

AGENDA  
COUNCIL BUSINESS MEETING  
November 10, 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: 182 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 and Personnel

6. Invocation

7. Oath of Office

8. Recognition of Service

9. Approval of Minutes: Council Meeting and Executive Session for October 13, 2021

10. Payment of Bills

11. 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
- c. Treasurer's Report

b. Sewer Report

12. Second Reading Ordinance 2021-18 Amend Chapter 105, Mercantile Fee

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

14. First Reading Ordinance 2021-20 Amend Chapter 238, Article IV Foreclosure

15. 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 2021:183-198

Resolution 2021:183 Safe and Secure

BE IT RESOLVED by the Borough of Lindenwold Mayor and Council of Lindenwold, , in the County of Camden, and State of New Jersey, as follows:

1. The Borough of Lindenwold is authorized to accept a subaward grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, in the amount of \$48,600.00, under the Safe and Secure Communities Program, Grant No. 22-0422, with a Match - Fringe Benefits, for a total program cost of \$48,600
2. Mayor Richard E. Roach, Jr. and Chief Michael McCarthy, Jr. are authorized to execute and the Borough Clerk to attest to a Subgrant Award in connection with this grant, and any and all documents in connection with this grant
3. The Borough of Lindenwold is accepting this grant of funds for the purpose described in the application.
4. Subaward Period: March 14, 2022 to March 13, 2023.

5. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- a. Mayor Richard E. Roach, Jr.
- b. Borough Council
- c. Business Administrator/CMFO
- d. Police Department, Attention: Chief Michael McCarthy, Jr.
- e. State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
PO Box 080  
Trenton, NJ 08625-0080

Resolution 2021:184 Authorizing the purchase 25 - Litter Containers

**Whereas**, the Borough of Lindenwold under Resolution 2021:59 authorized the participation in Sourcewell Co-op previously known as National Joint Powers Alliance, and

**Whereas**, the Borough of Lindenwold, pursuant to N.J.S.A. 52:34-6.2 (B) (3) may, by Resolution and without advertising for bids, purchase any goods or services through Sourcewell, and

**Whereas**, the Borough of Lindenwold desires to purchase of 25 - Litter Containers with all needed attachments through the Sourcewell contract # 041521-TOT

**Whereas**, Toter LLC, has been awarded the contract for the of 25 - Litter Containers with all needed attachments; and

**Whereas**, the Mayor and Council of the Borough of Lindenwold recommend the utilization of this contract on the grounds as the best means available to obtain the equipment; and

**Whereas**, the 25 - Litter Containers with all needed attachments shall not exceed the amount of \$12,493.60; and

**Whereas**, funding for this resolution is available by the 2021 Clean Communities Grant;

**Now, Therefore, Be It Resolved** by the mayor and the Borough of Lindenwold, County of Camden and State of New Jersey as follows:

1. The Borough of Lindenwold hereby authorizes the purchase of 25 - Litter Containers with all needed attachments from Toter LLC through Sourcewell # 041521-TOT.
2. The total fee also authorized for this contract shall not exceed \$12,493.60 without prior written approval from the Borough Council.
3. The Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this resolution.
4. A copy of this resolution shall be provided to the Borough Treasurer, Toter LLC for their information and guidance
5. .

Resolution 2021:185 Rescind License Approval

**WHEREAS**, the Borough of Lindenwold approved the renewal for the pocket liquor license for Topica LLC, #0422-33-009-005, under Resolution 2021:128 on July 28, 2021, and

**WHEREAS**, a special ruling is required by the New Jersey Alcohol Beverage Commission for this inactive license to be approved for the term of 2021-2022.

**THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Lindenwold that the approval for the liquor license for the term of 2021-2022 for Topica LLC, #0422-33-009-005 be rescinded.

Resolution 2021:186 Modification to Repaving of Elm Avenue

**WHEREAS**, the Borough of Lindenwold applied to the New Jersey Department of Transportation for the 2021 Municipal Aid Program, and

**WHEREAS**, The Borough of Lindenwold formally authorized Remington & Vernick Engineers to prepare the application, and

**WHEREAS**, The Borough of Lindenwold has been awarded funding under the NJDOT 2021 Municipal Aid Program, and

**WHEREAS**, Remington and Vernick submitted the proposal for the estimated cost of services and construction for this project, and

**WHEREAS**, the Borough of Lindenwold accepted Remington and Vernick proposal for the Repaving of Elm Avenue under Resolution 2020:78 on January 22, 2020 for Linden Town Phase II, and

**WHEREAS**, there is a need to modify the project scope/limits for this project to Elm Avenue up to and including Holland Street, Elm Avenue and Myrtle Avenue to station 26+79.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Lindenwold authorize Remington and Vernick to modify the project scope/limits.

Resolution 2021:187 Temporary Parking

WHEREAS, there is a need in the Borough of Lindenwold to institute traffic restrictions on December 3, 2021 from 6:00pm until 8:00pm, and

WHEREAS, THE Borough of Lindenwold has the authority to close roads necessary under Title 39:4-94.2 in addition to parking restrictions as per Chapter 220 Section 17 of the Code of the Borough of Lindenwold, and

WHEREAS, the Police Department has authorized parking to be prohibited along the even numbered residences of West Linden for December 3, 2021 from 6:00pm to 8:00pm as well as the closing of any streets for the Lindenwold Christmas Parade route from Chews Landing Road to West Park Ave to East Atlantic Ave to West Linden Ave ending at the Lindenwold Library on East Linden Ave.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold approves the traffic restrictions as submitted by the Lindenwold Police Department.

Resolution 2021:188 Participate with Camden County for Sodium Chloride

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 Borough of Lindenwold participated with the County of Camden hereinafter referred to as the Lead Agency originally offered voluntary participation in a Cooperative Pricing System for Sodium Chloride and Pre-treated Liquid Enhanced Sodium Chloride as awarded to various vendors as listed under the Camden County Cooperative Pricing System #57-CCCPS for the first year with an option to renew in the second year, and

WHEREAS, Camden County Board of Chosen Freeholders has authorized the second year option, and

WHEREAS, Atlantic Salt, Inc. was the lowest responsible bidder for Sodium Chloride at the price of \$48.85 per ton for the second year, and

WHEREAS, Atlantic Salt, Inc. was the lowest responsible bidder for Pre-treated Liquid Enhanced Sodium Chloride at the price of \$62.85 per ton for the second year.

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 2021:189 Permanent Sewer Appointment

WHEREAS, the Borough of Lindenwold under Civil Service guidelines provisionally appointed the position of Sewer Superintendent to Anthony Pizzo who possessed all the required licenses and

WHEREAS, Civil Service has Certified this appointment, and

WHEREAS, it is the procedure of the Borough of Lindenwold to promote employees by resolution, and

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Anthony Pizzo be permanently appointed to the position of Sewer Superintendent.

Resolution 2021:190 Purchase Street Sweeper

**Whereas**, the Borough of Lindenwold, pursuant to N.J.S.A. 52:34-6.2 (B) (3) may, by Resolution and without advertising for bids, purchase any goods or services through Sourcwell, and

**Whereas**, the Borough of Lindenwold desires to purchase of a Schwarze A4 Storm Street Sweeper with all needed attachments through the Sourcwell contract # 122017-SWZ

**Whereas** Schwarze Industries has been awarded the contract for the Schwarze A4 Storm Street Sweeper with all needed attachments; and

**Whereas**, the Mayor and Council of the Borough of Lindenwold recommend the utilization of this contract on the grounds as the best means available to obtain the equipment; and

**Whereas**, the Schwarze A4 Storm Street Sweeper with all needed attachments shall not exceed the amount of \$192,855.00; and

**Whereas**, funding for this resolution is available by a Capital Bond Ordinance 2021-15; and

**Now, Therefore, Be It Resolved** by the mayor and the Borough of Lindenwold, County of Camden and State of New Jersey as follows:

1. The Borough of Lindenwold hereby authorizes the purchase of a Schwarze A4 Storm Street Sweeper with all needed attachments from Schwarze Industries through Sourcewell #122017-SWZ.
2. The total fee also authorized for this contract shall not exceed \$192,855.00 without prior written approval from the Borough Council.
3. The Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this resolution.
4. A copy of this resolution shall be provided to the Borough Treasurer and Schwarze Industries for their information and guidance.

Resolution 2021:191 Fuel Tanks

WHEREAS, the Borough of Lindenwold has a need to purchase of goods, products and services under the New Jersey State Contract; and

WHEREAS, as part of that process, the Borough of Lindenwold has determined a need for services from E.O. Habegger Co. Inc. based on Proposals #1012402 and 1012421; and

WHEREAS, the State of New Jersey has issued Change Order #9 to extend the expiration date for this State Contract #42312 until August 28, 2022; and

WHEREAS, funds will be available under the Capital Bond Ordinance 2021-15 with a Certification of Funds being provided below.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Lindenwold Borough Council, County of Camden, and State of New Jersey that based on the statements set forth in the Preamble hereinabove it hereby authorizes the acceptance of services for the services regarding the fuel tanks for the Borough of Lindenwold; and

BE IT FURTHER RESOLVED this resolution shall take effect immediately upon adoption.

Resolution 2021:192 Award for Police Generator

WHEREAS, the Borough Clerk did advertise for and receive bids on October 28, 2021 at 2:00 p.m. for the Police Building Generator Project, and

WHEREAS, the Certificate as to Availability of Funds is annexed hereto, and

WHEREAS, Addendum A is a list of the bidders, and

WHEREAS, Environmental Resolutions, Inc. has recommended that the contract for the Police Building Generator Project be awarded to Lee-Way Electrical, LLC, lowest responsive bidder for Base Bid with the amount of \$396,000.00. 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 Police Building Generator Project be awarded to Lee-Way Electrical, LLC, 105 Morris Ave., Landisville, NJ 08326 lowest responsive bidder for Base Bid with the amount of \$396,000.00. 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 General Capital
3. This resolution shall take effect immediately.

Resolution 2021:193 Authorizing Leasing From Enterprise Fleet

WHEREAS, the Borough of Lindenwold participates in the Cooperative Purchasing Program with the National Intergovernmental Purchasing Alliance Co. and administered by Sourcewell for the purchase of goods, products and services; and

WHEREAS, it is necessary for the Borough of Lindenwold to execute a contract with Enterprise Fleet Management to place an order for (6) - 2022 Ford F-150 Police Responders as there is a significant time lag in production; and

WHEREAS, the Borough of Lindenwold received the following proposals P372236 for the leasing and management program with an amount not to exceed \$291,697.38 with the equity lease agreement made payable over a period of five years according to the following schedule.

P372236 – (6) 2022 Ford F-150 Police Responder XL 4x4

Year 1 - \$80,160.28, Year 2 - \$52,884.28, Year 3 - \$52,884.28, Year 4 - \$52,884.28,

Year 5 - \$52,884.26.

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to execute the Contract for fleet management and leasing subject to submission of documentation and Notice as required by New Jersey Law.

BE IT FURTHER RESOLVED this resolution shall take effect immediately upon adoption.

Resolution 2021:194 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
10/25/2021	119	3	115 S. White Horse Pk(trash)	\$ 228.00
Vacant Properties(grass)				
11/5/2021	299.05	4	216 Aman Ave.	\$1,100.00
11/5/2021	34	3	829 Walnut Ave.	\$ 815.00
11/5/2021	45	10	926 Elm Ave. E.	\$1,010.00
11/5/2021	48	50	104 Holland St.	\$1,100.00
11/5/2021	50	12	113 Holland St.	\$1,100.00
11/5/2021	55	24	352 Roosevelt Ave.	\$1,140.00
11/5/2021	104	3	502 Berlin Rd.	\$1,100.00
11/5/2021	110	1.02	419 White Horse Pk. N.	\$ 850.00
11/5/2021	122	8	112 White Horse Pik. N.	\$1,150.00
11/5/2021	133	2	505 Irving St.	\$1,100.00
11/5/2021	133	3	211 Charles St.	\$1,100.00
11/5/2021	165	7.03	100 Park Ave. W.	\$ 900.00
11/5/2021	170	7.01	74 Carver Ave.	\$1,100.00
11/5/2021	186	9	612 Scott Ave.	\$1,290.00
11/5/2021	224	8.01	520 Tenth Ave.	\$1,050.00
11/5/2021	229	12	614 Sixth Ave. W.	\$ 800.00
11/5/2021	238.02	2	737 Bentley Rd.	\$ 850.00
11/5/2021	240	34	311 Blackwood Rd.	\$ 965.00
11/5/2021	242	2.01	43 Blackwood Rd.	\$ 925.00
11/5/2021	289	1.01	2201 White Horse Pk. S.	\$1,100.00
11/5/2021	291	1.01	2219 Brighton Ave.	\$1,100.00
11/5/2021	299.01	2	14 United States Ave.	\$1,000.00
11/5/2021	299.01	21	2126 Brighton Ave.	\$ 710.00

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

Resolution 2021:195 Contract with Camden County for Paper

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 originally offered voluntary participation in a Cooperative Pricing System for copy, computer paper and envelopes as awarded to the vendor, W.B. Mason, for a term commencing on November 1, 2021 through April 30, 2022 with the option of an additional six months extension.

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 2021:196 Insertion of Special Item of Revenue

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 \$350,768 from the New Jersey Department of Transportation 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 \$350,768 which is now available as a revenue from the State of New Jersey, and

BE IT FURTHER RESOLVED that a like sum of \$350,768 and the same is hereby appropriated under the caption of:

**New Jersey Transportation Trust Fund  
Reconstruction of Cooper Avenue**

BE IT FURTHER RESOLVED that the Borough Clerk forward a copy of this resolution to the Director of Local Government Services for certification.

**Resolution 2021:197 Budget Transfers**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the following transfers be made to the 2021 Budget in accordance with N.J.S 40A:4-58:

	<u>From</u>	<u>To</u>
<b><u>General Fund</u></b>		
Police S&W	50,000.00	
Compliance OE	11,000.00	
Construction S&W		2,000.00
Legal OE		50,000.00
Telephone and Telegraph OE		2,000.00
Water OE		2,000.00
Streets and Roads OE		5,000.00
Total	61,000.00	61,000.00

**Resolution 2021:198 Cancel Outstanding Checks**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the following outstanding checks be cancelled:

**Republic Bank**

<b>Check Date</b>	<b>Check#</b>	<b>Amount</b>	<b>Payee</b>
<b><u>Sewer Utility - #1365002</u></b>			
5/10/2017	7910	\$42.76	Staples
1/25/2018	8035	\$81.01	Staples
1/29/2018	8039	\$200.00	Treasurer, State of NJ
7/11/2019	8289	\$72.74	Grainger
3/12/2020	8413	\$30.19	South Jersey Gas

**General Account - #1364979**

2/20/2018	39361	\$80.74	Pitney Bowes
4/26/2018	39842	\$225.00	United States Postal Service
5/10/2018	39873	\$157.96	Ed's Rental
9/12/2018	40310	\$39.09	Staples
11/7/2018	40440	\$118.50	Blackwood Animal Hospital
4/10/2019	40995	\$95.41	Sosmetal Products, Inc.
6/13/2019	41174	\$29.99	Staples
6/21/2019	41196	\$2,500.00	CivicPlus
8/14/2019	41424	\$75.00	The Little Tuna

**Municipal Court - Bail Account #1365053**

12/19/2019	1337	\$150.00	Jonathan Gropper
12/19/2019	1339	\$150.00	Malik Sullivan
10/26/2020	1369	\$50.00	Dominique Carabello

**Municipal Court - General Account #1365061**

11/7/2019

957

\$30.00

Kwesi Robertson

16. Best Practice's Checklist

17. Engineer's Report

18. Open to Council

19. Open to Public

20. Open to Council

21. Adjournment

**Ordinance 2021-18**

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.

**ORDINANCE 2021-20**

**AN ORDINANCE ADDING TO THE EXISTING LINDENWOLD CODE REGARDING FORECLOSED PROPERTIES**

**WHEREAS**, the municipal governing body of the Borough of Lindenwold wishes to regulate foreclosed properties in the Borough of Lindenwold, and

**WHEREAS**, under the State of New Jersey, the Borough of Lindenwold has the authority to regulate such properties.

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

**Statutory authority.**

- A. N.J.S.A 40:48-2 provides in relevant part that a municipality may make and enforce such ordinances, rules and regulations not contrary to the laws of this State or of the United States as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.
- B. N.J.S.A 46:10B-51(a) provides in relevant part that a creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in this state shall within 10 days of serving the summons and complaint notify the municipal clerk of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The notice may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. The notice shall also include the street address, lot and block number of the property and the full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor.
- C. N.J.S.A 46:10B-51(b) provides in relevant part that if the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable state or local code, the appropriate local municipal official shall notify the creditor of the nuisance or violation. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by state law or municipal ordinance.



- D. N.J.S.A. 46:10B-51( c) provides in relevant part that if the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations where the creditor was given notice pursuant to the aforesaid statute but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property including, but not limited to, the recourse provided under N.J.S.A. 55:19-100.E. N.J.S.A. 46:10B-51.1 provides in relevant part that the owner of any non-owner occupied residential property who takes title to the property as the result of a sheriff's sale or deed in lieu of foreclosure, other than an owner who has previously provided notice to the municipality pursuant to N.J.S.A. 46:10B-51, shall provide notice, within 10 business days, to the municipal clerk of the municipality wherein the property is located providing the name and address of the owner. If the owner is not located within New Jersey, then the owner shall designate an agent within New Jersey, including the agent's address, who is authorized to accept service of process on behalf of the property owner.
- F. N.J.S.A. 55:19-100 provides in relevant part that with respect to any lien placed against any real property pursuant to the provisions of N.J.S.A.40:48-2.3 or N.J.S.A. 40:48-2.3a or N.J.S.A. 40:48-2.5 or any receiver's lien pursuant to N.J.S.A. 2A:42-114 et seq., the municipality shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a ten-percent interest or greater if the owner is any other business organization entity recognized pursuant to law.

### **Findings and purpose.**

- A. The governing body of the municipality finds and declares that residential properties with pending foreclosure proceedings typically become vacant. These vacant properties if not maintained rapidly become eyesores with unkempt lawns and overgrown vegetation, broken doors and windows, and deteriorating structures. These properties create a wide range of negative secondary effects in the neighborhoods where they are located in that they foster criminal activity, create public health problems, and otherwise diminish the quality of life for residents and business operators located in those areas.
- B. The governing body of the municipality finds and declares that residential properties with pending foreclosure proceedings which have become vacant typically are not maintained by the creditor who has filed the foreclosure proceedings. These vacant properties deteriorate by neglect and diminish property values of neighboring properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability and revitalization.
- C. The governing body of the municipality finds and declares that there are vacant residential properties located within the community that constitute a nuisance which require the abatement or removal of the nuisance by summary proceedings. Where a creditor has filed a summons and complaint for the foreclosure of a mortgage on a residential property that is vacant, the creditor is responsible for the abatement or removal of the nuisance.
- D. The governing body of the municipality finds and declares that there are vacant residential properties located within the community that have violations of the Property Maintenance Code which require affirmative action to correct the violation to protect the public health, safety and welfare. Where a creditor has filed a summons and complaint for the foreclosure of a mortgage on a residential property that is vacant, the creditor is responsible for the correction of the violation of the property Maintenance Code.
- E. It is the purpose and intent of these regulations to require the registration of residential properties where a creditor has filed a summons and complaint for the foreclosure of a mortgage on the property so that the municipality can identify these properties, inspect the structures, monitor the condition of the properties, insure that the properties are maintained, and have a data base of information to contact and provide legal notice to the creditor.

### **Definitions.**

As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended. Any words not defined herein shall have the meaning given in Webster's Unabridged Dictionary.

### **CREDITOR**

A state chartered bank, savings bank, saving and loan association or credit union, any person required to be licensed under the provisions of the New Jersey Licensed Lenders Act, \_\_\_ and any entity acting on behalf of the creditor named in the debt obligations, including , but not limited to, servicers.

### **IMMEDIATE FAMILY MEMBER**

Grandfather, grandmother, father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle or aunt.

## **RESIDENTIAL PROPERTY**

All real properties used, designated, or zoned as a residential property or residential dwelling.

## **VACANT PROPERTY**

Any building used, or to be used, which is not legally occupied or at which substantially all lawful construction, operation, or occupancy has ceased; provided, however, that any property that contains all building systems in working order, is fully compliant with property maintenance codes, and is being actively marketed by its owner for sale or rental shall not be deemed vacant. Property determined to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this article.

## **Property Maintenance Code.**

The Property Maintenance Code of the municipality is hereby made applicable to all residential properties where a creditor has filed a summons and complaint for the foreclosure of a mortgage, or has already obtained a judgment of foreclosure.

## **Registration.**

- A. A creditor filing a summons and complaint to foreclose a mortgage on a residential property within the municipality, or any creditor that has obtained a judgment of foreclosure, must register the dwelling with the municipality through the Lindenwold Construction Office within ten (10) days from the date when the complaint was filed with the court, or within ten (10) days of the enactment of the Ordinance, in the event a judgment has already been entered by the court.
- B. The registration form shall include the full name and contact information of an individual located within the State of New Jersey who is authorized to accept service on behalf of the creditor. The registration form shall be accompanied with a registration fee as listed in the Borough Fee Schedule Chapter 150, Section 49 for each dwelling. There shall be no proration of fees paid during the course of the year. Registration forms shall be available at the Lindenwold Construction Office. Registrants shall mail the completed and executed form to the Lindenwold Construction Office along with a check made payable to the municipality. A registration form is required for each house, townhouse, condominium, or duplex that is the subject of a foreclosure action. Registration and payment of the fee under this Ordinance, shall fulfill the owner’s obligations under Article III, Chapter 238 of the Lindenwold Code.
- C. The registration fee covers the cost of administering the program and up to two inspection of the residential dwelling. Thereafter, an inspection fee as listed in the Borough Fee Schedule Chapter 150, Section 49D shall apply to subsequent inspections during the year. One of the purposes for the initial inspection is to establish a baseline condition for the subject property.
- D. Property registration shall be renewed every 12 months. The renewal form shall be due on the anniversary date following the original registration date. Failure to register a property on a timely basis shall result in the assessment of civil penalties. It shall be the responsibility of the registrant to notify the Lindenwold Construction Office in writing whenever there is a change in the contact information of the registrant.

## **Responsible party.**

- A. The homeowner in possession of the subject property is the responsible party for the upkeep of the property.
- B. If a residential property becomes vacant at any point subsequent to the filing of the summons and complaint but prior to vesting of the title in the creditor, the creditor is the responsible party for the upkeep of the property. The creditor shall be responsible for the care, maintenance, security, and upkeep of the exterior and interior of the vacant property.
- C. If in the event a creditor is not located in the State of New Jersey, the creditor must appoint an in-state representative or agent to act for the foreclosing creditor. An out-of- state creditor shall provide the Borough of Lindenwold with the full name, and contact information, including address, telephone number, cell phone number, email and email address, of the in-state representative of the foreclosing creditor. The in-state-representative/agent information shall be provided to the Lindenwold Construction Office within 30 days of the filing of a summons and complaint in a foreclosure action, or within 10 days of the date of the enactment of this Ordinance in the event a foreclosure judgment has already been obtained by the creditor.

## **Inspections.**

Once a home is registered, the Lindenwold Construction Office shall send an inspector to the property to determine whether there are any violations of the Property Maintenance Code. After the inspection, a letter shall be sent to the responsible party indicting what problems must be remedied. The letter shall state the time period for the completion of the work. A reinspection of the property shall take place at the end of that time period to determine whether compliance has occurred. A vacant property, as defined in this ordinance shall be subject to additional inspections by the Lindenwold Construction Office, which shall occur at least once per year, at the discretion of the Construction Official. The charge for any such reinspection shall be listed in Chapter 150, Section 49D.

**Violations and penalties.**

- A. It shall be unlawful for any person to be in conflict with, or in violation of, any of the provisions of this chapter, or the Municipal Property Maintenance Code.
- B. The construction office of the Borough of Lindenwold shall issue a notice of any violation pursuant to this chapter, or any violation of the Lindenwold Property Maintenance Code under the same procedures as set forth in the Municipal Property Maintenance Code. If the creditor has violated this Ordinance, or the Property Maintenance Code by failing to provide for the care, maintenance, security, and upkeep of the exterior or interior of the property, or any other violation of the property code, the creditor shall be permitted 30 days from their receipt of the notice to correct the violation, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- C. Any person who shall violate the regulations contained herein shall be subject to fines and penalties as listed in Chapter 1, Section 1 of the Lindenwold Borough Code. Each day a violation continues shall be construed as a separate offense.

**Assessment of lien.**

If the municipality expends public funds in order to abate a nuisance or correct a violation of the Property Maintenance Code on a residential property in situations in which the creditor was given notice pursuant to this article, but failed to abate the nuisance or correct the violations as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property. The municipality may assess a lien against the subject property for the moneys expended by the municipality. The lien may be enforced and collected in the same manner as real estate taxes are enforced and collected.

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