg>

[EXTERNAL]

[EXTERNAL]

Donna Thwaites

From: Don Nogowski <dnogowski@earpcohn.com>
Sent: Friday, June 18, 2021 2:53 PM
To: Maria Malone
Cc: jtregear@bellmawrredevagency.org; ffilipek@bellmawrredevagency.org; Michael J McKenna; Donna Thwaites
Subject: Re: Bell BRA Tidelands
Attachments: 21-0227_BWD_WetlandsCAPEstimate.pdf; Big Timber Junction BWD Status Report June 15 21 copy.pdf; 70779113276 copy.docx

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Hello Michael:

I hope you are having a pleasant Friday afternoon, and thanks again to you and Josh for your continuing efforts on this project.

Regarding the June status report, that was sent to you and Josh yesterday, via email. I have attached another copy here for your convenience. In that email yesterday, I also noted that it would probably make sense for the Redeveloper to begin attending the BRA meetings regularly, starting next month, as it appears that Tidelands and other related matters are finally moving.

Regarding the DEP Tidelands email you mentioned, it was a request from Kelly DeMilio, Randy Bearse's assistant (not from Randy himself). She requested information on the "history of the landfill", which I have drafted and will provide to her today. I will send you a copy of her email, and our response.

Regarding the West Deptford parcel, I have attached here Jen Berg from RT Environmental's two letters on that subject. I would also note that Jen, Gary Brown and the Borough's Environmental Counsel Craig Huber had previously reviewed all of this West Deptford material. Of course, both Gary and Craig are unfortunately no longer with us, so we would be happy to review this material again with Craig's replacement as Environmental Counsel.

I know you have expressed concern regarding the term "historic fill" at West Deptford, but I can assure you that it is common, expected and does not pose an environmental concern. Craig Huber agreed, as I am sure his replacement will as well. There are few areas along the Delaware River in New Jersey that do not have some type of historic fill. Historic fill certainly lies underneath the Riverwinds complex as well, adjacent to the West Deptford site.

A small area of historic fill was determined to exist at this site, and under the approved DEP plan and permit, an institutional control was put in place (a Deed Notice), and an engineering control as well (a soil cap of residential soil). That is how DEP properly addresses historic fill in this type of site.

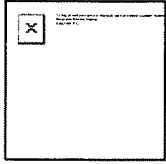
I would also note that the Redeveloper has agreed to fund an environmental insurance policy covering the West Deptford site, at a cost of +/- \$22k.

I look forward to meeting with the Borough's new Environmental Counsel as soon as possible. Again, I will be available on Monday, if you, Josh or any board members have any other specific questions that I could answer.

Thank again- have a great weekend!

Very truly yours,

Don



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On Jun 18, 2021, at 11:17 AM, Maria Malone <Maria@mckennalawoffices.com> wrote:

<image001.gif>

Please see attached letter. Thank you.

Maria

Maria Malone, Paralegal
McKENNA LAW, P.C.
Michael J. McKenna, Esq.
Michael C. McKenna, Esq.
648 Longwood Avenue
Cherry Hill, NJ 08002
maria@mckennalawoffices.com
(856) 665-7771 (t)
(856) 665-7766 (f)

[EXTERNAL]

<Nogowski, Don, req summary 6-18-21.pdf>

March 5, 2021

Mr. Donald Nogowski, Esq.
Earp Cohn P.C.
20 Brace Road, 4th Floor
Cherry Hill, New Jersey
P: 215-963-9520
Email: dnogowski@earpcohn.com

**RE: WEST DEPTFORD SITE
BELLMAWR WATERFRONT DEVELOPMENT WETLAND MITIGATION PROJECT
LEONARD LAND, WEST DEPTFORD, NJ
BLOCK 328, LOT 5
NJDEP SRP PROGRAM INTEREST #: 518538
NJDEP DLUR FILE #: 0820-05-0006.2
RT PROJECT# 70779-113**

Dear Mr. Nogowski:

RT Environmental Services, Inc. (RT) is pleased to provide information on the West Deptford site, which is the location of the Bellmawr Waterfront Development Wetland Mitigation Project (BWDWMP). Areas of the Bellmawr Waterfront Development (BWD) site included locations where solid waste materials were placed in wetlands as part of historic landfill activities. The BWDWMP is intended to offset the wetland impacts and loss of wetland functions and values associated with the remediation of the former Bellmawr landfills.

Following consultation with the U.S. Army Corp. of Engineers, and New Jersey Department of Environmental Protection (NJDEP), and completion of appropriate wetlands investigation work, it was agreed that the wetlands mitigation project would occur in West Deptford Township. Coordination was also completed within NJDEP to address any concerns regarding the Green Acres Program, as well as wetlands mitigation activities, so that the single mitigation site was available for both programs.

As can be seen in **Figure 1**, the property is 139 acres, with two distinct areas allocated for wetlands mitigation. **Figure 2** shows areas of the property designated as Green Acres.

The project includes two wetlands mitigation areas, which have been designated as Site A and Site B, that occupy a total of 26 acres combined. The Wetland Mitigation Proposal was approved by the NJDEP Wetlands Mitigation Unit on March 6, 2009. The purpose of the BWDWMP is to provide a total of 7.41 acres of compensatory wetland mitigation through forested, scrub-shrub, and emergent and tidal open water wetland creation / restoration at the two associated sites. Grading, earthwork, and plantings were completed by April 2012.

RT completed routine maintenance inspections for five years following the creation of the wetlands, and submitted annual reports, as required by NJDEP. At the end of the monitoring period, RT concluded that the created wetlands provide beneficial wildlife habitat values and perform important water quality and surface water storage functions as planned. NJDEP provided recommendations to reduce the amount of undesirable invasive plant species with appropriate herbicide applications. It is understood BWD intends to complete this work, which is seasonal, and begins with surveying in the Spring, herbicide application in the Fall, and a final survey after one growing season to document the success of the work.

Environmental due diligence was also completed at the site, and an area of historic fill was identified within adjacent to the wetlands Site B. Remedial actions were completed, which included installation of a 2-foot clean fill vegetated cap, and a Deed Notice was filed with the County in 2011. In 2013, NJDEP issued a Remedial Action Permit for Soil, a copy of which is attached herein. **Figure 3** shows the capped and permitted area, as provided in the Deed Notice. As part of the permit conditions, Biennial Certifications are completed to confirm the cap remains protective of public and environmental health. The most recent inspection of the cap was completed in May of 2020, in which RT confirmed the cap remains well vegetated and has not been disturbed; therefore, maintenance is not required at this time. The Biennial Certification was submitted to NJDEP in October 2020.

It is understood that through an agreement with the Bellmawr Redevelopment Agency (BRA), title of the property is to be transferred from BWD to the BRA within the next 60 days. Once title transfer is complete, the LSRP will prepare a Remedial Action Permit (RAP) Transfer application, as required by NJDEP to reflect a change in property ownership. BWD, as the party responsible for remediation of the historic fill will remain a co-permittee. It should be noted there is not Financial Assurance required to maintain the RAP.

Should you need additional information in support of the upcoming property transaction, please do not hesitate to ask.

Very Truly Yours,

RT ENVIRONMENTAL SERVICES, INC.

Christopher Ward, LSRP
Associate

Attachments: Figure 1 – Property and Wetlands Map
Figure 2 – Green Acres Map
Figure 3 – Capped Deed Notice Area
Attachment 1 – Remedial Action Permit

C: C. Gallub, J. Contrevo, E. Esposito – BWD
F. Filipek – BRA

New Business



A RESOLUTION OF THE BELLMAWR REDEVELOPMENT AGENCY...

- **RESOLUTION # 06:028-21 . . . OF THE BELLMAWR REDEVELOPMENT AGENCY AUTHORIZING PAYMENT OF OUTSTANDING BILLS**

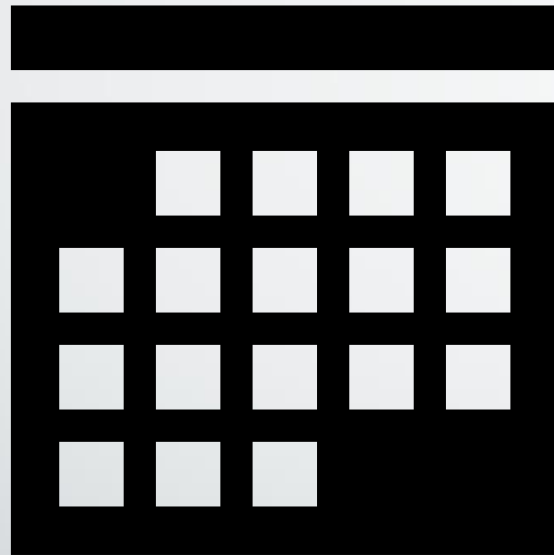
Public Portion



Meeting Adjournment



Coming up. . .



Regular Meeting

Monday, July 19th @ 5pm



THANK YOU!!