

AGENDA
COUNCIL BUSINESS MEETING
April 13, 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 2022:97 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. Approval of Minutes: Council Meeting and Executive Session March 9, 2022
Council Meeting and Executive Session March 23, 2022

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 2022-07

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

10. First Reading Ordinance 2022-08 Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

11. Resolution 2022:98 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Council of the Borough of Lindenwold, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON April 13, 2022

12. Resolution 2022:99 Introduce 2022 Budget

BE IT RESOLVED that the following statements and revenues and appropriations shall constitute the Municipal Budget for the year 2022, and

1. Appropriations within "CAPS"	
(a) Municipal Purposes	\$15,592,149.34
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes	1,368,848.51
Total General Appropriations excluded from "CAPS"	1,368,848.51
Reserve for Uncollected Taxes	1,029,174.15
4. Total General Appropriations	\$17,990,172.00
5. Less: Anticipated Revenues Other than Current	
Property Tax	7,592,145.01
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget:	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	10,398,026.99

BE IT FURTHER RESOLVED that said budget be published in The Courier Post April 29th edition.
The Governing Body of the Borough of Lindenwold does hereby approve the following budget for the year 2022.

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 2022:100-107

Resolution 2022:100 Supporting the 2022 UDrive. UText. UPay. Distracted Driving Crackdown April 1 - 30, 2022

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and

Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in 2019 alone distracted driving-related crashes resulted in 3,142 deaths and 400,000 injuries on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in 49-percent of all motor vehicle crashes in 2019; and

Whereas, the State of New Jersey will participate in the nationwide *Distracted Driving 2022 Crackdown* from April 1 - 30, 2022 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is *UDrive. UText. UPay*; and

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Lindenwold Police Department declares its support for the *Distracted Driving 2022 Crackdown* both locally and nationally from April 1 - 30, 2022 and pledges to increase awareness of the dangers of distracted driving.

Resolution 2022:101 Justice Assistance Grant

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services, and

WHEREAS, the Borough of Lindenwold wishes to apply for the 2020 Justice Assistance Grant which is a shared service/inter-local services agreement, and

WHEREAS, the Business Administrator is hereby authorized to sign documents for the JAG Grant in the absence of the Mayor.

THEREFORE, BE IT RESOLVED by Mayor and Borough Council of the Borough of Lindenwold that the Police Department of the Borough of Lindenwold is hereby authorized to participate with Camden County in a collaborative effort with Camden City and Pennsauken Township in applying to the Bureau of Justice Assistance for Justice Assistance Grant. The amount for the Borough of Lindenwold is \$14,327.00.

Resolution 2022:102 Cooperative Pricing Agreement With The Bergen County Cooperative Pricing System

WHEREAS, N.J.S.A. 40A:1 1-11(5) authorizes contracting units to establish a Cooperative Pricing System and to

enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Bergen County Cooperative Pricing System, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04 - a Cooperative Pricing System - for the purchase of goods and services; and

WHEREAS, the Borough of Lindenwold, County of Camden, State of New Jersey wishes to participate in a Cooperative Pricing System for the provision and performance of goods and services in order to realize a savings for the residents.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Governing Body of the Borough of Lindenwold pursuant to the provisions of N.J.S.A. 40A:11-11(5) hereby authorize participation in the Cooperative Purchasing Alliance with Bergen County Cooperative Pricing System(Lead Agency), and

BE IT FURTHER RESOLVED, by the Mayor and Governing Body to authorize the Business Administrator to sign any documents necessary for the above agreement.

This Resolution shall take effect immediately.

Resolution 2022:103 Refund Escrow

WHEREAS, Mike or Doug Delpidio submitted an escrow of \$700.00 for 214 First Ave., 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 Mike or Doug Delpidio as the job was been completed and inspected.

Resolution 2022:104 Authorize Award for Payroll Services

Resolution 2022:105 Authorize Award for Consulting Services

Resolution 2022:106 Amend Salary Construction Dept.

Resolution 2022:107 Amend Sewer Salary

14. Engineer's Report

15. Open to Council

16. Open to Public

17. Open to Council

18. Adjournment

ORDINANCE NO. 2022-07 Ordinance Amending Chapter 296 Streets And Sidewalks

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 curblin to curblin. 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.

Ordinance 2022-08 Calendar Year 2022 To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Council of the Borough of Lindenwold in the County of Camden finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$147,020.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Lindenwold, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Lindenwold shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$514,573.47, and that the CY 2022 municipal budget for the Borough of Lindenwold be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.