

Executive Session 2017:98

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 matters, Construction Personnel Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:98 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson to go out of executive session. Voice vote was unanimous in the affirmative. Motion carried.

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 audio and video recorded for possible later playback.

Flag Salute

Roll Call of Council Members Present: Burrows, DiDomenico, Hess, Jackson, Strippoli, President Randolph-Sharpe, and Mayor Roach

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that the Council Minutes and Executive Session for January 25, 2017 be adopted as presented. Roll Call vote was unanimous in the affirmative. Motion carried.

Second Reading Ordinance 2017-3

AN ORDINANCE AMENDING CHAPTER 238 ARTICLE III VACANT PROPERTY AND ARTICLE IV FORECLOSED PROPERTY OF THE EXISTING CODE OF THE BOROUGH LINDENWOLD

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

WHEREAS, the Borough of Lindenwold has reviewed Chapter 238, Article III for Vacant Properties and Article IV for Foreclosed Properties for the Borough of Lindenwold, and

WHEREAS, a clarification is required regarding the assessment of a municipal lien for vacant properties to be added to Section 238-13 Violations and penalties as follows:

C. If the municipality expends public funds in order to abate a nuisance or correct a violation of the Property Maintenance Code on a residential property in situations in which the creditor was given notice pursuant to this article, but failed to abate the nuisance or correct the violations as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property. Additionally, the municipality may assess a lien against a property subject to this Chapter, for any failure to comply with this Chapter, to include imposition of a lien for any unpaid fees or late charges assessed pursuant to this Chapter. The municipality may also assess a lien against the subject property for the moneys expended by the municipality. The lien may be enforced and collected in the same manner as real estate taxes are enforced and collected, with interest to accrue at the same rate on all such liens as real estate taxes., and

Whereas, a clarification is required regarding the assessment of a municipal lien for foreclosed properties under Section 238-24 Assessment of lien as follows:

If the municipality expends public funds in order to abate a nuisance or correct a violation of the Property Maintenance Code on a residential property in situations in which the creditor was given notice pursuant to this article, but failed to abate the nuisance or correct the violations as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property. Additionally, the municipality may assess a lien against a property subject to this Chapter, for any failure to comply with this Chapter, to include imposition of a lien for any unpaid fees or late charges assessed pursuant to this Chapter. The municipality may also assess a lien against the subject property for the moneys expended by the municipality. The lien may be enforced and collected in the same manner as real estate taxes are enforced and collected, with interest to accrue at the same rate on all such liens as real estate taxes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold that the above addition/amendment to Chapter 238 Property Maintenance, Article III for Vacant Properties, Section 238-13 and Article IV for Foreclosed Properties, Section 238-24 be added/amended as listed above.

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 #2017-3 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

ORDINANCE 2017-4

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

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

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

WHEREAS, a clarification is required regarding the assessment of a municipal lien for Rental Property Inspection to be added to Section 250-17 Violations and penalties as follows:

2. The municipality, in its discretion, may in addition to any other penalties set forth herein, assess a lien against the subject property for any failure to comply with this Chapter, to include imposition of a lien for any unpaid fees and late charges assessed against the owner of the subject property pursuant to this Chapter. Any lien assessed pursuant to this Chapter, may be enforced and collected in the same manner as real estate taxes are enforced and collected, with interest to accrue at the same rate as real estate taxes on all such liens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold that the above section be added to Chapter 250 Rental Property Inspection, Article II, Section 250-17 as listed above.

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 #2017-4 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

First Reading Ordinance 2017-5

CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Council of the Borough of Lindenwold in the County of Camden finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$380,959.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Lindenwold, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Lindenwold shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$444,452.61, and that the CY 2017 municipal budget for the Borough of Lindenwold be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Ordinance #2017-05 be adopted on first reading, published according to law, with second reading being held at next regular scheduled meeting. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017-99 TO UTILIZE AVERAGE TAX COLLECTION RATE FOR CALCULATION OF RESERVE FOR UNCOLLECTED TAXES APPROPRIATION IN THE 2017 MUNICIPAL BUDGET FOR THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN

WHEREAS, the Borough of Lindenwold Borough experienced a decline in the tax collection rate for the year 2016; and

WHEREAS, the use of the lower collection rate in arriving at the budget appropriation Reserve for Uncollected Taxes in the 2017 Municipal Budget would result in an unfair tax burden to the taxpayers of the Borough of Lindenwold; and

WHEREAS, the Division of Local Government Services, Department of Community Affairs will allow the Borough of Lindenwold to use the average of the prior three years' collection rates in calculating the budget appropriation Reserve for Uncollected Taxes in the 2017 Municipal Budget; and

WHEREAS, the prior three years' collection rates were 95.37% for 2014, 96.17% for 2015 and 95.43% for 2016; and

WHEREAS, the averaging of the prior three years' collection rates result in a collection rate of 95.66%;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Lindenwold will use the collection rate of 95.52% in calculating the budget appropriation Reserve for Uncollected Taxes in the 2017 Municipal Budget.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:99 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:100- Introduction of 2017 Budget

BE IT RESOLVED that the following statements and revenues and appropriations shall constitute the Municipal Budget for the year 2017, and

1. Appropriations within "CAPS"

(a) Municipal Purposes

\$12,926,747.23

WHEREAS, Verizon Wireless or their agents agree to submit any and all paperwork and fees for review to the Construction Official and/or Joint Land Use Board prior to the start of any construction.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold to grant Verizon Wireless or its agent preliminary approval for the survey and engineering review in the Borough of Lindenwold. Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:103 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2017:104-Assign Lien Carlton

WHEREAS, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipals charges; and,

WHEREAS, Oscar Hernandez has presented an offer to purchase, by assignment, Certificate 10-00030 which was issued to the Borough of Lindenwold at a tax sale held April 20th 2010, on Block 69, Lot 2.01, known as "Carlton St N", Lindenwold, NJ and assessed to Elizabeth Foulke, who is deceased, in the amount of \$3,391.22 being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Lindenwold hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above referenced Certificate of Sale.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector. Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution #2017:104 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:105-Promotion of Sergeant

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

WHEREAS, Civil Service guidelines have been completed, and

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

WHEREAS, Mayor and Council has accepted the recommendation to appoint Officer Sean Williams to the position of Police Sergeant.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Officer Sean Williams be promoted to the position of Police Sergeant.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:105 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:106 Refund Escrow

WHEREAS, Kevin Wells paid an escrow fee for the use of the Lindenwold Park and Recreation field in the amount of \$200 in 2012, and

WHEREAS, Kevin Wells no longer uses the field and has requested this amount be refunded, and

WHEREAS, a review of the escrow account determined this amount should be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the amount of \$200.00 be refunded to Kevin Wells.

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution #2017:106 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:107 Budget Transfers

BE IT RESOLVED by Mayor and Borough Council of the Borough of Lindenwold that the following transfers be made to the 2016 Appropriation Reserves:

Budget Account	From	To
Insurance - Group	40,000.00	
Accumulate Comp		20,000.00
Insurance - Other		20,000.00
Total	40,000.00	40,000.00

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution #2017:107 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:108 Authorizing The Borough Of Lindenwold To Resolve Litigation With Timber Ridge, LLC

WHEREAS, Timber Ridge, LLC filed a Verified Complaint and Order to Show Cause on October 3, 2014, in Camden County Superior Court-Chancery Division, under Docket Number C-84-14; and

WHEREAS, the Verified Complaint filed by Timber Ridge, LLC was seeking relief, including an opt-out provision of the Lindenwold Borough Solid Waste Management Utility; and

WHEREAS, the Borough of Lindenwold dissolved the Lindenwold Borough Solid Waste Management Utility by Ordinance, effective December 31, 2015; and

WHEREAS, it is deemed in the best interest of the Borough to resolve the pending litigation; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lindenwold, County of Camden, State of New Jersey on this 22"d day of March, 2017, that the litigation between Timber Ridge, LLC and the Borough of Lindenwold be resolved as follows:

In return for a Dismissal with Prejudice of the pending litigation, The Borough of Lindenwold shall pay Timber Ridge, LLC the sum of Five Thousand Eight Hundred Ninety-Nine Dollars and ninety four cents (\$5,899.94) as full and final settlement of all claims between the Borough and Timber Ridge, LLC, arising out of the above litigation, pending final execution of all necessary settlement documents. The Borough Solicitor is authorized to draft all

necessary documentation to resolve the outstanding litigation, including a Stipulation of Dismissal with prejudice and Settlement Agreement and Release.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:108 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION #2017:109 Authorizing The Borough Of Lindenwold To Resolve Litigation With East Coast Pines At Arborwood, LLC

WHEREAS, East Coast Pines at Arborwood, LLC filed a Verified Complaint and Order to Show Cause on October 3, 2014, in Camden County Superior Court-Chancery Division, under Docket Number C-84-14; and

WHEREAS, the Verified Complaint filed by East Coast Pines at Arborwood, LLC was seeking relief, including an opt-out provision of the Lindenwold Borough Solid Waste Management Utility; and

WHEREAS, the Borough of Lindenwold dissolved the Lindenwold Borough Solid Waste Management Utility by Ordinance, effective December 31, 2015; and

WHEREAS, it is deemed in the best interest of the Borough to resolve the pending litigation; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lindenwold, County of Camden, State of New Jersey on this 22nd day of March, 2017, that the Borough resolve the pending litigation between East Coast Pines at Arborwood, LLC and the Borough of Lindenwold, as follows:

In return for a Dismissal with Prejudice of the pending litigation, the Borough of Lindenwold shall enact a resolution waiving and discharging the outstanding Solid Waste Management Utility fee, due and owing from East Coast Pines at Arborwood, LLC to the Borough, as a full and final settlement of all claims between the Borough and East Coast Pines at Arborwood, LLC arising out of the above litigation, pending final execution of all necessary settlement documents. The Borough Solicitor is authorized to draft documentation to resolve the outstanding litigation, to include a Stipulation of Dismissal with prejudice and Settlement Agreement and Release, consistent with this Resolution.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution #2017:109 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Matters for Discussion

a. Borough Clerk presented the information for the Annual Irish Pub Tour de Shore Charity bike ride on Sunday, July 30 at 7:00 am down Haddon Avenue and the request to come out and support the participants.

President Randolph-Sharpe announced the Lindenwold High School Spring musical this weekend. She invited all to come out and support this event.

Mayor Roach opened the meeting to the public

Melvin Brantner, resident, questioned Council to the length of time that a tarp can remain on the roof. There are two properties on his street that have had this for over a year. Councilman Jackson will look into this matter.

Jeff Black, resident, questioned who assesses fines. Council questioned what he was referring to. Georgetown is assessing fines. The Solicitor responded that this is through the Association and not the Borough. He needs to address the Association. The Mayor recommends obtaining the by-laws for the Association. Council continued to discuss the current situation in this complex. The Solicitor recommended that the resident discuss the matter with another resident in the audience who went through a similar experience.

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: May 10, 2017

Deborah C. Jackson, RMC
Borough Clerk