

AGENDA  
COUNCIL BUSINESS MEETING  
July 12, 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 2023:141 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. Accreditation Presentation by the N.J. State Association of Chiefs of Police

7. Approval of Minutes: Council Meeting and Executive Session June 14, 2023

8. Payment of Bills

9. 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

10. Second Reading Ordinance 2023-15 Amend Chapter 75, Add Section VI Community Cats and Amend Chapter 150-7 Fees

11. 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 2023:142-147

Resolution 2023:142 Authorizing The 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 George R. Piperno, Esq. for the position of hearing officer, including his years of service as a municipal judge in various municipalities in Camden County, experience in arbitrations, and prior experience with conducting personnel hearings for Lindenwold Borough; and

WHEREAS, the Borough considers George R. Piperno, 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 George R. Piperno, Esq. as a Hearing Officer, with a not to exceed amount of \$3,000.00

Resolution 2023:143 Authorizing the Reduction of the Performance Bond for Laurel Road Storage

WHEREAS, the Borough of Lindenwold passed Resolution 2023:129 for the reduction of the performance guarantee, and

WHEREAS, the current owner should have been listed as Dogg, LLC as they have the performance guarantee in the amount of \$740,938.56 to insure the Borough of Lindenwold the proper and acceptable completion of the required improvements of said project; and

WHEREAS, the developer has notified the Borough that the improvements have been partially completed and has requested a reduction of the performance guarantee; and

WHEREAS, the Engineer has inspected the project site and, based on the finding of the inspection, recommends that the performance guarantee for Dogg, LLC be reduced from \$740,938.56 to \$222,281.57 as per G. Jeffrey Hanson, PE, CME.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the foregoing contractors bond be reduced from \$740,938.56 to \$222,281.57 as permitted by law.

#### Resolution 2023:144 Pump Station #8

A resolution of the Borough of Lindenwold, in the County of Camden and the state of New Jersey, authorizing the purchase of (3) Sulzer/ABS XFP100E-CBI wet/dry pit submersible pumps with (2) Sulzer/ABS XFP 4" PE2-3 Guide Rail Assembly with Integral Elbow & Hardware & all needed attachments through The North Jersey Wastewater Cooperative Pricing System Contract # B270-4

**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 The North Jersey Wastewater Cooperative Pricing System; and

**Whereas**, the Borough of Lindenwold desires to purchase of (3) Sulzer/ABS XFP100E-CBI wet/dry pit submersible pumps with all needed attachments through The North Jersey Wastewater Cooperative Pricing System Contract # B270-4 ; and

**Whereas**, The North Jersey Wastewater Cooperative Pricing System has been awarded the contract of (3) Sulzer/ABS XFP100E-CBI wet/dry pit submersible pumps with (2) Sulzer/ABS XFP 4" PE2-3 Guide Rail Assembly with Integral Elbow & Hardware & 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**, of (3) Sulzer/ABS XFP100E-CBI wet/dry pit submersible pumps with (2) Sulzer/ABS XFP 4" PE2-3 Guide Rail Assembly with Integral Elbow & Hardware & all needed attachments shall not exceed the amount of \$ \$44,000.00; and

**Whereas**, funding for this resolution is available from the Borough of Lindenwold Sewer Department Sewer Capital Account; 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 (3) Sulzer/ABS XFP100E-CBI wet/dry pit submersible pumps with (2) Sulzer/ABS XFP 4" PE2-3 Guide Rail Assembly with Integral Elbow & Hardware & all needed attachments through The North Jersey Wastewater Cooperative Pricing System Contract # B270-4
2. The total fee also authorized for this contract shall not exceed \$44,000.00 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 The North Jersey Wastewater Cooperative Pricing System for their information and guidance.

#### Resolution 2023:145 Update Employee Handbook

WHEREAS, the Borough of Lindenwold adopted the new Model Employee Handbook and Personnel Policies and Procedures Manual as required by Municipal Excess Liability Joint Insurance Fund("MEL") on October 13, 2021, and

WHEREAS, the new version of the Model Employee Handbook was developed for all members of the Joint Insurance Fund, and

WHEREAS, the Borough of Lindenwold has identified a need to clarify sections of the Employee Handbook for the efficiency of Borough operations, and

WHEREAS, the following items were updated and/or added:  
Lindenwold Real Property Inspections-Conflicts of Interest Policy

##### I. PURPOSE

A. The purpose of this policy is to establish guidelines for Inspections of Real Property by the Borough of Lindenwold for Certificates of Occupancy, Fire Inspections, Residential Rental Inspections pursuant to Ordinance 250-1, et seq. and all other inspections of real property conducted by Borough of Lindenwold employees or officials on real property, where a conflict of interest may exist.

##### II. DEFINITION

Conflict of Interest- A conflict of interest occurs where any employee, elected official, or appointed official of the Borough of Lindenwold maintains any possessory, financial, or ownership rights in a real property to be inspected by any employee or official of the Borough of Lindenwold.

##### II. POLICY

A. In the event a Conflict of Interest exists, as defined herein, Lindenwold employees and officials are prohibited from conducting inspections on the real property.

B. In the event a Conflict of Interest exists, as defined herein, the employee or official responsible for the inspection shall make arrangements to have the inspection performed timely by another qualified inspector. Preference shall be given to obtaining a qualified inspector who is employed and/or affiliated with a neighboring municipality.

C. The Lindenwold employee or official responsible for the inspection, shall notify the Business Administrator upon receiving notice of the conflict of interest, and shall advise the Business Administrator of the identity of the individual proposed to conduct the inspection on behalf of Lindenwold, the proposed inspector's qualifications and current employment position, and the fee to be charged by the proposed inspector to perform the inspection resulting from the conflict of interest.

D. When it is determined that a conflict of interest exists, the Lindenwold employee or official responsible for the inspection shall take all reasonable steps necessary to attempt to have the inspection conducted in a timely manner, consistent with any scheduling requirements as set forth in applicable Ordinances and/or Borough of Lindenwold policies.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold to adopt the revisions to the Employee Handbook and reviewed by the Borough Solicitor.

#### Resolution 2023:146- 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, Governor Murphy signed into law P.L. 2021, Chapter 7(N.J.S.A. 11A:4-1.3) providing for the hiring of individuals by an alternative hiring practice under Civil Service, and

WHEREAS, the Borough of Lindenwold adopted this alternative hiring practice under Ordinance 2021-14 on August 25, 2021, 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 Brian Sutcliffe, Benjamin Sperling, Stephanie Salvador, and Joseph Livewell to the position of Patrolman.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Brian Sutcliffe, Benjamin Sperling, Stephanie Salvador, and Joseph Livewell be appointed to the position of Patrolman.

#### Resolution 2023:147 Chapter 159 for Clean Communities 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 \$43,416.19 from the New Jersey Solid Waste Administration and wishes to amend its 2023 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 2023 in the sum of \$43,416.19 which is now available as a revenue from the State of New Jersey, and

BE IT FURTHER RESOLVED that a like sum of \$43,416.19 and the same is hereby appropriated under the caption of: Clean Communities Program

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

12. Engineer's Report

13. Open to Council

14. Open to Public

16. Adjournment

#### ORDINANCE 2023-15

An Ordinance to Add to Chapter 75 Animals, Article VII for Community Cats and Chapter 150-7 Fees 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, the problem of feral cats in Camden County has been a long standing concern, and

WHEREAS, there is a need for a Community-Based Ordinance in order to address this situation for the health and welfare of residents.

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

#### Article VII Community-Based Cat Provisions

##### §75-38 DEFINITIONS.

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

COMMUNITY CAT. "Community Cat" means any free-roaming, feral, or barn cat that may be cared for by one or more residents of the immediate area and which has no discernible form of ownership identification.

COMMUNITY CAT CAREGIVER. "Community Cat Caregiver" means a person who may provide care, including food, water, shelter or medical care to a community cat. A community cat caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper of a community cat.

COMMUNITY CAT COLONY. "Community Cat Colony" means a group of cats that congregates, more or less, together as a unit.

DOMESTICATED CAT. A cat that is socialized to humans and is appropriate as a companion for humans.

EARTIPPING. "Eartipping" means the removal of the ¼ inch tip of community cat's left ear, performed while the cat is under anesthesia by a licensed veterinarian and designed to be an indication that the community cat has been sterilized and vaccinated for rabies.

FERAL CAT. "Feral Cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized or (iii) any non-feral cat that congregates with a colony shall be deemed to be a part of the colony.

NUISANCE. Disturbing of the peace by a) habitually or continually howling, crying or screaming, or b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

TNR. Trap, neuter, return

TNR PROGRAM. A program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

##### §75-39 MANAGEMENT OF COMMUNITY CATS

PURPOSE: To permit implementation of a community cat program (CCP) in Lindenwold, New Jersey for the purpose of reducing the population of feral and free roaming cats, benefiting public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

IMPLEMENTATION: "ANIMAL CONTROL OFFICER" (Animal Services) shall administer and implement the programs set forth in this Chapter in accordance with applicable guidelines and standards as set forth in state and local statute.

##### COMMUNITY CATS:

a) The following community cat requirements are hereby established:

i) Community cats may be cared for on the private property of the caregiver or upon the property of another with the permission of the owner or property manager.

ii) All community cat caregivers shall make reasonable efforts to have all free-roaming cats within their care sterilized, vaccinated against rabies, and ear-tipped for easy identification. Community cat caregivers shall have thirty (30) days from the time they render care to a community cat to arrange for sterilization, rabies vaccination and ear tipping or to be placed on a waiting list if no appointment can be scheduled with thirty (30) days.

iii) All community cat caregivers are required to make reasonable efforts to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Feeding is permitted during daylight hours only. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after cats have eaten must be removed before dark. Feeding areas must be maintained in a clean and sanitary condition.

iv) Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.

b). Community cats meeting the requirements of this section are exempt from any licensing, stray, and at-large provisions of this ordinance.

c). Animal Services shall have the right to remove or authorize the removal of any free-roaming cat or community cat because of immediate public health or safety concerns.

d). No community cat shall be released at any governmentally owned or managed park or real property, natural area, area deemed as environmentally sensitive land or on any easement adjacent to such lands without approval from the Mayor and Council of the Borough of Lindenwold.

e). Trapping of community cats by those who are not community cat caregivers, as defined above, or an animal control officer employed by the Borough is prohibited unless the person trapping the cats is doing so for the purpose of providing medical attention for a sick or injured cat or for the purpose of TNR. Persons who trap free-roaming cats for the purpose of TNR must comply with the provisions of this ordinance to be considered a “community cat caregiver”.

f). Healthy community cats shall be immediately returned to the location at which they were found, released to a caregiver or adopted. Prior to being returned to the location at which they were found or released to a caregiver, community cats shall be sterilized, ear tipped while under anesthesia by a licensed veterinarian, and vaccinated for rabies. Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and reasonably appears that such cat cannot be expeditiously cured and returned to the field, transferred to a humane society or private animal nonprofit organization or placed in foster care, then Animal Services, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a licensed veterinarian.

g) Nuisance Abatement and Resolution

A community cat that:

(1) Habitually howls, squawks or causes other objectionable noise resulting in a serious annoyance to a reasonable person, shall be deemed to be committing an act in violation of this section; or

(2) Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property shall constitute a public nuisance.

Animal Services shall investigate an alleged violation of this section upon the receipt of a Sworn Affidavit of complaint in a form provided by Animal Services, signed by the individual making the complaint and who resides where the violation occurred or in close vicinity of the alleged violation. For the enforcement of their affidavit, it must specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the Caregiver, if known, and a description of the animal, if known.

Animal Services, upon the receipt of sworn Affidavit of Complaint as provided for in this section, may issue a citation to the Caregiver of any animal alleged to be in violation of this section.

#### DOMESTICATED CATS

The owner of an unneutered domesticated cat shall not permit the cat to roam off the owner’s property unsupervised.

#### §75-40 ENFORCEMENT

a. The office of Animal Control shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of disease.

2. The right to seize/remove a cat from a colony that is creating a nuisance as defined above and the Caregiver has been given fifteen (15) days to remove and relocate the cat and has failed to do so.

#### §75-41 VIOLATIONS AND PENALTIES

(As per Chapter 1, Article 1-1)

Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction thereof, be subject to penalties including:

- a. warning for a first offense
- b. second offense - \$50
- c. each subsequent offense - \$65

INCONSISTENT ORDINANCES REPEALED. All ordinances or parts of other Ordinances in conflict with the provisions of this Ordinance shall, to the extent of the conflict, be, and are hereby repealed, provided that nothing herein shall in any way excuse or prevent prosecution of any previous existing violation of any Ordinance superseded hereby.

SAVING CLAUSE. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by the Ordinance.

Amend Chapter 150-7, Add Section H  
Community Cat Caregiver

Any person(s) who is found to be in violation of the provisions of Chapter 75, Article VII shall, upon conviction thereof, be subject to penalties including:

- a. first offense-warning
- b. second offense - \$50
- c. each subsequent offense - \$65

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