

AGENDA
COUNCIL BUSINESS MEETING
September 13, 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 2023:160 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 August 9, 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. Public Hearing on the 2023 Community Energy Plan

10. Second Reading Ordinance 2023-16 Amend Chapter 386 Sanitary Standards

11. First Reading Ordinance 2023-17 Amend Chapter 100 Burning, Outdoor

12. 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 2023:161

Resolution 2023:161 Authorizing Settlement Of Employment Dispute

WHEREAS, there is a pending employment dispute between the Borough of Lindenwold and employee Wayne Hans; and

WHEREAS, the Borough of Lindenwold and the employee have negotiated a resolution of the pending dispute; and

WHEREAS, the Borough of Lindenwold believes that it is in the best interests of the Borough to resolve the dispute, pursuant to the negotiated agreement with the employee.

NOW THEREFORE BE IT RESOLVED, that the Mayor of the Borough of Lindenwold is authorized execute all documents necessary to effectuate resolution of the employment dispute on behalf of Lindenwold Borough.

Resolution 2023:162 Equipment Pump Station #15

Whereas, the Borough of Lindenwold, pursuant to N.J.S.A. 52:34-6.2 (B) (2) 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 (2) 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 (2) 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 (2) 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 \$33,528.00; 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 (2) 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 \$33,528.00 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 2023:163 Authorizing A Shared Services Agreement Between The Borough Of Lindenwold And The Borough Of Clementon For The Road Reconstruction Of Wallace Avenue

WHEREAS, the Borough of Lindenwold recognizes that it is imperative to search for efficient means to reduce spending through creative and innovative ideas and programs which benefit their community, and

WHEREAS, the "Uniform Shared Services and Consolidation Act", N.J.S.A 40A:65-1 et seq. (the "Act"), authorizes local units of the State of New Jersey to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction, and

WHEREAS, the Borough of Clementon and the Borough of Lindenwold have decided to improve Wallace Avenue that connects both towns; and

WHEREAS, the Borough of Clementon has agreed to act as the lead agency for the Wallace Avenue resurfacing project through the Cooperative Pricing System with the Township of Cherry Hill; and

WHEREAS, DiMeglio Construction Co., Inc. has been hired to perform all work as indicated on the submitted proposal; and

WHEREAS, the initial agreement was approved under Resolution 2023:94; and

WHEREAS, the total cost for this project is \$33,675.00 with the Borough of Lindenwold amount to not exceed \$16,837.50.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the Mayor and Borough Clerk are hereby authorized to execute the Shared Service Agreement with the Borough of Clementon for Road Reconstruction of Wallace Avenue.

Resolution 2023:164 Authorizing the Purchase of 8 - 8 C.Y. Front Load Containers through the Sourcewell Contract #040621-WQI

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 8 - 8 C.Y. Front Load Containers through the Sourcewell contract # 040621-WQI

Whereas, Wastequip, Inc. has been awarded the contract for the 8 - 8 C.Y. Front Load Containers; 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 8 - 8 C.Y. Front Load Containers shall not exceed the amount of \$12,500; and

Whereas, funding for this resolution is available by the Recycling Trust Fund; 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 8 - 8 C.Y. Front Load Containers from Wastequip, Inc. through the Sourcewell Contract # 040621-WQL.
2. The total fee also authorized for this contract shall not exceed \$12,500 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 Wastequip, Inc. for their information and guidance.

Resolution 2023:165 The Adoption Of The NJ Clean Energy Community Energy Planning Grant Program

WHEREAS, a sustainable community seeks to ensure that it's environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, The Borough of Lindenwold strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, The Borough of Lindenwold is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Lindenwold to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

THEREFORE, the Mayor and Council Members of the Borough of Lindenwold applied for the aforementioned Community Energy Plan Grant program under Resolution 2022:85; and

WHEREAS, the Borough of Lindenwold conducted a public hearing for the Community Energy Planning Program.

THEREFORE, The Borough of Lindenwold will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening public meetings as necessary.

THEREFORE, BE IT RESOLVED, that Mayor and Council Members of the Borough of Lindenwold, State of New Jersey, authorizes the adoption of the aforementioned NJBPU Community Energy Plan Grant program.

Resolution 2023:166 Chapter 159 NJDOT Colonial Sq. Dr. and Colonial Sq. Place

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 \$450,782 from the New Jersey Department of Transportation 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 \$450,782 which is now available as a revenue from the State of New Jersey, and

BE IT FURTHER RESOLVED that a like sum of \$450,782 and the same is hereby appropriated under the caption of: New Jersey Department of Transportation Municipal Aid for Improvements to Colonial Square Drive and Colonial Square Place

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

Resolution 2023:167 Code Enforcement Promotions

WHEREAS, the Borough of Lindenwold has a need to promote employees in the Code Enforcement Office, and
WHEREAS, it has been recommended that Mark Poulton and Brian Penilla be promoted from Housing Inspector II to Housing Inspector I, and

WHEREAS, the salaries for the Housing Inspector I is \$49,370 effective as of September 1, 2023.

THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the above named employees be appointed to the position of Housing Inspector I as of September 1, 2023.

13. Engineer's Report

14. Open to Council

15. Open to Public

16. Adjournment

Ordinance 2023-16

Ordinance Amending Part II: Health Legislation, Chapter 386 Sanitary Standards of the Borough of Lindenwold Codes

WHEREAS, the Mayor and Municipal Governing Body of the Borough of Lindenwold wishes to ensure consistency in its provisions and to protect the health and welfare of its residents, and

WHEREAS, the State of New Jersey has enacted new legislation, and

WHEREAS, after a careful review of the Lindenwold Codes, an amendment is needed to address Part II Health Legislation of the Lindenwold Codes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Municipal Governing Body of the Borough of Lindenwold, to amend as follows:

Article II Nuisances

§ 386-7 **Conditions and acts declared to be nuisances.**

The following specific acts, conditions and things are each declared to be or may become public health nuisance and are prohibited:

F. Burning – repealed (see Chapter 100)

V. Beehives.

(1) Permitting or allowing of beehives to be less than 150 feet from any adjacent building occupied by human beings except that of the owner. This section shall not apply to the breeding or keeping of honeybees, or any action related thereto, as proscribed in N.J.S.A. 40:48-1.5.

W. Smoke – repealed (see Chapter 100)

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

Ordinance 2023-17

Ordinance Amending Chapter 100 Burning, Outdoor of the Borough of Lindenwold Codes

WHEREAS, the Mayor and Municipal Governing Body of the Borough of Lindenwold wishes to ensure consistency in its provisions and to protect the health and welfare of its residents, and

WHEREAS, a careful review of the Lindenwold Codes, an amendment is needed to address Chapter 100, Section 100-1(E) of the Lindenwold Codes, and

WHEREAS, the Lindenwold Fire Commission was consulted regarding the revision.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Municipal Governing Body of the Borough of Lindenwold, to amend as follows:

§ 100-1 Burning of rubbish prohibited.

E. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure. Exceptions:

- (1)** Fires in approved containers must be kept at least 15 feet from any property line, combustible exterior wall, or other combustibles that may ignite and permit the spread of a fire. Example: shrubs, trees, fences, house, sheds, etc.
- (2)** The minimum required distance from a structure shall be 25 feet (7,620 mm) where the fire size is three feet (914 mm) or less in diameter and two feet (610 mm) or less in height.

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