

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.

APPLICANT

Any person making written application to the Borough Clerk or designee for an excavation permit hereunder.

BOROUGH

The Borough of Lindenwold.

BOROUGH COUNCIL or COUNCIL

The Borough Council of the Borough of Lindenwold.

DIRECTOR

The Director of the Highway Department of the Borough of Lindenwold.

BOROUGH OFFICIAL

The appointed person who represents the Borough and will perform inspection on the construction to be accomplished under the permit.

EMERGENCY OPENING

An urgent and immediate opening and repair operation required to protect the health, safety and welfare of the general public from immediate hazards posed by a broken or leaking main, an eroded and undermined structure, damaged utilities or other similar instance involving a sudden and unforeseen hazard on a public street.

EXCAVATION

Is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved street, sidewalk, curb, gutter or other public property in any roadway.

EXCAVATION WORK

The excavation and other work permitted under an excavation permit and required to be performed under this article.

MAINTENANCE GUARANTEE

A security in the form of 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.

PERFORMANCE SURETY

A corporate bond, performance bond, certified check or other similar security acceptable to the Borough Solicitor which is furnished by the applicant as a guaranty of good faith to perform and complete the work as described on the application and permit forms, to full compliance with the construction standards contained herein to assure that any subsequent necessary repairs are accomplished as directed by the Borough Official.

PERMITTEE

Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET

Any street, highway, avenue, shoulder, right-of-way or other public way or public grounds in the Borough of Lindenwold.

§ 296-2 Excavation permit required.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street, right-of-way or public grounds, or to make or cause to be made any excavation in or under the surface of any street or public grounds for any purpose, or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefor from the Borough Clerk or designee of said Borough as provided herein.

§ 296-3 Application for permit.

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough Clerk or designee. The written application shall state the name and address of the applicant; the nature, location and purpose of the excavation; the date of commencement and date of completion of the excavation; and other data as may reasonably be required by the Director or the Borough Official. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and the proposed excavated surfaces, the location of the excavation work and such other information as may be prescribed by the Director or the Borough Official.

§ 296-4 Fees; scope and period of permit.

A. A permit fee shall be charged by the Borough Clerk or designee for the issuance of an excavation permit, which shall be in addition to all other fees for permits or charges relative to any proposed work. This fee for the excavation permit charged by the Borough Clerk or designee shall be as prescribed in Chapter 150, Fees, Article I, Fee Schedule, § 150-10, and shall be nonrefundable.

B. Said permit shall be good for only one excavation within one street or block. A permit must be obtained for each excavation proposed, and it must note the date of completion, which shall be within 30 days from the date of issue of the permit or a new permit will be required and an additional permit fee as prescribed in Chapter 150, Fees, Article I, Fee Schedule, § 150-10, must be paid.

§ 296-5 Permit; form and content, exhibition; misrepresentation.

The Borough shall provide each permittee, at the time a permit is issued hereunder, with a suitable permit plainly written with the following notice: "Borough of Lindenwold, Permit No. _____ Expires _____," and in the first blank space there shall be inserted the number of said permit and after the word "expires" shall be stated the date when said permit expires. It shall be the duty of any permittee hereunder to keep the permit posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such permit at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of expiration of the permit.

§ 296-6 Terms of permit.

The Borough Clerk or designee shall, upon receipt and examination of the application and the deposit and fee referred to hereinabove, issue a permit under his/her hand for the excavation. The Clerk or designee shall specify on

the permit that such work shall be completed and the road or sidewalk surface restored within 48 hours after work is commenced or a duration of time which in the opinion of the Borough Official is reasonable and fair.

§ 296-7 Commencement of Work.

The applicant or contractor is forbidden to commence work until the items listed in Issuance of Permit, have been compiled and the applicant has notified the Director /Borough Official at least forty-eight (48) hours in advance of the exact date and hour the proposed work is to commence.

§ 296-8 Bond required.

Before an excavation permit as herein provided is issued, the applicant shall deposit with the Borough Clerk or designee a surety bond in the amount as prescribed in Chapter 150, Fees, Article I, Fee Schedule, § 150-10, payable to the Borough. The required surety bond must be:

- A. With good and sufficient surety.
- B. By a surety company authorized to transact business in the state.
- C. Satisfactory to the Borough Solicitor in form and substance.
- D. Conditioned upon the permittee's compliance with this article and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council or a Borough officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee.

§ 296-8 Performance security; deposits.

The application for an excavation permit to perform excavation work under this article shall be accompanied by a cash deposit or bond, made payable to the Borough of Lindenwold for deposit in a sum as prescribed in Chapter 150, Fees, Article I, Fee Schedule, § 150-10. Any person intending to make openings, cuts or excavations in streets may make and maintain with the Borough Treasurer a general deposit or bond as stated in Chapter 150, Fees, Article I, Fee Schedule, § 150-10 and the person so depositing shall not be required to make the special deposits provided in this section but shall, however, be required to comply with all other applicable provisions of this article. Any special or general deposit made hereunder shall serve as security for the repair and performance of work necessary to put the street in as good condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling or the opening and excavation work under the excavation permit. Upon the permittee's completion of the work covered by such permit in conformity with this article as determined by the Director, a certificate of approval shall be submitted to the Borough Clerk or designee, and he/she shall then return 50% of such cash deposit, except in the case of an annual deposit, and the balance shall be refunded by the Borough to the permittee upon the expiration of a six-month period; provided, however, that, as to any annual deposit, 50% shall be refunded by the Borough at the end of the one-year period for which the deposit is made or upon the satisfactory completion of all excavation work undertaken during such period, whichever is later, and the balance of the annual deposit shall be refunded at the expiration of a six-month period following the completion of such excavation work; and provided, further, that the Borough may use any or all of any such deposit to pay the cost of any work that the Borough performs to restore or maintain the street as herein provided in the event that the permittee fails to perform such work; in which event, the amount refunded to the permittee shall be reduced by the amount thus expended by the Borough.

§ 296-9 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:

1. The applicant shall be responsible for all maintenance and repairs required at the site for a period of two years after the date of acceptance for which have a depth of 4 or more feet from the road surface; or
2. For a period of two years after the date of final acceptance for all other work which requires a permit as set forth herein.

§ 296-10 Responsibility for routing and controlling traffic.

The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Borough Official may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed by the Borough Police Department. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment. A traffic control plan is required if permittee is closing lanes or roads and must be submitted at the time of application.

§ 296-11 Obstruction of fire stations, equipment and hydrants.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstructions.

§ 296-12 Protective barriers around excavations; lights at night.

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the Borough streets or rights-of-way, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights, which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

§ 296-13 Guarding of machinery at site.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety and/or health.

§ 296-14 Damage to existing improvements; repair by permittee or Borough.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the Director shall have the authority to cause said necessary labor and materials to be furnished by the Borough, and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

§ 296-15 Confinement of work outside property lines and easements.

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit, and it shall be the permittee's responsibility to confine excavation work within these limits.

§ 296-16 Cleanup operations.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director. From time to time as may be ordered by the Borough Official or by the Director and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified to do so by the Borough Official or by the Director, said work may be done by the Borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

§ 296-17 Backfilling; use of hydrants.

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers or by water settling, as required by the soil in question and sound engineering practices generally recognized in the construction industry. The decision as to whether a trench shall be backfilled by water settling shall be based upon such engineering practices and shall be made by the Borough Official. When water is taken from a fire hydrant, the permittee shall assign one man to operate the hydrant and shall make certain that said man has been instructed by the Director in the operation of the hydrant. The Director shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrants can be checked on both occasions. Any damage done to the hydrant during the excavation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with any water supply system in the Borough.

§ 296-18 Trenches; laying of pipes.

Should any street or rights-of-way be opened transversely, the trench shall not exceed four feet in width, except by special permission of the Borough Official. Except by special permission of the Borough Official, no street or rights-of-way shall be opened longitudinally more than 250 feet in advance of pipe or other conduit installation, nor left unfilled more than 500 feet where pipes or other conduits have been laid. The length of the trench that may be opened at any one time shall not be greater than the length of the pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the Borough Official. No timber bracing, logging, sheathing or other lumber shall be left in the trench. Upon completion of laying of pipe or other conduit, excavations must not be left open for more than 24 hours or as may be determined by the Director and Borough Official.

§ 296-19 Street surface restoration; incomplete or defective work.

A. The permittee shall restore the surface of all streets broken into or damaged as a result of the excavation work to their original condition in accordance with the specifications set forth by the Borough Official. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped within a minimum of one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the Borough Official. If in the judgment of the Borough Official it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made.

B. Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the Borough Official to restore the street to its original and proper condition or as near as may be.

C. Acceptance or approval of any excavation work by the Director and Borough Official shall not prevent the Borough from asserting a claim against the permittee and his or its surety bond required hereunder for incomplete or defective work if discovered within six months from the completion of the excavation work. Said bond shall be held for at least six months after completion of the excavation work and shall be released upon approval of the Borough Council.

§ 296-20 Restoration or completion of work by Borough.

A. If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the Director, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and, in addition, 25% of such cost for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it from any funds of the permittee deposited as herein provided, and the Borough shall also enforce its rights under the permittee's surety bond provided pursuant to this article.

B. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for six months after restoring to its original condition.

§ 296-21 Prompt completion of work by permittee.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition or as near as may be as soon as practicable and in any event not later than the date specified in the excavation permit therefor.

§ 296-22 Requirement to perform work as emergency work.

If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day so that such excavation work may be completed as soon as possible.

§ 296-23 Emergency repairs.

In the event of any sudden breaking or bursting of any gas, sewer or water main where immediate repair is imperative to prevent loss or damage to life, health, streets or property or discontinuance of service, it shall not be necessary to obtain a permit before commencing such repair. The Borough requests immediate notification by phone and or email of the event. Such permit shall be obtained within three days thereafter, and this section shall not be held or taken in any case to exempt any person repairing said pipes or mains from any other of the provisions of this article.

§ 296-24 Control of noise, dust, debris; noisy equipment.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and between the hours of 6:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Director or in case of emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring properties.

§ 296-25 Inspections; promulgation of rules and regulations.

The Director and Borough Official shall make such inspections as are reasonably necessary in the enforcement of this article. The Director and Borough Official shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

§ 296-26 Nonapplicability.

The provisions of this article shall not be applicable to any excavation work under the direction of competent Borough authorities, by employees of the Borough or by any contractor of the Borough performing work, in behalf of the Borough, necessitating openings or excavations in streets.

§ 296-27 Public utilities: permit, fee, compliance with requirements.

All persons operating public utilities in the Borough and having the right either by general or special permission to enter upon streets and open and excavate pavements, sidewalks or disturb the surface thereof by excavation or other work shall be required to apply for a permit for a fee as prescribed in Chapter 150, Fees, Article I, Fee Schedule, § 150-10, and shall be required to perform the work and bring it to completion as promptly as practicable and, to that end, shall employ an adequate standing force. Any person operating any such public utility shall comply with all of the requirements of this article, including the surety bond and deposit requirements.

§ 296-28 Insurance required.

A permittee, prior to the commencement of excavation work hereunder, shall furnish to the Borough Clerk or designee satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation permit public liability insurance of not less than \$100,000 for any one person and \$300,000 for any one accident and property damage insurance of not less than \$50,000, duly issued by an insurance company authorized to do business in this state.

§ 296-29 Duties of police.

It shall be the duty of any police officer of the Borough to review and approve any and all traffic plans submitted.

§ 296-30 General requirements.

A. All openings larger than 20 square feet must be saw cut. All others may be cut by other means, but in all cases the edges must be square.

B. All cuts in pavement surface shall be saw cut, with no cut closer than four feet to a seam, curb or edge of pavement, or the entire section up to four feet must be replaced. Backfill under pavement is to be compacted in accordance with Borough standards.

C. New clean backfill materials under pavement areas are to be used when excavated material is unsuitable for reuse. Suitability to be determined by Borough inspector.

D. All paving where areas are excavated is to be replaced with two inches of FABC and the edge sealed with AC 120 or approved equal.

E. Openings in the roadside area must be graded, top soiled and seeded. Backfill in this area is to be new clean material when excavated material is unsuitable for reuse.

§ 296-31 Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties as set forth in Chapter 1, § 1-1, of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Mayor Roach opened the meeting to the public. There being no one desiring the floor, the Mayor closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Ordinance 2017-13 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

Second Reading Ordinance 2017-14 Amend Chapter 150-Fee Schedule

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, as follows:

Service, License or Permit Provided	Fee
Borough Clerk:	
Bid Specifications	\$ 50

Section 150-4 Mercantile License

Business	License fee
Laundry Plants	\$ 50.00
Meats & Poultry, wholesale	\$120.00
Transient Merchants/itinerant vendors	\$ 50.00

Section 150-10 Excavation of Streets and sidewalks:

Type	Fee
Utility Pole, Beacon & Lights	\$50.00
Monitoring Wells (each opening)	\$200.00
Soil borings:	
1-5	\$100.00
6- 10	\$200.00
each add’l over 10	\$25.00
Test Pit under 16 sf	\$125.00
Test Pit over 16 sf	\$200.00
Direct Burial Cable	
Under 1500 ft.	\$250.00
From 1501 ft. to 2000 ft.	\$325.00
For every 1000 ft. thereafter	\$60.00
Jack/Boring up to 100 ft.	\$200.00
each additional 50 ft.	\$50.00

This ordinance shall take effect upon proper passage and publication according to law.
Mayor Roach opened the meeting to the public. There being no one desiring the floor, the Mayor closed the meeting to the public.
Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Ordinance 2017-14 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

Second Reading Ordinance 2017-15 Amend Chapter 190-Land Use and Development, Adding Article XIII Redevelopment

ORDINANCE OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 190 LAND USE AND DEVELOPMENTADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 243, LOTS 7.01, 7.02 AND 7.04, AND ALL QUALIFIERS THERETO, PREVIOUSLY DESIGNATED AS “AREAS IN NEED OF REDEVELOPMENT” AND AS A “CONDEMNATION REDEVELOPMENT AREA”, PURSUANT TO N.J.S.A. 40A:12-7.

WHEREAS, in the Master Plan Re-examination Report, adopted by Resolution on October 29, 2007, the Planning Board of the Borough of Lindenwold recognized that certain areas and properties within the Borough of Lindenwold might qualify as “redevelopment areas” or “areas in need of redevelopment” as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution No. 2016-65, dated January 25, 2017, referred to the Joint Land Use Board of the Borough of Lindenwold a directive to conduct a preliminary investigation to determine whether the conditions are present on certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, that meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties to be deemed “in need of redevelopment,” and

WHEREAS, in Resolution No. 2016-65, the Borough Council of the Borough of Lindenwold, determined that should the Joint Land Use Board of the Borough of Lindenwold determine that the certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, meet the criteria to be deemed an “area in need of redevelopment,” that the Joint Land Use Board of the Borough of Lindenwold should also determine if the certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties and areas to be deemed as a “Condemnation Redevelopment Area,” authorizing the Borough of Lindenwold to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold has reviewed a document entitled “Preliminary Investigation for the Determination of an Area in Need of Condemnation Redevelopment,” dated April 12, 2017, prepared by Environmental Resolutions, Inc. of Mount Laurel, New Jersey, as a part of its preliminary investigation to determine whether certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, to determine whether the proposed land is an area in need of redevelopment; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold, after conducting a public hearing on April 19, 2017 with due notice to the public and parties required to be noticed under N.J.S.A. 40A:12A-6(b); by its Resolution dated April 27, 2017, found that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, are in need of redevelopment, and recommended to the Borough Council that the certain properties and areas be designated as an “area in need of redevelopment” and designated as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution 2017:127 dated May 10, 2017, accepted the findings and recommendation of the Joint Land Use Board of the Borough of Lindenwold and designated the certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, to be an “area in need of redevelopment” and a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution 2017:141, dated June 14, 2017, directed the Joint Land Use Board of the Borough of Lindenwold to prepare a Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7, for the certain properties and areas within the Borough of Lindenwold, as more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, designated as an “area in need of redevelopment” and as a “Condemnation Redevelopment Area,” pursuant to N.J.S.A. 40A:12A-6, by Resolution 2017:127 of the Borough Council of the Borough of Lindenwold dated May 10, 2017.

WHEREAS, on July 20, 2017, the Joint Land Use Board of the Borough of Lindenwold adopted a Resolution, attached hereto as “Exhibit A,” recommending to the Mayor and Borough Council of the Borough of Lindenwold the adoption of the Redevelopment Plan, attached hereto as “Exhibit B,” for those areas so designated as an “area in need of redevelopment” and designated as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Lindenwold, that the Redevelopment Plan, prepared by Environmental Resolutions, Inc. of Mount Laurel, New Jersey, dated June 9, 2017, revised June 22, 2017, attached hereto as “Exhibit B,” for those areas of land within the Borough of Lindenwold, more particularly described as Block 243, Lots 7.01, 7.02 and 7.04, and all Qualifiers thereto on the Official Tax Map of the Borough of Lindenwold, designated as an “area in need of redevelopment” and designated as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6, for approval by the Mayor and Borough Council of the Borough of Lindenwold, be and hereby is adopted.

Mayor Roach opened the meeting to the public. There being no one desiring the floor, the Mayor closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Burrows that Ordinance 2017-15 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:175 Release Escrow Cello/Verizon

WHEREAS, Cello Partnership /Verizon Wire submitted an escrow amount 2007 in Lindenwold, NJ, and

WHEREAS, the Construction Department has completed a review of this account and the balance of the escrow is \$502.82 plus interest of \$17.50, and

WHEREAS, this escrow amount totaling \$520.32 has approved to be released.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the funds for Cello Partnership/Verizon Wire in the amount of \$520.32 be released.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2017:175 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:176-Requesting Approval For The Dedication By Rider For Fees For Street Openings

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Mayor and Borough Council of the Borough of Lindenwold, County of Camden has by ordinance established an escrow fee for the use of Street Openings; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold, County of Camden, New Jersey as follows:

1. The Borough Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures for street openings as per N.J.S.A.40A:4-39.

2. The Municipal Clerk of the Borough of Lindenwold, County of Camden is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution 2017:176 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:177 -Application for Detective Matthew L. Tarrentino Community Policing Grant Program

WHEREAS, the Borough of Lindenwold wishes to apply for funding for a project under the Detective Matthew L. Tarrentino Community Policing Grant Program “Lindenwold Police Department Trunk or Treat Event”, and

Whereas, the Borough of Lindenwold Borough Council has reviewed the accompanying grant award letter #CP-5-18 for \$1,977.00 and has approved said request for the grant period August 1, 2017 through December 31, 2017, and

WHEREAS, the Borough of Lindenwold is a Unit of Government that is authorized to accept the award, and

WHEREAS, the project is a joint effort between the Office of the Attorney General, Department of Law and Public Safety and the Borough of Lindenwold for the purpose described in the application.

WHEREAS, the Borough of Lindenwold is accepting the award for the purposes described in the application to be used for a “Trunk or Treat” event.

THEREFORE, BE IT RESOLVED by the Lindenwold Borough Council that:

1. As a matter of public policy the Borough of Lindenwold wishes to participate to fullest extent possible with the Office of the Attorney General, Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized for the Lindenwold Police Department Trunk or Treat Event.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2017:177 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:178-Deer Removal Second Yr. Option

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 with an additional third year option at the sole discretion of the County for the cost of \$65.00, and

WHEREAS, this term commences on or about August 1, 2017 through July 31, 2018.

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.

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2017:178 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:179 PROPERTY MAINTENANCE LIEN

WHEREAS, the property located 7 Pine Grove Avenue was previously declared an unsafe structure due to fire damage as per resolution 2016:257 dated December 14 2016, and

WHEREAS, the property located at 7 Pine Grove Avenue in the Borough of Lindenwold was required to be demolished due to the imminent hazard issue.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that a property maintenance lien should be placed on 7 Pine Grove Avenue in the amount of \$27,900.00 for the cost of the demolition by W. Hargrove Demolition.

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2017:179 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:180 Request for Redevelopment Proposals

Resolution Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Requesting The Submission Of Qualifications From Potential Redevelopers To Implement The Redevelopment Plan For The Certain Properties And Areas Within The Borough Of Lindenwold That Are Describes As An “Area In Need Of Redevelopment” And As A “Condemnation Redevelopment Area”, Pursuant To N.J.S.A. 40a:12-6

WHEREAS, in the Master Plan Re-examination Report, adopted by Resolution on October 29, 2007, the Planning Board of the Borough of Lindenwold recognized that certain areas and properties within the Borough of Lindenwold might qualify as “redevelopment areas” or “areas in need of redevelopment” as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution No. 2017-65, dated January 25, 2017, referred to the Joint Land Use Board of the Borough of Lindenwold a directive to conduct a preliminary investigation to determine whether the conditions are present on certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said resolution, that meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties to be deemed “in need of redevelopment,” and

WHEREAS, in Resolution No. 2017-65, the Borough Council of the Borough of Lindenwold, the Joint Land Use Board of the Borough of Lindenwold was instructed that should it determine that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said resolution, meet the criteria to be deemed an “area in need of redevelopment,” that the Joint Land Use Board of the Borough of Lindenwold should also determine whether the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties and areas to be deemed as a “Condemnation Redevelopment Area,” authorizing the Borough of Lindenwold to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold has reviewed a document entitled “Preliminary Investigation for the Determination of an Area in Need of Condemnation Redevelopment,” dated April 12, 2017, prepared by Environmental Resolutions, Inc. of Mount Laurel, New Jersey, as a part of its preliminary investigation to determine whether certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, and attached to said resolution, meet the criteria of an “area in need of redevelopment”; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold has conducted a public hearing on April 19, 2017, during which expert testimony was taken from Barbara J. Fegley, A.I.C.P., P.P. of Environmental Resolutions, Inc. of Mount Laurel, New Jersey, and all members of the public, including those who would or could be affected by the designation of the properties and areas to be a “Condemnation Redevelopment Area,” were given the opportunity to be heard; and,

WHEREAS, the Joint Land Use Board, by its Resolution dated April 27, 2017, recommended to the Borough Council that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said resolution, are in need of redevelopment and should be and are recommended to be designated as an “area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board, by its Resolution dated April 27, 2017, also recommended to the Borough Council that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said resolution, are found to be in need of redevelopment should be and are recommended to be designated as a “condemnation redevelopment area” pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough of Lindenwold adopted Resolution 2017:127 declaring, based upon the Joint Land Use Board’s recommendation that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said Resolution, as an “area in need of redevelopment and/or condemnation redevelopment area” and shall be designated as such pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough of Lindenwold directed, by Resolution No. 2017:141, that the Joint Land Use Board prepare a Redevelopment Plan pursuant to N.J.S.A. 40A:12-7, for the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said Resolution, declared to be an “area in need of redevelopment and “condemnation redevelopment area” and shall be designated as such pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board prepared and, by its Resolution dated July 20, 2017 forwarded to the Borough of Lindenwold a Redevelopment Plan, which was adopted by the Borough of Lindenwold as the Redevelopment Plan for the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A and attached to said Resolution, declared to be an “area in need of redevelopment and “condemnation redevelopment area, pursuant to N.J.S.A. 40A:12A-6, by Ordinance 2017-15, adopted on August 9, 2017; and

WHEREAS, based upon the adoption of the Redevelopment Plan by the Borough of Lindenwold, the Borough now wishes to accept and review the qualifications of potential redevelopers interested in implementing the Redevelopment Plan for the certain properties and areas within the Borough of Lindenwold declared to be an “area in need of redevelopment” and as a “condemnation redevelopment area”, pursuant to N.J.S.A. 40A:12-6;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lindenwold authorizes the Borough Clerk of the Borough of Lindenwold to advertise for the submission of qualifications by potential redevelopers interested in implementing the Redevelopment Plan for the certain properties and areas within the Borough of Lindenwold declared to be an “area in need of redevelopment” and as a “condemnation redevelopment area,” pursuant to N.J.S.A. 40A:12-6. Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2017:180 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Resolution 2017:181 – Property Maintenance Liens

WHEREAS, the following properties in the Borough of Lindenwold had property maintenance work done by the Lindenwold Public Works for Code Compliance, and

WHEREAS, lien should be put on the following property for the cost of performing this work:

Date	Block	Lot	Address	Amount
8/1/17	127	2	205 East Linden Ave.	\$225.02
8/1/17	102.02	37	433 E. Locust Ave.	\$225.02

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that lien be put on this property.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2017:181 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Department Reports

Councilman DiDomenico presented the Police report for the month of July including total calls of service, traffic accidents, enforcement, complaints, and investigations.

Councilwoman Hess presented the Library report for July including new members, books added and fees collected. The summer reading program on Thursday is going very well and will end on August 25. The Library attended National Night Out which was very successful and well attended. The Library is looking to start a Kindness rock project with other local libraries to inspire and promote random acts of kindness. Lindenwold Day will be held on September 23 at the Carlton Rough Field from 11 to 7. There will be fireworks, rides, novelties, crafts, food, and music. This Friday’s Movie in the Park will be Finding Dory. Everyone is invited to attend.

President Randolph-Sharpe expressed that the Car Show was very nice and she enjoyed the music. The weather was great as well. Berlin Road project is going nicely and looking forward to the road being smooth. She asked residents to watch their speed. School will re-open soon. The High School Senior mentors will be going on a trip to the Poconos.

Councilman Jackson presented the violations for Code Enforcement which were heard in Lindenwold Court. He relayed the number of unregistered cars that have been towed in July was 15. Also, Code Enforcement has tagged and removed several unlicensed clothing bins in town. Twelve people were found performing illegal remodeling projects. Next, he presented the permits issued by the Park and Recreation Department.

Councilman Strippoli presented the Public Works report for July included tons of trash collected, recycling, complaints, the number of bulk trash collected, and property maintenance. The Sewer Department July report was presented including service calls, number of stoppages, and sewer repairs.

Councilman Burrows reported that the Environmental Commission did not meet but the Joint Land Use Board met twice. One was a special meeting for Redevelopment to adopt the Redevelopment Plan and at the regular meeting

the application for the Barber Shop on the White Horse Pike was approved. From the Construction Official, 3 Fairmont and 505 Irving have been demolished. This program is moving forward and progressing. Mayor informed residents that the car show was incredible as well as the concert. He thanked everyone for their efforts. He reminded everyone of the movie in the park on Friday.

Engineer’s Report was presented by Anthony Chadwell. He stated that the Borough is moving forward on Safe Routes to School and are trying to obtain Right-of-Entries for properties affected. Preliminary site visits were performed for Laurel Road Pedestrian Improvement and South Carlton for reconstruction.

Mayor Roach opened the meeting to the public. John Magill, resident, had complained about a property on Park Ave. which he thought was scheduled for demolition but a crew has come in and cleaned it up. He believes it will be sold. Borough Solicitor replied that it was on the list but that it is under control. Resident continued to state that the garage is dilapidated with wild animals. He also stated a house on Columbia that has been up for sale for a number of years that is not being maintained with occupants even though there is no electric. Mayor asked resident to provide the Code Enforcement Supervisor with the address to investigate. Police have also been contacted on several occasions. Mayor asked to keep calling. Resident continued to provide information about the problems with the property. Resident asked if the Borough maintains a record of the properties sold and amounts. The Borough Solicitor stated that the Borough does not but the information should be available at the County. The President responded that it takes almost six months before the Borough receives the information. Resident and Council continued to discuss house sales in Lindenwold. Kim Finnegan, resident, reported a vacant house on Park Ave. and that the roof is now falling in and wild animals. In addition, there are now drug being sold there. The Mayor requested the resident to contact the Police. She stated that she has. The Supervisor has investigated this property with Councilman Burrows. Violations have been issued. Resident continued to explain the drug activity. Councilman Burrows is familiar with one of the properties and recommends that the resident send an email in order to have the police investigate. Resident asked why the lights are not on at the Pump Station. Council continued to discuss the lights at the pump station and will review. Public Works Supervisor had complaints that it was too bright. Councilman Burrows recommended that the lights be turned on again to see if it helps with this problem.

There being no one else desiring the floor, the Mayor closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Burrows that the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

DATED: October 11, 2017

Deborah C. Jackson, RMC
Borough Clerk