

AGENDA  
COUNCIL BUSINESS MEETING  
October 13, 2021

1. Call Meeting to Order

2. Sunshine Law - Notice of this meeting has been duly advertised in compliance with the provisions of the open public meetings law. Please be advised that this meeting will be recorded for possible later playback.

3. Flag Salute

4. Roll Call

5. Resolution 2021:164 Executive Session

BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the Mayor and Council are now going into closed session to discuss Legal Updates, Personnel, and Professional Services

6. Approval of Minutes: Council Meeting and Executive Session for September 8, 2021  
Council Meeting and Executive Session for September 22, 2021

7. Payment of Bills

8. The following reports have been filed and are available in the respective offices for review and will be included in the minutes:

- |                           |                 |
|---------------------------|-----------------|
| a. Tax Collector's Report | b. Sewer Report |
| c. Treasurer's Report     |                 |

9. **Second Reading Ordinance 2021-15 Capital Bond Ordinance**

10. **Second Reading Ordinance 2021-16 Capital Appropriation Ordinance & Sewer Improvements**

11. **Second Reading Ordinance 2021-17** Amending Chapter 220, Section 14 Parking of Dumpsters

12. **First Reading Ordinance 2021-18** Amending Chapter 150 of Fee Schedule for Mercantile

13. **First Reading Ordinance 2021-19** Amending Chapter 75 Regulating Animals in the Borough of Lindenwold

14. **Resolution 2021:165** Adopting A Special Rule Of Order For Public Comment At Council Meetings And Caucus Meetings Of The Borough Of Lindenwold

WHEREAS, N.J.S.A 10:4-12(a) provides that a public body maintains discretion to permit, prohibit, or regulate the active participation of the public at any meeting; and

WHEREAS, N.J.S.A. 10:4-12 further provides that a municipal governing body shall be required to set aside a portion of every meeting of the municipal governing body, the length of the portion to be determined by the municipal governing body, for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the municipality; and

WHEREAS, the Borough of Lindenwold adopted resolution 2021:4, on January 6, 2021 which adopted Roberts Rules of Order for the purposes of regulating the procedure and conduct of council meetings and caucus meetings of the Borough of Lindenwold; and

WHEREAS, Roberts Rules of Order, 12<sup>th</sup> Edition, Section 9:29, Provides that Public Meetings may invite non-members of the meeting to express their views, but such public comment is done under the control of the presiding officer subject to any relevant rules adopted by the body, including but not limited to placing time limits on the speakers; and

WHEREAS, the Mayor and Council of the Borough of Lindenwold find it necessary, appropriate, and in the best interests of maintaining the order and decorum of public meetings within the Borough to adopt a Special Rule of Order to govern the Public Comment Section of public meetings.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold, that a Special Rule of Order shall be adopted to govern and control the Public Comment section of council meetings and caucus meetings conducted within the Borough of Lindenwold as follows:

Rule 2021:1 LINDENWOLD SPECIAL RULE OF PROCEDURE FOR COUNCIL MEETINGS AND CAUCUS MEETINGS OF THE GOVERNING BODY

1. Any member of the public wishing to speak during the public comment portion of any council meeting or caucus meeting of the governing body may only do so upon the Mayor, or his/her designate, first opening the meeting to the public for comment.
2. Any comments by a member of the public shall only be permitted during the portion of the meeting open to the public. Upon the public comment portion of the meeting being closed, public participation in the meeting is prohibited.
3. No member of the public may approach the podium to speak, or otherwise provide public comment, until recognized to speak by the Mayor, or his/her designate. Any member of the public wishing to speak must first raise their hand and wait to be called upon by the Mayor, or his/her designate. Once called upon by the Mayor, or his/her designate to speak, the member of the public may approach the podium to speak for purposes of public comment.
4. After acknowledgement, the member of the public speaking during the public comment portion of a public meeting must first sign in on the provided sheet with contact information and topic, as well as provide their name and address verbally for the record, prior to speaking.
5. All members of the public will be limited to Five (5) minutes per individual, to speak during a public comment portion of the meeting. No member of the public shall be permitted to cede any of their allotted time, or otherwise transfer any additional time to another member of the public to enlarge an individual speaker's allotted Five (5) minute time for speaking during public comment. A member of the public may not accept any additional time to speak from any other member of the public, during public comment. All members of the public will be strictly limited to Five (5) minutes during the public comment portion of the meeting.
6. All members of the public will be limited to one occasion to speak per public comment portion of the meeting. No member of the public shall be permitted to speak more than once during any public comment portion of the meeting. In the event the member of the public does not use all of the Five (5) minute time allotted per speaker, they shall not be permitted a second occasion to speak during the same public comment portion to utilize any unused time.
7. No member of the governing body, individual, or other member of the public, shall be permitted to respond to any questions, inquiries, concerns, or issues raised during the public comment portion of the meeting. The member of the public shall be permitted to speak and/or raise questions of public concern, but there shall be no response or rebuttal during the public comment portion of the meeting from the governing body, any individual, or any member of the public.
8. Upon completion of all members of the public wishing to speak having provided comment during the public comment portion of the meeting, the Mayor or his/her designate shall close the meeting to the public, and shall not entertain any further public comment.
9. After closing the meeting to the public, the Mayor shall open the meeting to council, at which time the Mayor, or any member of the governing body, and/or any individual designated by the Mayor, may respond at their discretion, to any questions, inquiries, concerns, or issues raised during the public comment portion of the meeting. When the meeting is opened to council for rebuttal to public comment, there shall be no public comment permitted from any member of the public.
10. Any individual failing or refusing to comply with the procedures set forth herein, may forfeit their right to speak during the public comment portion of the meeting, at the discretion of the Mayor and governing body.

15. Resolution 2021:166 Accept 2020 Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Lindenwold, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### 16. Resolution 2021:167 Corrective Action Plan

WHEREAS, the Borough of Lindenwold has received a report of audit for the year ending December 31, 2020; and

WHEREAS, the New Jersey Division of Local Government Services requires that the Chief Financial Officer submits a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has completed a Corrective Action Plan relating to the finding of the 2020 Audit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold, that it does hereby approve the Corrective Action Plan for the 2020 Report of Audit.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to forward a copy of the Corrective Action Plan to the New Jersey Division of Local Government Services.

17. CONSENT AGENDA: The items listed below are considered routine by the Borough of Lindenwold and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

#### Resolution 2021:168-178

##### Resolution 2021:168 - Curfew and Hours for Halloween

WHEREAS, there currently exists a curfew for the Borough of Lindenwold residents seventeen (17) years of age and under, and

WHEREAS, it is necessary to amend this curfew for Saturday, October 30, 2021 through Monday, November 1, 2021 for Halloween.

WHEREAS, it is also necessary to designate the time for Trick or Treating in the Borough of Lindenwold, and

WHEREAS, the hours will be from 2:00 pm until curfew at 6:00 pm on Sunday, October 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the curfew hours for Friday, October 30, 2020 through Saturday, October 30, 2021 through Monday, November 1, 2021 inclusive shall be from 8:00 p.m. until 6:00 a.m. prevailing time each night.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the hours for Trick or Treating be 2:00 pm until 6:00 pm.

#### Resolution 2021:169 Deer Carcass Removal

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration, and

WHEREAS, the County of Camden hereinafter referred to as the Lead Agency has offered voluntary participation in a Cooperative Pricing System for deer carcass removal services awarded to Deer Carcass Removal Service, P.O. Box 328, Cream Ridge, NJ 08514 for a third one year term at the cost of \$65.00 per deer carcass removal, and

WHEREAS, this term commences on or about October 1, 2021 through September 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lindenwold as follows:

1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Lindenwold.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5) the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

Resolution 2021:170 Escrow Refund

WHEREAS, BW Ventures submitted an escrow of \$700.00 for a street opening permit for 165 Crossing Way, and  
WHEREAS, the work was performed with a satisfactory inspection for the above permit, and  
WHEREAS, the applicant has requested a refund of the \$700 escrow fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the amount of \$700.00 escrow be refunded to BW Ventures as the job was been completed and inspected.

Resolution 2021:171 Extend Shared Service with Camden County

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration, and

WHEREAS, the County of Camden hereinafter referred to as the Lead Agency has offered voluntary participation in a Cooperative Pricing System for copy, computer paper and envelopes as awarded to the vendors listed below for a term of six months commencing on or about April 1, 2021 through September 30, 2021, and

WHEREAS, the County of Camden is preparing to advertise to award this contract, and

WHEREAS, pending this award, the County has contracted to extend the pricing with the same terms, rates, and conditions on a month to month basis.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lindenwold agrees to continue with the County for the procurement of paper as awarded under Resolution 2021:88 until a new contract is negotiated.

Resolution 2021:172 Transfer Or Cancellation Of Of Tax Collections-Sewer

**BE IT RESOLVED**, by the Borough Council of the Borough of Lindenwold in the County of Camden that the Tax Collector is hereby authorized to make the following adjustments to the tax records of the Borough of Lindenwold.

**IDENTIFICATION:**

Block 288.01 Lot 12

**2021 TAXES**

\$2,763.15

**ASSESSMENT**

\$54,137

**ADJUSTMENT:** Cancel taxes along with corresponding assessment. Property owner is qualified as a Totally Disabled Veteran and as such is entitled to tax exempt status as ordered by the New Jersey Division of Taxation.

Resolution 2021:173 Refund Aston Martin Dr.

WHEREAS, D.E. Bailey, LLC submitted an escrow of \$700.00 for a street opening permit for 937 Aston Martin Drive, and

WHEREAS, the work was performed with a satisfactory inspection for the above permit, and

WHEREAS, the applicant has requested a refund of the \$700 escrow fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the amount of \$700.00 escrow be refunded to D.E. Bailey, LLC as the job was been completed and inspected.

Resolution 2021:174 Award Sewer Pump Station No. 6

WHEREAS, the Borough of Lindenwold declared an emergency under Resolution 2021:124 for Sewer Pump Station No. 6 and

WHEREAS, under this emergency, the appointed engineer from Environmental Resolutions Inc. received quotes for these repairs, and

WHEREAS, Addendum A is a list of the quotes that were received, and

WHEREAS, Environmental Resolutions Inc has recommended that the contract for the emergency repairs to Pump Station No. 6 be awarded to B&H Contracting, Inc. for the quote amount of \$297,860.00. This contract is to be awarded contingent upon the approval of the solicitor and the monies being available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that:

1. The contract for the emergency repairs to Pump Station No. 6, be awarded to B&H Contracting, Inc., 1022 Black Horse Pike, Folsom, NJ 08037 with the lowest amount of \$297,860.00. This contract is to be awarded contingent upon the approval of the solicitor and the monies being available.
2. The exact title of the appropriation to be charged to Ordinance 2021:16
3. This resolution shall take effect immediately on the adoption of Ordinance 2021:16

Resolution 2021:175 Update Employee Handbook

WHEREAS, the Borough of Lindenwold is a member of the Camden County Municipal Joint Insurance Fund, and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund("MEL") developed a new Model Employee Handbook and Personnel Policies and Procedures Manual, and

WHEREAS, there is a requirement that the Employee Handbook be adopted prior to November 1, and

WHEREAS, the new version of the Model Employee Handbook streamlines the previous handbook to remove unnecessary polices no longer required by law, and

WHEREAS, the following items were updated and/or added:

Protection and Safe Treatment of Minors, Domestic Violence Policy, HIPAA Compliance,

Donated Leave Program, Changing Vital Information, Employee Dating, Security, State

Residency Requirement, Drug and Alcohol Free Workplace Policy and CDL Drug and Alcohol

Testing Policy

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold to adopt the new Model Employee Handbook as recommended by the Municipal Excess Liability Joint Insurance Fund("MEL") and reviewed by the Borough Solicitor.

Resolution 2021:176 Chapter 159 for SFY21 Body-Worn Camera Grant

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 equal amount, and

WHEREAS, the Borough of Lindenwold will receive \$85,596.00 from the New Jersey Department of Law and Public Safety Office of the Attorney General and wishes to amend its 2021 Budget to include this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$85,596.00 which is now available as a revenue from Award Number 21-BWC-229, and

BE IT FURTHER RESOLVED that a like sum of \$85,596.00 and the same is hereby appropriated under the caption of: SFY21 Body-Worn Camera Grant

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to the Director of Local Government Services for certification.

Resolution 2021:177 Property Maintenance Liens

WHEREAS, the following properties in the Borough of Lindenwold had property maintenance work done by the Lindenwold Public Works for Code Compliance and/or Police Department, and

WHEREAS, a lien should be put on the following properties for the cost of performing this work:

Invoice Date	Block	Lot	Address	Amount
10/12/21	229.02	8	229 Countiss Ave.(yard)	\$206.00
10/12/21	48	57	812 Myrtle Ave.(yard)	\$206.00
10/12/21	94	9	433 E. Maple Ave.(yard)	\$206.00
10/12/21	84	5.01	400 Cedar Ave.(yard)	\$228.00
10/12/21	84	5.01	400 Cedar Ave.(trash)	\$228.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that a lien be put on these properties.

Resolution 2021:178 Vehicles through Shared Service with Enterprise

18. Engineer's Report
19. Open to Council
20. Open to Public
21. Adjournment

#### **ORDINANCE 2021:15**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS FOR THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,180,800 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,071,760 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**BE IT ORDAINED** by the Borough Council of the Borough of Lindenwold, County of Camden, 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 purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Lindenwold, County of Camden, New Jersey ("Borough").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$2,180,800;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,071,800; and
- (c) a down payment in the amount of \$109,040 for the purposes 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 \$2,071,800, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$109,040, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Borough in an amount not to exceed \$2,180,800 to finance the costs of the purposes 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 purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$2,180,800 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 \$436,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<b><u>Purpose/Improvement</u></b>	<b><u>Estimated Total Cost</u></b>	<b><u>Down Payment</u></b>	<b><u>Amount of Obligations</u></b>	<b><u>Period of Usefulness</u></b>
A.	Acquisition of Various Replacement Equipment for the Public Works Department including, but not limited to, a Dump Truck with Plow and Spreader, Mack Rear Load Trash Truck, a Street Sweeper, a Loader and Fuel System, together with the acquisition of	\$1,475,000	\$73,750	\$1,401,250	15 years

all materials and equipment and completion of all work necessary therefor or related thereto

B.	Various Improvements to Municipal Buildings including, but not limited to, Construction of a Parking Lot, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	85,800	4,290	81,510	15 years
C.	Various Improvements to Municipal Buildings including, but not limited to, Acquisition and Installation of Generator for the Police Department Building, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	500,000	25,000	475,000	20 years
D.	Reconstruction and/or Repaving of Various Borough Roads, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	120,000	6,000	114,000	10 years
<b>TOTALS</b>		<b>\$2,180,800</b>	<b>\$109,040</b>	<b>\$2,071,760</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 15.87 years.

**Section 9.** 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 purposes described in Section 7 above.

**Section 10.** 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 Borough, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$2,190,800 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 11.** The full faith and credit of the Borough 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 Borough shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 12.** The applicable Capital Budget of the Borough 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 applicable 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 13.** The Borough 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 Borough prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The Borough 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 15.** The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 16.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 17.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

ORDINANCE 2021-16

**AN ORDINANCE OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN, NEW JERSEY, APPROPRIATING \$903,446 FOR THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT AND COMPLETION OF VARIOUS SEWER UTILITY IMPROVEMENTS IN AND FOR THE BOROUGH**

**BE IT ORDAINED** by the Borough Council of the Borough of Lindenwold, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

**Section 1.** There is hereby appropriated the sum of \$903,446 (which amount represents funds received by the Borough of Lindenwold ("Borough") from the Federal government pursuant to the American Rescue Plan Act of 2021) for the acquisition of various pieces of equipment and completion of various sewer utility improvements in and for the Borough including, but not limited to, various upgrades to the Borough's Pump Station #6, together with the acquisition of all materials and equipment and completion of all work necessary therefor and related thereto (the "Project").

**Section 2.** It is hereby determined and stated that the Project set forth in Section 1 is a general capital improvement and is not a current expense of the Borough.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Borough Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

ORDINANCE 2021-17

An Ordinance Amending Chapter 220 Parking of The Borough Of Lindenwold Codes

WHEREAS, the municipal governing body of the Borough of Lindenwold wishes to ensure consistency in its provisions, and

WHEREAS, an update in Section 14 regarding the parking of dumpsters and storage containers of Chapter 220 has been recommended for the efficiency of the functions for the Borough of Lindenwold.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, as follows:

**§ 220-14 Parking of Dumpsters and Storage Containers.**

In the event that it is physically impossible to park a dumpster or storage container off street, an application for a temporary on-street parking permit may be made to the Borough's Construction Official and/or Designee who shall issue the permit if he/she concurs with the impossibility of off-street parking. The permit shall be valid for a period of 10 days.

Addition of:

- A. Permit valid for 10 days
- B. Must be approved prior to placement
- C. If over 10 days, application for extension must be submitted prior to the expiration of the existing permit. Maximum of two extensions are permitted.
- D. Off street parking of Dumpster & Storage Containers limited to a maximum of 30 days

This ordinance shall take effect upon proper passage and publication according to law.

Ordinance 2021-18 Amending Chapter 150 Of The Borough Of Lindenwold Fee Schedule

WHEREAS, the Municipal Governing Body of the Borough of Lindenwold wishes to ensure consistency in its provisions, and



WHEREAS, an update in the fee schedule has been recommended for the efficiency of the functions for the Borough of Lindenwold.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Municipal Governing Body of the Borough of Lindenwold, as follows:

§ 150-4 Mercantile

**B. Inspection fee new business/change of ownership:**

[Amended 12-27-2017 by Ord. No. 2017-22]

(1) Initial inspection fee: \$125.

(2) First reinspection: No fee.

(3) Second reinspection and thereafter: \$75.

(4) Administration fee to be assessed for any change of inspection date more than once and that fee must be paid before a change is made: \$20

Ordinance 2021-19

An Ordinance Amending Chapter 75 Regulating Animals in the Borough of Lindenwold

WHEREAS, the Municipal Governing Body of the Borough of Lindenwold wishes to take steps consistent with the State of New Jersey programs to promote going green, saving money and sustaining the quality of life in the long term, and

WHEREAS, there has been a growing request to adopt one of these initiatives by allowing backyard chickens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, as follows:

§ 75-17 Certain Animals prohibited

No person or entity shall keep any goats, sheep, horses, pigs, swine, cattle, poultry or fowl any kind in the Borough of Lindenwold with the exception of backyard chickens as defined under Article V

Article V Backyard Chickens

§ 75-26 Eligibility; Restrictions; Coops and Runs

A. Residents of single-family homes which meet the criteria set forth in this section shall be eligible to keep backyard chickens

B. There shall be a limit of six hens per residence. Roosters are prohibited.

C. The coop and run, located in the backyard, shall not exceed 100 square feet and shall be located no closer than 20 feet from the windows and/or doors of the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Hens may temporarily "free range" outside of the coop in a suitably contained area provided that an adult, age 18 or older, is present the entire time. A predator-proof run must be attached to the coop and must also be 20 feet from the habitable portion of the neighboring residential dwelling.

D. Chickens, chicken coops and enclosed chicken runs are permitted only in the rear yard of any eligible property as defined in Chapter 365-16 R-1, R-1A, R-2.

§ 75-27 Requirements for Coops; slaughter of chickens; waste

Participant shall comply with the following regulations and conditions for keeping and housing of hens:

A. The coop shall be suitable in size to house the number of hens subject to this program(which is no more than 6)

B. The coop shall be dry and well ventilated with windows to admit sunlight.

C. The coop must be kept clean.

D. The coop and enclosed run must be made predator-proof.

E. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.

F. The yard in the area where the coop is located shall be clean and free from odors.

G. There shall be no slaughter of chickens in the Borough of Lindenwold

H. Waste will be handled by the participant to prevent offensive odors or disposed in an environmentally friendly manner.

I. There shall be no selling of eggs.

§ 75-28 **Enforcement.**

Code enforcement personnel, Camden County Health Department personnel, animal control officers any police officer of the Borough of Lindenwold, and any designee thereof are hereby given full power and authority to enforce this article and investigate any complaints

§ 75-29 **Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties as set forth in Chapter 1, § 1-1, of this Code.