

Executive Session 2017:273

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 Personnel and additional trash pick up
Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2017:273 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried.
Motion was made by President Randolph-Sharpe, second by Councilman Burrows 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 DiDomenico that the Council Minutes and Executive Session for October 25, 2017 be adopted as presented. Voice vote was unanimous in the affirmative. Motion carried.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that the Council Minutes and Executive Session for November 8, 2017 be adopted as presented. Roll call vote was in the affirmative with Councilman Balmer and Councilman Strippoli abstaining. Motion carried.

Motion was made by Councilman Strippoli, second by Councilman Burrows that the Council Minutes and Executive Session for November 29, 2017 be adopted as presented. Roll call vote was in the affirmative with President Randolph-Sharpe abstaining. Motion carried.

Motion was made by Councilman Burrows, second by Councilman DiDomenico that the Council Minutes and Executive Session for December 13, 2017 be adopted as presented. Roll call vote was in the affirmative with President Randolph-Sharpe abstaining. Motion carried.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that all bills that have been properly audited be approved for payment. Roll call vote was unanimous in the affirmative. Motion carried.

ORDINANCE 2017-19 AN ORDINANCE AMENDING CHAPTER 199 SECTION 9 OF THE EXISTING LINDENWOLD MERCANTILE LICENSES

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 199, Article III Section 9 Submission of application and recommend the following amendment:

Article III, Section 9 Submission of application

Adding Section B: For all new applicants or changes in ownership with a facility located in Lindenwold, an inspection is required prior to the issuance of mercantile license. Inspection fee as prescribed in Chapter 150 Fees, Article I Fee Schedule, §150-4 Mercantile licenses Section B

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned amendment to the Borough of Lindenwold Mercantile Licenses be adopted.

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

Mayor Roach opened the meeting to the public for any questions or comments. 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 2017-19 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

ORDINANCE 2017-20 AN ORDINANCE REPLACING CHAPTER 100 SECTION 1 OF THE EXISTING LINDENWOLD CODE BURNING, OUTDOOR

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

WHEREAS, the Code Enforcement Department has had complaints regarding outdoor burning in the Borough of Lindenwold, and

WHEREAS, a review Chapter 100, Section and clarification is needed, and

WHEREAS, the following revision to Chapter 100, Section 1 Burning of rubbish prohibited has been recommend as follows:

§ 100-1 Burning of rubbish prohibited.

It shall be unlawful at any time for any person or persons or corporation to burn brush, weeds, grass, leaves, wastepaper or other hazardous materials.

- A. No open fire or outdoor fire shall be conducted on any porch, deck, balcony or other portion of a building; within any room or space within a building; or under any building overhang; provided, however, that an open fire or outdoor fire may be conducted on a concrete or stone patio if an only if all other provisions of this article are met.
- B. Fires shall be limited to a maximum four-foot diameter and two feet in height and must be contained in a noncombustible chimenea, outdoor fireplace, fire pit, or other method approved by the Fire Marshal.
- C. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and embers.

D. The location for open burning shall not be less than 50 feet (15 240mm) 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:

- 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.
- The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

E. Fires must be constantly attended until completely extinguished.

F. The Fire Marshal, Police Officer, or any Borough Official may order an outdoor burning activity to cease if conditions are such or the activity is so situated as to endanger the health or safety of persons or property located in the general area of the activity. If the party responsible for outdoor burning activity does not immediately comply with an order to cease given pursuant to this subsection, the party responsible shall be subject to the penalties set forth below. Any open fire or use of a chimenea, outdoor fireplace, or fire pit which creates a nuisance or is deemed to be a hazard is to be extinguished.

G. Outdoor burning is not permitted when the wind exceeds 10 miles per hour.

H. While outdoor burning is being conducted, it shall be attended by a person of at least 18 years of age at all times.

I. Adequate fire-suppression equipment such as shovels, fire extinguishers rated at 4A or larger, water hoses, or like equipment sufficient to extinguish the fire shall be present on the property at all times outdoor burning is conducted.

J. No person shall cause an open fire or outdoor fire to be used or maintained in such a manner as to cause a nuisance to neighbors.

K. Fire pits are **NOT** permitted for multifamily properties, single family only!

§ 100-2 Violations and Penalties

Any person who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall, upon conviction thereof, be subject to the penalties as set forth in Chapter 1, § 1-1, of this Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned addition to the Borough of Lindenwold Code for the Burning of rubbish prohibited be adopted.

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

Mayor Roach opened the meeting to the public for any questions or comments. Joseph Amodeo, resident, questioned about the metal fire containers. Mayor responded that those containers are permitted. He asked about the required distance. Solicitor Higgins responded fifteen feet. President Randolph-Sharpe added to check the bylaws for complexes for any restrictions. 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 Jackson that Ordinance 2017-20 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

ORDINANCE 2017-21 AN ORDINANCE AMENDING CHAPTER 296 ARTICLE I OF THE EXISTING LINDENWOLD STREETS AND SIDEWALKS

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 296, Article I Excavations and has recommended the following revisions:

Article I

Excavations

§ 296-9 Performance security; deposits.

(1) The performance surety shall be in the form of either a corporate guaranty bond or a surety or guaranty bond issued by a company authorized to do business in the State of New Jersey, in a form satisfactory to the Borough Solicitor and in the penal sum of 100% of the full amount of the total estimated construction costs. A certified check drawn in favor of the Borough of Lindenwold for the same amount (100% of the total estimated construction costs) may be substituted for the performance surety. The estimated cost of the proposed work shall be based upon current market values, and said amount shall be prepared by the applicant and approved by the Borough Engineer. Upon completion of the work covered by such permit, and approval by the Borough Official. The Borough Clerk shall return 50% of surety, except in the case of annual deposit, and the balance shall be refunded by the Borough to the permittee upon expiration of a six month period

(2) In lieu of the above-mentioned performance surety, public utility companies or authorities may post an annual performance surety for \$20,000 or for an increased amount determined by the Borough Engineer. The form of surety shall be approved by the Borough Solicitor. 50% of annual deposit shall be refunded by the Borough at the end of the one-year period for which the deposit was made or upon the satisfactory completion of all excavation work undertaken during such period, whichever is later. The balance of the annual deposit shall be refunded at the end of a six month period

(3) 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 expended by the Borough

§ 296-10 Maintenance bond.

A. 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 sum of 50% of the performance surety.

B. 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 four 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.

§ 296-18 Backfilling;

Backfill material shall be clean sand or gravel and shall not contain any foreign matter, such as broken concrete or asphalt. All compaction shall be in accordance with the New Jersey Department of Transportation (NJDOT) Standard Specifications for Bridge and Road Construction, 2007, § 301.03 Subbase & Base Courses, or newest version.

§ 296-20 Street surface restoration;

A. Temporary restoration.

(1) Temporary restoration shall be considered any pavement material to be placed in an opening prior to permanent restoration. Temporary restoration shall be cold patch, asphalt or approved equal a minimum of two inches thick. The applicant shall be solely responsible for maintaining the opening on a continuous basis until the final restoration is completed. Upon verbal or written notification by the Borough, the applicant shall remedy any defects to the temporary paving within 24 hours. Failure to comply with these regulations shall result in the Borough making necessary repairs at the applicants expense.

(2) Backfill material shall be clean sand or gravel and shall not contain any foreign matter, such as broken concrete or asphalt. All compaction shall be in accordance with the New Jersey Department of Transportation (NJDOT) Standard Specifications for Bridge and Road Construction, 2007, § 301.03, or newest version.

(3) Openings exceeding 18 inches in depth shall be temporarily restored and have a waiting period of 90 days before permanent restoration.

B. Permanent restoration.

(1) All openings shall be completed with six inches DGA, three-inch FABC base course, Mix 1-2, and two-inch FABC surface course, Mix 1-5.

(2) Backfill material shall be clean sand or gravel and shall not contain any foreign matter, such as broken concrete or asphalt.

(3) Any emergency opening occurring in a street repaved within the previous five calendar years shall be infrared sealed. All other openings shall be tack sealed to the satisfaction of the Borough Engineer.

(4) No openings other than on an emergency basis shall be permitted in roads paved within five years. Any opening permitted during moratorium period must be milled and repaved to a length of 50 feet beyond the area of disturbance.

(5) Multiple road openings occurring within 30 feet of one another shall be restored as a single opening. Pavement between the openings shall be milled (milling depth shall be 2 inches) or removed and replaced from curb line to center line of the roadway. Multiple openings down the middle of the road shall be restored as a single opening, milled or removed and replaced across the full width of the road from curb line to curb line. Openings shall be sealed as indicated above.

(6) All openings shall be inspected by the Borough. The applicant shall notify the Borough Public Works Department a minimum of 24 hours prior to final restoration to schedule the inspection. Failure to schedule the final inspection will result in a five-hundred-dollar fine and removal of all paving materials and reinstallation at the applicant's cost. Upon acceptance of the restoration, the Borough shall issue a dated acceptance letter to the applicant. The applicant shall be responsible for all future restoration of the opening for a period of five years from the date of the acceptance letter.

(7) Final restoration shall occur within 30 days from the initial opening. Extensions of time are subject to the discretion of the Borough and must be submitted in writing. Failure to complete the restoration within the prescribed time period will result in the forfeiture of the performance bond posted by the applicant.

C. Emergency openings.

(1) Paperwork shall be filed for emergency openings within 10 calendar days of the date of the emergency. All emergency openings shall be reported to the Borough within 24hrs of occurrence by phone and or email. Failure to follow procedure within the prescribed time shall result in a two-hundred-fifty-dollar fine.

(2) The total extent and type of final street restoration shall be approved by the Borough Engineer with a copy of the approved permit on file in the Borough Engineer's office and the Borough Clerk's office.

E. Extent of restoration. The total extent of street restoration shall comply with the diagram on file in the Borough Engineer's and the Borough Clerk's offices.

§ 296-26 Inspections; promulgation of rules and regulations.

The Borough Official shall make such inspections as are reasonably necessary in the enforcement of this article. Street opening inspection schedule, 1. Initial inspection prior to opening. 2. Back fill / Temporary restoration inspection. 3. Final restoration / 50% refund. 4. 6 month follow-up for balance of deposit (upon verification of maintenance deposit). The 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.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned additions be made to the Borough of Lindenwold Code for Chapter 296 Streets be adopted.

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

Mayor Roach opened the meeting to the public for any questions or comments. 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 DiDomenico that Ordinance 2017-21 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

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

WHEREAS, an update in the fee schedule has been recommended for the efficiency of the functions for the Borough of Lindenwold.

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

Section 150-4 Mercantile License

B. Inspection fee new business/change of ownership:

- 1. Initial inspection fee \$125.00
- 2. First re-inspection – No fee
- 3. Second re-inspection and thereafter - \$75.00

Section 150-10 Excavation of Streets and sidewalks:

(Additional fees or revisions)

Type	Fee
Performance Surety (prior to permit being issued)	\$700 minimum for first 25 square feet; \$20 per additional sq/ft
Permit fee (nonrefundable) (one street per permit)	\$250 single opening, \$75 for each additional opening
Utility pole, (Elec, Tele, Traffic, Light)	\$50 each

Section 150-35 Amended Charges for Solid Waste

(A) Additional Solid Waste Removal

(1) An additional fee for domestic consumer unit and per apartment/condominium unit shall be paid lump sum annually at the beginning of each year for an additional solid waste removal to be determined between \$3.00 and \$5.00 as per monthly calculation starting with the rate of \$3.00.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned revisions be made to the Borough of Lindenwold Code for Chapter 150 Fees. This ordinance shall take effect upon proper passage and publication according to law. Mayor Roach opened the meeting to the public for any questions or comments. 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 DiDomenico that Ordinance 2017-22 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

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 2017:274-281

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution 2017:274 to 2017:281 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2017:274 Property Maint Lien

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
12/13/2017	298	10	514 Unites St. Ave.(elect)	\$75.00

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

RESOLUTION 2017:275 Amend Resolution 2017:190 Construction Official

WHEREAS, the governing body of the Borough of Lindenwold authorized the Construction Officer Derek Leary to perform additional code enforcement work in the area of the White Horse Pike, to ensure code compliance by all buildings, facilities, structures, and/or owners of properties located on the White Horse Pike in Lindenwold, New Jersey under Resolution 2017:190; and

WHEREAS, the governing body agreed to a stipend to compensate the Construction Officer Derek Leary for the additional time necessary to perform the additional code enforcement on the White Horse Pike under Resolution 2017:190; and

WHEREAS, the stipend amount was agreed to be an hourly rate of \$30.00 for eight hours for five Saturdays totaling \$1,200.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Lindenwold, that Construction Official Derek Leary is authorized to receive a stipend of \$1,200 for the additional duties related to White Horse Pike.

RESOLUTION 2017:276 Refund Permit Vivint Solar

WHEREAS, Vivint Solar paid for a permit for 501 Cedar Avenue under Permit number 17565, and

WHEREAS, this job has been canceled by the owner, and

WHEREAS, the Construction Department has requested that a portion of the fee minus the DCA fee and plan review fee be returned.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the amount of \$282.40 for Permit number 17565 be refunded to Vivint Solar for the cancelation of this permit.

RESOLUTION 2017:277 Approve Raffle License for Lindenwold Moose Lodge

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Raffle License #RA655 be approved for Lindenwold Moose Lodge #548 for pull tab raffles during the year 2018 at 2425 S. White Horse Pike, Lindenwold.

RESOLUTION 2017:278 Budget Transfers

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the following transfers be made to the 2017 Budget in accordance with N.J.S 40A:4-58:

	<u>From</u>	<u>To</u>
<u>General Fund</u>		
Compliance S & W	12,000	
Coll. of Tax S&W	2,000	
Police S&W	6,000	
Accumulated Comp		20,000
Total	20,000	20,000

RESOLUTION 2017:279 Amend Copies for Joint Land Use Board

WHEREAS, the Lindenwold Joint Land Use Board has reviewed the applications for Minor and Major Site Plans in the Borough of Lindenwold, and

WHEREAS, Chapter 190 Land Use and Development lists the number of copies required for Minor and Major Site Plans submitted to the Lindenwold Joint Land Use Board, and

WHEREAS, the following is a list of the required changes to Chapter 190 Section 18 and Section 19 and specifically the Minor and Major applications:

1. Minor Site Plan Application

Check List #2 should now read An accurate site plan at a scale of not less than one (1) inch equals fifty (50) feet. The plan is to be signed and sealed by a professional licensed in the State of New Jersey, eighteen (18) copies in accordance with the New Jersey Law governing professionals 7:40.

Of which fifteen (15) copies shall be 11" x 17". Three (3) copies shall be 24" x 36" and one (1) digital.

2. Minor Subdivision Application

Check List #6 should now read Minor Subdivision plat on a sheet 11" x 17", (fifteen) 15 copies, 24" x 36" (three) 3 copies and one (1) digital.

3. Major Site Plan Application

Check List #4 should now read A Site Plan at a scale of not less than one (1) inch equals fifty (50) feet. If the site has an area greater than fifty (50) acres, an Overall Site Plan may be drawn to a scale of one (1) inch equals one hundred (100) feet with detail sheets at a scale of no less than 1" = fifty feet. The Site Plan must be on a uniform sheet size, 24" x 36", three (3) copies, 11" x 17", fifteen (15) copies and one (1) digital.

Check List #6 – will be removed

4. Major Subdivision Application

Check List #4 – should now read Subdivision Plans, at a scale of not less than one (1) inch equals fifty (50). If the site has an area greater than fifty (50) acres, an Overall Subdivision Plan may be drawn to a scale of one (1) inch equals one hundred (100) feet with detail sheets at a scale no less than 1" = fifty (50) feet. All Subdivision Plans must be on a uniform sheet size, 24" x 36" three (3) copies, 11" x 17" fifteen (15) copies and one (1) digital.

Check List #5 – will be removed

BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the above recommendations by the Joint Land Use Board for Chapter 190 Land Use and Development and the Minor and Major Site Plan Applications be adopted.

RESOLUTION 2017:280 SETTLEMENT WITH WARSHAUER GENERATOR, LLC

WHEREAS, the Borough of Lindenwold filed an action in Camden County Superior Court, entitled Borough of Lindenwold v. Warshauer Generator, LLC under docket number CAM-L-2580-17; and

WHEREAS, the Borough of Lindenwold has reached a settlement of the litigation with the Defendant, Warshauer Generator, LLC; and

WHEREAS, the Borough of Lindenwold has agreed to accept the sum of Twenty-Five Thousand Dollars (\$25,000.00) as full and final settlement of all claims as relate to this action; and

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Lindenwold, to accept the settlement of the litigation with Warshauer Generator, LLC, for the sum of Twenty-Five Thousand Dollars (\$25,000.00).

RESOLUTION 2017:281

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 Disposal of Solid Waste for the third year option commencing on or about January 1, 2018 through December 31, 2018 at the base rate of \$68.68 per ton for disposal of solid waste.

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 2017:282

WHEREAS, the Borough of Lindenwold provides for the removal of solid waste under Chapter 276 Solid Waste and Recycling, and

WHEREAS, Chapter 276 Section 15 addresses additional collections of solid waste, and

WHEREAS, Chapter 150 Section 35 sets the fee for additional collections, and

WHEREAS, Mayor and Council of the Borough of Lindenwold considered the request for an additional collection by Woodland Village for solid waste removal.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the request for an addition collection for Woodland Village be approved at the rate of \$5.00 per unit to be paid prior to the service. Motion was made by President Randolph-Sharpe, second by Councilman Burrows that Resolution 2017:282 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

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 the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

The Mayor wished everyone a Happy New Year and stated that the Annual Reorganization Meeting will be January 3, 2018 at 7:00 pm.

DATED: January 24, 2018

Deborah C. Jackson, RMC
Borough Clerk