

AGENDA
COUNCIL BUSINESS MEETING
February 8, 2023

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 2023:71 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 for December 14, 2022(absent: President Sharpe) and December 28, 2022; Council Meeting for January 4, 2023
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. First Reading Ordinance 2023-01 Amend Chapter 75 Animals and Chapter 150 Fee Schedule for Dangerous Dogs
10. First Reading Ordinance 2023-02 Amend Chapter 250, Article II Rental Inspections and Chapter 150-42 Fees
11. First Reading Ordinance 2023-03 Amend Chapter 150 Fee Schedule
12. First Reading Ordinance 2023-04 Amend Chapter 24 Public Officials
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 2023:72-82
Resolution 2023: 72 Authorizing Installment Payments To Redeem Tax Sale Certificate 15-00385 Pertaining To Block 240, Lot 15 On The Tax Map Of Lindenwold Borough
WHEREAS, the Borough of Lindenwold acquired Tax Sale Certificate number 15-00385 on September 23, 2015 with reference to Block 240, Lot 15 on the Tax Map of the Borough of Lindenwold; and
WHEREAS, the Borough of Lindenwold resolved to foreclose In Rem tax certificate 15-00385 as memorialized in resolution 2022:173, adopted on September 14, 2022; and
WHEREAS, the Borough of Lindenwold filed an In Rem Tax Foreclosure Complaint on September 26, 2022, in the Superior Court of New Jersey, Chancery Division, under docket F-010234-22; and
WHEREAS, the tax collector of Lindenwold Borough has calculated the redemption amount for tax sale certificate 15-00385, together with accrued interest and legal costs, through February 8, 2023, as the sum of \$28,505.23; and
WHEREAS, Cathy Rea, the owner of Block 240, Lot 15 on the Lindenwold Borough tax map has requested an installment payment plan to redeem tax sale certificate 15-00385; and
WHEREAS, redemption of a municipal tax lien by installment payments is permissible pursuant to N.J.S.A. 54:5-65, et. seq.; and

WHEREAS, interest shall continue to accrue on the balance due to redeem, at the statutory rate, over the course of the installment payment plan, and apportioned legal costs of the foreclosure action are included in the amount required to redeem.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that Cathy Rea, the titled owner of the real property known as Block 240, Lot 15 on the Tax Map of Lindenwold Borough, be and is hereby permitted to redeem tax sale certificate 15-00385 in installments as set forth in this resolution; and

BE IT FURTHER RESOLVED that the installment payment plan to redeem tax sale certificate 15-00385 shall be made with an initial payment of \$10,000.00 (Ten Thousand Dollars) payable to the Lindenwold Borough Tax Office on or before February 15, 2023 by certified funds, and monthly installments thereafter, due on the first of each month commencing March 1, 2023, in the amount of \$669.01 per month, for a period of 36 months, consistent with the 36 month amortization schedule attached to this resolution and made a part hereof; and

BE IT FURTHER RESOLVED that the Borough of Lindenwold will take no action to foreclose the right of redemption on tax sale certificate 15-00385, and the In Rem tax foreclosure action under docket F-010234-22, as pertains to Block 240, Lot 15, shall be suspended and/or dismissed without prejudice, if all payments as required in this resolution are paid timely as set forth herein; and

BE IT FURTHER RESOLVED that in the event the initial payment, an installment payment, or any other obligation herein is not paid when due, or redemption is not completed within the time fixed herein, the Borough of Lindenwold shall proceed to foreclose tax certificate 15-00385 for the unpaid balance, after proper credit for such payments as were made. In the event of default by the property owner of any term or condition of this resolution, the Borough shall retain the right to reinstate the foreclosure action under docket F-010234-22, refile the action, or otherwise proceed on the pending action to foreclose In Rem tax sale certificate 15-00385; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Lindenwold, that the acceptance of installment payments to redeem tax sale certificate 15-00385 by the property owner is conditioned and contingent upon all future municipal taxes and/or assessments being paid current as they become due, during the course of the installment payment plan. In the event all municipal taxes and/or assessments are not paid timely as they become due during the course of the installment plan, the Borough shall be permitted to proceed In Rem to foreclose upon tax sale certificate 15-00385 for the unpaid balance, after proper credit for such payments as were made; and

BE IT FURTHER RESOLVED that in the event any portion of this resolution is determined to be unenforceable, or otherwise contrary to law, the Borough retains the right pursuant to N.J.S.A. 54:5-65 to amend, alter, or supplement this Resolution as necessary, to correct any deficiencies.

BE IT FURTHER RESOLVED that upon adoption, this resolution shall be published according to law.

Resolution 2023:73 -Transfer Liquor License Balsamo's

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License #0422-33-003-007, heretofore issued to Siva 2020, LLC, d/b/a Balsamo's Pizza, and P & J Brothers LLC, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term, and

WHEREAS, special conditions exist with the Division of Alcoholic Beverage Control who will be conducting an additional inspection, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold does hereby approve effective February 8, 2023 the person to person transfer of the aforesaid Plenary Retail Consumption License to P & J Brothers LLC located at 311 East Atlantic Ave., Lindenwold, NJ from Siva 2020 LLC d/b/a Balsamo's Pizza and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to P & J Brothers LLC located at 311 East Atlantic Ave., Lindenwold, NJ effective February 8, 2023.

Resolution 2023:74 Release Cash Guarantee

WHEREAS, Alejandro Cordova of La Esperanza, Inc. posted a cash performance guarantee on 4/12/2006 for site construction, and

WHEREAS, Resolution 2006:123 was passed for the request by the Borough Engineer, Environmental Resolutions, that the cash performance guarantee be reduced in the amount of \$8,356.50, and

WHEREAS, the Borough of Lindenwold received a request for the release of these funds due to the age of the project, and

WHEREAS, the Borough of Lindenwold conducted a review of the records relating to the amount still currently held in escrow.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the cash performance guarantee be released in the amount of \$5,489.98.

Resolution 2023:75 Refund Vendor Registration

WHEREAS, Erin Logan submitted a vendor registration fee in the amount of \$40.00 for Lindenwold Neighbor Fest, and

WHEREAS, this event was rescheduled, and

WHEREAS, the vendor was unable to attend the rescheduled event, and

WHEREAS, the applicant has requested a refund of the \$40.00 fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the amount of \$40.00 vendor registration fee be refunded to Erin Logan.

Resolution 2023:76 2023 Safe and Secure Grant

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. 23-0422, 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, 2023 to March 13, 2024.
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 2023:77 Special Counsel

WHEREAS, the Borough of Lindenwold has a need to acquire the services for Special Counsel for litigation involving personnel matters, and

WHEREAS, the Borough of Lindenwold has previously appointed Timothy Higgins as Special Counsel for personnel matters, and

WHEREAS, the exact title of the appropriation to be charged is the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold authorizes the Mayor and Borough Clerk to appoint Timothy Higgins as Special Counsel with an appropriation not to exceed amount of \$5,000.

Resolution 2023:78 Appointment of a Hearing Officer

WHEREAS, the Borough of Lindenwold has a need to acquire the services of a Hearing Officer for personnel matters, and

WHEREAS, the Borough has considered the credentials of Robert T. Zane, III, Esq. for the position of hearing officer, including his years of service as a municipal judge in various municipalities in Camden County, and experience in arbitrations, and

WHEREAS, the Borough considers Robert T. Zane, III, Esq. qualified to serve as a hearing officer for personnel matters; and

WHEREAS, the exact title of the appropriation to be charged is the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold authorizes the Mayor and Borough Clerk to appoint Robert T. Zane, III, Esq. as a Hearing Officer, with a not to exceed amount of \$3,000.00

Resolution 2023:79 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 2022:211 on December 14, 2022, and

WHEREAS, the renewal was rejected by the New Jersey Alcohol Beverage Commission for this inactive license for the term of 2022-2023 for failure to submit a twelve page application and advertisement.

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 2022-2023 for Topica LLC, #0422-33-009-005 be rescinded.

Resolution 2023:80 Hire Crossing Guards

WHEREAS, the Police Department of the Borough of Lindenwold has determined a need for Crossing Guards, and

WHEREAS, the Police Department recommended Lakisha Knight and Dawn Evans-Donohue, and

WHEREAS, the procedure for hiring is by Resolution.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough to hereby authorize the hiring of Lakisha Knight and Dawn Evans-Donohue as Crossing Guards after pre-employment procedures.

Resolution 2023:81 Hire Police Officers

WHEREAS, the Borough of Lindenwold has identified a need to fulfill the position of Patrolman in the Lindenwold Police Department, and

WHEREAS, Civil Service guidelines have been followed, and

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

WHEREAS, Mayor and Council has accepted the recommendation to appoint Richard L. Freiling and Christopher M. Grega to the position of Patrolman.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Richard L. Freiling and Christopher M. Grega to the position of Patrolman.

Resolution 2023:82 Budget Transfers

14. Engineer's Report

15. Open to Council

16. Open to Public

17. Open to Council

18. Adjournment

ORDINANCE 2023-01

An Ordinance Adding Chapter 75 Article VI for Vicious or Dangerous Animals 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, Municipalities are required to follow N.J.S.A. 4:19-35 regulations for animals declared to be dangerous by the Municipal court, and

WHEREAS, after a careful review of the Lindenwold Codes, an amendment is needed to comply with N.J.S.A. 4:19-36.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that section below be amended as follows:

Chapter §75-31 Dangerous and/or Vicious Animals

Any dog which has attacked or bitten any human being or which habitually attacks other dogs or domestic animals shall be deemed to be vicious dog for the purpose of this section. An appropriate Borough official shall receive and investigate complaints against dogs, and when any dog complained against is deemed to be a vicious dog, an appropriate Borough official shall report the facts to the Municipal Judge, who shall cause the owner or person harboring such dog to be notified, in writing, of the complaint against such dog and to appear before him at a stated time and place. At the time set for such hearing, the Judge shall inquire into the facts and give all interested persons an opportunity to be heard under oath and to be represented by counsel. The Judge shall decide in accordance with the evidence before him, and, if he decides that such dog complained of is a vicious dog, notice of such decision shall be given to the owner or person harboring such dog following the regulations as listed in N.J.S.A. 4:19-36.

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

ORDINANCE 2023-02

AN ORDINANCE AMENDING CHAPTER 250, ARTICLE II RENTAL PROPERTY INSPECTION OF THE EXISTING CODE OF THE BOROUGH LINDENWOLD

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

WHEREAS, the Borough of Lindenwold has reviewed Chapter 250, Article II for Rental Property Inspection, and

WHEREAS, a clarification is required regarding sections of the Rental Property Inspections as follows:

§ 250-4 **Inspection application forms; filing; contents.**

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units and rental facilities shall be inspected, as provided herein. Every owner shall file with the Borough Clerk or designee of the Borough of Lindenwold, or such other person as designated by the Borough Council, an inspection application form for each unit contained within a building or structure, and for each rental facility on a form as proscribed by the Construction Official. The owner of a rental unit or rental facility, as defined herein, shall file the inspection application within 30 days of the purchase and/or taking of ownership of the rental unit or rental facility

250-7 **Periodic inspections.**

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, a certificate of inspection shall not be issued, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected. The results of the Inspection shall be furnished to the owner of the rental unit or facility within Fifteen (15) Days of the date of the Inspection. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, unless the nature of the deficiency and the applicable law upon which the inspection is made mandates a shorter time for repairs, in which event the shorter time shall govern. In the event that the conditions are not corrected within the thirty-day

time period, or sooner where required, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this chapter. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this article, for good cause shown. Where the applicable law upon which the inspection is made mandates that the property be vacated, the owner or its agent shall cause the rental unit to be vacated and any such failure to do so shall be a violation of this chapter. Chapter **248**, Relocation Assistance, shall also apply to any removal of a tenant due to a violation of this chapter.

E. Notifications

1. **Notice.** The Borough of Lindenwold shall provide written notice of the date(s) and time(s) for the inspection(s) required herein to the owner of the rental unit or rental facility, by personal service on any one of the following: to the owner at the property subject of the inspection; to the on-site management office of any multi-family residential rental dwelling, or to the owner at the property address listed for service on the inspection application. In lieu of personal service, the Borough may notice the owner by forwarding the notice of inspection(s) by both regular mail and certified mail, return receipt requested, to any one of the following: to the owner at the property subject of the inspection; to the management office on record as managing any multi-family residential rental dwelling, or to the owner at the property address listed for service on the inspection application. All Notices of Inspection shall be forwarded by the Borough on or before January 15 of each inspection year.

2. **Cancellation And Rescheduling Inspections.** The owner of a rental unit or rental facility shall notify the Borough Code Enforcement Office in writing at least Forty-Five (45) days prior to the scheduled inspection of their inability to accommodate the date(s) and time(s) of the inspection(s) and request the inspection be rescheduled. In the event the owner fails to notify the Borough Code Enforcement Office of the need to reschedule the inspection(s) within the Forty-Five day period, the inspections shall proceed as scheduled by the Borough. The owner shall contact the Borough Code Enforcement Office, upon a request to have the inspection(s) rescheduled, and attempt to negotiate a mutually convenient date(s) and time(s) to reschedule the inspection(s). The owner shall be permitted to reschedule an inspection for a unit or facility only once in an inspection year.

In the event the Borough is required to reschedule the inspection(s), the Borough will provide the owner at least Fifteen (15) day's notice of the cancellation, using the notice provisions as required in this chapter. The Borough shall contact the owner upon cancellation of the inspections(s) by the Borough, and attempt to reschedule the Inspections(s) to a mutually convenient date(s) and time(s). In the event of cancellation by the Borough, a Notice rescheduling the inspections(s) shall issue from the Borough within Ten (10) days of the cancellation, setting forth the new date(s) and time(s) for the inspection(s).”

§ 250-8 Access for inspections; repairs.

D. In the event the owner or occupant of a unit or facility subject to inspection under this ordinance fails to provide access for the inspection, or otherwise refuses access to the unit or facility, the owner shall be deemed in violation of this Ordinance. The Borough may charge a fee to the owner (see Chapter 150-42 Fee Schedule) not to exceed \$50.00, for each unit for which the owner or occupant fails to provide access to the property for a scheduled inspection. In the event access to the property is denied as a result of the action or inaction of the occupant, the owner may charge the occupant for reimbursement of the fee. The fees chargeable under this provision shall be in addition to the fees permitted in Section 250-11 of this Ordinance and Chapter 150-42 Fee Schedule. The Borough shall provide the owner with notice of all fees assessed pursuant to this Section within Five (5) days of the violation, consistent with the Notice provisions of Section 250 E(1). All such fees assessed pursuant to this section shall be paid by the owner within Thirty (30) days of the owner's receipt. Failure by the

owner to pay the fees timely shall subject the owner to a revocation of the certificate of inspection and resulting penalties as set forth in Section 250-14.”

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

ORDINANCE 2023-03
An Ordinance 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:

§ 150-2 Documents, records and reports.

Service, License or Permit Provided

Borough Clerk

Notary fee

\$ 2.50

Certified copies of marriage, death, birth and domestic partnerships

\$25.00 for first copy each add'l copy

\$2.00

Police Department

Copies of police report (mailed) MV Crash Reports – PER NJSA 39:4-131

\$5.00 1st 3 pages,
\$1.00 per page thereafter

Copies of police report (picked up) PER OPRA Fee Schedule

\$.05 per page letter size
\$.07 per legal size

Permit to purchase handgun PER Bill A4769

\$25.00

Firearm purchaser's identification card PER Bill A4769

\$50.00

Firearm PERMIT TO CARRY PER Bill A4769

\$150.00

(Borough of Lindenwold / \$50 State of NJ Treasurer)

§ 150-7 Dogs and other animals.

Adding:

H. Fee for registering dangerous/vicious animal(red tag w/town #156) \$500

§ 150-11 Alcoholic beverages.

Type

Fee

Alcoholic beverages licenses and fees (per year):

Plenary retail consumption license

\$2,400

Plenary retail distribution license

\$2,400

Seasonal retail consumption license

\$2,400

§ 150-42 Rental inspection.

E. Failure to Provide Access

Owner to be charged a fee not to exceed \$50.00, for each unit for which the owner or occupant fails to provide access to the property for a scheduled inspection (additional fee to those listed as per Chapter 250)

ORDINANCE 2023-04 AMEND CHAPTER 34 TO ADD ARTICLE XXV

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

WHEREAS, the Borough of Lindenwold has reviewed Chapter 34 regarding Officers, Employees, and Elected Officials, and

WHEREAS, a recommendation to review ordinances passed within Camden County as well as the New Jersey State Statutes regarding indemnification was conducted, and

WHEREAS, there is a need to incorporate this policy for Borough officers, employees, and elected officials as stated below:

Chapter 34 Officers, Employees, and Elected Officials

Article XXV

[§ 34-1 Legislative intent.](#)

It is the legislative intent of the Borough of Lindenwold to indemnify all employees and appointed and elected officials of the Borough of Lindenwold from claims and/or alleged Negligence resulting from their appointment and service as officials of the Borough of Lindenwold in the course of their service and appointment, election or employment thereof as per N.J.S.A. 59:10-4.

[§ 34-2 Indemnification.](#)

The Borough of Lindenwold shall indemnify, defend, and hold harmless municipal employees and appointed and elected municipal officials for any claim made against them as a result of an alleged negligent act, provided that said claim and/or alleged negligent act occurred or accrued during the course of, and arose out of, their appointment or employment with the Borough of Lindenwold.

[§ 34-3 Payment of claims by Township; defense.](#)

The Borough of Lindenwold shall pay on behalf of the aforesaid and herein below defined municipal employees and/or officials for all losses which said officials and/or employees shall be legally obligated to pay for any civil claim made against them as a result of a negligent act, provided that the claim is made for an occurrence or claim which occurred or accrued during the period of their appointment and/or employment with the Borough of Lindenwold. In the event that a lawsuit is filed against said official and/or employee, legal counsel shall be retained by the Borough at no expense to the said employee and/or official.

[§ 34-4 Additional indemnification.](#)

The Borough of Lindenwold shall indemnify and pay any loss arising from any civil claim resulting from a negligent act, made against the estate, heirs, legal representatives or assigns of any municipal employee or public official who are acting in the aforesaid capacity at the time of their appointment or employment with the Borough of Lindenwold.

[§ 34-5 Definitions.](#)

As used in this chapter, the following terms shall have the meanings indicated:

[MUNICIPAL OFFICIAL and MUNICIPAL EMPLOYEE](#)

Those persons appointed or employed by the Borough of Lindenwold, including any board, commission or unit of the Borough of Lindenwold, which is defined below. "Municipal employee" or "municipal official" shall not mean and does not apply to any person working on a retainer or contractual agreement generally known as an "independent contractor."

[PUBLIC OFFICIAL and PUBLIC EMPLOYEE](#)

All persons who were, now are or shall be lawfully elected or lawfully appointed members of the Borough of Lindenwold, including any board, commission or authority of the Borough of Lindenwold, and shall include such members of such commissions, boards or other units operated by and under the jurisdiction of such governing body and within an appointed total operating budget, including but not limited to the Joint Land Use Board, Lindenwold Park and Recreation Commission, Lindenwold Library Advisory Board, Lindenwold Emergency Management Committee or any future Lindenwold commission.

[WRONGFUL ACTS](#)

Any error, negligent act or omission, neglect, or unintentional breach of duty, by a municipal employee or official, acting in their capacity as a public official or employee of the Borough of Lindenwold.

§ 34-6 Indemnification in criminal matters.

In the event that a Borough employee or official, as defined in § [34-5](#) above, is indicted or otherwise charged with a criminal or quasi-criminal offense, and in the further event that said individual is acquitted or, in the alternative, if the charges are dropped or dismissed with prejudice by the prosecuting authority, then and only in these two events shall the Borough of Lindenwold indemnify said individual for legal fees in defending the criminal action and accrued back salary owed to the individual by virtue of a suspension, if applicable. This section creating indemnification shall only apply in those criminal or quasi-criminal matters which arise out of or occur in the course of the municipal employee's or official's appointment with the Borough of Lindenwold. In the event that any criminal or quasi-criminal charge is filed against said municipal official or municipal employee, as defined in § [34-5](#), which do not arise out of the employment or appointment with the Borough of Lindenwold, no indemnification coverage will be issued by the Borough of Lindenwold.

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