

AGENDA
COUNCIL BUSINESS MEETING
October 11, 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 2023:173 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, Personnel and Professional Services

6. Approval of Minutes: Council Meeting and Executive Session September 13, 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 Second Reading Ordinance 2023--17 Amend Chapter 100 Burning, Outdoor

10. First Reading Ordinance 2023-18 Salary Ordinance for UFCW(by title)

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 2023:174-187

RESOLUTION 2023:174 Certification for C. Polite

WHEREAS, the Borough of Lindenwold recognizes employees who accept additional duties, responsibilities, and certifications, and

WHEREAS, Candace Polite has obtained her certification as Court Administrator, and

WHEREAS, the Borough of Lindenwold recognizes the dedication of obtaining state certification, and

WHEREAS, the Court Administrator has requested an increase for Candace Polite on obtaining this certification in the amount of \$5,000.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Candace Polite receive an additional amount of \$5,000 for obtaining the Court Administrator certification effective September 1, 2023.

RESOLUTION 2022:175 Curfew and Hours for Halloween

WHEREAS, there currently exists a curfew for the Borough of Lindenwold residents seventeen (17) years of age and under, and

WHEREAS, it is necessary to amend this curfew for Monday, October 30, 2023 through Wednesday, November 1, 2023 for Halloween.

WHEREAS, it is also necessary to designate the time for Trick or Treating in the Borough of Lindenwold, and

WHEREAS, the hours will be from 4:00 pm until 8:00 pm on Tuesday, October 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the curfew hours for Monday, October 30, 2023 through Wednesday, November 1, 2023 inclusive shall be from 8:00 p.m. until 6:00 a.m. prevailing time each night.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the hours for Trick or Treating be 4:00 pm until 8:00 pm.

RESOLUTION 2023:176 Extend Deer Carcass Removal with Camden County

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration, and

WHEREAS, the County of Camden hereinafter referred to as the Lead Agency has offered voluntary participation in a Cooperative Pricing System for deer carcass removal services awarded to Deer Carcass Removal Service, P.O. Box 328, Cream Ridge, NJ 08514 for a second one year term at the cost of \$65.00 per deer carcass removal, and

WHEREAS, this term commences on or about October 1, 2023 through September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lindenwold as follows:

1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Lindenwold.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5) the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

RESOLUTION 2023:177 Accept 2022 Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Lindenwold, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2023:178 Authorizing the Repair of Pump Station under the North Jersey Wastewater Cooperative Pricing System Contract # B331-6

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 repair of Pump Station #3 19.6HP Fairbank Morris Submersible Lift Pump to factory conditions through The North Jersey Wastewater Cooperative Pricing System Contract # B331-6 ; and

WHEREAS, The North Jersey Wastewater Cooperative Pricing System has been awarded the contract of the repair of Pump Station #3 19.6HP Fairbank Morris Submersible Lift Pump to factory operating conditions; 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 make these repairs; and

WHEREAS, of the repair of Pump Station #3 19.6HP Fairbank Morris Submersible Lift Pump to factory operating conditions shall not exceed the amount of \$10,000 ; 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 Governing Body of the Borough of Lindenwold, County of Camden and State of New Jersey as follows:

1. The Borough of Lindenwold hereby authorizes the purchase of the repair of Pump Station #3 19.6HP Fairbank Morris Submersible Lift Pump to factory operating conditions through The North Jersey Wastewater Cooperative Pricing System Contract # B331-6
2. The total fee also authorized for this contract shall not exceed \$10,000 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 2023:179 Provisional Appointment 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 Justin Mastalski be provisionally promoted the position of Deputy Police Chief, effective October 1, 2023.

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 Justin Mastalski is hereby provisionally promoted to the position of Deputy Police Chief of the Lindenwold Police Department effective, October 1, 2023 at the annual salary in effect for that position, and

BE IF FURTHER RESOLVED, that this promotion is subject to the approval of the Civil Service Commission, and

BE IF FURTHER RESOLVED, that the Governing Body of the Borough of Lindenwold hereby authorizes the Mayor to execute an Agreement for employment for the position of Deputy Chief.

RESOLUTION 2023:180 Authorizing the pavement reconstruction of West Atlantic Avenue

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 Cherry Hill Cooperative Pricing System, and

Whereas, the Borough of Lindenwold desires to reconstruct the Paving on West Atlantic Avenue through the Cherry Hill Cooperative Pricing System.

Whereas, Di Meglio Construction Co., Inc. has been awarded the contract to reconstruct the Paving on West Atlantic Avenue; 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 construction; and

Whereas, the reconstruct of the Paving on West Atlantic Avenue shall not exceed the amount of \$100,000; and

Whereas, funding for this resolution is available by Capital Improvement Ordinances numbers 1362, 2015-11, 2021-15, 2022-09.

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 reconstruction of the Paving on West Atlantic Avenue from Di Meglio Construction Co., Inc. through the Cherry Hill Cooperative Pricing System, System Identifier No. 37-CHCPS.
2. The total fee also authorized for this contract shall not exceed \$100,000 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 Di Meglio Construction Co., Inc. for their information and guidance.

RESOLUTION 2023:181 Authorizing the pavement reconstruction of Miller and Wright Avenues

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 Cherry Hill Cooperative Pricing System, and

Whereas, the Borough of Lindenwold desires to reconstruct the Paving on Miller and Wright Avenues through the Cherry Hill Cooperative Pricing System.

Whereas, Di Meglio Construction Co., Inc. has been awarded the contract to reconstruct the Paving on Miller and Wright Avenues; 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 construction; and

Whereas, the reconstruct of the Paving on Miller and Wright Avenues shall not exceed the amount of \$90,000; and

Whereas, funding for this resolution is available by Capital Improvement Ordinance number 2021-15.

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 reconstruction of the Paving on Miller and Wright Avenues from Di Meglio Construction Co., Inc. through the Cherry Hill Cooperative Pricing System, System Identifier No. 37-CHCPS.
2. The total fee also authorized for this contract shall not exceed \$90,000 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 Di Meglio Construction Co., Inc. for their information and guidance.

RESOLUTION 2023:182 Authorizing the pavement reconstruction of The Lindenwold Police Department Parking Lot

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 Cherry Hill Cooperative Pricing System, and

Whereas, the Borough of Lindenwold desires to reconstruct the Parking Lot pavement at the Lindenwold Police Department through the Cherry Hill Cooperative Pricing System.

Whereas, Di Meglio Construction Co., Inc. has been awarded the contract to reconstruct the Parking Lot pavement at the Lindenwold Police Department; 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 construction; and

Whereas, the reconstruction of the parking lot pavement at the Lindenwold Police Department shall not exceed the amount of \$160,000; and

Whereas, funding for this resolution is available by Capital Improvement Ordinance numbers 2017-11 and 2023-11.

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 reconstruction of the parking lot at the Lindenwold Police Department from Di Meglio Construction Co., Inc. through the Cherry Hill Cooperative Pricing System, System Identifier No. 37-CHCPS.
2. The total fee also authorized for this contract shall not exceed \$160,000 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 Di Meglio Construction Co., Inc. for their information and guidance.

RESOLUTION 2023:183 Cancel Outstanding Checks

RESOLUTION 2023:184 Emergency Appropriation-Legal Services

RESOLUTION 2023:185 Authorizing Transfer Or Cancellation Of Various Items, Division Of Tax Collections-Sewer

BE IT RESOLVED, by the Borough Council of the Borough of Lindenwold in the County of Camden that the Tax Collector is hereby authorized to make the following adjustments to the tax records of the Borough of Lindenwold.

IDENTIFICATION:
Block 192 Lot 29.01

2023 TAXES
\$5,643.23

ADJUSTMENT: Cancel taxes along with corresponding assessment. Property owner has qualified as a Totally Disabled Veteran/Widow of Totally Disabled Veteran and as such is entitled to tax-exempt status as ordered by the New Jersey Division of Taxation.

RESOLUTION 2023:186 Additional Revenue (Chapter 159) for Project Success

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 \$30,000 from Camden County Youth Services Commission as part of the expansion to Project Success for recreational services 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 \$30,000 which is now available as a revenue from Camden County Youth Services Commission under the expansion of Project Success, and

BE IT FURTHER RESOLVED that a like sum of \$30,000 and the same is hereby appropriated under the caption of: **Camden County Project Success**

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

RESOLUTION 2023:187 -Apply for FY2024 Safe Routes to School

13. Engineer's Report

14. Open to Council

15. Open to Public

16. Adjournment

MOTION

Ordinance 2023-17

An 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.