

AGENDA
COUNCIL BUSINESS MEETING
March 23, 2022

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 2022:91 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. Resolution 2022:92 Promote Captain Cavallaro to Deputy Police Chief

Whereas, a vacancy exists in the Borough of Lindenwold Police Department in the position of Deputy Police Chief; and

Whereas, a list of eligible candidates for appointment to the position of Deputy Police Chief is not available; and,

Whereas, the Police Chief recommends that Police Captain Michael Cavallaro be provisionally promoted the position of Deputy Police Chief, effective March 23, 2022.

Now, therefore, Be it Resolved, by the Mayor and Council of the Borough of Lindenwold, County of Camden, State of New Jersey that Police Captain Michael Cavallaro is hereby provisionally promoted to the position of Deputy Police Chief of the Lindenwold Police Department effective, March 23, 2022 at the annual salary in effect for that position, and

Be it Further Resolved, that this promotion is subject to the approval of the Civil Service Commission.

7. Oath of Office for Deputy Police Chief

8. Resolution 2022:93 Promote Lt. Mastalski to Captain

Whereas, a vacancy exists in the Borough of Lindenwold Police Department in the position of Police Captain; and

Whereas, the Civil Service Commission has not promulgated a list of eligible candidates for appointment to the position of Police Captain; and,

Whereas, the Police Chief recommends that Police Lieutenant Justin Mastalski be provisionally promoted the position of Police Captain, effective March 23, 2022.

Now, therefore, Be it Resolved, by the Mayor and Council of the Borough of Lindenwold, County of Camden, State of New Jersey that Police Lieutenant Justin Mastalski is hereby provisionally promoted to the position of Captain of the Lindenwold Police Department effective, March 23, 2022 at the annual salary in effect for that position, and

Be it Further Resolved, that Justin Mastalski recognizes that this is a provisional promotion and that if he is not selected, for any reason, to be promoted to the position of Captain once the Civil Service Commission promulgates a list of eligible candidates for promotion to the position of Captain he shall be returned to his permanent title of Police Lieutenant; and

Be it Further Resolved, that this promotion is subject to the approval of the Civil Service Commission.

9. Oath of Office for Captain

10. Second Reading Ordinance 2022-05 An Ordinance Amending Chapter 199, Article III Licensing Procedures of the Borough of Lindenwold Mercantile Licenses

11. Second Reading Ordinance 2022-06 Amending Chapter 150 Fee Schedule

12. First Reading Ordinance 2022-07

Ordinance Amending Chapter 296 Streets and Sidewalks Of The Code of the Borough of Lindenwold

13. 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 2022:94-96

Resolution 2022:94 Authorization for an Engineering Study

WHEREAS, the Borough of Lindenwold awarded Engineering Services to Remington & Vernick under Resolution 2022:15; and

WHEREAS, there is a need for the Borough of Lindenwold to authorize Remington & Vernick Engineers to conduct an engineering study of an area of concern located in the Borough of Lindenwold.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Governing Body of the Borough of Lindenwold to authorize Remington & Vernick to conduct an engineering study of an area of concern located in the Borough of Lindenwold.

Resolution 2022:95 Property Maintenance Lien

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
3/16/2022	201	14.03	424 Ninth Ave.(trash)	\$189.00
3/21/2022	174	1	703 W. Park Ave.(trash)	\$328.00

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

Resolution 2022:96 Refund Escrow

WHEREAS, Boshir Ahmen submitted an escrow of \$700.00 for 924 Aston Martin Drive, and

WHEREAS, the work was performed with a satisfactory inspection for the concrete work, 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 Boshir Ahmen as the job was been completed and inspected.

14. Open to Council

15. Open to Public

16. Open to Council

17. Adjournment

ORDINANCE 2022-05

An Ordinance Amending Chapter 199, Article III Licensing Procedures of the Borough of Lindenwold Mercantile Licenses

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

WHEREAS, the Borough of Lindenwold wishes to ensure the safety of its residents regarding individuals/companies wishing to register as transportation other than a taxi company, and

WHEREAS, the Borough of Lindenwold wishes to add these types of businesses under its regulations of Mercantile Licenses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, to add another section of its Mercantile Licenses regarding the licensing of limousines or other types of transporting services other than taxi company as follows:

Add: Limousine or other type of transportation service

A. Anyone operating a limousine or other type of transportation service other than a registered taxi cab within the Borough of Lindenwold shall be subject to the requirements of this section.

B. Persons covered by this section shall be required to obtain a mercantile license from the Borough prior to engaging in any commercial activity within the Borough.

C. The mercantile license shall be issued to a qualifying individual by the assigned municipal employee following the submission of an application, payment of the appropriate fee and a clean background investigation.

D. No mercantile license shall be issued to an individual not legally residing in the United States or who has been convicted of a crime of moral turpitude or who does not have valid driving privileges in the State of New Jersey.

E. The applicant for a mercantile license must, as part of the application, provide proof of business and vehicle(s) licensed for transportation with the State of New Jersey and completed all guidelines under N.J.S.A. 48:16--22 including proof of insurance on the vehicle(s) to be used by the applicant with a minimum liability coverage of \$1,500,000,000 listing the Borough of Lindenwold as Certificate Holder along with a copy of New Jersey vehicle(s) registration and licensed for transportation by the State of New Jersey.

F. Every applicant for a mercantile license hereunder shall set forth the full name and address of the applicant, his or her date of birth, whether or not he or she is a legal resident of the United States, and whether or not he or she has ever been convicted of a crime and, if so, the crime convicted of, the place and date of conviction and the punishment thereof. Such applicant shall provide a valid driver's license from the State of New Jersey. This section also applies to any other person who will be operating a vehicle for applicant. Each applicant/operator(s) shall, at the time of filing the application, report to the Borough Police Department to obtain the paperwork required for fingerprinting by the state-recommended vendor. The applicant must consent to his fingerprints being used for any appropriate background investigation and drug testing as defined by N.J.S.A. 2C:35-2 of the Comprehensive Drug Reform Act of 1987.

G. If the mercantile license is issued, the assigned municipal employee shall issue a permit card in evidence thereof setting forth the number of the license and the name, address and date of birth of the license holder. The permit card shall be signed by the Code Enforcement Officer or designee and at all times of operation shall be conspicuously displayed in the vehicle used for the permitted activities.

H. If the location of the business is operating in an area designated as Residential, applicant may be required to submit an application to the Joint Land Use Board.

ORDINANCE 2022-06

An Ordinance Amending Chapter 150-4 Mercantile licenses 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 licenses.

Addition:

Business

License Fee

Limousine or other type of transportation service \$50.00 per vehicle

§ 150-40 Uniform Fire Safety Code

A. Non-life-hazard uses.

Local Use Code	Current	29% increase	Description
R-1	42.00	54.00	Residential, multifamily 1- 3 units
R-2	90.00	117.00	Residential, multifamily 4 - 10 units
R-3	120.00	154.00	Residential, multifamily 11-20 units
R-4	150.00	193.00	Residential, multifamily 21-40 units
R-5	180.00	232.00	Residential, multifamily 41-60 units
R-6	210.00	270.00	Residential, multifamily 61-80 units
R-7	240.00	310.00	Residential, multifamily 81-100 units
R-8	340.00	440.00	Residential, multifamily 101- above
C-1	42.00	54.00	Commercial, less than 3,000 sq ft
C-2	77.50	100.00	Commercial 3001to 9000 sq ft
C-3	155.00	200.00	Commercial 9001to 15,000 sq ft
C-4	193.75	250.00	Commercial 15,001to 25,000 sq ft
C-5	232.50	300.00	Commercial 25.001 to 50,000 sq ft
C-6	271.25	350.00	Commercial 50,001 to 100,000 sq ft
C-7	310.00	400.00	Commercial 100,001to 200,00 sq ft
C-8	348.75	449.00	Commercial 200,001 to 300,000 sq ft
C-9	400.00	516.00	Commercial 300,001 to 400,000 sq ft
C-10	450.00	580.00	Commercial 400,001 to 500,000 sq ft
0-1	42.00	54.00	Other use group requiring inspection

Additional: Uniform Fire Code Permit fees (Previously listed under Chapter 160-25)

A. The permit fee established by the Uniform Fire Code (This fee changes as the Uniform Fire Code changes)

- (1) Type I: \$54.
- (2) Type II: \$214.
- (3) Type III: \$427.
- (4) Type IV: \$641.
- (5) Type V: Reserved.

B. Fees for Borough of Lindenwold sponsored events will be waived.

Section 2 Amend Chapter 160-25 Permit fees

See Chapter 150 for Uniform Fire Code Permit fees

ORDINANCE AMENDING CHAPTER 296 STREETS AND SIDEWALKS OF THE CODE OF THE BOROUGH OF LINDENWOLD

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

WHEREAS, a review of the various sections of Chapter 296, has been reviewed in order to ensure the safety and conditions of the roads in the Borough of Lindenwold , and

WHEREAS, the Mayor and Governing Body has approved the recommendations to Chapter 296-46 Failure to Comply with the Code of the Borough of Lindenwold as follows:

§ 296-1 **Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MAINTENANCE GUARANTEE

A security in the form of either a bond, letter of credit, cash or a certified check posted by the applicant to guarantee the proper maintenance of the reconstruction of the work as described on the application and permit forms for a period of two years after final acceptance

§296-10 Maintenance bond.

In addition to the posting of a performance surety, and as a condition to the release of same, the applicant shall also post a maintenance surety: either a bond, letter of credit, cash or a certified check and in the ~~penal~~ sum of 15% of the performance surety. The maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition and free of defects after acceptance, as follows: The applicant shall be responsible for all maintenance and repairs required at the site resulting from the neglect, failure, action or inaction of the applicant, for a period of **two** years after the date of acceptance for which have a depth of four or more feet from the road surface; or for a period of **two** years after the date of final acceptance for all other work which requires a permit as set forth herein.

§296-20 Street surface restoration

B. Permanent restoration.

(1) All openings shall be completed with six inches of compacted DGA, three inches of FABC base course, Mix 1-2, and two inches of FABC surface course, Mix 1-5 and the edges sealed with AC 120 or approved equal. . All openings shall be repaved from curb line to center line a minimum of 4ft wide. All openings that cross the center line shall be repaved the full width of the road from curb line to curb line, a minimum of 4ft wide.

(2) Any opening that is within 4ft of a prior opening shall be restored as a single opening, incorporating the existing repair into the restoration.

(3) Any emergency opening occurring in a street repaved within the previous ten calendar years shall be infrared sealed.

(4) Any road in the Borough which has been resurfaced in the last ten years for which a new road opening permit is issued shall include the requirement that the party performing the work must resurface the road from curb to curb and from street corner to street corner.

(5) Multiple road openings occurring within **60** feet of one another shall be restored as a single opening. Pavement between openings shall be milled (milling depth shall be two inches) or removed and replaced from curb to center line of roadway. Multiple openings down the middle of the road shall be restored as a single opening, milled or removed and replaced across the full width of the road from curblineline to curblineline. Openings shall be sealed as indicated above.

(6) All openings shall be inspected by the Borough. The applicant shall mark out proposed restoration and notify the **Borough Official or designee** a minimum of 24 hours prior to final restoration to schedule the inspection. Failure to schedule the final inspection will result in a \$500 fine and removal of all paving materials and reinstallation at the applicant's cost. Upon acceptance of the restoration, the Borough shall issue a dated acceptance letter to the applicant. The applicant shall be responsible for all future restoration of the opening for a period of five years from the date of the acceptance letter.

(7) Final restoration shall occur within **two weeks after 90 day waiting period**. Extensions of time are subject to the discretion of the Borough and must be submitted in writing. Failure to complete the restoration within the prescribed time period will result in the forfeiture of the performance bond posted by the applicant.

§296-31 General Requirements

F. Applicant must contact the Construction Office for the Code Official or designee prior to submitting permit application for Road Moratorium list and Planned Reconstruction list.

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

This ordinance shall take effect immediately upon passage and publication as required by law.